

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
APRIL 5, 2017**

**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 Chairman, Cncl. Bob Heffner** in the Second 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. Marino** led the assembly in the Pledge of Allegiance to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller		Excused
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	
Solicitor, Charles Fiore	Present	
Engineer, Dave Cella, ARH	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:26 PM)
Dir. Com Dev./Code Enf., Rosemary Flaherty	Present	
Dir. Public Safety, Jim Smart	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Garbowski** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of March 8, 2017. The motion was seconded by **Cncl. Marino** and approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

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

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**Cncl. Heffner** advised the issue of restricting the sale of dogs/cats would be removed from the agenda because those representing this issue could not attend this meeting. This issue will be discussed at the May Ordinance Meeting. Also Chapter 37 LOSAP has been removed because the Williamstown Fire Department has questions. **Cncl. Heffner** noted instead of having them attend this meeting he would like a committee of Council to meet with them to discuss their concerns. **Mr. Fiore** explained the Administration Committee or a LOSAP Committee could be appointed to review this matter. **Cncl. DiLucia** questioned why members of the Fire Department didn't just come to this meeting. **Cncl. Heffner** explained after meeting with the Fire Department last night and seeing how many questions they had he didn't want thirty or forty guys at this meeting so he requested they get their questions together and have three or four representatives sit down with Council to discuss this matter. **Cncl. DiLucia** thought LOSAP was being discussed because there was a question whether we were in compliance in regards to the age of 18 or 21 for volunteers to be eligible to receive contributions towards LOSAP. **Mr. Fiore** explained that is one of the issues and most if not all the changes in the draft are required by State Statute. The only thing that was discretionary was the credits given for various services provided by the Fire Department and the Ambulance Association. **Cncl. DiLucia** questioned whether anything was going to be changed for the Fire Department. **Mr. Fiore** replied no it was just creating some parity with the Ambulance Association. **Cncl. DiLucia** questioned then why would the Fire Department hold this up. **Mr. Fiore** noted he was not at the meeting so he could not address their concerns but he felt it may be a misunderstanding, which may best be explained to them in a committee format. **Cncl. DiLucia** noted (*for the record*) they could have sent a representative here because this means another night out when this could have been done tonight. **Solicitor Fiore** suggested the Fire Department send their questions ahead of time to the entire Council as well as the Committee. **Cncl. Heffner** explained that was the agreement last night. They are going to get their questions together and send them to Chuck and Council. One question was what was being mandated and what was discretionary. **Cncl. DiLucia** noted the whole reason we have Work Sessions and Ordinance Meetings in this forum is so people can come and participate in the process. Council does not act on most things until we receive a consensus and if there is an ordinance change there are two readings on it. He wanted to go on the record as saying people should be sensitive to what it is they do in terms of this process and how it effects everyone. **Cncl. Marino** questioned whether the changes are State mandated or guidelines. **Mr. Fiore** explained most changes are State mandated and this amendment would bring the ordinance up to date because it has not been amended since it was adopted seventeen or eighteen years ago. One issue is the points given to firemen and those given to ambulance association members. The duty call for a response by the fire department is four hours while the ambulance association is twelve hours and they get the same number of points, which seems to be the disparity. The points need to be equalized based on a percentage of overall calls. The ambulance squad gets more calls but gets less points and that is what needs to be discussed. It will take nothing away from the Fire Department and does not change the dollars for anyone. **Cncl. DiLucia** expressed his concerns that an entity is holding up a process that does not affect them but if the age was changed to 18 it could help with longevity and recruiting new members. Currently members do not receive contributions until the age of 21 and then they wait five years to be vested, which means they have to wait eight years if they come on at 18 years old. The issue is do we reduce the age to 18 years old to receive contributions which would minimize the amount of time a volunteer waits to be vested. **Mr. Fiore** noted another issue is whether it will be retroactive, which would affect seven or eight people and those dollars and cents would not be a lot. **Cncl. DiLucia** noted one

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question could be what the financial impact would be if this were changed. Cncl. Marino noted he asked Kevin that question because more people would qualify sooner based upon their age. The young members are putting in a lot of hours so we need to determine what is being mandated. Mr. Fiore explained the concept behind LOSAP in 2000 was that there was a drop in volunteerism throughout the State but in Monroe we had a healthy number of volunteers. He added what they get is peanuts compared to how they risk their lives or go out in the middle of a cold winter night. **Director of Public Safety Jim Smart** commented interpretations were being made that he wanted to shed some light upon. He noted length of service means length and that's why it is eight years. **Cncl. Heffner** noted no further discussion would take place tonight on this matter. The Fire Department will submit their questions to Council and if a committee meeting is needed it will be scheduled. Solicitor Fiore noted some people are questioning why Kevin is involved in this because his son is a member of the Ambulance Squad. Mr. Fiore noted there is no conflict for Kevin to be involved in the discussion process because he didn't believe his son lived in his house so there would be no economic benefit for him.

**D.) ORDINANCES FOR REVIEW**

- **Chapter 144 "Flood Damage Prevention/Flood Plain Management"**

**Solicitor Fiore** explained the amendment to Chapter 144 deletes the Emergency Management Coordinator as the person designated to handle this issue and inserts the Director of Community Development as the designated person. **Cncl. Heffner** polled Council and all in attendance were in favor of moving the proposed ordinance forward for First Reading at the April 10<sup>th</sup> Regular Council Meeting.

- **Chapter 39 "Fire Department"**

**Solicitor Fiore** explained Sgt. DeHart requested a minor change to Chapter 39 Section 3. The language dealing with fire department members performing 60% duty has been changed to state "*his duty consistent with the regulations of the State Fireman's Relief Association*". Mr. Fiore recommended the word "*her*" also be included in the amendment. **Cncl. Heffner** polled Council and all in attendance were in favor of moving the proposed amendment forward for First Reading at the April 10<sup>th</sup> Regular Council Meeting.

**E.) MATTERS FOR DISCUSSION**

- **Chapter 175-89 "Accessory Building"**

**Director of Com. Dev/Code Enforcement, Rosemary Flaherty** explained she and Cncl. Marino met to review Chapter 175-89. Changes made to the ordinance include the square footage and height of the accessory structure so the roof would peak and not flatten out, aesthetics so accessory structures do not look like industrial buildings and it limits accessory structures to one shed and one garage behind the home. Mrs. Flaherty noted when she was here years ago the property line requirements were 12.5 feet from the rear and 5 feet from the side but at some point

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in time it was changed to 75 feet from the rear and 25 feet from the side. To meet that requirement people were building sheds and garages right in the middle of their property or if they didn't meet that requirement they had to get variances. She noted we felt a small garden shed should be 5 feet from the side and 5 feet from the rear and 15 feet for a garage, which is what other towns have. Garages are lower to ensure no rental apartment is attached and if someone has a need for a rental property above their garage they can go to the Zoning Board. Sometimes it is hard to determine if a garage has been converted into an apartment on the second floor because garages do have electric and water so that is another reason why the size was limited. An accessory use is supposed to be an accessory use to a primary use so allowing up to three accessory uses and not limiting the sizes of them would be more in total square footage than the house. That was not the intent of the ordinance but because it was not specifically spelled out that was what was happening. If a person needs more than one garage they can go to the Zoning Board and then the town will have a resolution that can be enforced. **Cncl. Heffner** questioned if the peak of the roof on an accessory building would need to be in the same direction as that of the house. **Cncl. Marino** answered no, we just wanted to be sure the roof had a peak not flat so it would be compatible with the house. **Cncl. Heffner** polled Council and all in attendance were in favor of forwarding the ordinance to the Planning Board for review. Mrs. Flaherty noted she would schedule it for the April 20<sup>th</sup> Planning Board Meeting.

- Stirling Glen - Age Restriction

**Elaine Corbi** Director of Sales and Marketing and **Peter Hovanian** Developer of **Stirling Glen** were in attendance to request Council include a provision in the local ordinance that would allow surviving spouses to remain in Stirling Glen homes. Ms. Corbi explained when they went to DCA to amend their documents for the three new plans offered at Stirling Glen the DCA re-examined their documents and asked them to remove the language "*in the event the age qualified occupant dies his/her spouse may continue to reside in the unit so long as at least 80% of the occupied units are occupied by at least one age qualifying occupant as determined by the homeowners association*" because that language was not included in the township code. She noted their attorney advised them to get a letter from the Zoning Board Solicitor stating that we are not going to ask the surviving spouse to leave the community but the DCA solicitor was not satisfied with that and said to remove that language from our declaration since the township ordinance did not include such language. Ms. Corbi noted the amendment was approved, the new models are launched and our attorney has sent the township solicitor a letter requesting the ordinance be changed to protect the surviving spouse under the age of 55. **Solicitor Fiore** noted the attorney's letter stated Federal Law requires it to be 80% and he questioned whether that was accurate. Ms. Corbi noted she had done a lot of research on this and the Federal Law allows 20% of an active community to be any age and it gives municipalities the right to drill that down further. In this municipality it is 100% 55 and older and we are abiding by that. Other municipalities use the 20% rule and allow 48 to 55 years of age. Ms. Corbi explained if the qualified homeowner dies the surviving spouse cannot be evicted from their home but they felt protected when the language regarding the surviving spouse was included in our documentation. **Cncl. Marino** questioned if there is no mortgage on a house does the same 55 age limit apply if the house is sold and there is a transfer of title. Ms. Corbi replied yes, the property is deed restricted. Ms. Corbi noted the township ordinance allows

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people to have one child 18 years or older but an age qualified parent must live in the house with them in order to deem residency. **Mayor Teefy** gave the scenario of a 55 year old man marrying a 26 year woman and questioned if the man passed away would she be able to remain in the house and what would happen if she remarried a 33 year old man because then no one would be age qualified. **Cncl. DiLucia** added another scenario is that 26 year old could have a child and children under 18 are not permitted so there are many reasons why the rules are made. He added he has lived in Holiday City for twenty years and has never seen a spouse removed. Children have had to sell properties but they were given one year to do that. He noted he is opposed to changing the ordinance because another layer of problems could occur. Ms. Corbi questioned if that was the reason Council was afraid to adopt the 48 to 55 year age qualified regulation. **Cncl. DiLucia** replied no it is just because he knows some women in a 55 and over community are in their 20's or 30's and are of child bearing age and if their spouse passes away and they become pregnant what do we do evict the child and say the mother can stay. We can't do that so another problem could be created. **Solicitor Fiore** questioned if Ms. Corbi or Mr. Hovanian ever had that scenario. Ms. Corbi explained in their Berlin community that permits 48 to 55 year olds a census is taken every year and it may range between 7% to 10% under age or 6 or 7 houses per year. We see grandchildren visiting but they are not living in the home so there has not been an issue. **Peter Hovanian** added one thing we are trying to achieve with Council's cooperation is to have consistency with what the Federal Housing Act provides for. Ms. Corbi explained the DCA examiner saw a red flag when she saw the language in our document/covenant and the township ordinance does not allow for the "what ifs". Mr. Hovanian added if the surviving spouse were to sell their home in Stirling Glen it would have to be sold to a 55 year old and that is made clear to them. **Cncl. Heffner** commented the original purchaser of the home would be 55 but that could possibly be the last time that home is owned by someone 55. He gave the scenario of the 55 year old being married to a 30 year old. He dies and she marries someone in their thirties. She dies and that thirty year old has the home so it could be recycled through several people but no one would be over 55. He felt if the language was going to be changed it should be for the immediate spouse and then cut off. **Mayor Teefy** felt the original spouse would have the right to stay in the home but if she remarried she would then be disqualified because she would no longer be a qualified spouse. Mr. Hovanian spoke of the 20% rule that would put a ceiling on these concerns. **Cncl. DiLucia** noted we do not have the 20% and he does not like changing legal language because every time we change something we end up in court getting sued. **Mayor Teefy** questioned who would enforce this. **Cncl. DiLucia** explained the trustees would and if they violated their covenant then someone could go to court to enforce it. Ms. Corbi explained the census taken shows the difference in age between the qualifying spouse and non-qualifying spouse is less than ten years. This census along with our budgets are sent to the DCA every year. **Cncl. DiLucia** noted the Holiday City covenant was written by the developer, who was the initial trustee and those rules are still in place 30 years later unchanged and he questioned whether that is the way it works in all 55 and over communities. Mr. Hovanian indicated that was correct. He added the township ordinance supersedes the Housing Act and that is the issue because the covenant must conform to the local ordinance. **Cncl. DiLucia** questioned then why is Holiday City allowed to tell someone they can't have a licensed truck in their driveway because if the law supersedes the covenant someone could have gone to court to enforce the law? **Solicitor Fiore** explained the Housing Act allows the township to supersede the Federal Law in regards to the percentage but

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not the individual covenant within the association. The Federal Law allows the 80-20% rule but allows municipalities to be stricter than that. Cncl. DiLucia questioned if the surviving spouse would then be able to maintain the property as long as it wasn't 79%. Mr. Fiore replied yes so long as it does not fall under the 80% rule. He suggested surviving spouse be defined as there are also civil unions and domestic partners and it would be unconstitutional to protect a surviving spouse and not other individuals who are recognized by law to be legal partners. He added DCA has not even caught up with that yet. Cncl. Heffner noted protecting the surviving spouse goes beyond that spouse because it could keep rolling over and unless language was included to pin point what can and can't be done than he would not be in favor of this. Down the road if someone has additional language to address this it can be considered again. He added he understands the intent of the request but it is not in writing that way. Cncl. Heffner polled Council and they felt the ordinance should not be amended unless additional language was included that would address the issues discussed. Mr. Fiore suggested the attorney for Stirling Glen contact him to discuss the issues. No further discussion took place on this issue.

- Unimproved ROW/Vacation of Streets

Director of Community Dev/Code Enforcement Rosemary Flaherty reported the additional paperwork she found in the files regarding vacated streets was sent to Kathryn Cornforth. Some of the streets vacated still remain on the tax records because even though the township closed them out the paperwork was never sent to the Solicitor to prepare the deeds. She added she is still looking for paperwork on some of them because some were vacated through the Planning Board and others were done by Council by a resolution of approval but no one actually ever followed up to close them out. Engineer Dave Cella noted Mike Calvello came to Kathryn because he was running into maintenance issues on unimproved right-of-ways and he wanted to know if we could vacate some of them. In looking at that we went to Rosemary to see if any of the right-of-ways mentioned were actually ready to come off the books and we narrowed that down to five that were supposed to have been done that were not. The other list of right-of-ways were done and are on file with the County. The tax map just needs to be updated but that is the County's issue. Solicitor Fiore felt the others should be checked to see if the right-of-ways are really needed as they could have been created many years ago for a purpose that is no longer necessary. Mr. Cella felt no action should be taken this evening as he has questions on three of the areas that Kathryn said could be vacated. One property may have a utility easement on it and the other two may have access issues. The contiguous property owners are saying access is okay but we need something in writing that says that. Kathryn may have that but at this time he didn't know and felt at this point the list is informational. Mr. Fiore pointed out Charm Road is on the list and that is part of the redevelopment area so Council may not want to vacate it. Mr. Cella stated that is the property he is concerned may have a utility easement for an MMUA pipe or a storm pipe but if it has either one it cannot be vacated. Cncl. Pres., McIlvaine felt it is a sewer pipe because he used to mow it when he worked for the MMUA. Mayor Teefy commented that a few years ago Council considered vacating Maple Lane, which is on the list, and found that a house was built on a portion of the road and a neighbor has used it for fifty years to access his property. Mrs. Flaherty noted she has worked on this for a few weeks and has given Kathryn everything she possibly could. Now we will need to figure out the easement issues and the

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engineers will need to visit the sites to see if it makes sense to bring them to Council to consider vacating. Cncl. Heffner felt this matter should not be moved forward until all questions are answered. All members of Council agreed.

- **Whitehall Road Weight Limit**

Cncl. Heffner noted during discussion on the request of the Police and Public Works Department to place a weight limit on Whitehall Road a question came up about the Sahara Sands trucks using the road. Rosemary researched the Planning Board approvals for Sahara Sands and found one condition of approval was trucks are not permitted to make a left hand turn onto Whitehall Road, they must make a right turn and go to Piney Hollow Road. Another condition was they cannot operate that sand plant until the other has been completely closed and they might not be aware of that. Technically the County owns a portion of the Whitehall Road Bridge and when Mike Calvello called the County they said we can't put a weight limit on it. Solicitor Fiore noted he will contact County Counsel to see what their position is on this because they should gladly limit the weight so excess weight does not affect that bridge over time.

- **Restricting The Sale Of Dogs & Cats In Pet Stores - Removed from Agenda**

- **Creation of Downtown Business Improvement Zone**

Solicitor Fiore provided Council with a sample ordinance from Cranford Township to show them how other municipalities are controlling their downtown districts. The Economic Development Commission and the Main Street Committee are working on an ordinance for this but he wanted to give council some idea of what can be accomplished. Cncl. Garbowski felt it should be addressed by the Redevelopment Committee (Cncl. Miller, Marino, Garbowski) and Council agreed. No further discussion took place regarding this issue.

- **Chapter 37 "Length Of Service Awards Program" (LOSAP) -Removed from Agenda**

- **Rental Inspections**

Solicitor Fiore noted this issue has been floating around since last December and he apologized for not scheduling a committee meeting to discuss it. Director Flaherty explained after reviewing the current ordinance, those from other townships, attending a recent Rutgers training seminar and speaking with TRIAD our COAH spending plan consultants we definitely need to bring the rental inspection program back. Mrs. Flaherty noted a draft ordinance that she and Tara Park (Construction Office) created to protect the town was emailed to Council prior to this meeting. She was not asking Council to do anything with the ordinance tonight but wanted them to understand some important things included in it that were not in our current ordinance. She noted we lost approximately \$75,000.00 or more in revenue last year by not doing the rental inspections. It was also brought to her attention the township is supposed to check well certifications every five years according to the Potable Water Act so if those inspections were due last year they were not done. At the training seminar she attended a Parker McKay attorney said

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if something should happen at a rental property where the township does not regulate the township will be sued for this. The Mayor has mentioned a few times at meetings that public safety is our main concern not collecting revenue but since we can collect revenue that is a bonus that we should never have done away with. **Tara Park** explained the proposed changes to the code. Previously yearly inspection fees were a flat fee per unit but in the proposed ordinance one to five units would be \$35.00 each and six to ten units would be \$25.00 each, which should be an incentive for the property owners. Currently the fee is \$50.00 when there was a change in tenant. Mrs. Flaherty explained it takes about an hour to perform inspections on single family dwellings but units in an apartment building should take fifteen minutes max so to charge the same amount does not seem constitutional. Ms. Park explained the time period for inspections would change. Letters will go out to property owners in May, inspections fees will be collected all summer and the inspection process will begin September 1<sup>st</sup>, which will keep the inspectors busy during the slower months of the year. Many landlords want yearly inspections done so they can get in their units to see what is going on and if we see violations the properties will be failed. The previous ordinance did not include language dealing with carbon monoxide detectors so that has been included. When an application is completed it will include a list of all tenants living in the unit and that will be sent to the Police Department so they know who is in our town. That information can also be used in the event of an emergency the police will know who is living in that unit. Council questioned whether it was legal to request that list. **Solicitor Fiore** replied it is totally legal for public safety purposes but some landlords might fight it. Mrs. Flaherty noted in Maple Shade she provided the Police Department with a copy of all tenants in motels and hotels staying for any length of time. She commented a pedophile must register within 72 hours of locating in a township and this gives the police department information just in case one of those people show up as a red flag because they are hopping from town to town. Ms. Park noted she brought this issue up after the stabbing incident on Library Street because the man that did the stabbing was not registered their under Megan's Law. Mrs. Flaherty noted this will also allow the department to check tenants from year to year to make sure they have not changed during the year and the landlord neglected to get the unit re-inspected. We also need to know how many children are in units in the event of a fire. Ms. Park explained the proposed ordinances requires landlords to be given a rental license to post on the property that states how many people live there and it requires all property taxes and special assessments to be paid up to date when rental units are registered. Mrs. Flaherty added some towns request water and sewer be paid as well but at this point she felt it should start with taxes first. She spoke of rental units in foreclosure and noted people in foreclosure should not be renting out their house. **Cncl. McIlvaine** noted in Wildwood before a landlord can get a license the Mayor, Zoning Officer, Construction Officer, Fire Chief and Police Chief must sign off on it and he felt here at least the Mayor and Chief of Police should be required to sign off on it. He noted with the stabbing issue nothing happened to that landlord. He doesn't live in Williamstown, care about the people here or how many times the Police Department responds to his apartment. All he cares about is collecting his money and the rest of us are left to deal with everything else so there needs to be a penalty for the landlord who rents to crumbs like that. He noted as a police officer he was going to the same houses over and over again. The police budget is over \$8,000,000.00 and these landlords are not paying for that we are. He spoke of people telling him they would move to Williamstown but were afraid to let their kids ride the school bus down Main Street. He commented Main Street is not like that and he would

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allow his wife to walk down that street at 2:00 AM but the rumor is out there and we need to stop it. He added if this ordinance is going to change then we need to look into penalizing landlords for the tenants they allow to come into this town. Ms. Park noted there is a section in the ordinance about revoking a landlord's license. Solicitor Fiore noted he previously sent the Main Street Committee a copy of the Deptford Township "Animal House Ordinance", which deals with landlords being held responsible for unruly tenants and he would also send Rosemary and Tara a copy to incorporate into the new ordinance. Landlords should be made aware of the fact that if the police are called out X number of times they will be held responsible and fined. The Deptford ordinance includes a whole mechanism whereby landlords can lose their license and that is actively enforced there. **Mayor Teefy** noted he was definitely in favor of him and the Police Chief signing off on this so the landlord knows his application is being reviewed by the highest level in town. **Cncl. Marino** questioned if there were any lawsuits regarding lead paint in the past. Mr. Fiore replied none that he is aware of. Ms. Park requested clarification that the Certificate of Occupancy or license would be signed off on by the inspector, the Mayor and Chief of Police. **Cncl. McIlvaine** replied that is correct. **Cncl. Marino** questioned whether the township would be liable if there was lead paint in older homes. Solicitor Fiore explained only if the township is mandated by State law to inspect for lead paint. If we are, then we should be inspecting for it. If there is no mandate then we would be creating a standard that we must adhere to. If we make it a local ordinance and do not follow through with it and someone gets sick from lead paint we would be held responsible. Ms. Park questioned when the ordinance would be on for First Reading. Mrs. Flaherty added the issue is that we did none of these inspections last year and we would like to get this back on the books because in her opinion it should never have been taken off. We need to get this started by September 1<sup>st</sup> in order to make a difference. Mr. Fiore advised the draft could be reviewed at the May Ordinance Committee Meeting and that could be forward for 1<sup>st</sup> and 2<sup>nd</sup> reading at the May Council Meetings. **Cncl. Pres., McIlvaine** questioned when the Code Enforcement Officer signs off on this does that include the fire inspection or does Skip Tomarchio need to sign off on it as well. Ms. Park explained we do not have a separate smoke certification that is all incorporated into the CO inspection. She felt there should be a waiting period included in the application process to allow time for the Mayor and Police Chief to review and sign off on it. **Cncl. Pres., McIlvaine** questioned whether rental units get inspected by the fire official or do the Code Enforcers check smoke detectors. Mrs. Flaherty replied fire officials inspect only commercial facilities and Code Enforcement Officers check smoke detectors, carbon monoxide detectors and fire extinguishers in residential. **Cncl. Pres., McIlvaine** noted his concern is firemen will get trapped in old houses that were turned into apartments, as they may have staircases that go nowhere or doors that have been boarded up. Mrs. Flaherty agreed and noted she had a couple properties in violation last year where a one bedroom turned into three efficiencies with twelve people registered when originally it was only a mom and child. She noted our forms will be revised to make sure everything is caught and that will be put into an Excel spreadsheet that will be a tracking system so this does not happen again. **Cncl. Heffner** polled Council and all were in favor of the proposed ordinance. **Cncl. Heffner** requested Mrs. Flaherty send the ordinance to the Solicitor so he could draft it for the May Ordinance Meeting.

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F.) NEW BUSINESS

Cncl. Garbowski noted the Library Board trustees discussed the township smoking policy after receiving complaints about people smoking and throwing butts at the Library entrance. The township policy says no smoking in township buildings so they would like the policy updated to prohibit smoking on township property. Mayor Teefy suggested a designated smoking area be established. Cncl. Heffner polled Council and all were in favor of creating a designated area as long as it complied with State regulations.

Cncl. Marino spoke of being in Gloucester Township where every school building has solar panels, which the township gets money from and he questioned whether they were ever considered here or whether there was a process that we could start looking into them. BA, Kevin Heydel noted the Library is the only feasible place to put solar and that's because they have the ground space, as solar panels should not be put on the flat roof. The municipal building does not have roof space because of all the mechanicals up there so the only other place to put them would be the parking lot and there would be no benefit in putting them at Public Works. Mr. Heydel explained we are involved in a purchasing cooperative with Constellation Electric for basic electricity generation and South Jersey Energy for gas as opposed to South Jersey Gas because it's cheaper so we have taken steps to minimize our costs. Suggestions were made to consider solar panels in the renovation of the Williamstown Fire House and the construction of the new Cecil Fire House. Wind energy was also suggested.

G.) OLD BUSINESS

Mayor Teefy thanked Council for their support with the contractor's list. Twenty properties are being cleaned up including one that had an uncovered cesspool with a fifteen foot drop. Cncl. Heffner questioned whether the property owners are notified before the contractors go out. Ms. Park explained the properties are all owned by banks and they have been notified. Cncl. Heffner noted his concern is that we are collecting a registration fee on properties when we get an intent to foreclose and down the road we may be owing people money if someone sues one of the towns. He noted in speaking with the Tax Collector he found out Washington Township has not spent a dime of their registration fee money because of the fear of a lawsuit because they are collecting money on the intent to foreclose. Some people are habitually late on their taxes so to access this registration fee may cause problems in the future. He requested the Solicitor to find out what other towns are doing. Mr. Fiore explained the legislation allows us to collect the fee but one point that should be looked at is people being put on the list when they are late on their taxes. We want people to upkeep their property but it may be counterproductive when they can't pay their taxes. He noted when someone intends to foreclose they send a letter and then put a notice of Lis Pendens on the property meaning they are proceeding. He felt Cncl. Heffner's point is well taken because people are legally allowed to be late on their taxes and can enter into a taxpayer agreement so should those people, who are honestly late be burdened with an additional registration fee. Mrs. Flaherty noted right now banks are paying registration fees for abandoned homes but they are not maintaining those homes. Mr. Fiore agreed but noted there may be someone who has fallen through the cracks that the bank has not foreclosed on. An example is someone whose taxes are not included in their mortgage. The mortgage may be paid but the homeowner may fall behind on paying the taxes so they would then be put on the list and

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**G.) OLD BUSINESS (cont'd)**

required to pay the registration fee. He questioned is that the intended purpose of the legislation Statewide? Ms. Park spoke of the Deptford Township Clerk contacting her through our Clerk, as they also partner with Community Champions and hate it. She was an advocate for the company so she went to Deptford one day to help them with the program. Deptford Township does not use the occupied portion of the law but Franklin and Clayton do. The occupied and pre-foreclosure shows a green light/red light when the registration fee is supposed to be collected, how much it is going to be and when it is to be filed. Currently we do not use the tax part but we plan on doing it at the next tax sale. Deptford is now on the fence in regards to signing on for the occupied and the Lis Pendens part of the program because they saw what we have gotten out of our product. The other towns have similar ordinances but our fees are lower. Some of their fees are \$2,500.00 in the third year and ours are \$1,500.00. Cncl. Heffner questioned when the banks send letters of intent to foreclose do we check to see if someone is living in that house. Mrs. Flaherty explained when she receives a copy of the letter she sends an inspector out to the house. Cncl. Heffner noted the registration fee is tacked on to the end of the mortgage so the homeowner really doesn't know a whole lot about what is going on other than his mortgage may go up a few dollars, which he is already having problems paying. Ms. Park explained the initial fee is \$500.00 and as soon as the disposal hits of the Lis Pendens it stops, there is no fee or if there was a fee it was paid and we are done as there is no accruing fee. If they catch up on their mortgage they are no longer charged. Mr. Fiore explained this is a work in progress. Some municipalities are a lot more aggressive than others. He gave the example of someone being foreclosed upon that files for Chapter 13 bankruptcy. They will pay the arrearages on their mortgage to pay it current but technically it is still an abandoned property because they are in foreclosure. The property is really not abandoned and that is the area of the law that needs to be clarified. Cncl. Heffner expressed concern that this many end up like towing when one judge said one thing and another Judge said his ruling was wrong. Mr. Fiore explained right now we are flagging the system through the tax office but it is not a collectible lien. We need to correct that. Champion is sending out the proper notice to the people and when they don't respond Champion communicates that to us so we can go to court to put a lien on the property like an MMUA lien. These types of charges are not automatically lienable under the law. Title 54 establishes what municipal charges can be lienied. It can be water, sewer, taxes, cleanups but the registration fees are not automatically lienable. Many banks are just paying the money but some people refuse to pay it at closing and technically we cannot force them to pay it because right now it is not a collectable lien. Ms. Park noted about three weeks ago she sent emails out to everyone on Champion's list that should be registered. The list started with 476 properties that owe us money but that is down to 401. She explained the penalty, which is included in the ordinance has not been enforced so she sent the Tax Collector the spreadsheet of 476 properties that owe us money and told her what the penalty should be. When the tax office receives calls for special charges they are transferred to her and most are paid. Fannie Mae owns 70 properties and wants to send one check for \$75,000.00 for what they owe. Their penalty is also \$75,000.00 because it matches the yearly amounts. If a property has sold and gone to settlement we want the fee and some banks are paying because we threatened to issue a summons. In three weeks seventy-five people have paid and this month that should at least double. Cncl. Heffner questioned where that money goes? Mr. Heydel advised it goes into the general fund. Cncl. Heffner noted that is his point because if this ever ends up in a lawsuit we will need to come up with big money to

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G.) OLD BUSINESS (cont'd)

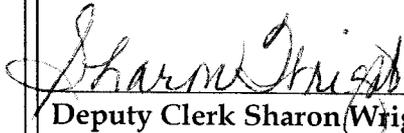
settle it. He questioned whether a portion of that money should be set aside. Solicitor Fiore questioned if the money could be put in a special fund such as the demolition fund. Mr. Heydel noted we budget money in that fund but if a forecast was made in regards to what Council wanted done some of that money could be put into that account. No further discussion took place on this issue at this time.

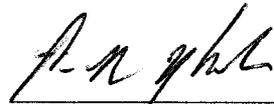
Mr. Heydel questioned why the LOSAP discussion was removed from the agenda. Cncl. Heffner noted that was explained prior to Mr. Heydel coming to the meeting. The fire department will be submitting their questions, a quick meeting will be held with them to answer those questions and then it will move on.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Pres., McIlvaine made a motion to adjourn the Ordinance Committee Meeting of April 5, 2017. The motion was seconded by Cncl. Garbowski 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 5, 2017 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     DW     Date     5/3/17      
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_