

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 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 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. Miller led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	
Solicitor, Charles Fiore	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:14 PM)
Dir. Public Safety, Jim Smart	Present	(Arrived 7:15 PM)
Dir. Mike Calvello	Present	
Chief John McKeown	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

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

C.) PUBLIC PORTION

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

Domenic Burgess of B & B Auto Repair stated three towers would be better than one because there is strength in numbers and he suggested when the Towing Ordinance is amended

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C.) PUBLIC PORTION (cont'd)

language be included that would give towers time to correct any deficiencies found when their towing applications are submitted to the township. Towers could be suspended for the time their applications are being corrected but this would stop all the arguments in the future and make it fair for everyone. He noted we have all been in business for a long time and we can help each other. **Cncl. Heffner** advised that is something that could be looked into but the ordinance would need to be amended to do that.

Jack Simmermon of A-Jack's Towing disagreed. He felt the ordinance should not be changed. It is basic and the township gave everyone a checklist to follow.

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

D.) ORDINANCES FOR REVIEW - None

E.) MATTERS FOR DISCUSSION

- Site Plan Waivers - Developer's Agreements - REMOVED FROM AGENDA
- Stormwater Management

Public Works Director, Mike Calvello explained each year when he completes the Stormwater Management report it asks for manuals and as-built drawings which should be submitted to the Planning Board but there have been a few years when those manuals were not received. **Mrs. Flaherty** has been putting together a spreadsheet/detailed checklist and as each developer gets their approval they must turn in their manual. He explained the Stormwater Ordinance and some others need to be amended because they do not include the Stormwater Coordinator as the enforcer they have the Mayor, his designee or the Police Department. He questioned whether all the ordinances should be amended at the same time. **Solicitor Fiore** recommended the ordinances all be changed at one time. He questioned whether the Stormwater Management Coordinator had to be a Certified Public Works Manager or have some other type of credential from the State. **Mr. Calvello** explained the Stormwater Coordinator does not have to be the Superintendent of Public Works. Someone else can be designated as the coordinator and no State recognized credentials are needed. **Mr. Fiore** noted Developer's Agreements require Stormwater Management Plans be followed and developers must submit information and cooperate on a timely basis whether they have a site plan or not. He also felt that should be in the Planning Board Resolution and prior to a construction permit being issue that manual should be on file and it should all be done up front to avoid any problems in the future. **Cncl. Heffner** requested **Mr. Fiore, Mr. Calvello, Mrs. Flaherty** and **Chief McKeown** prepare the amendments to the ordinances so there is a clear definition as to who and what department is responsible for enforcement.

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E.) MATTERS FOR DISCUSSION (cont'd)

• Solar Guidebook For New Jersey Municipalities

Cncl. Marino explained the existing ordinance does not deal with solar for the municipality and he suggested that be included in the event the township decides to install solar panels in the future, as there are ground and rooftop areas where panels can be installed. Other areas where panels could be installed are the schools and school fields. He noted he has a lot of information regarding solar and wanted to bring this forward after seeing what is spent on electric each month and that cost is going up each year. He also noted the Pinelands Commission amended their ordinance to allow solar panels in Pineland areas. He explained municipalities cannot get the 30% tax break but can partnership with solar companies and can do a six or ten year buyout clause. He noted the HDSFR grant was for the landfill and possibly for solar. Mr. Heydel advised the HDSFR grant was to install the system to close and then cap the landfill. Someone did speak to the Mayor about putting a solar field on the landfill site and they were willing to help fund the cost of capping but we are going with the HDSFR grant to help cover that cost. Cncl. Marino noted landfills are the only place unmetered solar panels can go. A study would need to be done to see what the kilowatt usage is and then the system would be designed around that. Mr. Heydel noted he did a kilowatt study on the municipal building a couple of years ago and the usage has really not changed much since then. Cncl. DiLucia spoke of past discussions when Council was given the impression that solar panels gave off a glare but from the information he just read panels are equivalent to shingles and don't give off glare anymore. Panels absorb energy and do not expel it, which would give us more flexibility in where to install them. Cncl. Marino explained the ordinance was done in 2013 and the technology of the panels have changed a lot within the last two years. Cncl. DiLucia suggested Council learn more about this before really getting into it but he felt putting them on the landfill would be best, as there are no neighbors in the area to complain about them. Cncl. Marino explained the township would partnership with a company that would guarantee a lesser rate. Normal electric rates are 16¢ or 17¢ per kilowatt and most solar companies are doing 3¢ to 10¢ a kilowatt. Cncl. DiLucia questioned if the utility company would pay us back for the excess energy. Cncl. Marino explained municipalities can't do that. Cncl. DiLucia noted people he talked to were actually getting panels installed at no cost and in some instances they were getting money up front. Cncl. Marino explained it usually depends on how big the system is but some companies are warranting panels for twenty years, giving fixed rates six to seven years but they keep the extra and that is where they make their money. Cncl. Heffner added and some are putting brand new roofs on houses. Cncl. Garbowski noted he has solar panels on his home and has a lease that guarantees all the maintenance and service for twenty-five years. He pays a lease payment to the company and at the end of the year if there is an excess he gets the money back. Cncl. DiLucia questioned Cncl. Garbowski on what would happen if he sells his home. Cncl. Garbowski explained the lease goes with the house. Director of Public Safety Jim Smart noted he also has solar panels and an electric bill of a negative \$103.00 per month and he felt that would help him sell his house. Cncl. Garbowski noted he pays \$4.00 per month to the electric company for the hookup charge and the lease is \$116.00 so his total electric bill is \$120.00 a month when he previously paid \$250.00 per month. Mr. Heydel noted in the past we considered bringing in a company that would take care of any cost to rehab and bring the landfill into compliance. Cncl. Marino

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E.) MATTERS FOR DISCUSSION (cont'd)

agreed with that but wants to see if the township could include a buyout clause that would allow the company to recoup their upfront cost and then we could get the excess credits that are being fed right into the grid. Mr. Heydel explained that is why we are going for the HDFS grant. That is free money for us that offsets the cost of capping and closing the landfill, which gives us more negotiating power to work out a deal that will make some money. Cncl. Marino noted the best case scenario for when the landfill will be capped is 2019. Cncl. Garbowski noted when he was on the Redevelopment Committee discussions took place regarding capping the landfill with asphalt so it could be made into a parking lot that included solar panels, as the parking lot could be used by New Jersey Transit for vehicles traveling the Atlantic City Expressway. He noted he would research some of the old information he has and bring it back to the Redevelopment Committee. Cncl. Marino suggested sending the electric bills to solar companies to let them do an overlay of the township to see what they can come up with. Jim Smart noted he is working with Mrs. Flaherty to amend the ordinance to require the ground under solar panels to be maintained because with weeds growing under them in dry conditions there is the possibility of a fire hazard. He wanted Council to keep this in mind when putting solar panels on open land. **Director of Public Works Mike Calvello** requested the Solar Company be responsible to maintain the landfill property once the panels and fence are installed. Mr. Heydel noted they would be responsible because technically we would be leasing them the land. Cncl. Marino noted he would send the solicitor information to review regarding the PPA partnerships. Mr. Fiore noted he would review the information prior to any companies being contacted. Cncl. Marino noted we also need to look at what buildings we have and the cost of the electric for each one.

F.) NEW BUSINESS

The Deputy Clerk explained a representative from Gloucester County Animal Control advised the Clerk's Office of a vicious dog attack that involved two Rottweilers attacking a little boy. The two dogs have been seized and are impounded at the County facility. The case is scheduled to be heard in court on July 11th and the dogs may be released after the hearing. Animal Control is going for the maximum fine because the dogs broke down a vinyl fence and went into the neighbor's home and attacked the little boy. Solicitor Fiore was aware of the case and explained there were two children involved. The mother got them inside but the dogs broke through the front door and bit the mother while trying to get to a child she was holding and if it had not been for their Golden Retriever the attack may have been much worse. The dog owner hired a trainer, put in a special kennel, the dogs were microchipped and he had to purchase special insurance so he is trying to comply with all the requirements under the Statute. He noted he thought Animal Control was going to charge him under the Vicious Dogs Statute and then the dogs would be impounded and euthanized. The Deputy Clerk noted Animal Control advised the Clerk's Office that he was being charged with having potentially dangerous dogs and according to State Statute the cost of the PDD tags range from \$150.00 to \$700.00 if a municipality has an ordinance in place. Animal Control wants the owner to pay the maximum of \$700.00 per tag because these dogs actually hunted down the little boy going from door to door until they got into the house. The State fees for PDD tags are not included in the Monroe

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F.) NEW BUSINESS (cont'd)

Township Code under Chapter 74 "Fees" or Chapter 280 "Animals" so the Code needs to be amended to include those fees. **Cncl. DiLucia** noted he was contacted by another woman whose dog was attacked by other dogs while she was holding it. She had \$3,000.00 or \$4,000.00 in vet fees. **Mr. Fiore** noted he was also involved with that case and the owner of the attacking dogs had to pay restitution and by the time they went to court almost all of the vet fees had been paid. **Mayor Teefy** questioned how do we determine which dog gets the PDD license and who makes that determination. **Solicitor Fiore** advised it is after an attack and the determination is made by Animal Control according to the intensity of the attack. He explained the two Rottweilers are charged with running at large, potentially dangerous dogs and vicious dogs, which would mean they would be euthanized. The people are horrified to live in their home with those dogs next door. **Solicitor Fiore** advised he will review the State Statute and draft the ordinance to amend the Township Codes.

G.) OLD BUSINESS

Cncl. Marino noted ARH was sent out to inspect for trees at the Walmart and there are about 150 or so trees missing. **Solicitor Fiore** advised a resolution will be done at the next council meeting denying their request to release the bond.

Cncl. Pres., McIlvaine questioned Chief McKeown on whether anyone has looked into the Library Street parking issue. **Chief McKeown** advised he spoke to Sgt. Burton on that and will follow up and get a report on that issue.

Chief McKeown advised he received a grant application from the State regarding community policing initiatives and that is due by Monday, July 10th. What the grant covers is very limited and after discussing various things the Police Department would like to have a Police Chaplain Program. Local churches and faith based organizations would be contacted to assist the department with death notifications, help for grieving families or those involved in domestic violence or any other type of tragic incident that may occur. There would be no pay as the work would be done on a volunteer basis but there will be a cost for uniforms and training, which is the reason this program was not previously put in place. The grant would cover the cost of uniforms so we are going to hurry and submit the application by Monday and if approved the Police Department will see what type of interest we have in the community for that type of program.

Cncl. Heffner questioned the Chief on whether police officers are walking along Main Street at night. **Chief McKeown** noted the K-9 Unit was switched to the evening shift to try and maintain a little more coverage but that has not been successful at all because we were detracting from staffing in other areas. After discussing it with the command staff the K-9 Unit will be moved back to their regular rotation. On nights the Grand Theater has performances the Patrol Captain has been adamant that officers are there but routinely due to the call volume the patrols are not assigned to Main Street. Last year added patrols were assigned there a couple nights a week but that was done on overtime. This year we made a commitment to try to

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G.) OLD BUSINESS (cont'd)

reduce overtime. The Chief noted he could get it done for overtime but that would be counterproductive for our financial plan so when officers are clear they will patrol Main Street. **Solicitor Fiore** cautioned that once marijuana is legalized there will be a big impact on the Police Department in regards to enforcement. DWI 450 is driving under the influence of alcohol and/or drugs and unless they come up with a quantitative test as to how much drugs are in a person's system we will need what is called a DRE (*Drug Recognition Expert*). There are two in the Police Department but one, Carmen Iacovone is out so the Chief will be asking for more money to train additional officers. Many people are under the impression that they can smoke marijuana and drive but you can't be impaired when driving so this will be a difficult crossroad law enforcement will face in the not too distant future. **Chief McKeown** noted this was discussed at both of the State Chief's Association Business Meetings in June. Currently the breath test is the only legal test and that does not test for anything other than alcohol. The State cannot decide on a new machine so we would need an implied consent for urine or blood test and that has been resisted for a long time. The State Chief's Association is trying to get clear language included in the law saying it does not apply to police officers. He explained marijuana is still prohibited by the Federal Law which says anyone using prohibited drugs are not permitted to carry a firearm. There is confusion in other states because police officers are smoking marijuana and are saying they fall under State law but the Federal Law still prohibits it. Chief McKeown noted help from local elected officials is needed to put pressure on the State to draft clear language in that law. Cncl. Pres., McIlvaine noted when he was a police officer the judge would not recognize DREs and he questioned whether he has changed his mind on that. The Chief noted he did not recognize their testimony as unequable, but he still wants them to provide testimony in court. The initial State Police interpretation of the DRE was that if a person had the certification that was enough but our judge wants to hear their expert testimony and what they actually tested. Solicitor Fiore noted he borrowed Officer Iacovone's manual and the training is very extensive as they testify to things that doctors would testify to. The Chief noted that is a hard course to pass and the department does not have many officers interested in taking urine from suspects and part of the requirement is to directly observe that. Mr. Fiore noted a urine test may come back saying there are four or five drugs in a person's system but it does not give the quantity or the time that it was ingested so unless you have a DRE testify you can't make Nexis unless someone is really stumbling or falling over. Chief McKeown noted the Police Department took a beating in the local Facebook and Town Talk about the twelve pounds of marijuana that was seized by our detectives. People were saying why was taxpayer money wasted seizing twelve pounds of marijuana, however it was an interstate drug ring that had other higher scheduled drugs but that part was overlooked by the people blasting the Police Department.

