

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order immediately following the Special Council Meeting at approximately 7:02 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 (NJS 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. Teefy led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	(Arrived 7:09 PM)
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	
Dir. 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 August 6, 2014. The motion was seconded by Cncl. DiLucia and approved by all members of Council in attendance with the exception of Cncl. Teefy who **Abstained**.

C.) PUBLIC PORTION

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

Fire Chief Jacobi questioned whether the public would be able to speak during the discussion of LOSAP. Cncl. Sebastian indicated he would open the meeting to the public during the discussion but advised Council will be discussing an emergency medical service stipend nothing dealing with LOSAP as far as the Fire Department is concerned.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

C.) PUBLIC PORTION *(cont'd)*

Domenic Burgess, B & B Towing questioned whether towing would be discussed this evening. **Cncl. Sebastian** advised only to report that no meeting of the Towing Committee was held over the summer, as it was difficult getting three people together because of vacations. **Solicitor Fiore** advised he has no further report at this time but will have a draft ordinance prepared by the middle of next week. He recommended the Towing Committee schedule another meeting after that. **Cncl. Sebastian** noted we are involved in litigation regarding towing so other topics outside of Council dealing with the ordinance will not be discussed.

D.) ORDINANCES FOR REVIEW

- Nuisance Ordinance - Chapter 295 - Removed from the Agenda
- Vacant Properties

Solicitor Fiore advised the draft ordinance is a combination of the new State legislation and the local ordinance so it is much more comprehensive. **Cncl. Teefy** questioned whether the State Statute warrants us to have a local ordinance or can we just utilize the Statute. **Mr. Fiore** explained most of the time State Statute preempts local ordinances and municipalities cannot be more restrictive than State Statute however this Statute gives municipalities the opportunity to be more restrictive. **Cncl. DiLucia** noted Council previously discussed issues with interiors of the homes and he questioned whether this had any teeth to deal with those issues. **Mr. Fiore** replied no, we can only enter the property if it has public safety issues, such as rodents or a fire; it does not give us the option to go in and put up blinds or curtains. *(At this time Cncl. Sebastian noted for the record Cncl. Bryson just arrived).* **Cncl. Teefy** questioned how properties would be registered. **Mr. Fiore** explained the Statute allows 20% of the money collected to be earmarked into a special fund to cover the cost involved with policing and maintaining the properties and it will provide for someone within the municipal building to research property owners and mortgage companies. In the past we did not have the ability to fund that type of research or the more wide scale maintenance but now this Statute allows us to do that. **Cncl. Teefy** suggested looking into sharing services with Clayton, Franklin and Glassboro. It could be a full time position here and that person could handle the entire area and by partnering with other towns we could share in the savings. **Cncl. Sebastian** agreed and noted Woodbury just passed a law and must have a procedure in place in regards to how a list is maintained. **Mr. Fiore** added hefty fines will be imposed but enforcement is the issue; the ordinance must be enforced. **Cncl. Teefy** felt we would not have enforcement by adding this to our current staff but by partnering with other townships all towns could have enforcement. **Cncl. Garbowski** questioned whether **Mr. Fiore** modified the ordinance in accordance with the State regulations and if so was it just as stringent as those regulations. **Mr. Fiore** advised it is a combination of the ordinance that was proposed last month and the State Statute and it is more stringent than the State Statute. He recommended when Council reads the ordinance they read the two side by side. **Cncl. Sebastian** questioned if the Ordinance should reference the State Statute. **Mr. Fiore** felt that was not necessary but it could be included if that's what Council wanted. Due to Council not receiving the draft Vacant Properties ordinance until late in the day it will be placed on the next Ordinance Committee Meeting agenda to give Council the opportunity to review it.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION

- Waiving Dog License Fees For Animals Adopted From Gloucester County Shelter

Cncl. Sebastian noted Cncl. Caligiuri is not in attendance this evening and he is the one who was behind this ordinance. Cncl. DiLucia felt the ordinance Washington Township Council President D'Orazio brought forward was well intended but he was not sure saving \$10.00 in dog license fees would be enough of an incentive for someone to adopt a dog. Cncl. Sebastian felt enforcement could be an issue as well as people who already got dogs from the shelter may feel they don't have to pay the \$10.00 either. Cncl. DiLucia noted when he asked that question Cncl. Pres., D'Orazio spoke about a woman saving \$40.00 for the dogs she had already adopted from the shelter so the answer could be Washington Township is going to make it retroactive. Cncl. Sebastian questioned whether the shelter imposes fees. Cncl. DiLucia advised they do and the animals must be neutered and given shots. Cncl. Sebastian suggested the County take \$10.00 off the cost of the rabies vaccination. Cncl. Sebastian polled Council and the consensus was to take no action on this ordinance until additional information can be obtained.

- LOSAP (Chapter 37 Article II)/Emergency Medical Service Stipend (Chapter 30-8)

Cncl. Bryson noted the Public Safety Committee (*Cncl. Bryson, Caligiuri and Sebastian*) held a meeting to discuss offering an incentive of \$5.00 to a maximum of two EMTs per vehicle for each call they make. Also discussed was changing the time period to be eligible for LOSAP. Council also discussed the incentive at the August 25th Council Work Session Meeting and everyone agreed the salary ordinance should be changed to include it. Cncl. Sebastian explained they don't want to change the time period they want to negate LOSAP for new members, as that would save the township money; new members would no longer be eligible for LOSAP. The request for the stipend is only for the two senior EMTs assigned to the rig; if four are assigned only the two that are responsible for filling out the charts would receive the \$5.00. Cncl. Sebastian explained the reason for the charts was generated by the township requesting third party billing. Prior to third party billing EMTs were not required to do EMS charts; they just completed a form that stated who went out on the call, what equipment was used and the condition of the patient when they were picked up and dropped off at the hospital. Now, third party billing requires charts to be completed within 24 hours and those charts include much more information than was originally put forth by the squad; not by the municipality and in doing that a lot of information must take place in a short period of time. Twenty-four hours may not sound like a short period of time except when calls are back to back. There are times when the squad gets a new call while leaving the hospital so they don't have time to sit down and generate charts between calls. The squad chief is asking for a way to generate charts in a timely manner because if the charts are not completed we can't bill. The two EMTs will not be paid until the billing takes place and then they will get \$5.00 out of the \$350.00 going to the municipality from the ambulance call. Mr. Heydel noted he has read very, very detailed patient care charts involved in litigation and because of the quality of those charts every one of the litigations have been dismissed/thrown out. The charts gave status updates of what was done to the patient while in the care of the EMTs and at what time it was done and because of the detail of the charts EMTs handling back to back calls may not have time to complete them within their twelve hour shift. This will provide an incentive for two EMTs to get charts done in a timely manner and if one

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

EMT doesn't do it, the other will lose out. Mr. Heydel did not agree with eliminating LOSAP for the EMTs because some may stay five or six years and be eligible for it. He reported fourteen people received it last year, six of those were first year members, three were two year members and over a five year period there were fifty-five LOSAP payments. This is a different type of operation; what it was designed for does not match the actual work and the product that they are performing. LOSAP is a length of service award but because of the burnout rate EMTs are not putting in any length of service or getting anything for what they do. Mr. Heydel advised the incentive would cost the township approximately \$20,000.00 a year if all charts are completed. **Cncl. Bryson** noted third party billing brings in almost a million dollars a year and this would be paying out only \$20,000.00. Mr. Heydel suggested changing the LOSAP requirements to 20% vestment each year instead of 100% vested after five years of service, as that would be more of an incentive to people. **Solicitor Fiore** questioned whether the Statute would allow that. Mr. Heydel believed it does but he noted he would check on it. He spoke of the ordinance requiring a person to be 21 years old to be eligible for LOSAP and explained junior people are coming in at 16, by their 18th birthday they are certified but they must work three additional years until they are 21 to become eligible. By 23 years old they are gone so LOSAP does not work for this type of operation. He felt the entire LOSAP program should be changed to the 20%, 40%, 60%, 80% and 100%. Another reason the township does not get lengths of time from EMTs is because they are required to work twelve hour shifts every week or they can't be in the squad. Some leaves of absence have been given for short periods of time to people who have had financial hardships but that time must be made up. **Cncl. Sebastian** added and a leave of absence does not count toward their length of service. **Cncl. Teefy** felt Council was heading down a slippery slope with this issue because there are other volunteer organizations that do not get a stipend for the work they do. This is heading into an area where volunteers would be paid and that is not what a volunteer is about. Mr. Heydel advised this is not uncommon, it is being done in Elk, Waterford as well as other areas across the country. **Cncl. Teefy** noted we started billing in 2000/2001 and we didn't give a stipend back then. He questioned what happened to change that and is there data available that shows whether reports have dropped off within the last four or five years. Mr. Heydel advised the requirements for the charts have changed since 2000/2001 plus in 2001/2002 they didn't have the workload or the requirement of a twelve hour shift. **Cncl. Sebastian** added at that time Cecil also had an ambulance squad. **Cncl. Bryson** noted two or three years ago we had a situation where reports were not coming in on a timely basis and the EMS command held meetings to make EMTs understand that if the charts are not done the township does not reap any money. Also at that time the threat was that EMS would be going to the County so all of those things helped to push the movement of getting these charts done. The reason this is being brought up now is because charts are now more complex than they were. We have volunteers for fire, ambulance, Parks and Rec as well as other things and when you have volunteers sometimes you need to do a little something for them. What we are looking at would be basically giving them a tip; we are not paying them for doing their jobs, we are just doing a little something for them. The reason this was mentioned and brought to the committee was the fact most EMTs do not spend a lot of time because they burn out from the things they see. **Cncl. Bryson** noted this incentive was discussed at the last Council Meeting and he thought all questions relative to it were answered and it was moved forward so Council could do something about it and not hang it up. The only thing he thought Council would be discussing tonight was

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

the LOSAP and whether that was going to be changed to make it easier for everyone to take advantage of the program, not just the EMS members. Cncl. Sebastian noted initially it was only for EMS. When the Committee generated the move forward the only reason LOSAP was mentioned was because the Ambulance Squad Chief said that they would give up LOSAP for their new members to help offset the cost (\$5.00). It would not affect anyone else but the squad. Chief Accoglio added that's right because each new member signing up for LOSAP cost the township \$1,200.00 a year every year but a stipend would only cost \$1,000.00 per year. He explained all his people are young, they come in at 16, 17 or 18 and they leave after a couple of years. He added this would not affect any current members it would just be for any new hire. Mr. Heydel noted the cost of LOSAP has increased to \$1,589.00 a year. He went on to say that volunteers are not equal, they do not put in the same amount of time. EMTs are required to put in twelve hours fifty weeks a year, which amounts to 600 volunteer hours and that is just the shift work. That does not include meetings, drills, second or third ambulances going out during the week or the other all calls that go along with it. 600 hours is the minimum of what they are doing. Cncl. Sebastian noted the main point in his mind is that the squad is generating the income that will pay them. If they are bringing in \$350.00 per ambulance call the municipality will get \$340.00 and they will get \$10.00. He added if any other organization generates income then pay them as well, but the squad would only be getting paid from the income they are generating. They are not asking for money from the general fund and if they go away or do not complete the charts the township would lose \$350.00 instead of \$10.00 because we wouldn't be able to bill. Mr. Heydel noted the whole dynamics of what they do does not fit the LOSAP program but if they would stay past five to eight years we would be paying them \$1,589.00 a year. This would generate a savings because they would only be paid \$14,000.00 instead of \$30,000.00.

At this time Cncl. Sebastian opened the meeting to the public after explaining this matter was only on the agenda for discussion since two Council members were absent and their opinion is needed before any action can be taken. This discussion will continue at the next Ordinance Committee Meeting or if the Solicitor prepares a draft that will be discussed under "*Ordinances For Review*".

Cncl. Bryson explained the LOSAP was the main reason for the discussion on Chapter 37 Article X in regards to whether it would be feasible/worthwhile to make the change. It was not relative to the stipend because we already discussed that at the Work Session Meeting. He suggested comments regarding the stipend be held, as Council felt that was a relatively good idea. The issue that needs to be addressed is do we really want to change LOSAP and if so do we want to change the vesting time. Cncl. Sebastian questioned whether Mr. Heydel could prepare a cost analysis for the next Ordinance Meeting showing the cost to the municipality if LOSAP was changed to percentages each year (20%, 40%, 60% etc.) because the township expenditure will be greater every year than it is now. Under the current format after five years people are 100% vested and if they leave before that time that money goes back into the General Fund. By changing to yearly percentages that money would go with qualifying ambulance squad members if they leave after two years. Mr. Heydel noted to generate a report he would need to know how many new people are coming in. Cncl. Sebastian suggested the report be based upon the number

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

of new members that have joined the Fire Department and Ambulance Squad within the past two years because if LOSAP is changed those members will be able to get 20% of the money in their fund. Mr. Heydel indicated he would try to provide a report.

Rich Jacobi, member of the Williamstown Fire Department stated he had to educate Council on the Length of Service Awards Program. He explained LOSAP is basically a 401K for volunteers and it falls under State Law; not local law. The Fire Department modeled the plan after one from the State DCA, it is filed with the IRS, five years are needed for vestment just like in pension systems and the money cannot be taken out early. Mr. Jacobi added the Solicitor should be well aware of a lot of this but most of the current council members were not around when this was instituted. The whole idea behind the concept of the Length of Service Awards Program is to keep members coming back. Firemen are exempt after completing seven years of service so many guys do this within their seven years. The concept of LOSAP is if guys keep coming back after their seven year obligation is met they will get \$1,500.00 each year (*started out as \$1,160.00*) and by changing it Council would be messing with State law and the IRS. He suggested if Council wants to do something for the ambulance members they could do something like the program Woodbury had, which was actually better than LOSAP but he requested that it not be called LOSAP since that program was adopted by way of referendum of Monroe Township voters. He explained the people voted for the program because of the criteria that was given to them. Council can eliminate LOSAP by way of ordinance but if they are considering changing it those changes must go before the voters. Mr. Jacobi noted everyone is talking about the money being in the general fund but LOSAP money, which is one penny per hundred in tax rateables, should be in its own fund just like the two cents collected for Open Space; that is the law. Mr. Heydel advised it does not go into a trust fund and the money collected for LOSAP can go up to a penny, which would be \$260,000.00 but we don't pay anything close to that. The maximum we pay is \$1,589.00. Mr. Jacobi replied then you are violating the law. **Solicitor Fiore** indicated he would review the code because different things are being said and he needs to make sure what is correct. Mr. Jacobi noted if Council takes this to the voters to water it down and more volunteers are eligible the members would not be able to get the top amount because only the money in the fund can be spent. Mr. Heydel advised it is capped by the one cent, which is \$260,000.00 and for the amount of volunteers we have we paid out about \$125,000.00 last year. Mr. Jacobi noted LOSAP is the same as the Library tax so the township should be giving the residents a one cent tax break for the year or two only \$120,000.00 was needed. Another fireman in attendance questioned whether the balance of the money went into the general fund. Mr. Heydel replied yes, that is what it is supposed to do; it does not build up into a big million dollar trust fund. Solicitor Fiore noted he didn't want anyone to jump to any conclusions; the ordinance says the cost of the program shall not exceed the annual municipal tax value of one penny. It does not say we are taking that penny and putting it in a trust fund; just the cost to the municipality shall not exceed one penny. From what's being said it sounds like the voters earmarked that money to go to LOSAP and we are taking and putting excess into the general fund and that is not what we are doing. Mr. Heydel explained we are allowed to budget up to \$260,000.00, one penny. Based upon paying each member \$1,500.00 if we exceeded that \$260,000.00 because of an increase in members that \$1,500.00 would be reduced in order to pay each member the same. Mr. Heydel explained he was only proposing to change vesting to 20%, 40%, 60%, 80% and 100% and that he

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

understands this is a 401K plan but some people are taking their money out for emergencies. Mr. Jacobi questioned if Mr. Heydel let anyone that was not vested to take money out, as that is a federal law. Mr. Heydel replied no, only the ones who were vested. Mr. Fiore noted the legal question is can you allocate 20%, 40%, 60% etc. under the current statute. Cncl. DiLucia spoke of pensions at one time being vested at ten years and explained the word "vested" just means an entitlement after a period of time. The interpretation by the Internal Revenue is that you can have a pension plan that says you vest after five years but that doesn't mean that during those five years nobody gets any credit at all, on the fifth year they get 100% of the money they would have gotten if it was payable yearly. Mr. Fiore questioned whether members were credited \$1,500.00 for each of the five years. Mr. Heydel replied yes. Director of Public Safety Jim Smart indicated that money is invested by Lincoln Financial. Fireman Jim DeHart advised LOSAP money can be transferred from town to town. He explained the natural progression is members begin in a municipality at the age of 18 and as they move out of their parent's home they may move to another municipality and the LOSAP money can transfer if the program is available in that town. Mr. Fiore questioned what is gained by changing it to 20%, 40% etc. because the point is to keep people around. Mr. Heydel explained after the first year \$1,000.00 would be placed in their account and if they leave after that they would be vested for \$200.00, the next year another \$1,000.00 is put in so they have \$2,000.00 and are vested at 40%, which is \$400.00 so if they leave they have a retirement plan of \$400.00 after two years. Cncl. DiLucia noted that would just reduce the vesting requirement to give them a prorated portion and he questioned what the incentive would be for that. He felt there would be more of an incentive to stay for five years because then they would get everything they were owed as opposed to staying two years and getting 40%. Mr. Heydel replied yes, but if they don't make the five years they would get something. He added he doesn't even know if that can be done but that is the concept he was looking at. Mr. Fiore questioned what the percentage is of people who drop out after the first five years. Mr. Jacobi advised around 50%. The Fire Department had six individuals join eight months ago and now there is one left and that is because of the training requirements. Everyone talks about EMT school being tough but the Fire Fighter One course is six hours longer and takes six months to complete at night and on the weekends. Mr. Fiore questioned what number of EMTs stay on. Chief Accoglio replied if we're lucky one out of five. He explained his membership is a lot younger than other departments, which is why LOSAP doesn't work for us. He advised he already discussed eliminating LOSAP with his members and they would rather just get the \$5.00. Mr. Jacobi questioned whether the Fire Department was allowed to collect \$5.00. Cncl. Sebastian replied yes, take it out of whatever the Fire Department brings in. Mr. Jacobi questioned (as a taxpayer) how this would work, what the threshold was for a State pension and would an energetic person that was paid \$2,000.00 in a year be entitled to a State pension. Mr. Heydel explained a person that made \$2,000.00 would receive a 1099 at the end of the year. Mr. Jacobi noted so they would not be an employee; but as a volunteer they are employees. At this time everyone began to speak at once giving their opinions on that issue. Mr. Heydel explained anything under \$600 is tax free and a 1099 is not issued. Anything over \$600.00 a 1099 is issued because that is taxable income but up to a certain number, such as \$7,000.00, they are still considered a volunteer.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

Jim Smart noted in regards to LOSAP he spent a lot of time with Frank Campisi in HR when there were issues with organizations getting their reports in on time and he knows the State sets up what is allowed to be paid to each individual, which clears up who is in charge of LOSAP. He spoke of how people get vested no matter what they are in, how laws are constantly changing and how when he joined the Forest Fire Service they were just allowed to write him a check and he had to decipher his income. Now everything is on record and they give W-2 forms and he felt if the township starts handing out money a Pandora's Box will be opened. Mr. Smart stated he takes a lot of offence to Cncl. Bryson making a comment that "*volunteers don't do*". He noted Washington Township Fire Department has a six million dollar budget so that's what the volunteers in this township save you. They may not bring in money but just cross over the border to see what it costs them for fire protection or go to Franklin Township and see what their fire tax is and they do it with volunteers. Mr. Smart noted nobody in this fire department has ever complained about how things are taken care of but to say volunteers don't do the same jobs, he will beg to differ. He added you need to spend some time out on the street to understand the whole scheme of stuff. Cecil does not run the call volumes of those at this end of town but they still provide a service that you would be hard pressed to do and as a director he never wants to see that group of people disappear. He felt Dan is trying to lead everyone the right way, as everyone needs to look at the whole scheme of things. Mr. Heydel noted if LOSAP is left just as it is if those volunteers leave after answering 2,000 calls they get zero. Mr. Smart added he was not saying that nothing needs to be done or that it was being looked at wrong he was just saying that he takes offense to Mr. Bryson's comments; the way he put it out on the floor and we can play the tape back to hear how it was said. Cncl. Bryson indicated he is very well aware of the fact that we have two volunteer organizations. He went on to say that he could not remember saying that and the tape can be played back if that's what you (*Mr. Smart*) wanted. He noted we had to clarify that there is a lot more hours required on the EMS and that's all it met, period. We have volunteers at this point in time and that is a terrific thing, as it saves taxpayers money but we also pay for a lot of the things volunteers use and we have never done anything negative to the fire department. At this point Cncl. Sebastian gaveled Cncl. Bryson who requested to continue speaking as he felt Mr. Smart was saying he said things that he didn't say. Cncl. Sebastian noted once the meeting is over Cncl. Bryson can discuss that personally with Mr. Smart right now we are discussing the LOSAP requirement and the Emergency Medical stipend. These issues are only for discussion; no action will be taken tonight and the meeting was only opened to the public because there are a number of people in attendance that wanted to speak.

Chief Mike Jacobi stated he has worked as an EMT for six years and understands Chief Accoglio's problem and what he is trying to do for his guys but that might backfire in the Fire Department's face if an 18 year old joining the Fire Department is not paid \$5.00 per call like his buddies over there (*ambulance squad*). He questioned if firemen stop showing up in the middle of the night are they going to get a stipend to start coming out and if so, the township better be prepared to pay all the organizations. He added when he was 18 years old all he wanted to do was become a fireman but anymore it's a shame because it's all about money; it used to be about volunteering but tonight this has been all about money. He noted when that 16 or 18 year old gets an application from Chief Accoglio they know \$1,800.00 is paid for them to go to school where they can learn the trade and decide if that's what they want to do and they only have to

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

vest back a year of service. He cautioned that younger guys who may have been firemen will now join the ambulance to make a few dollars. Mr. Heydel stated the cost for the Fire Department would be around \$66,000.00 because each call averages about twenty people and there are 600 plus calls while the ambulance responds to 2,000 for which the township would be paying out \$20,000.00. They are not being paid to volunteer, they are being paid to do the charts. Cncl. Teefy replied they are being paid to do their job. Chief Jacobi indicated he was just making a general statement that there could be a problem in his station down the road. Cncl. Sebastian stated it was not their job until the township went to third party billing. The Fire Department was given the same opportunity to do third party billing but they didn't want to because it would interfere with their fund drive. Cncl. Teefy added the fund drive and also because they wanted to volunteer to save the township money. Cncl. Sebastian explained the ambulance squad does not care about the money being generated because they are not getting any money from it so what if they said let's go back to the way it was we're not going to do third party billing. Cncl. Teefy questioned how we got here, what is the problem with the ambulance squad and how can Council help them. Chief Accoglio explained LOSAP works for other departments but not his and he thought by eliminating the yearly \$1,589.00 LOSAP payments for members that only stay a year or two the township would save money. Cncl. Teefy questioned what happens to that money when they leave. Chief Accoglio advised it goes back to the township and if they don't leave the township pays \$3,000.00 a person for their LOSAP, much more than what would be paid in a stipend. Cncl. Teefy noted if they leave the money goes back to the township so we didn't lose anything and if they stay that's a good thing and he would pay them more because they are much more efficient and know what they are doing. He requested data be provided to him showing from 2000 until today the number of calls each year, the number of calls that were missed and the number of volunteers in the organization. Cncl. Sebastian requested the amount of money generated be added to that data. Mr. Heydel explained he went back five years and during that time the ambulance has done better than 2,000 calls, \$4.3 million dollars was generated, expenses were \$3.5 million and the net profit was \$840,000.00. In the last six years it is over a million net profit. When looking at expenses we are talking about the paid crew, benefits, pension, fuel cost and the cost for the building electricity. The only thing not included is the cost for the building and that will be paid off in 2018. Mr. Heydel noted a million dollars was pulled in so this is a profit center. Cncl. Bryson referred to the question on how we got here and explained that is because Chief Accoglio asked if something could be done to kill two birds with one stone. One would be to give an incentive for new members to complete these complicated charts on time so the township could be paid and the other was to address the issue of younger people who join EMS, as they are different than those who join the fire department. The members of the fire department have a tendency to stay longer while these people leave sooner without taking advantage of LOSAP. He noted we had a request to take a look at these issues and that is what we are doing right now. No decision has been made either way. He added he thought at the last council meeting a decision was made regarding the incentive but since that is not the case we are still in the discussion mode. If these are issues everyone wants off the table than we must make that decision as Council. Cncl. Sebastian noted he had charged the Solicitor to see if it is legal to change LOSAP to the 20%, 40% etc. that the BA was requesting. If it is not than this is a moot point, it goes no further. The stipend is still under discussion because members of the Ordinance Committee are absent from this meeting and they should have input into it. This

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

matter will be discussed again at the October Ordinance Committee Meeting so Mr. Fiore has the opportunity to do research on it. He requested Chief Accoglio to review his request with the ambulance squad to see if they still want to eliminate LOSAP and provide that information to the Ordinance Committee prior to any amendments being made to the ordinance, as the stipend not only affects the salary ordinance but it also affects LOSAP. Mr. (Rich) Jacobi stated if substantial changes are made it must go back to the public for a vote. Cncl. Sebastian advised once the Solicitor generates the requested information a decision can be made at the next Ordinance Committee Meeting.

- Chapter 175-135 Sign Ordinance

Solicitor Fiore advised he talked to Tim Kernan about the Planning Board rejecting the Pineland Commission's recommendations for the Sign Ordinance and he indicated the Board was okay with the revisions but during their discussion comments were made that the Pinelands can't do this to us and it was voted down. Cncl. Sebastian noted Cncl. Caligiuri also indicated the Pinelands was requesting everyone with an existing sign be required to remove it. Mr. Fiore stated that is the regulations of the Pinelands already; signs should have never been permitted in those areas. Signs are not permitted whether Council passes or does not pass the ordinance and at some point in time the Pinelands may send a letter to the Zoning Officer saying he must tell the people to remove the signs. Cncl. Sebastian suggested the ordinance be changed to state signs are permitted on Route 322 and the Black Horse Pike except in Pineland areas. Mr. Fiore explained the ordinance must be certified by the Pinelands because it affects Pineland areas so why not just keep it as adopted and just include the Pineland amendments. He added page seven states "*In the Pineland Area of the Township, any existing sign which does not conform to Subsections E(19) and (20) shall be removed immediately*". That was the law that went into effect in December 1996 and was the revision to the original Pineland Comprehensive Management Plan adopted in 1979. This has always been the law. The question is going to be, since it has always been the law is it incumbent upon the municipality to request signs in Pineland areas to be removed. Mr. Fiore felt the Pinelands will probably never enforce that but he cautions that if the specific language they were requesting was not included in the ordinance they would not certify it. Cncl. Sebastian questioned why they wouldn't certify it if the ordinance was changed to say signs are permitted on Route 322 and the Black Horse Pike with the exception of areas within the Pinelands because that says signs cannot be put in the Pinelands. Mr. Fiore noted we can try that but they will not approve it because they want specific language. Cncl. Sebastian noted the Planning Board did not approve that language. Mr. Fiore advised Council can override the Planning Board because that is what the law says. If we don't do that we will not have an ordinance because they will not certify it and every section of Chapter 175 must be certified by the Pinelands. Cncl. Sebastian noted the Planning Board rejected the Pinelands recommendation and he questioned whether a letter should be sent to the Planning Board solicitor saying we are going to move forward with it. Mr. Fiore replied no, you can ask him to prepare the changes for September 8th or September 22nd because he is the one who drafts 175 ordinances and you don't have to go back to the Board because they are an advisory board to Council, their decisions are not binding upon Council. Cncl. Teefy noted this could affect Walgreens, Wawa, CVS, Antony and Cleopatra's and he questioned if the Zoning Board reviewed this during the approval

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

process. Cncl. Sebastian noted the only signs that went through the Zoning Board were the two Wawa stores. All the other signs never went before the board. Mr. Fiore explained the signs are illegal but in fairness to the Zoning and Planning Board it says subject to all outside approvals so the Board does not even touch upon that unless a professional mentions it and if it is recommended to pass it the Board would pass it. Cncl. Sebastian questioned whether it was the consensus of the Ordinance Committee to make the changes as requested by the Pinelands and move it forward for First Reading and who would have the responsibility to enforce it. Mr. Fiore advised at this point in time we are on notice and should be enforcing it but the parties who put the signs up have an argument called "*Laches Equitable Estoppel*" because we allowed them to put the signs up so they can now say take us to court and sue us. He felt no Superior Court Judge in the State of New Jersey would not require them to take it down because of the investment of time and money and going through the appropriate boards. We could get a nasty gram from the Pinelands but they will not enforce it because they don't have an enforcement arm in the Pinelands. Cncl. Teefy questioned if Applebee's wants a neon sign and is turned down what happens then because they see them already all along the pike. Mr. Fiore explained they cannot ask for a variance; technically it is in violation of the Pinelands regulations. Cncl. DiLucia noted Applebee's does not use digital signs, they just have regular signs. Mr. Fiore noted the epicenter of the Pinelands is the Hamilton Mall area and look at all the signs there. Cncl. DiLucia questioned since someone approved and allowed them if we now amend our ordinance to prohibit them would that make us more legally culpable and a target. Mr. Fiore replied no, we are just re-stating what the regulation is but we're the target anyway because the letter will be sent to us. Cncl. DiLucia questioned why not just ignore what the Pinelands says. Mr. Fiore explained because then the Sign Ordinance would not be certified. Cncl. Sebastian gave some history on the sign ordinance; noting it stated flashing, scrolling signs were not permitted and the effect of that was all digital signs were eliminated in the township so people were coming to the Zoning Board of Adjustment looking for relieve from the ordinance to put up a digital sign. Walgreens was the first to request a digital sign, Wawa came in next for their two stores and then the car wash. The others never came in for anything they just put their signs up. Cncl. Garbowski noted he sent Newfield Bank to the Zoning Official. Cncl. Sebastian noted but they did not come before the Zoning Board because the Zoning Official allowed them to put it up because the other bank already had one. Cncl. Sebastian spoke of the Zoning Official being unaware of the paragraph in the ordinance prohibiting flashing, scrolling signs until he (Cncl. Sebastian) brought it to his attention. After that all digital sign requests were sent to the Zoning Board. Cncl. Sebastian noted Rich Jacobi wants a digital sign at his ice cream store but he was waiting to see if Council was going to adopt an ordinance or if he would have to go before the Zoning Board of Adjustment and pay an application fee. CVS never came in for a variance but they put up a digital sign just because Walgreens had one. At the conclusion of the discussion Cncl. Sebastian requested Mr. Fiore send a letter to Len Schwartz to ask him to prepare the changes to Chapter 175 and make a report on this to the Planning Board. Mr. Fiore indicated he would email Mr. Schwartz the information.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 2014

E.) MATTERS FOR DISCUSSION (cont'd)

• Chapter 262 - Towing Ordinance - Update

Cncl. Sebastian noted he previously stated the Towing Committee did not have the opportunity to meet due to committee members being away on vacation during the summer months. In September the Committee will meet again to review the latest requested changes as well as the ones that were previously submitted. **Solicitor Fiore** advised the court has postponed the meeting for the Simmermon case until September 30th. Simmermon's attorney was pushing for September 18th but he (*Mr. Fiore*) was unavailable for that date. Cncl. Sebastian noted the Towing Committee is moving forward with the ordinance but that will not interfere with the litigation that is before Council.

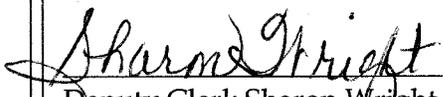
F.) NEW BUSINESS - None

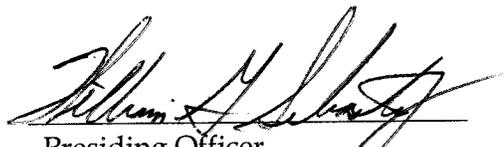
G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss **Cncl. Pres. Garbowski** made a motion to adjourn the Ordinance Committee Meeting of September 3, 2014. The motion was seconded by **Cncl. DiLucia** 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 3, 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 10/1/14
Approved as corrected _____ Date _____