

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MARCH 4, 2015

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. Marvin Dilks** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (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. Heffner 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. Rich DiLucia	Present	
Cncl. Bob Heffner	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Marvin Dilks	Present	
Mayor Daniel Teefy	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:02 PM)
Solicitor, Charles Fiore	Present	
Director of Public Safety, Jim Smart	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Heffner made a motion to approve as submitted the minutes of the Ordinance Committee Meeting of February 4, 2015. The motion was seconded by Cncl. Miller and unanimously approved by all members of Council.

C.) PUBLIC PORTION

Cncl. Caligiuri made a motion to open the Public Portion. The motion was seconded by Cncl. Heffner and unanimously approved by all members of Council. With no one wishing to speak Cncl. Bryson made a motion to close the Public Portion. The motion was seconded by Cncl. Miller and unanimously approved by all members of Council.

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D.) ORDINANCES FOR REVIEW

• Salary Ordinance - Human Resource Officer

Mayor Teefy explained his original request was for the Human Resource Officer salary range to be higher to allow for growth. Council placed it at \$73,600.00 but he would like \$75,000.00 to be the top range with no retro increase from January 1, 2015. Cncl. DiLucia explained the \$73,600.00 was calculated by increasing that position's previous range by 2% for 2012, 2013 and 2014. It should not be \$75,000.00 because nobody else within the municipal payroll is getting a raise, as salary increases are yet to be negotiated for 2015. If you say the job is worth that much you are cherry picking and doing a survey as to where a job should be properly slotted opens up a whole can of worms. Cncl. DiLucia noted his feeling is the increase should be the 6% on top of the rate of three years ago. Then if the other employees are given an increase this position would be increased at that time and he would not oppose it being retroactive, as that is something that has traditionally been done. Cncl. Bryson agreed \$73,600.00 was a good number and he didn't want to increase it. Cncl. Caligiuri questioned what Human Resource Officers are paid in other municipalities. Mayor Teefy explained that salary is different due to the size of towns and not everyone is called an HR officer. There are different titles for that position but they are all in the \$70,000.00 to \$95,000.00 range depending on the size of the town. Cncl. Caligiuri noted Monroe is the second largest town and he questioned whether Mr. Heydel had a feel for what the position is worth. Mr. Heydel noted he previously addressed his concerns and is now satisfied with the \$75,000.00 with no other increase if that's what the Mayor wants because it would be at that or better once Local 1360 and the Supervisor Contracts are negotiated. Those contracts will probably be increased by 2% for 2015 and this position is more or less categorized within that realm so the \$73,000.00 would be increased to \$75,000.00 at that time anyway. Cncl. DiLucia explained the significant difference is that you are now classifying this as a job re-evaluation and that is the key. When you take it outside of what it would be in the salary range you are saying this job is worth more on its merits by comparing it to jobs in other townships. Cncl. DiLucia warned that would open up a door that would not be able to be closed under collective bargaining because if he was the chief spokesman for the union, he would do a survey of what jobs pay in other towns and would say "me too". Cncl. Heffner agreed with Cncl. DiLucia; noting that was his concern as he has dealt with union issues as well and if that door is opened, it will allow everybody to be subject to this. He added we are going to arrive at the same number no matter what happens it is just a matter of how you get there. Cncl. Caligiuri questioned if this position is part of the Supervisor's Union. Mr. Heydel replied no and explained the HR position is not allowed to be in a union or an association. The Personnel Assistant/Claims Coordinator, which is the position under the HR position was included in the Administrative Employees Association. Cncl. Caligiuri added so that employee is not protected by the union and pays no union dues. Mr. Heydel replied no but the employee does have Civil Service protection. Cncl. DiLucia reminded Council that three years ago when the third floor employees came to a council meeting requesting an increase before other contract negotiations were concluded Council took the position that if they wanted to bargain they should form an organization, which they did the next day. At that time the idea was not to let them jump ahead of the parade before union negotiations were concluded but once they were concluded, those employees as well as the HR person were given that increase. Cncl. Caligiuri questioned how the unions have leverage from an administrative position that is not covered by a union. Cncl. DiLucia explained it has

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nothing to do with the union because it is not something they can legally bargain, as we could say jobs not in a bargaining unit get nothing or even get a reduction. This is a separate issue because what we are saying is that we are going to evaluate a job and make a determination that the job is worth more than the structure and we are going to raise the salary because of the skill and ability involved in that job. He added that is fine if Council wants to do that but they must understand when that's done, a door will be opened. Every bargaining representative will say they have jobs paying more in other townships and a precedent will have been set when we acknowledged salaries from other townships as opposed to maintaining the relationship of our structure. The structure we have right now is supposed to be based on some rational reason and as an employer we have the same responsibility towards personnel practices to both the excluded and included people. The only difference is the people included have a right to bargain, the others don't have that right. What this is doing is giving someone a raise beyond the key sheet based on the job being worth more in the universe while taking the position that we are not going to allow collective bargaining units to do that when we don't have a legal right to stop them. Solicitor Fiore noted previously there were two people doing the job that one person will be doing now. Cncl. DiLucia explained there is a job description for that position and the employee can only do what the job description calls for. We pay them for what the maximum job description involves and it does not matter if one person takes on the duties of two or fifty people if the skill level does not exceed the top of the rate then they don't get a raise. Mr. Heydel noted the job descriptions of Personnel Assistant and Human Resource Officer have many of the same duties but the Personnel Assistant title did not include insurance/claims. The work was filtered out between the two people and when the HR Officer left the title of Personnel Assistant/Claims Coordinator was created in order to have a crossover between the two titles and one person was doing the job of two. Mr. Heydel explained his title is Director of Administration and that oversees all personnel so everything encompassed in Human Resources is encompassed in his title. Similar job descriptions are within each title because it helps to filter out the work but this work is not filtered because only one person is doing it. Cncl. Caligiuri noted now the HR person is a combination of two people so effectively it could be a title change. He questioned if the HR person previously handled claims. Mr. Heydel noted the HR position encompasses everything that the Personnel Assistant/Claims Coordinator does. Cncl. Miller noted the previous HR person had an assistant so he didn't do all the work. Cncl. DiLucia gave some history of the HR position explaining the person now being placed in the HR position was in a secretary title. When the HR person left Council was told the township could save a lot of money if that person was made a claims coordinator and given a salary increase from \$30,000.00 to \$45,000.00 or whatever the numbers were at that time and Kevin would do much of the HR work without an increase in pay. Kevin did not get an additional penny and is doing HR work because he handles negotiations, collective bargaining and hiring, which is HR work. Cncl. Miller questioned whether the goal was to get that position back to what it was now that the economy is improving and there are more responsibilities. Cncl. DiLucia added and that is why the salary should be \$73,000.00; 6% added to the previous range of \$69,000.00. Cncl. Miller noted comparable to other salaries in the area it would be at the \$75,000.00 range. Cncl. DiLucia explained if we are saying council is willing to view this job based on its merit being worth more as it relates to jobs elsewhere, then we will be opening up a great possibility of winding up with a total job re-evaluation defense because we will have to defend why we didn't look at every job that pays

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more than ours. He noted HR officer's salaries and job descriptions vary immensely and it is not his job to review their job description to accurately define the title. He agreed that if it is HR that person should be compensated at an HR rate and the way to get to that is by taking the \$69,000.00, the rate that was frozen in 2011 and adding 6% for three years. That person would then wind up with \$75,000.00 if there is a 2% increase in 2015. Cncl. Miller felt according to that scenario the township would wind up paying more than \$75,000.00 for that position. Cncl. Heffner added but we would not subject ourselves to issues down the road. Being involved in unions he knows exactly what Cncl. DiLucia is saying and this will get used against us. **Solicitor Fiore** questioned if the rationale Cncl. DiLucia was suggesting was to not look at what job the world does but to look at what that employee does. Cncl. DiLucia explained if we were creating a new job and we went out and looked at what the job paid in this area we could make the decision that it was a fair compensation but we are taking an existing job, which has not changed, just the person is changing. The Human Resource job has always been there and there was a rate for that job and that rate was frozen when the former HR person left. If you add the increases that everyone else received from the time he left the number comes up to a little over \$73,000.00 and then at the end of the year another 2% or 3%, whatever is given to everyone else, could be paid retroactively and that person will wind up with more money. Cncl. DiLucia noted he was not arguing over the money, as that is not the issue. He is concerned this will be setting a precedent, which will give every union representative the right to now come in and say they want a job evaluation with other towns and we will be forced to do it. **Cncl. Dilks** questioned whether they have a right to do that now. Cncl. DiLucia explained there is no precedent set now. **Mayor Teefy** questioned whether a union representative would go around to other towns for a comparison before he came in to negotiate a collective bargaining agreement. Cncl. DiLucia noted the only thing he can think of is that the union has bought into cooperating with the township since we have limited resources and need to hold down costs and they understand that the increases were given without effecting the structure. Once you effect the structure you effect total dollars because if you raise jobs you raise the dollar amount that it cost to fund it. There are two ways to negotiate; one by reviewing and re-slotting every job giving a raise beyond 2% or by saying inflation has been 2%, the township is held at 2% by the governor tying our hands at 2% or maybe 3% and we will agree to a 2% increase and that is what they have been doing for the last six years. Mayor Teefy felt then we could say to the unions you can get the same deal, we'll give you no retro and we'll freeze you at a certain number. Cncl. DiLucia explained that is a negotiable issue, you can say no retro will be given but they have a right to demand it, as that is part of collective bargaining. We cannot deny them once we do this we will allow collective bargaining agents to request regional or global job evaluations and they will go out and do one. Mayor Teefy noted but if it comes back lower we will not be able to cut their pay. Cncl. Miller noted in the past there was an assistant that helped the HR person. We no longer have that assistant so we can say this is a consolidation of positions so no one can come back and argue that they want a comparable salary. Cncl. DiLucia explained any position can be debated but at some point in time it will boil down to becoming a legal issue and then there will be no agreement through the fact finding and arbitration process. It will stand on merits and he felt no arbitrator in the world would say you can do an isolated job evaluation and not do them for a complete bargaining unit. Cncl. DiLucia noted he doesn't know how a lawyer would defend that because you have an obligation to treat employees fairly in terms of how increases are applied in job

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evaluations, there is no distinction by law. Cncl. DiLucia noted he just wanted to make his position clear whether Council agrees with it or not. He cautioned that if the salary for this position is increased to \$75,000.00 while we have a township clerk position making \$79,000.00 this will open up a can of worms because if you take those two jobs before an arbitrator and compare their job skills, ability and education, it will be hard to defend the \$4,000.00 spread. He explained our structure has historically been there and historically we have given increases that were uniform to the job. Now we are stepping outside of that realm for what reason he didn't know because we are exposing ourselves. If we don't do it that way most likely the person would get more than \$75,000.00 at the end of the year, so it makes no sense. He felt the person would understand and want to go that way if they were getting more at the end of the year. Mayor Teefy noted the Clerk makes more than \$79,000.00. Cncl. DiLucia noted she makes \$79,000.00 without her stipends. Cncl. McIlvaine questioned Mayor Teefy and Mr. Heydel on whether the employee was the one who looked at other towns or was that just brought up at this meeting. Mayor Teefy replied the employee looked at the other towns. Cncl. McIlvaine agreed with what Cncl. DiLucia was saying but pointed out the difference is the salary for this position was frozen for three years, this employee is going from one title to the next and we are just assuming that the last HR person would only have gotten 2%. We cannot assume that because he was not included in a collective bargaining agreement so he could have gotten more. He questioned whether he was correct is saying that no one in Monroe Township made more than Mr. Coles because if the Chief of Police got a higher percentage increase he got that as well. Mr. Heydel explained Mr. Coles had a contract that stated he would get the highest percentage rate negotiated for other employees. Cncl. McIlvaine questioned whether the township was sued because all the other employees felt they deserved to get what the CFO was getting. Mr. Heydel advised we did not get sued but there was a statutory position who did use that argument to make their case and they got the raise. Cncl. McIlvaine noted this salary was negotiated between the Mayor and the employee, as this person is going from one title to the next. He spoke of how the Police Department for years during contract negotiations checked the salaries of other police departments in Gloucester County and used that information during negotiations so he was not afraid of that. He added he also believes that since this position was frozen for three years and the employee is moving from one position to another how could another employee such as a Police Lieutenant ask for more money. This was not just a review of the person's work ethic or the quality of her work, this is a change in title. He added he understands what Cncl. DiLucia is saying but he does not see how this will come back on us. Cncl. Caligiuri noted Cncl. DiLucia is saying that title carries a certain salary and he questioned if it could be the same title if the position included the additional responsibilities being described. Mr. Heydel explained the way he is describing the job is that there was "X" amount of work that was split between the Human Resource Officer and an assistant that had the same job description embedded within her title. Now, all that work is being placed on one person so the question becomes are they going over and above what the original job description was since the quantity of work is more than what it used to be. Cncl. Caligiuri questioned whether the title could be changed to Human Resource Officer/Claims Coordinator. Mr. Heydel noted the Human Resource Officer encompasses that work. Cncl. Caligiuri spoke of his responsibilities as Vice-President of Sales and how he delegates and oversees the duties of various people in his organization. He noted if those people were not there and he had to perform those tasks he would expect to be compensated for it.

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Cncl. Bryson referred to Mr. Heydel and questioned whether the objective was to save money when the previous Human Resource manager left. Mr. Heydel agreed it was to save money. Cncl. Bryson noted at that time the employee was compensated to make it fair and we did it in a way that it would not affect other negotiations and if this is done the correct way it will give her more money. Mr. Heydel replied at that time this employee did not want to be thrust into the HR position, as she wanted to gain experience before absorbing work that was once spread out between two people. The history of this is a Personnel Assistant does not do claims work so we compromised and made a tier between a personnel assistant and HR person. She has now encompassed all of that work as well as additional work taking on the role of two people in one position. Cncl. DiLucia felt a solution to this would be to give her the \$75,000.00 based on the fact that we have created a new job of Claims Coordinator/Human Resource Director, as that would not expose the township to someone coming in and saying we did a job evaluation within the County. Mayor Teefy questioned whether that title is available. Mr. Heydel explained we have the ability to create local titles for the salary structure but the Civil Service title will be Human Resource Officer. Cncl. DiLucia added the salary would be \$75,000.00, the Mayor will identify the effective date and he (Cncl. DiLucia) would have no problem with that date being January 1. Mr. Heydel questioned how titles without bargaining power would get a fair raise for the work they do. In the past he and the HR person were not under an agreement but were given what everyone else got over the years. Cncl. DiLucia spoke of a discussion/disagreement he had with then Councilman Teefy when he questioned why the third floor employees had a Merit System since they did not belong to a union and at that time he (Cncl. DiLucia) had stated that was up to the mayor. Mayor Teefy stated he questioned that back in 2001 and was told he just didn't understand; that's just how it's done. He added he would like to get to a point where everyone's position is evaluated. Cncl. DiLucia spoke of sitting in on a grievance that went to arbitration regarding a job evaluation system. It took two months and at the end of that arbitration everyone was so confused because there was no rhyme or reason to a job evaluation system. There is no answer to how our structure evolved so let's not open up that can of worms. He added he has no problem with the \$75,000.00; it's not a matter of money. The Mayor makes that decision but we need to work inside a structure so as a Council we can say this is the basis we made the decision on and it needs to make some sense. Cncl. Heffner agreed with Cncl. DiLucia; adding he is not opposed to the \$75,000.00 he just does not want to open up that door because he has seen it opened in his situation many times. Cncl. Dilks polled Council and all were in favor of creating the title of Human Resource Officer/Claims Coordinator. Solicitor Fiore explained this will need to go back for First Reading and Publication due to the title and salary being changed. The Mayor and Council discussed whether the ordinance should be retroactive to January 1st, when the change would become effective and how the employee would be paid the new salary. Cncl. DiLucia noted if the employee is paid retroactive to January 1st she would get \$75,000.00 for the year but if it becomes effective April 1st she loses 2% off of her gross income. He explained that calculation and noted he is in favor of it being retroactive to January 1st so if the language remained the same in the ordinance the Mayor would have the prerogative to make it effective whenever he wants. Solicitor Fiore noted the ordinance says the range takes effect January 1st of each calendar year but it doesn't say that it is retroactive. It has always been applied that way because of contract negotiations but the Mayor has the discretion of making it whenever he wants. Cncl. Dilks polled Council and all were in favor of creating the title Human Resource

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Officer/Claims Coordinator with a salary range of \$42,000.00 to \$75,000.00 and leaving the effective date for this change January 1st, which would give the Mayor the discretion regarding the effective date for the increase. The ordinance will be prepared for First Reading at the March 9th Regular Council Meeting.

- **Chapter 175-135 "Signs"**

Mayor Teefy explained the Pinelands is adamant and will not certify the ordinance without the language they requested and have asked that if we have an issue like this again to give it to them early so they can work with us on the language. Without this ordinance we are leaving ourselves vulnerable so anyone could put these signs up. **Cncl. Caligiuri** explained the Planning Board's original objection to the ordinance was that the language the Pinelands requested required us to enforce their laws, which required existing signs to be taken down and we took exception to that. The Pinelands has since come back and said no that is not the case it is just when properties come back in for a CO and are out of compliance the sign would have to be removed. When they clarified their requirement it became more palatable and besides that they would really like us to pass it to conform with all other Pineland municipalities. **Cncl. Dilks**, noted this ordinance already went for First Reading so it would be going forward to Second Reading. The Deputy Clerk pointed out this ordinance was prepared last year by the Planning Board Solicitor and it states the Planning Board did not recommend the proposed changes. After reviewing the ordinance again the Board is now recommending Council adopt the changes so additional language stating the action of the Board needs to be added in the ordinance. **Mr. Fiore** advised those changes should be included and the ordinance could be moved forward for Second Reading. **Cncl. Dilks** polled Council and all were in favor of moving the ordinance forward to the March 9th Regular Council Meeting for Second Reading.

- **Chapter 175-127 "Limitation of Principal Uses"**

Mayor Teefy spoke of meeting with Sue Grogan of the Pinelands Commission regarding Main Street and she pointed out that our zoning ordinance for that area of town just has one primary use, which is Regional Growth-Town Commercial (RG-TC). Ms. Grogan recommended the ordinance be amended to mixed use to allow residential on the top and business on the bottom. Some buildings, such as the old Penn Jersey Store are grandfathered but the code would need to be amended to allow mixed use for anything new as well as manufacturing to allow the brewery company that is considering moving here. **Cncl. Caligiuri** questioned if a redevelopment zone overlay could be put on Main Street because then tax incentives and other special programs could be offered. **Mayor Teefy** noted that is right on and may be coming down the road. He then went on to say how the Main Street Committee was broken into four different subcommittees to look into things such as that. The Mayor and **Mr. Fiore** volunteered to be on the Legal Committee. **Cncl. Miller** advised Monroe Township qualifies for assistance from the New Jersey Redevelopment Authority, which provides money and incentives for planning and once the budget is done the Mayor and BA will see what assistance is available from them. **Cncl. Caligiuri** felt that to get those grants the township would need to hire a full time grant manager. **Cncl. Dilks** questioned approximately when the brewery would be moving in. The Mayor

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noted right now they are battling with the property owner because he is trying to get them to buy both properties and they only need the old Penn Jersey building. The property owner says he has another buyer that wants to buy both or wants to buy one but use the other for parking so there is a little negotiating going on right now. The dentist is also talking about microbreweries and we need manufacturing to do that. Cncl. Dilks questioned if we had anything from the Pinelands saying that's okay with them. Mayor Teefy explained there is nothing in writing it was more of a verbal discussion during the meeting, which Tim Kernan and Cncl. Miller also attended. Cncl. Miller added the Pinelands actually said the area that Main Street is in is the least restrictive of any area encompassed in the Pinelands so we have more authority and ability to do things there than in the Cecil area. Mayor Teefy noted Sue Grogan explained to them that many more exemptions have been included in their regulations and it was our Code that was restrictive in the Main Street area. Cncl. Dilks polled Council and all were in favor of moving the ordinance forward for First Reading at the March 9th Regular Council Meeting. The Deputy Clerk noted usually Chapter 175 ordinances are sent to the Planning Board for review and recommendation prior to First Reading and she questioned if she should send this to them. **Mayor Teefy** noted the Planning Board has discussed it and he requested that it be streamlined by holding First Reading on March 9th and then sending it to the Planning Board for review at their March 12th meeting. The Deputy Clerk also questioned who would be drafting the Land Management ordinances, the Township solicitor or the Planning Board solicitor. **Mayor Teefy** requested Mr. Fiore to draft this ordinance and then during Friday's meeting that issue can be discussed with Mr. Fiore and Mr. Rocco, the Planning Board solicitor. Mayor Teefy requested Mr. Fiore send a copy of the draft ordinance to Mrs. Farrell and Solicitor Rocco.

- **Capital Ordinance - Irrigation Improvements Owens Park**

Business Administrator, Kevin Heydel advised he sent a copy of the proposal from ARH to members of Council. It deals with a Green Aces grant/loan of \$140,000.00 that was applied for approximately five or six years ago. Our Open Space Inventory has been completed and Green Acres has now approved this project but certain costs outlined in the ARH proposal are not covered. Mr. Heydel requested \$35,000.00 be taken from the Parks and Recreation Developer Fund, which has a balance of \$196,000.00, to cover the remaining cost of the project. The remaining balance will be approximately \$161,000.00 but that account is still being replenished by Beazer Homes, currently the only active development. The Green Acres funding includes a \$70,000.00 grant and \$70,000.00 loan at 2% interest. The funds will be utilized for the installation of an irrigation system on two existing football fields, one baseball field and various landscaped areas within Owens Park. **Mayor Teefy** noted if there are any extra cost associated with this he will talk to the Board of Education because they will be using these fields for night games. He reported in the future additional funds will be coming into the Parks and Rec Fund in the amount of \$310,000.00 from Hamilton Green, \$288,000.00 from Country Village located on Whitehall Road, \$306,000.00 from Philadelphia Suburban Development located on Malaga and Winslow and \$205,000.00 from Morgan Landing but there will be no new money coming in from the Steve Smith property. The Planning Board cannot demand money for the Parks and Rec Fund but can ask and the developers have been donating. **Cncl. Dilks** questioned if money was still coming in from Fazzio. Mayor Teefy noted that was the Steve Smith money and he is looking for another

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three year extension. Mr. Fiore recommended that site be looked at because they are now off-loading trucks and soil mining that property and from the aerial you can see a huge gravel hole, which was never there before. Mr. Fiore noted he contacted the County about it and was told it falls under the Right to Farm Act but he felt it goes beyond that because it's causing water problems for residents on Flanagan Avenue. He had no problems on his property but some of his neighbors and the houses on Orchard Avenue were flooded during one of the major storms last year. The County was contacted about it and Mr. Smith indicated at that time the hole was previously there. Fazzio has some type of deal with Smith to use his property and is contributing to the Parks and Rec fund but the property looks like a junkyard with twenty unlicensed vehicles on it at the intersection of Fries Mill and Glassboro Cross Keys Road so it should be looked into. Cncl. Bryson questioned whether this was a Capital Ordinance that would be bonded for. Mr. Heydel replied no, this money is coming from the Developer's Trust Account but anytime that money is used we must come to Council to request it be moved from the trust account into a capital account to fund the capital project. Cncl. Bryson noted he wanted to see how much headroom we had in our borrowing capital because we need roads repaved in the township. Mr. Heydel explained the headroom can be looked at in the percentage of debt it is measured against and we are very, very, very low as far as that measurement. He added he has been talking about our debt payments and how much a capital plan adds to the yearly operational budget and that is where we are getting slammed. Cncl. DiLucia requested clarification on the amount of the grant. Mr. Heydel explained the Green Acres grant is \$70,000.00 and the loan is \$70,000.00; they do a 50/50 match but we don't need to put any money up they give it to us in a twenty year loan. The entire project will cost \$168,000.00 so the additional money needed will come from the Parks and Rec Developer Trust Fund. Cncl. Dilks explained the final cost of the project could be lower. Mr. Heydel agreed, adding the engineer included a little additional money for water allocations. Cncl. Dilks polled Council and all were in favor of moving the ordinance forward for First Reading at the March 9th Regular Council Meeting.

- Chapter 262 "Towing"

Solicitor Fiore requested Council review the Towing Ordinance and send their suggestions to the Clerk's Office for either the Ordinance Committee or a committee of Council to discuss. He also recommended the Police Department be requested to identify areas they believe should be changed since they are the most knowledgeable about this issue. Cncl. Bryson questioned what suggestions came out of the last litigation. Mr. Fiore noted four towers are on the list for the remainder of this year into next year and it came down to how the law was enforced and the procedures in place. He indicated he is confident it is now being handled differently, as protocols have now been set up with the Chief and Public Safety Director and if there is a complaint on the street it must be immediately reported. Jim Smart will be reporting about one at the end of the week and will be recommending certain action be taken against a tower regarding an incident that should not have happened. Cncl. Bryson questioned if Council is basically on our own again with this ordinance. Mr. Fiore explained there are many good ordinances in our Code but they have to be enforced expeditiously; things can't linger especially when it involves safety issues whether it be a tow truck or something else you need to act upon it very quickly. Cncl. Dilks felt the Council President should establish a Towing Committee to

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address any suggestions Council may have and then they should meet with the Police Department. **Mayor Teefy** reminded Council to send only one email, as there should be no rolling emails sent between Council members.

Cncl. DiLucia questioned whether Mr. Fiore and the Police Department arranged a presentation of the Rapid System. Mr. Fiore advised Det. Sulzbach was off for a few days but is now in the process of arranging it.

E.) MATTERS FOR DISCUSSION

Cncl. Miller questioned whether Council could revisit the social media issue to possibly get a Social Media Policy on the books like the County has. **Mayor Teefy** noted the Police Department and Fire Department adopted one and Council started looking into the issue but never adopted an ordinance for one. Mr. Heydel advised we don't have a social media policy but we do have an email policy in our handbook. **Mayor Teefy** added he would firmly support a social media policy and would send a letter to the employees about it. Mr. Heydel requested that letter also be sent to the quasi-employees.

Cncl. DiLucia noted during the Open Space Committee Meeting he was asked when the township would be putting together a Master Plan, as they would like to be included in the process. **Mayor Teefy** noted he would email them to come in around May or June.

Cncl. Dilks reported he received a request from Fire Chief Jacobi to amend Chapter 87 "Alarms" to allow a fire official/fire inspector to issue warnings/violations for false alarms or nuisance alarms. Mr. Fiore noted he looked at this quickly today and didn't see any statutory preclusions to doing that but he would like to look into it a little further and if acceptable they can be included in the ordinance. The titles of fire official, fire inspector and fire chief would also need to be defined in the definition section of the ordinance so we don't have all the firemen writing tickets. Mr. Fiore noted in reviewing Chapter 87 he found the ordinance to be somewhat antiquated as technology has changed since this ordinance was adopted. **Cncl. Miller** explained there have been instances when the Fire Department responded to the same residence or school multiple times and the problem has never been corrected. If the problem is not fixed this amendment would give the fire chief the authority to issue a violation because false alarms are a nuisance and a waste of township resources. **Cncl. Caligiuri** questioned if Council can give law enforcement authority to fire officials. **Director of Public Safety, Jim Smart** advised Washington Township and Deptford Township fire officials have that authority and over the holidays they make a living issuing fire lane violations at stores. **Cncl. Bryson** referred to Chief Jacobi's email regarding fire lane violations behind shopping centers and suggested the Township Code be amended to require fire lane designations behind the stores as well as in the front. **Cncl. Caligiuri** questioned whether that would be covered under RSIS standards because if it is that could be done but if it's not then it can't. Mr. Fiore explained State Statute designates where fire lanes must be located. What Chief Jacobi is saying in his email is that people are parking in the marked fire lanes behind shopping centers. Mr. Fiore added existing fire lanes can be enforced but unless fire lanes were part of a site plan nothing can be done now to add them. **Director Smart**

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E.) MATTERS FOR DISCUSSION (cont'd)

advised fire lanes are clearly marked and the Police can enforce the law right now. Buildings such as Carino Park have certain no parking areas where the standpipe hookup is but primarily fire lanes are in the front of buildings for ingress/egress. He noted as long as those parking lots are under Title 39 there is enforcement by the Police Department at any given time but the Fire Chief is requesting to have that enforcement fall under the Fire Inspectors as well. Mr. Fiore noted he would prepare a draft ordinance for the next Ordinance Committee Meeting.

Mayor Teefy noted Gloucester County Institute of Technology contacted him requesting three old vehicles that their students could refurbish for the Gloucester County Resource Officers to use. According to Bob Avis there are about twenty old vehicles at the yard that the school could choose from and purchase for \$1.00. Council questioned what is usually done with those old vehicles and Mr. Heydel advised they are auctioned off. The Mayor questioned whether there were any SUVs at the yard because EMS Chief Tom Accoglio has requested a command vehicle for his staff. Nancy has his old one, he has the new one and they need another one because at times they take them out instead of an ambulance. If we have any maybe the kids from the Gloucester County Institute of Technology could repair them for us if we give them the other cars they want. He added he is not into buying a new command vehicle but he would have one retrofitted. **Cncl. McIlvaine** noted the last time he was at the yard there were two Yukons from the Williamstown Fire Company, a beautiful Suburban from the Cecil Fire Company and some Explorers from the Police Department. Mayor Teefy requested Mr. Fiore prepare a resolution for the March 9th Council Meeting for the donation of the vehicles to the school. **Cncl. McIlvaine** questioned whether we needed to pick specific vehicles to include the Vin Number in the Resolution. Mr. Fiore replied no, he would just make the resolution generic and say at the selection of the township so they can be given the choice.

Solicitor Fiore noted the Parks and Rec Committee requested him to review the issue of political groups in parades. He is reviewing the Skokie, Illinois case, which involved Nazis' saying it was against the Constitution to preclude them from participating in a parade. He is looking at that case very closely to see if constitutionally we can preclude someone running for office and professing a message from participating in our parade. **Cncl. Dilks** questioned how could we deny a President Elect from participating in our parade so either we leave it in or take it all out. **Cncl. Bryson** noted he was under the impression that during parades no one can have political signs or do any politicking but at the last Halloween Parade the County took over with balloons and signs. He felt this would be a good idea because that was embarrassing and many residents questioned him on why they were permitted to do that. **Cncl. Miller** explained parade participants cannot hand out campaign literature but to his knowledge we cannot block someone from handing out balloons with the candidates name on them, as that would be a violation of the individual's rights. Mr. Fiore indicated elected officials can walk in the parade but people running for office can't. **Cncl. Miller** felt people can't be prohibited from participating in the parade but we can prohibit them from doing any form of electioneering or handing out campaign literature. Mr. Fiore questioned whether elected officials throwing out candy was a form of campaigning. **Cncl. Miller** replied no, electioneering is when you give people an actual piece of literature that gives the talking points of the candidates and says vote for them. **Cncl. Heffner** explained the Parks and Rec Commission does not have a problem with local or County

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E.) MATTERS FOR DISCUSSION (cont'd)

incumbents walking in the parade but don't want them to advertise if they are running for re-election. The Commission does not want to allow candidates in the parade that are not incumbents because then the parade becomes political. For years we didn't have this problem but now this town is becoming a hotbed and we have more people campaigning than we have floats and that is embarrassing. Cncl. Miller explained other municipalities allow current office holders to walk in their parades and they may have a car following with a sign identifying the person but it doesn't say anything about voting. Cncl. Dilks questioned how vendors at the parades are handled. Cncl. Heffner explained they go through Jim Bonder's office to get a permit and the Commission members check to make sure all vendors have that. If they don't we ask them to leave. This year a vendor was asked to leave and when he refused the police were called to escort him out.

F.) NEW BUSINESS

Cncl. Heffner requested Mr. Fiore to review the ordinance dealing with motorized vehicles as there are issues with them at Wagner Field and at the old ATS Training Center on Malaga Road. The problem is residents in those areas are getting hammered by ATVs and motorcycles driving across their properties so we would like to put signs up and fence areas off. Then instead of the police chasing kids through the woods they would be able to ticket the drop off vehicles, which are trespassing on township property. Council also discussed the local business, which is using the ATS property to train tractor trailer drivers. Mr. Fiore questioned whether those properties were posted because if they are people could be cited under State Statute for trespassing. Mr. Heydel noted Wagner is a Green Acres park so what happens if they park their vehicles by the tennis courts. Cncl. Heffner noted we have a right to designate parking areas and if they park legally the ATV still has to come back to that vehicle so this gives the police a tool to find the riders instead of chasing them through the woods. Cncl. Heffner noted every time a gate is put up at the ATS site they cut the lock to get in but there are no signs there so we can't enforce something that has no signage. If signs are put up and the gate is locked and vehicles still go in then they should be ticketed. Solicitor Fiore noted according to Chapter 203 "*Motorized Recreational Vehicles*" it is illegal to have a motorized vehicle in the parks and recommended that additional language be included that would also place a violation on any vehicle transporting ATVs. Cncl. Heffner noted he wants to see tickets issued to anyone crossing the line designated for parking. Director Smart spoke of people walking their dogs at Wagner Park and noted the police are tossing around the idea of using that park for their canine training so that would work hand in hand with what Council is trying to do there.

G.) OLD BUSINESS

Cncl. Miller noted there has been much discussion about the Dropbox Program, which he felt would be much easier than downloading emails. He explained public information such as agendas, resolutions and ordinances can be put into Dropbox, as it is protected via password but confidential information would still be sent to the Township email accounts. Cncl. Bryson felt if the email system is utilized Council won't need to worry about confidential and non-confidential things being sent. He noted he uses Dropbox for work and personally doesn't care for it and would rather use his email. Cncl. Miller noted he is just trying to make life easier but if

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G.) OLD BUSINESS (cont'd)

no one wants to use it we don't need to. **Mr. Heydel** spoke of using Dropbox when he received large files regarding the sports lighting and explained that when the Clerk's office sent him the meeting packet he had to delete those large files because a screen came up with the cost of how much he would pay to accept the new information. **Cncl. Miller** explained there is a space limitation but how often are you going to go back to Ordinance Committee meetings from four months ago to pull up files. He noted he uses this program at the college and it is so easy compared to how he previously received information. Each person is given 5 gigabytes but as more people are added to this account the storage is increased. **Cncl. Bryson** noted the point is why do we want to go to another system when the email system we are already use is effective; it is not old fashion. **Cncl. Miller** explained this is the newer age that people are moving to and is what most organizations are now using. **Cncl. Bryson** felt *new* does not make it better and Council would still have to go to email for confidential matters so he personally would go back to paper if Drop Box is used. **Cncl. Dilks** added he likes the email system as well. **Cncl. Miller** indicated that is fine so he would tell the Clerk to go back to the old way because he does not want that office doing additional work. **Cncl. Caligiuri** stated if the Solicitor would send the resolutions and ordinances to the Clerk's Office in a PDF format the file would be a fraction of the size it is if the clerk has to scan it. The Deputy Clerk explained Mr. Fiore's office does not number the resolutions/ordinances so when it's sent as a Word document that can be done in the Clerk's Office or if something needs to be changed we can make those changes. If the documents were sent PDF we would not be able to do that. Once the Council packets are prepared everything is scanned into the system and sent to Council in PDF format.

H.) ADJOURNMENT

With nothing further to discuss **Cncl. Heffner** made a motion to adjourn the Ordinance Committee Meeting of March 4, 2015. The motion was seconded by **Cncl. Miller** 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 March 4, 2015 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted *AW* Date 4/8/15
Approved as corrected _____ Date _____