

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
APRIL 6, 2016

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:15 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: South Jersey Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. Dilks led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walt Bryson	Present
Cncl. Frank Caligiuri	Present
Cncl. Marvin Dilks	Present
Cncl. Rich DiLucia	Present
Cncl. Bart McIlvaine	Present
Cncl. Cody Miller	Present
Ord. Chairman, Bob Heffner	Present
Mayor Daniel Teefy	Present
Business Administrator, Kevin Heydel	Present
Solicitor, Charles Fiore	Present
Deputy Clerk, Sharon Wright	Present

Cncl. Heffner advised at the request of Sgt. Burton the Towing Ordinance will be removed from the agenda as some of the towers were unable to attend this meeting. We are giving the towers this courtesy for one month but this ordinance will be discussed at the May Ordinance Committee Meeting. We will not delay it any further.

B.) APPROVAL OF MINUTES

Cncl. DiLucia made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of March 2, 2016. The motion was seconded by **Cncl. Dilks** and approved by all members of Council.

C.) PUBLIC PORTION

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

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D.) MATTERS FOR DISCUSSION

Cncl. DiLucia noted the code for parks and playgrounds prohibits animals except for horses in designated areas and he recommended that be amended since Council will be discussing the ordinance for the dog park.

- **Police Department Records Clerk Position**

Chief John McKeown explained the Police Department has not done a proper records purge in years and recently records were found dealing with people that not only are retired but have passed away. Old records are not just an inconvenience in regards to space they can become a liability issue when kept beyond the State records purge schedule. We are responsible not only for storage but also under the Open Public Records Act we are required to provide requested records, which can cause our records clerks to search extensively through cumbersome files that may be in deep storage. Our Police Accreditation Program requires us to have a records purge plan but unfortunately we have been unable to follow it. The last time we did a full scale purge was right before Captain Livingston retired. He purged a large group of records to get accredited but it is not efficient to the department to have a captain at his level of salary purging records and the current clerical staff have no free time to do it. The Chief requested a twenty-five hour a week part-time person be hired that has a background in police records or a retired police officer seeking another career as a records clerk. **Cncl. Heffner** questioned whether this would be a permanent part-time position or when the job is done that person will be gone. **Chief McKeown** felt the need is for a permanent part-time position. The plan we have does not account for records storage space so we need a formula where every record generated should include an expiration date so we know where to store it and how to get rid of it. **Cncl. Heffner** questioned if one of the clerks in the department could be doing this. **Chief McKeown** noted if they could they would have them doing it already. It's not that they are not qualified, it is simply a matter of hours in the day. The volume of OPRA requests has gone up and the ProPhoenix Technology, which was supposed to simplify our records system, has about tripled our paperwork. Reports have gotten bigger since what use to be a two page report is now six pages and that has created additional storage problems. ProPhoenix has made searching the electronic system much easier but on the physical end when we need original signed documents it has made searching more cumbersome. **Cncl. Bryson** suggested sharing services with another police department that might not have the work load we have. He also questioned whether most records are now electronic. **Chief McKeown** replied no, the County ProPhoenix System does not allow a digital signature so the electronic documents are just draft copies. We still print and manually sign everything so when it comes time for court we have a true original copy. **Cncl. Pres., Miller** questioned whether there was any clerical staff that will be eligible for retirement soon. **Mr. Heydel** replied no, the average years of service is eighteen. **Cncl. Pres., Miller** questioned in the future would this part-time position be consolidated with another clerical position when someone does retire to potentially reduce costs. The Chief noted he would be willing to do that but could not foresee it. He went on to say in the future if the County ProPhoenix System becomes certified and those documents are counted as true and original then we would greatly reduce our paperwork flow and essentially everything would be stored on the County system. Neither one of the two electronic records systems we utilize had the ability to lock the system or digitally track

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modifications to it. **Cncl. DiLucia** questioned if any of the three new officers in the academy could be utilized for twenty-four hours out of the forty hour work week to do this work. The Chief noted currently he has been using officers that are on transitional duty that are recovering from an injury and are assigned back into the department. That has helped but each time we get someone on transitional duty we have to train them on how to do the work because it is not as simple as looking through a box of records. We have to make sure we are meeting the State standard and categorizing properly. He noted he would hate to assign a full time police officer with the salaries we are paying to what is essentially a records job. **Cncl. DiLucia** clarified his suggestion by explaining he was suggesting one of the new officers with the lower salary of \$39,000.00 be assigned part-time for this work and then the rest of his time could be on the street. Chief McKeown noted he was thinking about paying \$15.00 an hour, which is traditionally paid to other part-time people. The new officers are in probationary status after graduation and need to be on the street learning police work and sitting them in an office would not be a good use of his resources, which should be handling as many traffic and speeding complaints as possible. **Cncl. Heffner** questioned whether money was included in the budget for this position. **Mr. Heydel** noted he pro-rated funds and put \$15,000.00 in the budget based upon the fact the person would not be hired until after April. **Mayor Teefy** commented that he agreed to hire a person because from a liability standpoint we are making ourselves more liable by having records from years back. After two or three years the hours could be cut down to fifteen once the work is in the maintenance phase. Chief McKeown noted he has no idea how long this will take since it was only done one time about a decade ago and at that time some important steps of notifying the State were missed. We were lucky there was no liability because there is a process we must follow to insure that we document correctly. If we have a person that has not taken the time to learn how to document correctly we could open ourselves up for more liability. **Cncl. McIlvaine** questioned whether it would be feasible to have the call takers do some of this work. The Chief noted they are inputting tickets, tow sheets and answering the window because we are rearranging staff so our records personnel can respond to the OPRA and discovery requests we get from the municipal and county level. He added one of the part-time call takers hours had to be cut back because he was coming in too much to input tickets and tow sheets. **Cncl. McIlvaine** referred to the Chief's comments about purging records to become an accredited department and he questioned whether the Chief felt accreditation was paying off for the taxpayers of Monroe Township. The Chief stated he absolutely sees accreditation paying off, as there is not a process required by accreditation that he would not have wanted to do as Chief of Police, as it is all good management. Past chiefs did not have someone on the outside coming in to inspect periodically or a system driving them on timelines so it was easy to let things go. Currently in the State we are fifth in the agencies now accredited but that list is growing. The Chief explained ten years ago when he learned about accreditation he was not sold on it because he knew it would be an enormous uphill battle due to the culture and things in place at the time. As Chief he would not want to manage without it and has gone through a culture change in the last ten years to be able to see the benefit of it. What once was a prize that very few agencies in the nation accomplished the New Jersey Chief's Association has standardized all requirements from laws to the attorney general's guidelines hitting all the high liability points for chiefs to make sure we are compliant. **Cncl. McIlvaine** spoke of problems officers had in the past and of how with accreditation there is

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a written process in place for everything officers do. He noted he wanted everyone to appreciate what the Police Department was trying to do and why this person is really needed. He felt \$15.00 an hour was not outrageous but questioned whether a company could do this work cheaper. The Chief explained he did not explore companies because from what he has seen none have an ongoing program, they just come in, purge the documents and then leave. **Solicitor Fiore** added companies physically get rid of the documents but they do not inventory them. The Chief added some would also inventory but firms like that are similar to the company that assisted us with accreditation process. Now they are gone and we have been on our own for two years and have our own personnel developing the policies/plans and making them happen. Mr. Heydel requested Chief McKeown explain about the Evidence Custodian because it is the same concept. Chief McKeown explained for years detectives handled the evidence and it was piled to the ceiling. They tried to purge the evidence to meet the State timeline but could not get it done with their day to day routine. A detective supervisor tried doing it for a time and then a transitional detective did it but we couldn't make any progress. We hired, with the consent of Council, a retired officer to be our evidence custodian and now the room is spick and span. Everything is organized so we know exactly where it is when we need it and we don't have to worry about cases being dismissed because of evidence control issues. A tremendous amount of evidence was legitimately purged according to the State's standards and everything is documented. Every time a chief of police changes we are supposed to do a full evidence inventory and that was never done because we didn't have the personnel to do it. This is the first time we have been able to get that off the ground by hiring a civilian trained as a specialist for that. If an officer was doing it no matter how diligent he was he would be pulled from that work to go out on the road for police operations and that is the concern for the records position. The Chief felt the new person would absolutely be able to perform other records functions once the old records were purged. **Solicitor Fiore** noted New Jersey State Police issue e-tickets and he questioned if there was an issue with the call takers physically inputting the summons numbers. Chief McKeown explained every ticket is manually imputed by the Police Department and by the Court. We do have a plan for e-tickets and the County has a trial run on software in Deptford Township and that may free up some call taker time in the future. Cncl. Heffner polled Council and all were in favor of hiring a part-time records clerk for the Police Department.

- **Chapter 262-16 Removal of Abandoned Motor Vehicles from Public/Private Property**

Solicitor Fiore distributed an ordinance from another municipality that clearly defines the direction needed to address abandoned vehicles on private property. The ordinance not only deals with motor vehicles it also deals with tractor trailer bodies being used for storage as well as other types of mechanical devices. It also addresses vehicles suitable for repair and ones that should not be on the roadway. This may be contrary to our current ordinance that allows one unregistered vehicle in a driveway. This requires the vehicle to be operable and it cannot be one in disrepair/or covered with a tarp. It gives a procedure that can be enforced and gives the ability to send notices to the last registered owner of the property and to tenants as well as landlords. Currently on the books is Chapter 262, which removes abandoned vehicles from a towing standpoint. This ordinance specifically earmarks abandoned vehicles on both public and

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private property. Vehicles abandoned on public property can be cited under a very strict State Statute that subjects people to five points or loss of license and this would give the ability to cite them under local ordinance when we just want a vehicle removed, not a person's license suspended. The Police Department would still be able to cite them under State Statute but our preference is just to get the vehicle off public properties as well as private properties. **Cncl. Bryson** questioned if the boxes farmers use for international transit that are kept on the farms would be exempt from this. Mr. Fiore explained agriculture uses are exempt and that is included in the ordinance. He added if a box was on an inactive farm it may be a different issue but if the farm is active it would be exempt. **Cncl. McIlvaine** questioned when a vehicle is towed who is going to pay the tower. Mr. Fiore explained the township will pay the tower and then place a lien against the property to get reimbursed. **Cncl. Heffner** questioned once the zoning officer follows the proper protocol to deem the property abandoned and the police have the vehicle towed who is going to incur the cost of storage, will the township pay that or will the towers go after the property owner for storage. Mr. Fiore noted he would need to look into that because the sample ordinance from Washington Township is not clear on that since they store the vehicles in their own storage yard. **Rosemary Flaherty, Acting Zoning Official** explained once it goes to the storage facility we would write to the DMV to claim title and if it is a vehicle in good shape we could sell it on GovDeals.com to recoup the money. We can also file with the DMV for a junk title so junk vehicles can be taken directly to the scrap yard. Mrs. Flaherty advised she would handle all the DMV paperwork. **Chief McKeown** noted the junk title has been a sore spot between the towers and the Police Department for a long time. The towers do not want to handle it because of how cumbersome it is and we don't want to do it due to the amount of labor involved so we have talked about hiring an outside agency to do it. He noted he has two concerns about this; one is about the paperwork and the other is about his officers going on private property. He explained even when someone with proper documents to repossess a vehicle for a bank requests police assistance if the owner of the property comes out and there is any dispute whatsoever he will direct his officers not to get involved in the towing of the vehicle based on past practice because he is concerned about liability. Mr. Fiore noted that is the problem, no one wants to get involved. The police department is the front person who will go out after proper notices have been sent and the vehicles are tagged because at that point in time there is legal authority to tow and the person with a gun, Taser and badge is the one that legally should do it. Chief McKeown questioned what happens when the tow truck drives across the yard and creates ruts. Mr. Fiore explained he would handle those types of issues. The Chief explained this is something that is never done and it is not just here in Monroe, every chief he talks to has said that is a civil matter. He added he understands this is different because the township has followed the legal aspect by putting the people on notice. He questioned would a judge authorize this. Mr. Fiore explained it is not something that a judge would authorize, it is a procedure put in place once it is determined that a vehicle falls under the definition of being abandoned. The legal procedure would be to send a notice to the individual living in the house or if it is an abandoned property it is sent to the last known address and that might be the abandoned house but that is all the township is required to do. We do not need to do a search to find the person. Chief McKeown noted the only place we have ever towed from is public property and he felt this will be a drastic shift for the department. Mr. Fiore questioned what other municipalities do. Chief McKeown had no idea but indicated he would ask other chiefs what they do. Mrs. Flaherty

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explained she has access to the New Jersey Cares System and can find out if vehicles are registered. She explained the types of cases we are looking to focus on are complete and total nuisances such as 812 South Main Street. That property owner passed away and there has been unregistered vehicles there for three years and we cannot maintain the property because the vehicles are blocking access to it. No one is living there so after notification if no one claims them we would do the DMV paperwork to get the proper title to either sell or junk them. Cncl. Heffner questioned what the average turnaround is, six days, six months or six years once the vehicle gets to be the property of the Township? Mrs. Flaherty noted that is up to the DMV. This process is currently in our ordinance and some of the tow yards have vehicles towed that the township never got the paperwork for. Cncl. Heffner questioned whether we would just take over the portion dealing with contacting the DMV for the titles. Mrs. Flaherty advised that is correct and whatever the storage timeline is the liens will continue to accumulate on the abandoned property. Mr. Fiore suggested including in the tower RFP that they be responsible for storing the vehicle at no additional charge since they can make money from it at salvage yards. Chief McKeown noted he is very concerned about entry to the property by the Police Department because seizing a piece of property is potentially violating a person's fourth amendment right unless we have a court order or a recognized exception to a judicial order. An abandoned property would be less concern and township owned property would be no problem. Mr. Fiore explained it comes down to what their expectation of privacy is. The classic case is when a police officer searches a trash container at the curb and finds incriminating evidence, which would not be suppressible because it was abandoned; you have no expectation of privacy because you put it by the curbside. In the driveway there may be a greater expectation of privacy even though it may appear to be abandoned. Cncl. Dilks questioned once the township gets title if the vehicle is in good shape how long do we hold it and how will it be sold. Mr. Fiore explained it could be sold on newjersey.gov or a public auction could be held. Mayor Teefy explained we expect a reaction to violation notices sent to occupied homes but we need to take action to clean up the abandoned homes with cars in the yards. Cncl. Pres., Miller questioned if the main concern was abandoned properties so we could basically change the ordinance to say abandoned vehicles on vacant/abandoned properties. Mrs. Flaherty advised they are the problem because she already enforces occupied properties. Cncl. Heffner felt the ordinance should not put a limit on it. Cncl. McIlvaine also felt it should not be limited because this is a big issue in Monroe Township. He noted down the street from his property is a home that has not been maintained for years, which brings his property value down and they don't care. Something needs to be done to clean up this town and he doesn't want this ordinance watered down. Mrs. Flaherty agreed there are issues such as the farm on Sykes Lane that has two hundred abandoned vehicles and that is not the only site like that in the township. Cncl. Bryson questioned when Mrs. Flaherty sees a vehicle she thinks might be abandoned does she need a complaint first and after notification is sent what does she ask the owners to do in the event it is a classic car or one they are saving to give to their children. Would the owners be required to move the vehicle to the back of their property or would they need to go to court and pay a fine. Mrs. Flaherty explained people are permitted to have one unregistered vehicle in their driveway, not on the grass. The properties she is talking about are really severe with vehicle body parts all over and since she has access to New Jersey Care she can see how long a car has not been registered. Cncl. McIlvaine noted the Sykes Lane property is not abandoned and it is not only an eyesore and health hazard it is an environmental

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hazard because all the oil and gasoline from those vehicles are leaking into the ground and into our water. He suggested this matter go before the Public Safety Committee, Chief McKeown and Rosemary to come up with an ordinance that everyone agrees with. He noted things are improving since Rosemary has been here and he wants that to continue. **Director of Public Works, Mike Calvello** questioned if cars were stored at the Public Works yard how long and how many would be there before we are considered a junk yard or turned into a toxic site from leaking oil and fluids. He added it took a long time to hold the auction to get rid of all the old vehicles we had and he doesn't want the yard to look like that again. Mrs. Flaherty noted some of these vehicles are infested with rodents and vermin and Mr. Fiore felt a third party should be involved in storing the vehicles, not the township yard. **Cncl. Heffner** will schedule a meeting with the Public Safety Committee, Mrs. Flaherty and Chief McKeown to discuss this ordinance.

- **Director of Community Affairs**

Mayor Teefy explained for the last five years the Business Administrator has been running the Community Affairs Department so there has been no supervisor overseeing the employees working in the Pfeiffer Center and even though the employees do a good job when issues come up there is no one for those employees to go to. Someone is needed in that building to manage the bus program, the food bank, the senior lunch program and other things going on there and he would like to make the Director of Community Affairs a stipend position and appoint Jim Bonder to oversee that department. This would not be combining the Department of Community Affairs and Parks and Rec it would just be to give the employees a little more structure. **Cncl. McIlvaine** questioned whether the Mayor spoke to Jim to see if he can handle this. Mayor Teefy noted he spoke to Jim and Kevin last year about doing something like this. Jim feels the employees do a good job so he won't have to redirect them, he will just be there to supervise them and jump in if issues come up. **Cncl. Heffner** polled Council and all members were in favor of changing the full time director position to a part time position. Solicitor Fiore advised only the salary ordinance needs to be changed to reflect a stipend position, the code does not need to be amended. Mr. Heydel advised he changed the Salary Ordinance from a \$49,000.00 salary to a \$4,000.00 to \$6,000.00 stipend range.

E.) ORDINANCES FOR REVIEW

- **Bond Ordinance Owens Park Expansion (Dog Park, Walking Trails)**

Mr. Heydel explained the Bond Ordinance for the park expansion must be passed before the Green Acres contract for the project is signed and returned. He explained this is a grant/loan at zero percent. **Cncl. DiLucia** questioned whether the \$75,000.00 show in the bond was the amount it would cost to place the bond. Mr. Heydel explained that is standard language from Green Acres and he felt it is their cost to place the bond, as the township pays nothing. **Cncl. Bryson** questioned whether some of the open space money could be used instead of taking out another bond. Mr. Heydel replied no because this is basically a loan from the State. **Cncl. DiLucia** questioned whether we could pay off that bond with open space money. Mr. Heydel felt

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\$25,000.00 a year from that fund could be put towards it to help offset the budget. Cncl. DiLucia commented that the Open Space Fund and the Builder's Fund can go towards that. Mayor Teefy advised not the Builder's Fund that is just utilized for new improvements to the parks. The Open Space/Recreation Fund that was put together by referendum can be used for recreation and open space. Cncl. DiLucia questioned what funds were used for the lights. Mayor Teefy noted a portion of the Builder's Fund and a portion of the Open Space/Recreation Fund were used. He noted this money is not just for a dog park it is for the expansion of Owens Park. Cncl. DiLucia agreed, noting this project includes a dog park/ park, parking spaces and access to Owens Park. Mr. Heydel noted the dog park will need to be fenced in and Cncl. DiLucia added there will be different areas for big and small dogs and a holding area so dogs are not just let loose. Discussion took place on what the park improvements included. Mr. Heydel noted it would be nice to have a six foot wide walking path all the way around the park and Jim Bonder was also talking about putting in an amphitheater but he (*Mr. Heydel*) felt that should be in a more open space. Cncl. McIlvaine noted everyone raves about Washington Lake Park and the residents of Monroe Township deserve something like that but he wants to make sure that once this is done the park will not go by the wayside because we don't have the employees to maintain it. He questioned whether anyone has an idea of what this will cost and where funding will come from for employees to maintain the park. Cncl. Heffner noted working with Jim over the last few years he has seen the parks and their maintenance slowly increasing and except for the recently hired employee the Parks and Rec Department has been handling it and Public Works employees did help out on certain occasions. He added we will have to see what the need will be down the road. **Mr. Bonder** explained he is okay with the maintenance but is concerned that people won't pick up after their dogs. Cncl. DiLucia noted most people pick up their dog's waste in dog parks; the bigger thing is cutting the grass and the normal maintenance of the park and he also felt security cameras should be installed there. Mayor Teefy questioned who picks up the dog waste at Duffy Park. Mr. Bonder noted that is such a big facility that we don't normally see it and there are bags out there but in a fenced in area even if we go by the 80-20 rule who is going to pick up the 20%. He requested direction on whether he should tell his guys they would be picking up dog waste. Mr. Heydel advised it will be part of their jobs. Cncl. Bryson spoke of photographing a dog park in Pennsylvania that had a stream, a stone path around a forest like area and an amphitheater in the middle of a large field. In that park the dogs were permitted to walk on the path and the open field but the owners were responsible for them. Mr. Heydel noted if we have a path people will be walking their dogs on the path rather than taking them to the dog park. Cncl. DiLucia noted our park ordinance needs to be amended because it prohibits dogs from the park but allows horses. Cncl. Heffner polled Council and all members were in favor of moving the Bond Ordinance for the improvement of Owens Park forward for first reading at the April 11th Regular Council Meeting.

- **Amendment to Chapter 226 "Parks and Playgrounds"**

Solicitor Fiore explained Jim Bonder requested this amendment to deal with people misbehaving in the parks. This ordinance gives Jim the ability to take some progressive discipline action rather than fining people. It gives Jim and his employees some enforcement powers and

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the discretion to call the kids in with their parents and give them a suspension from the park. **Jim Bonder** added there is consistency to it, which is really important because until now it has been left to his discretion and he has felt uncomfortable with that. Now we have a first, second and third offense and that will be fair for everybody. Mr. Fiore noted the Director of Community Affairs was deleted from this ordinance but now since Mr. Bonder will be appointed to that position that title should be added back into the ordinance. With no questions from Council regarding the proposed ordinance it was noted the ordinance would be moved forward for first reading at the April 11th Regular Council Meeting.

- Amendment to Chapter 262 "Towing" - REMOVED FROM AGENDA

F.) NEW BUSINESS

Mr. Heydel distributed a refinancing bond ordinance and explained this is to refinance the GCIA lease bond that we have with the County with five years remaining. By refinancing that bond we will save \$35,000.00 to \$40,000.00 over the next five years. All members of Council were in agreement to move this bond ordinance forward for first reading at the April 11th Regular Council Meeting.

Mr. Heydel advised a bid was received in the amount of \$154,000.00 for the demolition of the old library however since we are still working on the Capital Plan there is no funding mechanism for that project. He requested that a separate funding mechanism be developed for this project because we only have sixty days to award that contract and we need the funding mechanism in place to do that. He presented a bond ordinance in the amount of \$160,000.00 for the demolition of the old library and explained the extra \$6,000.00 would cover any cost that could come up above and beyond the bid award in the event change orders were necessary. He advised Bond Counsel can have a bond ready for the April 11th Council Meeting. **Cncl. Bryson** questioned what would it cost to rehab that building instead of taking it down. Mr. Heydel advised it would cost \$150,000.00 just to get the mold out of the building so it would be more to rehab it than it would to take it down. **Cncl. Pres., Miller** explained the foundation and the structure of the building is shot. Mayor Teefy added when Mr. Bonder retrieved the stairs and windows stored there he had people look at the building and they said it would cost well over \$100,000.00 and even if it were rehabbed we would not have confidence in the building. If it is taken down there will be a nice view of the Hall Street School and Railroad Station. **Cncl. Heffner** questioned what was left of the \$50,000.00 previously allocated for this project. Mr. Heydel explained that amount was reduced last year due to the environmental study done on the building. He then questioned whether the bid could be awarded on April 11th contingent upon the bond ordinance going for first reading. Mr. Fiore advised yes but it would be contingent upon the bond ordinance being adopted. **Cncl. Dilks** indicated he would be abstaining on this.

Cncl. Bryson spoke of an issue with portable basketball nets on a court and noted when Council wrote this law it was done to protect children on thoroughfares and also make sure Public Works could pick up the trash containers. He questioned whether he could get a consensus from Council to see if cul-de-sacs could be exempted since there is no flow of traffic on those

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F.) NEW BUSINESS (cont'd)

roads. **Mayor Teefy** noted he has never had a problem with kids playing in the street but this ordinance was adopted because basketball nets were creating a nuisance to traffic so it was decided that when the kids were done playing the nets should be moved back into the yards, but they are heavy for kids to move. What we have now going on in one cul-de-sac is the kids are putting basketball nets at both ends of the court and they play full court games, which is great when no one is there but when residents are pulling into their street it creates a problem. **Chief McKeown** explained there have been years of complaints from Canterbury Place in Newbury Farms regarding trashcans and basketball nets in the street and we are now beginning to get a handle on that. He added we have concerns not only about the children playing in the street but also about fire and rescue equipment getting down the streets because quite often the nets are left there, as ten year olds cannot move them. In a number of areas basketball nets and trashcans are being placed in areas specifically to annoy residents and because we have not enforced the ordinance it has been brought to his attention. The Chief added if cul-de-sacs and courts were completely removed from the ordinance he would not have to worry about enforcement issues but as a township we will still have complaints. The basketball nets cannot be in the roadway to impede traffic according to Title 39. Even the ones on the curb or sidewalk have created a lot of concern in some areas because the balls land on a neighbor's lawn or bounce off the cars that are legally parked. **Solicitor Fiore** noted complaints from Canterbury Place regarding basketball nets, trashcans to the mailman stealing mail has been an absolute nightmare for the last five years and we have to look at every complaint made. The police department has been there multiple times, the US Postal Service has been there because of the complaints about the mailman and everyone has cameras pointing at each other. **Cncl. Heffner** noted the same people who want the basketball nets will be all over the Public Works Department if one of the trash trucks hit it so he felt they do not belong in the street.

Cncl. Bryson noted when Walmart built their store they agreed and put funding up for certain improvements such as the traffic light and speed bumps on Concord Drive. The area is really getting bad because vehicles, including school buses, are driving sixty miles an hour down Concord Drive. **Cncl. Bryson** noted he is concerned that one of the small children on the street will be injured and he questioned whether two speed bumps could be installed along the road to deter the speeding. **Director of Public Safety Jim Smart** noted speed bumps do not help, people only drive faster between them. **Cncl. Bryson** noted another suggestion was to install signs that display the speed a vehicle is going. **Cncl. Heffner** noted he has the same problem on his road and he called the police department to have officers issue tickets and that seemed to help because hitting people in the wallet hurts. **Cncl. Bryson** questioned if the Police Department could put the device purchased to track the time of speeders on the street so we know when the police cars should sit on there to issue tickets. **Mayor Teefy** noted he would check to see if there is money available from Walmart and he requested the Chief have officers begin writing tickets in that area as that is a deterrent. We have had many requests for speed bumps from residents in various areas but we don't want any more because they cause problems for emergency vehicles. **Cncl. McIlvaine** suggested if Walmart did give money for speed humps that money should be used to pay officers overtime to sit there and write tickets. He noted when he was a police officer he stopped people doing sixty miles an hour right by the police station where the speed limit is twenty-five so speeding takes place all over the township.

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F.) NEW BUSINESS (cont'd)

Cncl. Heffner requested that the Ordinance packets be sent to all department heads in case there is an issue on the agenda that they might not be aware of but would like to address.

Cncl. Heffner noted he requested Jim Smart and the Chief to be here this evening because the owner of Racks requested through Ernie Carbone and Parks and Rec to have a beer garden at the Music Festival. He also requested the BA, the Solicitor and the Chief to look into the township's liability and what they will be obligated to do if we decided to do this. He added he didn't want council blindsided on this and wanted everyone on the same page with it or we won't do it. Mr. Fiore advised the JIF gave us specific criteria to follow as far as the hours, price of beer, fenced in area, who will be involved in security, bans on people and most importantly adding the township as an insured to their insurance policy. That will never 100% insulate us from liability if something happens but it will be everything from our insurance carrier's standpoint that would ensure we have coverage if something did occur. Cncl. Heffner questioned what happens if another drinking establishment wants one too how will the township decide who gets one and who doesn't. Mr. Fiore noted it should be open to every vendor that wants to come in because we can't discriminate. Cncl. Heffner questioned Mr. Heydel on what the JIF would say about that. Mr. Heydel explained that would be up to the township to determine because the JIF does not determine local public contracts law. **Public Safety Director Jim Smart** questioned how that would work with ABC. Mr. Fiore explained they would get a one day license from ABC. He added we could probably get away with having just one vendor this year but next year when there is more time involved it should be done by RFP. **Cncl. Pres., Miller** noted the Food Truck Festival had a beer garden and that went well. **Chief McKeown** was at the Food Truck Festival and he felt they did an outstanding job of making sure no one under age had alcohol but it was not set up according to plan and there could have been some issues because the general area became the beer area. He noted he would have the same concerns moving forward no matter if a beer garden was run on township or private property there needs to be inspections done. He spoke of the riots that took place at St. Mary's carnivals in the past when they had a beer garden and of how our police officers received punitive damages and personal liability for some of the events that happened there. We have K-9s in the police department now specifically in response to the event that happened there. He noted Jim Bonder ran an outstanding event with about ten thousand people last year. He questioned what more are we going to draw; people who want to drink and where are we going to put their vehicles and how are we going to ensure they don't drive home drunk. They will not be leaving the Estate at Monroe intoxicated they will be leaving Monroe Township public property where we authorized them to be served. He added he does not want to be the chief that has an event placed on Facebook showing half a dozen officers wrestling a drunken subject at the Music Fest. **Cncl. Pres., Miller** noted his concern is drinking takes place there anyway in uncontrolled areas and that is a huge liability for the town. Mr. Heydel felt you can surmise drinking is taking place but it is not being done in public, people are not walking around with cans of beer. Chief McKeown explained that is different because the people in violation are bringing their own stuff it has nothing to do with the one day ABC permit he signs off on. Cncl. Heffner noted since it began on Main Street this event has grown to eight or ten thousand people and all it takes is one drunken idiot and that is what will be all over Facebook so he felt a beer garden will bring nothing to the

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F.) NEW BUSINESS (cont'd)

event. Cncl. Pres., Miller noted Atlantic City has a Beer and Music Festival and they haven't had any issues. Mayor Teefy questioned whether Atlantic City's was on city property or private property, as that is where the liability issue comes in. Mr. Fiore added and they have two hundred police officers there. Chief McKeown noted we traditionally have ten police officers assigned to that event and another five assigned to the other events going on that day and if we are going to have beer he will assign another six officers. Cncl. DiLucia agreed with Cncl. Heffner's comments, as he felt this may be asking for trouble so we don't need it. Cncl. Heffner noted he would like to do it for the sake of the person working hard to do this but he also represents the whole town not just one group and he felt it will bring nothing to the event. Cncl. McIlvaine urged Council not to penalize the people of 2016 for something that happened in 1978 at St. Mary's. He added the fire company held dozens of events where beer was served and there was never an issue. He noted he wants to do this for Ernie because he wants it to happen. If we are worried about liability and getting sued then we should not hold the event because if someone trips or a kid gets impaled on the fence at the Hoffer House we will be sued just like we are being sued by someone who was injured driving too fast over a speedbump. The incident at St. Mary's happened one time over thirty-five years ago or more and he felt the people that go to this event deserve a shot at enhancing their time. He added if something does happen it will take a while to recoup but the township deserves this. He added it is easy to say no we are not going to have this because it is a risk but even having the event or the fireworks is a risk; so should we even have them. Jim Bonder noted in the beginning he was really against this but after doing some investigation and talking to other towns and groups that have had similar events he was swayed to the other side. Woolwich Township has four different events where they have liquor. They put it out to bid and they have been very successful with it. Riverwinds and four towns that he contacted have been very successful with these events. He noted he has not run into anyone that has been negative about this, everyone has said they had no problem and it was a nice revenue stream. Woolwich put it out to bid and recouped \$19,000.00 for the four events, which amounted to \$4,500.00 per event. In the five years that we have been having this event we have not been afraid to step out of our comfort zone to add something. When we first discussed fireworks there was a big concern and yet now it is one of our biggest draws. He added as discussed in the meeting if we do it we have to do it right and everyone must be 100% on board from a safety, logistics and marketing standpoint. We can experiment with this now because it will come up again in the future. A single centralized location will be gated off for drinking only in that area and no one drinking will be able to leave that location. Racks has taken on all the liability in regards to bouncers and security but we need to make sure they are on the same page with us. If we are going to put this on we can't be scared and we need to make it a nice part of Monroe Township. Mr. Bonder noted Tom Crane donated sixty picnic tables from Hospitality Creek and he asked Council to thank him for that donation if they would see him. He noted in regards to St. Mary's he didn't know where they had their beer garden but he felt that carnival really needs to stretch out because he can see where they might have problems since it is so confined. When we discussed this it was said that people like to eat, shop, have kids entertained by amusements and that is the reason this festival was moved from Main Street out to Owens Park. He noted he is okay with challenges and he understands the liability but it will come up again next year and we better be prepared then. Mr. Bonder explained right now we charge food vendors 20% of

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F.) NEW BUSINESS (cont'd)

their net profits and that is what he is proposing to charge Racks so we may be able to recoup some of the money this event is costing each year. It cost approximately \$32,000.00 and we recoup about \$17,000.00 so if we can make some more money it will be better. Mr. Heydel questioned where the beer garden would be located. Mr. Bonder explained to the right of the football field towards the walking path will be fenced in, as that area is close to the food and people will be able to sit and enjoy the music. He noted he has informed the Parks and Rec Commission that this is under consideration but he wants to show them respect and give them a say/vote on this at their meeting next Wednesday and then they can make a recommendation because we all need to be on board and comfortable with this. Mayor Teefy questioned whether this will be limited to draft beer and no pitchers. Mr. Bonder noted that will be discussed with the vendor and she can make a recommendation. Cncl. McIlvaine noted Racks' owner and her husband, who is a Berlin Borough police officer, do this in Berlin so they know what works and what doesn't. Mr. Bonder noted they have a significant financial investment we have none but we do have the liability and the promotion that goes with it. Mayor Teefy noted Jim threw this out in front of forty guys and half were in favor of it but listening tonight and seeing how well the Food Festival went he now thinks it's good and thinks we should give it a shot. **Joe Marino**, a member of the public in attendance, noted when St. Mary's had the beer garden there was no fenced in area so people went right up to the counter and got beer. Back then there was the Williamstown/Delsea element between older high school kids so a lot of the fights were not even alcohol related. Hammonton has had a beer garden for years and there is one way in, a bouncer at the door and there has never been a problem because the security is tight and people cannot leave with a cup. Cncl. Heffner polled Council. Cncl. Dilks noted he was against it earlier but was swayed the other way and would give it a one year shot. Cncl. McIlvaine noted yes providing the volunteers agree because they work very hard so if they say no he will stand by them. Cncl. Pres., Miller and Mayor Teefy agreed with Cncl. McIlvaine. Cncl. Caligiuri and Cncl. Bryson were in favor of it and Cncl. DiLucia agreed but felt that it should be opened up to the other businesses in this township, as it will be difficult to explain why it was exclusive to one business. Cncl. Heffner noted that was his concern as well. Solicitor Fiore explained there is not enough time to go out to bid or RFP. Mr. Bonder explained the food vendors are limited and people have been okay with that so he felt he could sell this since it is being tested for the first time. Mr. Bonder noted he has no association with this vendor and he felt no one else does either; they are just the first one that inquired about it. He added if this ever does go out for an RFP it should be done on a percentage of profits, as that works. Cncl. DiLucia noted a business in this town just ran one of these events and at a minimum they should be given the opportunity to participate. Solicitor Fiore replied maybe if we reach out to Racks and the other vendor and say from a legal standpoint we are concerned about not going through the bid process maybe the other person will acquiesce or they may have to share it this year. He added we are thinking about liability from someone being drunk but we also need to think about violating the Local Public Contracts Law. **Mr. Heydel** questioned if it went out to bid could it be limited to township businesses. Mr. Fiore replied no, it must be open to everyone. Council discussed that and everyone felt that defeats the purpose because this was to promote a township business. Mr. Fiore agreed but noted unfortunately the Local Public Contracts Law makes everything cost inefficient because the bid process costs more money. Cncl. Miller suggested not collecting a fee for the first year. Mr. Fiore

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F.) NEW BUSINESS (cont'd)

noted they are making money from it and we will need additional police personnel. Cncl. DiLucia noted the one held at the Estate earned \$10,000.00 in revenue and we will have a lot more people than they had. Cncl. Heffner noted Council is in agreement with this as long as we can iron out the bugs with the permission of the Parks and Rec Commission but legally where do we go with this. Solicitor Fiore noted we need to see what we can do because there could be issues from other vendors and we could be in violation of the Open Public Contracts Law. Cncl. Pres., Miller questioned how long the bid process would take if we expedite it and could we mirror what another municipality did. Mr. Fiore explained we would have to come up with an RFP and advertise it by the end of this week, anything is possible. Mr. Fiore suggested for this year rather than charging a percentage we calculate how much the additional police presence will cost and have the vender agree to pay that as a gratuity. We would not make anything but we wouldn't be losing any money either they could just make a donation to cover the cost of the additional security.

Mayor Teefy reported the County paved Malaga Road from Bluebell to the Black Horse Pike and Bluebell from Corkery Lane to Main Street. The township owns a portion of Bluebell from Virginia Avenue to Main Street and he commended Mike Calvello and Bob for working with him and Kevin to get the County to continue the paving to Main Street for the co-op price. He noted the township did not receive grant funding this year to complete Winslow Road but we went out to bid and are going to finish paving that and also the intersection of Gordon and Princeton with taxpayer funds from our Road Program. Mr. Heydel added the bid included option one for the intersection of Gordon and Princeton but that is not just an overlay, they have to reconstruct that. That area will need to be shut down during ShopRite hours so we want it done in a minimal amount of time. Mayor Teefy noted he didn't want to wait another year for a grant for Winslow Road because it has taken too long for that road to get done.

Cncl. Bryson noted we also received \$225,000.00 for Corkery Lane from the State Transportation Fund. Mr. Heydel advised the cost of that whole project is \$750,000.00 because we have to put in curbs and pavements. He expressed his concern that we are going to spend all that money to improve Corkery Lane and the Zoning Board just approved someone on that road to have tractor trailers in a residential zone. **Cncl. Heffner** explained the Zoning Board cannot turn down a variance because of what the road can or can't handle their determination deals with the property. If there is a weight limit issue on that road it becomes a Police Department issue and they will write tickets. Cncl. Heffner noted his problem with this is that is a big chunk of money for a little piece of road. Cncl. Bryson questioned why the grant was only for \$225,000.00. Mr. Heydel explained that is what they gave us to pave each phase of Winslow.

Jim Bonder reminded everyone of Little League Opening Day Ceremonies on Saturday, April 9th beginning with the parade at 10:00 AM.

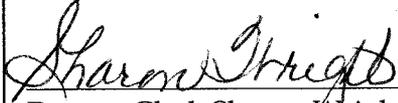
G.) OLD BUSINESS - None

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H.) ADJOURNMENT

With nothing further to discuss Cncl. Caligiuri made a motion to adjourn the Ordinance Committee Meeting of April 6, 2016. The motion was seconded by Cncl. Pres., 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 April 6, 2016 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 5/4/16
Approved as corrected _____ Date _____