

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
OCTOBER 1, 2014**

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 Committee Chairman, Cncl. William Sebastian** in the Court 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

Solicitor Fiore 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	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. Teefy made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of September 3, 2014. The motion was seconded by **Cncl. Bryson** and approved by all members of Council with the exception of **Cncl. Dilks** who Abstained.

C.) PUBLIC PORTION

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

Jim DeHart, member and past chief of the Williamstown Fire Department was in attendance to express the Fire Department's concerns about comments made by members of Council at the September 3, 2014 Ordinance Committee Meeting. Mr. DeHart noted it appears the members of Council who spoke during that meeting feel the volunteers of the fire department are on a different/lower level than the volunteer EMTs in the town because the fire department

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

is not billing. Mr. DeHart felt Council may be creating a division between the ambulance association and the fire department because of the way they are handling and talking about this issue. He went on to say how Mr. Heydel brought up that EMS is bringing in approximately a million dollars a year after all expenses are paid and noted if that's the case, it's great but the volunteer firemen who may not be bringing in a check are saving the township in the ball park of two million dollars a year. Mr. DeHart felt the fire department needs to be looked at as at least equal to the EMTs and no one should say because we are not billing that we are not entitled to something. If Council is considering a stipend for the ambulance members in the future they should be aware that it could affect the fire companies in a negative way in the long term. He cautioned Council to think of the long term affect they may be putting on this because kids volunteering may choose the organization where they can earn a little extra money rather than the fire companies where there is no stipend. LOSAP was also discussed at the September meeting and Mr. DeHart felt that has been working well for most organizations in town but if it doesn't work well for Chief Accoglio maybe that should be addressed. He noted after the meeting he researched LOSAP and found the New Jersey Administrative Code specifically talks about money returned to the township when a member does not become vested must be placed into a surplus LOSAP fund; not the general fund that was stated twice at last month's meeting. Mr. DeHart asked Council to please consider the long term effects of what they do and please try not to create a division between the EMS volunteers and the fire volunteers because that would have a long term negative effect on the township.

Cncl. Sebastian noted *(for the record)* Council is not dealing with LOSAP or the stipends at this Ordinance Meeting and those issues will not be on any agendas until next year when the new administration comes in. He noted he has been a volunteer in the ambulance association for the last thirty-four years and is still active and does not look down on anybody or try to say anyone is not equal. As far as statements that were made regarding the money coming in it was in relationship to the stipend money going out, it had nothing to do with who is bringing in money. We were dealing strictly with the monetary level not on a membership level of who is better or who is not. Cncl. Sebastian noted if he or any other council member said anything that Mr. DeHart felt was derogatory towards the fire department he sincerely apologized, as that was not the intent. The intent was for Council to deal with a request that was brought before the Ordinance Committee and that matter has been tabled and will not be brought up again until next year when there is a new administration.

Mr. DeHart noted there were eight members of the fire department in attendance at the last Ordinance Meeting and all came out of that meeting feeling the same way.

Domenic Burgess, B & B Auto Repair questioned whether the towers would still be going by the current ordinance that requires documents to be submitted by November 1st. **Solicitor Fiore** explained based upon the nature of the litigation he will discuss with Council during the Closed Session how we will proceed with that for next year and the towers will be notified as soon as a decision is made.

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.

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D.) ORDINANCES FOR REVIEW

- Vacant Properties

Solicitor Fiore noted Council was given the draft vacant properties ordinance just prior to the last Ordinance Meeting so additional time was given for them to digest it. He questioned whether there were any comments regarding the draft. **Cncl. Sebastian** questioned whether Mr. Fiore reviewed it with the new State law just adopted. Mr. Fiore indicated it compares to the State Statute adopted about ninety days ago and what we were trying to accomplish before that Statute was adopted. **Cncl. Teefy** questioned who would enforce the ordinance. Mr. Fiore explained generally the Zoning Code Official since property maintenance and housing issues fall under the Zoning Office. **Cncl. Sebastian** added there are only two authorities within the municipality that has that ability and that is the Zoning Officer and the Police Department. Mr. Fiore advised it would fall under the jurisdiction of the Director of Code Enforcement. **Cncl. Teefy** questioned whether we should look at partnering with other townships to put a person in place to enforce these vacant properties throughout the neighboring towns of Glassboro, Clayton, Franklinville and Monroe. That way one person paid by all four towns could handle this because right now, we have problems and laws are not being enforced enough. Mr. Fiore advised an official would be designated within the ordinance and Monroe may not need somebody full time or part time to do it, it may be on an as-need basis so this is the type of item that you could enter into a shared services agreement with one or several towns. Other municipalities such as Elk and Clayton are merging courts and Woodbury and Deptford are talking about merging courts, so it is kind of the new trend. **Cncl. Sebastian** questioned whether another zoning officer could be used. Mr. Fiore replied yes, as long as that person was appointed within the shared services agreement and one zoning officer could be responsible for four or five towns depending on how much it is needed. **Cncl. Teefy** noted under the new State law 20% of the fines come back to the municipality. Mr. Fiore advised those funds are specifically earmarked to rehab homes and to cover the salary of the person performing the work and that would be a dedicated fund according to Statute. **Cncl. Bryson** posed questions about the person who would enforce the ordinance. Mr. Fiore explained he left that blank in the proposed ordinance until Council designated someone and from the discussion it sounds like that person will be the zoning official because it takes an area of expertise about property maintenance and code violations. We can't just appoint someone to a part-time position that comes in a few hours a day, we need someone with some real knowledge of code and property maintenance. **Cncl. Bryson** questioned whether the building inspectors could do it since building is slow right now. Mr. Fiore noted they would need to be appointed to that position since it may be beyond their job descriptions. He added he was not precluding that but you have to look at the big picture. **Cncl. Sebastian** questioned whether that should be decided before the ordinance is approved. Mr. Fiore replied yes and also whether or not Council wants to look at shared services. Currently right now we have Chapter 104 on the books and this ordinance just gives the township the ability to go after banks foreclosing on properties and individuals that just walk away from the property. The new State Statute gives municipalities greater power to penalize banks, mortgage companies and those types of entities, not necessarily the people losing their homes. **Cncl. Teefy** noted we always try to adopt ordinances that are enforceable but over the years have learned ordinances currently on the books are not being enforced because the person responsible for enforcement does not have enough time and that is why he would like to see a shared services agreement to put a person in place to

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D.) ORDINANCES FOR REVIEW (cont'd)

keep on top of this. The situation of foreclosures in Monroe is probably the same in neighboring towns so something should be put in place to let people know that Monroe Township will not let properties go unmaintained and we need tough enforcement done by a person that is not already overwhelmed with work. Cncl. Teefy suggested reaching out to other towns to see if they would be interested in a shared services agreement since there is a lot of work involved with registering and constantly monitoring homes. Cncl. Sebastian requested Mr. Heydel to contact some of the neighboring towns since he deals with the administrators in other townships. Cncl. Dilks noted he likes Dan's idea but he questioned if this is adopted now could it be amended in the future. Mr. Fiore advised it could be amended but there would be publication costs involved. It is up to Council whether they want to move it forward and then look at the shared services because there would still be enough time to adopt it in the 2014 calendar year if it were carried to the next meeting. Cncl. DiLucia noted he agrees with having a specific person handle it but there should also be a process in place. Council gets informed through the Clerk's Office of the number and location of foreclosures but many times those foreclosures do not actually happen because people pay their mortgage. The problem occurs once properties become vacant so there should be a mechanism that triggers notification when a property is vacated and a process put in place so someone can periodically monitor properties for maintenance issues, as that is the only way this will work whether it is under shared services or not. Mr. Fiore agreed, adding that when looking at the general requirement section it is great if it works but one of the biggest tasks is going to be registering all the vacant properties within 30 days. In the future the job may be part-time but in the beginning it is going to be very, very time consuming driving around to register properties. Cncl. DiLucia felt by increasing the fines to the owners or banks will help as long as there is enforcement because these houses are becoming problems in our neighborhoods and the person put in charge needs to have accountability because he is tired of hearing that no one knew about a problem; there needs to be a systematic procedure that whoever is getting paid to do this is required to do it. Mr. Fiore suggested that Mr. Weikel be given a copy of this ordinance to review to see if his department could handle this task with the current staffing and he may also have some suggestions about how the process will initially be done since it will take a lot of manpower in the beginning. Cncl. Bryson noted the problem we currently have is notification to the property owners so how will we be able to let the person know that their property is in violation. Mr. Fiore explained when a property becomes vacant the employee will need to pull the deed from the County website and do a title search to see who the mortgage holders are and that involves a process. Deeds can be pulled up on line but the mortgage holder is not on the County website, a county search must be done for that. Cncl. Sebastian questioned would it be whoever is paying the property taxes. Mr. Fiore advised many times service companies are paying the taxes on behalf of the bank or mortgage company. Cncl. DiLucia explained on the properties he has looked into the owner was gone and the bank that held the mortgage sublet the maintenance responsibilities to a company and he had to actually research that to see who the contact person was. He felt under this ordinance the township would be in the position to notify the bank and no matter who they sublet it to it is their primary responsibility and if they don't comply and start getting hit with \$1,000.00 to \$1,500.00 in fines they will start putting these properties on the market. Short sales are taking three years because for some reason it is financially plausible for banks to drag their feet on these sales and somehow they come out ahead but if we create a financial downside for them we will start getting some action. All we actually

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D.) ORDINANCES FOR REVIEW (cont'd)

want is for the home to be sold so it is maintained. Cncl. Pres., Garbowski noted due to numerous complaints about abandoned/vacant homes this ordinance needs to move forward even though it may take time to get it right. Cncl. Sebastian noted the Solicitor recommended giving Fred Weikel a copy first to see if his office could handle it and in the mean time we have Kevin looking into shared services with other municipalities. He questioned whether Council wanted to name the Zoning Official as the enforcer and then find out his office can't handle it or just postpone it to the next meeting so Council has answers from Fred and Kevin. Cncl. Garbowski agreed the ordinance should be forwarded to the Zoning Official and then it could be discussed again at the next ordinance meeting. Cncl. DiLucia agreed but he felt the research on this should be started so this ordinance can move forward. Cncl. Pres., Garbowski suggested giving the responsibility to the Zoning Official but hiring a part-time person to get the database set up because that is the majority of the work and from there it is just a matter of maintaining it. Cncl. Sebastian noted the ordinance will be moved forward to the next Ordinance Committee Meeting, the BA will look into sharing services with other municipalities and a copy of the ordinance will be given to the Zoning Official for his review and response.

Note: At this time Cncl. Sebastian deviated from the agenda and moved discussion regarding the Shared Services Agreement Salary Ordinance to the end of the agenda.

E.) MATTERS FOR DISCUSSION

- Lease Agreement Church Street Field

Business Administrator, Kevin Heydel explained the Board of Education owns the Church Street property but has no interest in it. The Township has always maintained that property and when our ROSI Plan was prepared that property was included in that plan. However, due to the fact that property is deeded to the Board of Education the State cannot approve our ROSI Plan unless it was deeded over to the Township or we entered into a long term lease agreement. Chris Rehmann's office has provided a sample resolution/contract from Green Acres and we chose to go for a lease as opposed to the deed. The Board of Education has approved it and if approved by Council it will then be sent to Green Acres who can then approve our ROSI Plan. Mr. Heydel indicated this was placed on the Ordinance Meeting agenda as a resolution of Council authorizing the Mayor to sign the lease agreement is needed and it is time sensitive. Solicitor Fiore advised this is basically codifying what has been in existence for many, many years. We talked about the concept of the Board of Education deeding it over to the municipality but the Board of Education is required to maintain a certain amount of open space legally titled in their name based upon the number of students they have and that includes part of this property so transferring the title to the township would negatively affect the Board of Education. This resolution will officially codify the lease agreement. Cncl. Sebastian polled Council and all were in favor of drafting a resolution for the October 13th Regular Meeting authorizing the Mayor to sign the lease agreement for the Church Street fields.

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E.) MATTERS FOR DISCUSSION (cont'd)

- **Dealers of Precious Metals Chapter 237**

Cncl. Bryson noted he requested this ordinance be placed on the agenda after hearing the concerns of local vendors and he went on to address some of their concerns. **Cncl. DiLucia** suggested Mr. Fera be permitted to speak regarding his concerns and **Solicitor Fiore** advised it would be very helpful if Mr. Fera could refer to the section in the ordinance that he was concerned with. Mr. Fera indicated he did not have a copy of the ordinances and that many of his concerns are not addressed in the ordinance.

Mark Fera, owner of Fera's Jewelry Store questioned whether the Police Department could adopt a protocol to return items that have been confiscated and held after a case. He explained in his Clayton store he has been holding eight or nine parcels of gold the police said might be stolen but if this ordinance was in place there the police would have the right to confiscate the items immediately. He noted he has items he has been holding for two years for a detective in Glassboro and others for Franklin and those officers never contacted him again. If those items had been confiscated he would have never gotten them back and obviously they were not stolen because they are still sitting in his store in an envelope. He felt if the ordinance says items can be confiscated there needs to be some protocol that if the defendant is not convicted then the police must contact the jeweler to pick the items up. The Berlin ordinance states that if a victim of a crime fails to cooperate with the prosecution the items either remain the property of the jeweler or the jeweler must be compensated for what he spent. He explained many times children steal their parent's jewelry and sell it to a jeweler or gold buyer, the police confiscate the items, it goes to court and there is no question the son stole the parent's jewelry but the parents fail to come to court to testify and the case is dismissed. The parents get their jewelry back but the gold buyer is out his money so to protect the gold buyers Berlin adopted that section of their ordinance. He suggested that language should be included in Monroe Township's ordinance as well. Mr. Fera also questioned why Council feels payment by check for every transaction is important. He explained there have been occasions where he has purchased \$20.00 items and the people were worried they would be charged a fee to cash the check; plus his bank charges a \$5.00 fee for every check over \$5.00 if the person does not have an account there. He noted he also purchased one silver coin for \$3.00 and a business check costs him \$1.00 to write so now it is costing him \$4.00 for the item and then the people must go somewhere to cash that check. Mr. Fera felt there is no reason not to pay cash and by not paying cash goes against the very foundation of the ordinance, which is to recover stolen merchandise. In order to recover stolen items a jeweler must buy the merchandise and when the police think it's stolen they confiscate it to make an arrest. Paying someone by check discourages them from selling items they might have stolen so then it ends up being sold in Camden and it is never recovered. He felt if the township wants to recover stolen goods there should be no obstruction in buying from the public, such as paying by check. In his personal experience he has found that a thief will take a check as well as cash and that ninety-nine percent of people selling goods are not thieves and they prefer cash unless they are dealing with a large amount of money that they do not want to walk out of the store with. Mr. Fera noted he was disappointed that he was not notified about the ordinance because the last time he spoke to Council he thought he was supposed to meet with a committee to try to negotiate something that had less onus on the businesses. **Cncl. Bryson** added Mr. Fera

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also spoke to him about including a minimum age for those selling items. Mr. Fera explained 90% of the people that sell stolen goods are between the ages of 18 and 25 and he felt Council should consider including a minimum age of 25 unless they can show a receipt that they purchased the item or proof of ownership. Solicitor Fiore advised the age limit is under State Statute; the legal age is 18 years old and we cannot make the age any higher than that in our ordinance. Cncl. Bryson felt this ordinance does not serve the people. The ordinance we previously had in place did the job and he cannot see why an independent business man and those honest citizens going into his store have to become part of a database that should only be for those suspected of a crime and a jeweler can make that decision when he buys the goods. He added Mr. Fera was good enough to bring up some of these points, which council should think about because he felt once this ordinance goes through the court system it will leave the township in a bad situation.

Cncl. DiLucia noted anytime a position is taken against something you can always find things that happen occasionally and someone bringing in an item of gold or silver valued at \$3.00 is rather unusual particularly when gold prices are almost \$1,200.00 an ounce and silver is about \$17.00 an ounce. He noted he was probably the person on Council most strongly in favor of giving a check, and he is still in favor of that because this entire ordinance was promulgated to try to prevent theft. There is no perfect way to do that but he strongly believed one way was to pay by check since a person trying to sell stolen items will not want a check because they do not want their identity tracked. He added the jeweler takes a copy of their driver's license but criminals can get them pretty easily however, it is difficult to get a checking account today without providing a Social Security number and other types of identification. He felt if every town in New Jersey said if you want to sell goods here you will have to accept a check thievery will be cut out because it will do no good to steal something that you can't sell. He added in those rare instances where people are selling \$20.00 worth of silver or gold it may be an inconvenience if they do not have a checking account but if the check is written as "cash" and a notation is made that the check was given to that individual then they can walk into the bank and cash it if they have identification. Cncl. DiLucia noted he is strongly in favor of retaining this language in the ordinance because he felt without it everything else is watered down. Mr. Fera replied to Cncl. DiLucia's comments by saying with due respect, he knows he (Cncl. DiLucia) has firm believes but he (Mr. Fera) has firm knowledge of buying gold since 1979 and Cncl. DiLucia is mistaken in his belief that people must take a check and that they can go to the bank and cash it. Mr. Fera noted baring the entire state passing this ordinance Council is putting his business arbitrarily at an unfair advantage when people can go to Washington Township, Sicklerville or any other community and get cash. He noted in Cherry Hill the average sale might be in the thousands of dollars but the average in Monroe Township over the last two months ranges from \$30.00 to \$130.00. People are broke and they scrape through and do what they can to get money to eat and buy gas for their cars. He added if he writes a check to someone for \$55.00 his bank will charge them \$5.00 to cash it. He noted he understands that Cncl. DiLucia's points of view are sincere but he should take his word as a business man for thirty years that this will not affect the crime in town but it does affect the people who have to go out of their way to cash a check and lose \$5.00. He noted Cncl. DiLucia's feelings are strong but his are just as strong and his are backed

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up by experience and Cncl. DiLucia's are backed up by guesstimation. Cncl. DiLucia replied it is not guesstimation, he does not have the statistics in front of him but can gather them for the number of people who stole property and took a check and cashed it. He noted he has a social security number, credit cards and other references and if he goes into a bank to open a bank account he better be who he says he is because in today's world people will not get a checking or bank account unless they show every form of identification possible. He felt the biggest percentage of people with stolen goods will not take a check and that may avoid Mr. Fera from losing money in the future because he usually ends up holding the bag when the goods are stolen. Cncl. DiLucia noted prior to this ordinance there were other retailers in this township that would not give a person cash, only a check for that very reason and he would like to reiterate that he was in favor of keeping that language in the ordinance. Cncl. Teefy questioned what Mr. Fera felt was a reasonable figure for paying cash and what's the minimum to pay by check. Mr. Fera noted in reality his reason for paying cash is that the IRS and the Federal Reserve sets guidelines for cash and it should be any amount as long as it is under \$30,000.00 worth of goods. He fills out a 1099 for the IRS and should be free to go to the bank to withdraw \$30,000.00 to pay in cash. He felt there should not be a compromise on this because everyone else pays cash and dollar bills state "This note is legal tender for all debts, public and private" and it is out of Council's jurisdiction to try to restrict and set his policy on what he can and can't pay cash for. The previous ordinance stated if cash was paid more than twice a week a check should be issued after that and that would be a compromise. He noted if someone came in three times in a week not only would he pay them by check but he would notify the police so they would have a direct heads up to come in and investigate that particular item. He noted in the past when he purchased items from people he thought were thieves he would issue a check, immediately stop payment on it and call the police. He received the Civilian Service Award from the Police Chief's Association in 1996 for assisting in the recovery of over \$20,000.00 in gold jewelry doing that. Cncl. Teefy questioned how Mr. Fera was making out with the new database. Mr. Fera replied the Police are not cooperating with him on that but since the police are experts he will go with it however would like to request that Council review the ordinance within a year to see how it is working and if there is any way to mitigate the time it takes to upload things and still be efficient. Cncl. Teefy suggested since the ordinance was just instituted in June that we wait to see how it evolves and how the dealers make out with the new restrictions. Mr. Fera noted the people he gave checks to were complaining that it was ridiculous and the government was trying to micromanage everything today, another was afraid they would get charged for cashing the check so no one was happy with it. Cncl. Teefy noted he would like to look at a minimum amount for cash/check payments. Cncl. Caligiuri agreed with Cncl. Teefy's comments. Cncl. Bryson noted his concern is that everyone selling jewelry, antiques, radios etc. are put into a database indefinitely/forever and not everyone is a thief. He felt if a person's name is in that database for more than 30 days it should be purged unless that item is suspected of being stolen and suggested language be included in the ordinance to protect citizen's information. Cncl. Sebastian questioned whether Det. Gene Sulzbach wanted to make any comments. Det. Sulzbach replied no, not at this time.

Greg Meranshian, owner of Williamstown Jewelers noted he has no problem cooperating with the police department on this but he never thought about the point Cncl. Bryson brought up about how long people's names would be in the system. He explained right now he

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only takes valid picture IDs such as driver's licenses and IDs from the DMV and tells the people right up front their information will be shown to the police and has only had one incident in five years. He added a couple of his friends in Camden County that have this system complain about it and he felt paying by check does not make it any more secure since the people give all their information already. He noted they will just go somewhere else because everyone advertises "cash for gold", they don't advertise "checks for gold" so once again the businessmen in this township will be put at another disadvantage when it is already hard to maintain a business here. Everyone is not a criminal but they are being treated like one and that is not nice. He suggested including language in the ordinance that if a person is caught selling stolen goods in the Township of Monroe they would be fined \$10,000.00, as that would stop it immediately. He spoke of how people are only selling \$40.00 to \$60.00 worth of items because no one has any gold left and how a man tried to sell him fifty gold coins but left his store when he asked for ID. He immediately called the police to give them his description and the man was caught the next day and the people who the coins were stolen from got them back. Mr. Meranshian noted when his store was robbed the police caught the guys the next day and his items were returned but the prosecutors let them go and put them into some type of program.

Cncl. Sebastian advised Council will take everyone's comments into consideration, get the response of the Police Department and discuss this at a future meeting.

- **Monroe Township Ambulance Association Rescue Truck**

Cncl. Bryson reported the Public Safety Committee held a meeting to discuss our existing rescue truck and the possibility of purchasing a new one at a cost savings. Members of EMS contacted different vendors and came up with some good pricing as well as a trade in value of approximately \$25,000.00 for the existing rescue truck, which is not in very good condition. It is a 1993, it carries a lot of equipment and the mechanics are not as they should be and his fear is that someone might be in that truck when something happens so if we can get a new truck we should. According to the Business Administrator we have the money to purchase one and in order to save at least a hundred thousand dollars we need to take action on purchasing it pretty quickly. **Business Administrator, Kevin Heydel** requested to clarify that statement. He explained what he said was a six year capital plan was developed and with any capital plan at some point in time we would go out for Serial Bonds. The capital plan that was developed is for roughly \$2 million and included in that is an allocation of \$550,000.00 for a rescue truck. The total since the last bonding in 2012 is \$866,000.00 outstanding so if the \$2 million is approved we would be close to \$3 million to go out for Serial Bonds in 2015. The goal is to get to 2019 when our debt payments drop by a million dollars so we are trying to spread things out to what our needs are. Mr. Heydel then explained how bonds can be structured and how we have not bonded any short term notes because we do have cash flow. **Cncl. Bryson** noted this may be the best time to purchase the truck to save money, as interest rates might rise next year but that is Council's discretion. **Cncl. Sebastian** advised no action is being taken this evening, this matter was just placed on the agenda for discussion. He explained during the firemen's convention ambulance squad members spoke to vendors looking for demo models or trucks that were already on the line that have not been purchased yet. They spoke to Campbell the company that supplied the

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fire trucks for Williamstown and Cecil but they didn't have any demos or trucks on line but they gave information regarding the HGAC co-op package, which was given to the BA. HGAC members do not need to go out for bids, purchasing through this co-op is just like purchasing through State contract and is the same type of co-op the township entered into for the purchase of the lights for Owens Park. It would allow the municipality to purchase a truck without going through the expense of the bid process so that was the first indication that we could do something right away. The second was that Pierce had a truck on line with no owner and they were willing to move things inside the cabinetry but not the truck itself. Rescue One has two trucks on line both with 18'9" boxes but they would not be coming off line until the end of December. The Pierce truck would be coming off the end of October and then it would take another month to mount the equipment. The prices involved were under the \$550,000.00 mark and Pierce actually gave a quote of \$25,000.00 for a trade-in on our twenty-one year old truck (22 next summer). A representative from Pierce came and took pictures of our truck and its compartments and is turning that over to his used department to see what the value of the vehicle is. Cncl. Sebastian noted Cecil's rescue truck was approximately \$600,000.00 but Mr. Heydel advised that truck actually cost \$503,000.00. Cncl. Sebastian explained rather than going through extra expenses involved in making changes to the truck the squad said not to paint the steel doors just put the stripe across the doors and they will not be sending anyone out to Wisconsin to inspect the truck. It will just be sent here and if anything has to be changed it will be sent to North Jersey where the changes will be made. The squad is trying to save the municipality money and considered Pierce, Rescue One and KME and is in the process of getting information and the specs on the vehicles together to see if they could work with them instead of having a custom one made. Because it is time sensitive in regards to the trucks coming off line the committee (Sebastian, Caligiuri & Bryson) wanted to bring it before Council. He reiterated that this is just for discussion, no action is being taken and once all the numbers are together the information will come to Council. Cncl. Dilks questioned if that truck comes fully fitted with all necessary equipment. Cncl. Sebastian explained the truck comes off the line as a demo vehicle. The squad asked Pierce if they could move the vertical slide out trays from the back compartment and put them in the middle compartment and they said they could. What they were trying to do is the same setup as they have now with the tools on the back. The new trucks are all standard in regards to the three point winch system, which is the same as the tow hitches; there is one on each side and one on the front that are powered at those locations. The winch is placed in the receiver and then they can winch from both sides and the front. The squad is not asking for anything not already included on the truck, they are just looking for a demo model or standard model coming off line that has not been purchased yet and those three companies are the only ones out of the six companies they spoke to that had those vehicles. E-1 does not have a truck available but stated they could build a custom vehicle, Campbell stated it would take 300 days if a truck was ordered and Pierce is one year for a custom vehicle. The ambulance association was looking for the simplest way to purchase a vehicle that will last another twenty-five years and still maintain a low price for the municipality. They are not looking for anything special just longer and they are looking at what most municipalities have now and that is a walk around box, which gives more storage space on the truck. The current truck seats two people but the new vehicles are coming in with six passenger cabs just like the fire trucks have. He noted he can speak firsthand about bouncing around in the back of a truck trying to put rescue equipment on while the truck

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is going to a call and the safety department is now saying that should be avoided in the future, which is why they are building walk-arounds rather than the walk-ins. The walk-ins are now being used for command vehicles and for HazMat materials where certain equipment is on the inside of the vehicle. Cncl. Teefy questioned whether this would be purchased with 2014 or 2015 money. **Business Administrator Kevin Heydel** advised it would be purchased under the capital plan of 2015. In the 2014 plan we spent \$750,000.00 but we did not go out to bond for that money, we used our cash flow for that. Cncl. Teefy noted so this decision would not be made until after January 1st by the new administration and council. Mr. Heydel explained at this point in time it does not matter whether the decision is made tonight or whether it is made at the beginning of next year because regardless he would still have enough cash flow money that he would not have to go out for short term bonds until next July when we would go out for a Serial Bond. He noted there is enough cash flow to cover us without going out for a short term loan. Cncl. Teefy felt it would not be fair to the new administration to spend money from the 2015 capital budget now. Mr. Heydel explained a capital plan is just a plan, emergency things do come up where you have to do something today as opposed to next year. We have had these situations in past years and money has been transferred to fill our needs. He explained from a dollar standpoint it does not make any difference whether we get it today or next year because we do have cash flow to cover it. Cncl. Teefy questioned whether Cecil and Williamstown Fire Departments both have rescue pumpers. A member of the Williamstown Fire Department in attendance advised their new engines have rescue tools on them. Cncl. Teefy questioned whether Monroe Ambulance and Rescue handles all the heavy rescue and the support help would come from Cecil. A member of the squad answered yes and Cncl. Teefy went on to say that he always thought when we purchased these two new trucks that we were buying the multipurpose truck to save the township money down the road and that the organizations could work together to handle the problem. Cncl. Sebastian noted there is a difference between automobile extrication and heavy rescue and Cecil does not have everything on their truck that the rescue squad has on the heavy rescue truck here. At one time Cecil's heavy equipment was on their old rescue truck but when they went with the rescue pumper there was less room for their equipment much the same as when they got out of HazMat and they put that equipment someplace else. The ambulance/rescue squad runs heavy rescue, they can pop doors and take care of tractor trailer accidents or anything like that with their airbag systems and the heavy equipment they have for moving those types of things. In the normal motor vehicle accident where a car hits a pole the fire department can pop the door with their equipment and the ambulance has no problem with that but in a situation where multi vehicles are involved or a commercial motor vehicle that is where heavy rescue is needed and that equipment is what is on this truck. The problem is with the equipment that is required under heavy rescue certification in the State of New Jersey we cannot get all the equipment on our current truck, which has a seventeen foot, sixteen inch walk-in box. Cncl. Teefy noted Cncl. Sebastian was talking about the ambulance squad rescue truck but he was talking about Cecil who say they can handle heavy rescue and he suggested the members of all three organizations go into a room to discuss this and work together to figure it out. (At this time **Rescue Captain Warren Stewart** made a few comments while sitting in the audience but those comments could not be heard on the meeting recording). Cncl. Bryson went on to say from the Public Safety Committee's point of view there is an advantage to the ambulance squad operating heavy rescue however next year it might be taken over by the fire department but either

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way the bottom line is there is a possibility of saving well over \$100,000.00 if the truck is purchased this year.

F.) NEW BUSINESS

Cncl. Teefy noted restaurants can have a BYOB and he questioned whether a facility that does not serve food can also have a BYOB. Solicitor Fiore advised a facility that is not officially considered a restaurant cannot serve alcohol or people cannot bring their own bottle. Cncl. Teefy questioned then how does Collingswood do it. Solicitor Fiore advised they do not have an ordinance on their books so it is not regulated whatsoever there. Cncl. Teefy requested the township adopt some BYOB laws that would do something to help people that want to open up specialty shops such as an art studio on Main Street where people can BYOB. Mr. Fiore explained currently ABC looks at whether the municipality has an ordinance dealing with a non-licensed facility/restaurant serving alcohol. Restaurants are not permitted to serve alcohol without having a liquor license from the State but they can provide cups and ice to customers who bring in their own wine or beer. The specific question was in regards to businesses in some towns where people go to paint pictures for a fee and many times it is a BYOB type establishment. Mr. Fiore explained Cncl. Teefy spoke to him about it and indicated Collingswood does it so he looked at their municipal code and spoke to the mayor, who is also an attorney and he said there is nothing in their code that regulates that. Right now ABC regulations seem to tie an unlicensed facility being able to BYOB as a restaurant. Cncl. Teefy questioned whether anyone is enforcing that in Collingswood. Mr. Fiore noted they don't appear to be but no one is complaining about it there.

G.) OLD BUSINESS - None

(At this time Council reverted back to D. Ordinances for Review)

- **Salary Ordinance Shared Services Agreement - Tax Collector**

Cncl. Sebastian questioned if discussion on this salary ordinance gets into personnel issues would Council need to go into Closed Session. Solicitor Fiore indicated he spoke to the Business Administrator late this afternoon on that and the person being discussed will be Joanne Potopchuk, who was not officially sent a Rice Notice but is in attendance and is okay with having this matter discussed in an open forum. Council can discuss positions that may be effected by this without individual names and for the record Joanne is going to waive any Rice requirements.

Business Administrator, Kevin Heydel advised in attendance this evening was Franklin Township Business Administrator, Debra Fourre and Lou Gonzales, Deputy Mayor regarding the shared services agreement between Monroe and Franklin Townships for the services of a Tax Collector. Prior to being the Franklin Township Business Administrator Mrs. Fourre worked with the Special Investigative Unit for the Office of Comptroller for the New Jersey Treasury Department and as business administrator in Mt. Laurel and in Washington Township.

Franklin Township Business Administrator, Debra Fourre extended her appreciation to Council for allowing her and Deputy Gonzales to attend the meeting to discuss the shared

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services agreement. She noted the Franklin Township Committee is very appreciative of Monroe Township having this conversation with them and has held many closed session meetings to discuss this agreement and is in total support of it. She also extended her appreciation to Kevin Heydel for working with Franklin on this and allowing Joanne to come to Franklin to help and for training the person they hired who was certified but not experienced. She went onto explain how Franklin Township's Tax Collector of seventeen years retired, which caused the township to advertise for that position through the Tax Collector's Association and newspapers. Six or seven certified candidates responded and out of them one license was suspect, two people had never done the job, others were well out of the township's price range and others worked in other townships and would have been unable to handle the duties in Franklin as well as their current town. She explained the township is looking for an individual that holds a Tax Collector's License to ensure the tax collection rate stays high and after speaking with her township committee they authorized her to reach out to Kevin regarding a shared services agreement. She noted when Council was discussing sharing services for the zoning enforcement she and the deputy mayor agreed that they would love to share those services because they are working through property maintenance issues as well. She went on to explain the tax office should have one employee for every 4,000 line items but Franklin Township had one employee for 8,000 line items. Kevin tried to convince her two full time people were needed but the township has inherited a budget that was decimated in 2010 and is now critically short staffed in many areas. Franklin only has four police officers on the street at one time for fifty-seven square miles, Public Works only has thirteen full time public employees and the township picks up trash and recycling so it is really decimated and is trying to come back from that. After speaking with Kevin it was agreed that the tax office could be handled with one and a half qualified people and based upon that discussions took place regarding how the arrangement might work with Monroe being the lead agency for this year. A comfortable solution that the Franklin Township Committee feels will meet our needs and falls within our budget restraints was reached but the decision is now up to the Council of Monroe.

Cncl. Bryson noted in the memorandum he received from Kevin he didn't notice any provisions in the event employee cost to Monroe increases each year. Ms. Fourre explained last Wednesday Kevin, Tax Collector Joan Rumpf-Lee and her had a conference call to the DCA who told them that an agreement should anticipate future years by including a 2% cost escalation. This agreement expires in a twelve month period so that is something that can be talked about in the event the agreement goes on longer. The Franklin Township Committee is interested in reviewing this after one year just to make sure everyone is satisfied with it, that it is working and to see if there are any errors in the arrangement that must be corrected. **Cncl. Bryson** noted his second question was going to be regarding a termination date because of his concerns with the agreement the township entered into with the county for tax assessment. He felt Monroe Township taxpayers really got penalized with that agreement because our tax assessment went in stages and those that did not get a tax adjustment during certain years got a considerable tax increase and it is still not 100% at this point in time. He felt a one year agreement would be fine so that if it does not work out for both sides it can be amended. **Mr. Heydel** indicated there is a 90 day termination provision in this agreement. **Cncl. Bryson** questioned whether Franklin also uses the County for tax assessment. Ms. Fourre replied yes, every town in Gloucester County is

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required to participate in that program. She noted Council and the Franklin Township Committee are not being forced into this shared services agreement; both municipalities have their say in what should be in the agreement.

Cncl. Teefy questioned whether the 90 day clause was to agree or not to agree to move forward next year. **Mr. Heydel** replied no, we want this to start now. **Cncl. DiLucia** felt that language dealt with reappointment. **Solicitor Fiore** explained that means the agreement can be terminated by either party upon written notice but he recommended that language be clarified because **Cncl. DiLucia** is bringing up a good point saying the 90 day notice is not to renew. **Cncl. DiLucia** explained if the agreement has a twelve month term there can be an automatic termination upon a 90 day notice to the other party or within 90 days of the termination of the agreement a notification of your intentions for modification and that is what needs to be clarified. **Mr. Heydel** explained he discussed with **Debra** how this would be handled once this agreement expires and whether or not to include a 2% escalation because what happens if things go up 3%; we would then be stuck with the 2%. **Cncl. Teefy** noted he was not worried about that but he was concerned that the township is taking a challenge on this because it has only been done in two other townships. He added we are not saving a lot with this today but looking down the road we may be able to have one tax collector for two towns. That would be a nice savings for us but we won't know how this will work out until the peak tax period in August next year when the two townships are working together to handle over 20,000 line items. At the end of August we will need to see how the people who are doing the work feel about this, if it needs to be tweaked or whether it can move forward. We need to know because the 90 days will end on September 30th and we would have to notify the other township in June to say we want in or out but we really won't know until we go through that period in August. He added this agreement is a good thing and he would like to move forward with it. **Mr. Heydel** explained the purpose of shared services agreements is not to make the municipality a lot of money. What we want to do is to make sure our taxpayers are protected because we need to look at whether it is costing us and whether Franklin Township is benefiting on our tax dollars. The way we structured it is the way we planned out the cost and the payments and we agreed upon \$40,000.00. He noted Monroe Township is fortunate because we have three very experienced people in our Tax Office that are certified and if you put their years of service together it amounts to over sixty years of experience in that office. When we first looked at sharing services we looked at our tax collector splitting her time but she will be retiring in two years and another person in that office will be retiring in three years so in retrospect our tax collector said she would rather focus in on our township. He explained in looking at our collection rate if it changes half a percentage it affects our budget and this year we need to find an extra \$319,000.00 because of a change in collection rate. **Mr. Heydel** went on to explain how **Ms. Fourre** and the Deputy Mayor interviewed the two very technical people in our Tax Office and how between that and the phone calls to the DCA made their decision on who would take the position. The benefit to our township is that it helps in our succession plan for the person stepping into the role of tax collector, as it will give her experience as a tax collector. Another benefit is that we are replacing the hours with a new part-time person. The two Tax Office employees that have technical experience will handle the more technical work and the uncertified part-time person will perform all the rudimentary jobs and gain experience over the next two years to be able to move into a full time position when the other

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employees retire. This is really good for us and it is an excellent business model for Franklin Township. Mr. Heydel noted in Council packets he provided copies of agreements between Point Pleasant and Barnegat but that agreement is not as involved as the one between Monroe and Franklin because that is just for use of the Tax Collector License to sign documents. We have a comprehensive model that can be used beyond Franklin and Monroe and Mr. Heydel noted he is very proud of the work we are doing here. He provided budget numbers, calculated everything from salary, FICA to benefit costs and looked at the current cost of our Tax Office without this plan and factored in this plan. He found the cost went from \$248,000.00 to \$240,000.00 so this is a good deal for our taxpayers and a great deal for Franklin taxpayers because it matches the budget constraints that they are unfortunately faced with. It also supplies a model for possible future shared services agreements between the two townships. Ms. Fourre added Franklin Township believes this agreement will make our tax office better than it was before. **Cncl. DiLucia** agreed that the main purpose of a shared service agreement was not totally financial but he noted we must look at the finances because the cost of services eventually affects taxes. He noted he reviewed the information provided and talked to Mr. Heydel extensively about this and felt it at least breaks even and if nothing unforeseen happens it will probably be about \$1,000.00 to the good in our budget. He pointed out that one reason this was able to happen was because the part-time employee being hired would not require health benefits, which could range from \$15,000 to \$25,000.00 in additional cost so we have to be careful not to let that employee work thirty hours per week, as the collective bargaining agreement requires health care benefits for all employees working thirty hours per week. Another thing he noticed was that Kevin called the \$8,000.00 and \$1,000.00 a stipend and you must be careful with that because at least one person in that office is under a collective bargaining agreement and you must get some understanding with the collective bargaining agents that if that job or this agreement disappears that money is not part of her rate. He noted he asked Kevin to contact the collective bargaining agents to let them know that the \$8,000.00 and \$1,000.00 is not a stipend under township terminology a stipend is normally given for an additional appoint by the mayor. This is additional monies in consideration of a job they are doing and if that agreement disappears that stipend disappears. Mr. Heydel indicated he did call the union representative and she was okay with it and said if anything else comes up she will sit down with the township and work it out. **Cncl. DiLucia** requested Mr. Heydel send the union a memorandum of understanding on that issue so there is an archive of it for the future. Mr. Heydel noted he would do that. **Cncl. Sebastian** questioned if there were three individuals in the Tax Office now. Mr. Heydel advised there were three full time and one part-time but the part-time person just moved into another position so that part-time position must also be filled. **Cncl. Sebastian** noted when the part-time person is hired the Tax Office will have three and a half people but one person will work in Franklin Township twenty hours out of the forty hour week, which is the same as half person and that make the office again staffed at three full time people. Historically during tax quarters an employee from another office assisted with work in the Tax Office on a temporary basis due to the volume of work coming into that office. He questioned if a stipend is being offered to the two people in the Tax Office because of the additional work from Franklin Township would that temporary employee be offered additional money as well. Mr. Heydel explained the purpose of the stipend is to address the existing members in that office whose work functions are going to change and who is responsible to provide training support to Franklin. If the part-time employee that was

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previously in that office was still there she would not have been eligible for the stipend because she is not a certified person or qualified to provide training support to Franklin nor is that person's job functions changing. The new person that will be hired for twenty hours will not get the stipend because she is not providing any support or training for Franklin and she would only be holding the rudimentary job functions. Only the two certified employees that perform the technical job functions will be getting the \$1,000.00 stipend because their job functions will change. The job functions of part-timer employees and any employee brought in to assist during the tax quarter will not change, they will be doing the same process that they do now. He added he is not adverse to it if Council wants to do something for an employee that helps out during peak periods but he felt it would not be fair to the full time employees getting the \$1,000.00 to give a \$1,000.00 to someone who works in that office 80 to 100 hours a year. Cncl. Sebastian noted he was not talking about the price but he was saying that the only reason another person would be sent into that office was because of the influx of calls from Franklin Township. Mr. Heydel advised they would not be down there because of Franklin Township calls, they would be down there because it is a high peak period when tax payments are coming in. Cncl. Sebastian noted he understands that but the number of personnel is being increased so technically if Franklin Township was not involved and we had the current number of employees, one of which was another part-time person instead of a full time person they would be able to do the job of Monroe Township. Now that Franklin Township and additional stipends are involved for two individuals handling phone calls for Franklin Township instead of working on Monroe Township's work during peak hours it might be necessary to bring in another staff person so why wouldn't they be offered additional monies. Mr. Heydel noted he would not be averse to doing that if that's what Council wants to do. Cncl. DiLucia noted what Kevin is saying is if you factor out \$1,000.00 for a full time employee who works 2080 hours per year it is about 48¢ an hour so if we want we could have a prorata fee of 50¢ an hour for every hour they are assigned to that job. Mr. Heydel felt the way to address that would be to include in the salary ordinance a minimum and a maximum range to give flexibility in prorating the stipend. Solicitor Fiore agreed the salary ordinance should include a minimum and a maximum. Cncl. DiLucia noted there already is a minimum and a maximum in the range because the person being hired now is going to get much less than the person they are replacing. He was not sure what the starting salary was going to be but he felt that it would be somewhere above the minimum range, which is \$14.00 per hour. Cncl. DiLucia felt the \$1,000.00 could be prorated so if someone works there 100 hours they would be given 48¢ an hour. He felt nothing else was needed but there should be an understanding under the collective bargaining agreement that when someone is assigned to work of a higher nature they will be compensated for it. Mr. Heydel addressed that issue explaining when a person from another office comes in to assist with that work they are given "out of title pay" according to the contract, which states when a person works out of title in a higher classification job they will be paid the next step above what they normally make. If they are at the top of their classification they will go to a higher rate in the next classification. What Cncl. Sebastian is addressing is that because we are going to a shared services agreement and people in the office are getting a stipend then people brought into the office should be eligible for the same exact stipend. Mr. Heydel noted if that is what Council wants that can be included in the salary ordinance but it does not need to go into the agreement. Solicitor Fiore added contractually they would be given the higher rate in the next step and then the stipend too. Mr.

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Heydel replied yes, they would be getting the contractual 43¢ plus the 48¢ stipend. Cncl. Teefy noted that would cost money so let's move forward with what we have here. Mr. Heydel noted for 100 hours that would be \$400.00. Solicitor Fiore questioned whether that would have to be offered across the board under the collective bargaining agreement. Mr. Heydel felt it would not, that it was limited as the one person brought in would have seniority and the others in the office were in a higher class. Cncl. Sebastian noted he had no problem with that as long as we were dealing with apples to apples because a stipend is being given to two people that are not moving out of position, they are just anticipating more work. Mr. Heydel explained they are basically supplementing the agreement in some way, shape or form. Cncl. Sebastian noted he has no problem with that but there should be equality regarding the stipend or increase per hour. Mr. Heydel noted if that is what Council wants to do the ordinance would need to be changed to a minimum and maximum to give the flexibility to pay 48¢ or 50¢. Cncl. DiLucia felt there should be more discussion on the stipend and he questioned whether it would hold up this agreement. Mr. Heydel advised he needs the salary ordinance in place in order to pay the employees that are currently doing the work, as the agreement is affective October 1st. Solicitor Fiore advised this ordinance could be amended to include the range. Cncl. Sebastian noted Council can approve this ordinance as it is and then amend it later if we need to bring another person into the office during peak periods. Mr. Heydel noted the problem is he may be requesting that person November 1st because he is down one part-time employee and he has not hired the new part-time employee covered under this agreement plus he is losing one employee twenty hours a week. Solicitor Fiore noted the ordinance would be going for first reading at the October 13th meeting so he could prepare the ordinance reflecting the range for that meeting and he questioned what the job title would be. Mr. Heydel replied the job title would be office support staff and the range should be \$400.00 to \$1,000.00 as that would give him flexibility.

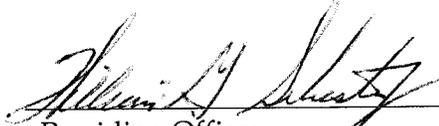
Cncl. Teefy made a motion to move forward the proposal of the ordinance that Kevin has put together. Cncl. Pres., Garbowski seconded the motion. Mr. Heydel requested that discussion regarding the contract and a resolution to approve the contract be scheduled at the Work Session Meeting of October 13th. Cncl. Sebastian polled Council regarding Cncl. Teefy's motion and all members were in favor of moving the proposed ordinance forward. Solicitor Fiore questioned what the range was going to be and Mr. Heydel replied \$400.00 to \$1,000.00.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Bryson made a motion to adjourn the Ordinance Committee Meeting of October 1, 2014. The motion was seconded by Cncl. Pres., Garbowski and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Deputy Clerk Sharon Wright, RMC


Presiding Officer

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These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of October 1, 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 *JW* Date 11/12/14
Approved as corrected _____ Date _____