

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
NOVEMBER 1, 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 First 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. Pres., McIlvaine** 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                          | Present |                  |
| Ord. Chairman, Bob Heffner                 | Present |                  |
| Mayor Daniel Teefy                         |         | Excused          |
| Solicitor, Charles Fiore                   | Present |                  |
| Business Administrator, Kevin Heydel       | Present |                  |
| Dir. Public Safety, Jim Smart              | Present | (Arrived 7:08PM) |
| Dir. Public Works, Mike Calvello           | Present | (Arrived 7:20PM) |
| Dir. Com. Dev/Code Enf., Rosemary Flaherty | Present | (Arrived 7:03PM) |
| Police Chief John McKeown                  | 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 October 11, 2017. The motion was seconded by **Cncl. Marino** and unanimously approved by all members of Council.

**C.) PUBLIC PORTION**

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

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D.) ORDINANCES FOR REVIEW

• Spending Ordinance

Solicitor Fiore explained this ordinance appropriates \$28,000.00 to cover the outstanding engineering costs and design fees for the Rt. 322 and Fries Mill Road Intersection project. Cncl. Heffner questioned in the end if the property owner decides not to repay this what option does the township have. Mr. Fiore explained we can sue him or we can adopt a "Benefit of Assessment" ordinance, but that is a long drawn out process. This ordinance seems to be the only way the project will move forward but the property owner could contest it as well as the fact that he owes this money. In order to protect the township we will also need to enter into some sort of agreement with the other developers to hold them responsible for any additional fees that may be owed in the end. There is \$2,000,000.00 already on the books in Trenton and other money is coming from the County for the project but there are going to be soft costs not covered by any funding from the State and we do not know what that number will be. Cncl. Marino questioned at some point in time if Hargrove comes before the Planning Board to develop his corner could we tie this outstanding money to his development fees or his developer's agreement. Mr. Fiore replied no, at this point in time there is nothing legally binding for Mr. Hargrove to pay that money back. A Benefit of Assessment Ordinance will need to be adopted. Mr. Fiore noted prior to second reading of this ordinance he is going to send a letter to the other three developers saying that if Hargrove doesn't come to the table they will be responsible to reimburse the municipality and they would have to agree to that or we can withhold this money. Cncl. Miller questioned if the township could say if Hargrove does not reimburse us then his property will not be included in the redevelopment area. The corners will be developed as there already is an approved project on Ken Shatz side so it will behoove him to work with us in the future. Mr. Fiore noted there is not a 100% mechanism in place. We are anticipating doing the Benefit of Assessment Ordinance or having another agreement but he could contest it and challenge the ordinance. According to the court settlement Ken Shatz is bound to residential and commercial but redevelopment overlay is going to be commercial for everyone else. Cncl. DiLucia noted when this was previously discussed he was under the impression there was a way this money could be recouped. He questioned since this will improve the value of his property could we get the money back if he sells it. Mr. Fiore responded right now we are not guaranteed to get the money back. We would need to adopt a Benefit of Assessment Ordinance, which will require a study of the corner and the creation of a special district that could tie into redevelopment but he could challenge that ordinance. The County can charge him a fair share contribution for the impact of the traffic signal on the corner and the State can require him to contribute but that will not come close to the cost to move the project forward. We need the second mechanism in place to ensure we get the money back. He explained the \$28,000.00 is going to move the project through for submission. Then a bid package will be prepared so there will be legal and engineering costs involved in that and who is going to pay those costs; the municipality? Cncl. Miller replied no because initially once the plans are submitted and approved they were going to front the additional money to move forward with the project. Mr. Fiore felt the County may take over the project because they do not have to pay the \$800,000.00 to move the large telephone poles. The County will bid the project out and do their own Benefit of Assessment Ordinance for those properties but for now

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**D.) ORDINANCES FOR REVIEW (cont'd)**

we are plugging the \$28,000.00 whole with the idea there will be smooth sailing after December 1<sup>st</sup>. This project has been twelve years coming. Mr. Fiore noted Senator Madden made it clear the money from the State can only be used for the hard costs, it can't be used for any of the soft costs associated with the project. We have had assurances from the County and from the legislators that if there is a deficiency they will plug the money with discretionary funding. Cncl. Heffner polled Council and all were in favor of moving the proposed spending ordinance forward for First Reading at the November 13<sup>th</sup> Regular Council Meeting.

**E.) MATTERS FOR DISCUSSION**

- **Health Insurance Opt-Out**

Solicitor Fiore noted there was a lot of discussion about health insurance opt-out but he needs some guidance in preparing the ordinance. Cncl. DiLucia questioned why this matter would not be contractual. Business Administrator Kevin Heydel explained the Division of Local Government Services put out a Local Finance Notice that states it is not subject to collective bargaining. Mr. Heydel read into the record the following: *"Statutorily prohibited from being subject to collective bargaining process. Local units have sole discretion as to whether or not to offer employees payments for waiver of health benefits."* Cncl. DiLucia noted once we give the benefit does it then become a collective bargaining issue. Mr. Heydel replied no because we can withdraw/rescind it at any time. Cncl. Heffner commented even once it has been given to the employees and Cncl. DiLucia noted he would like to have a legal opinion on that. Discussion took place regarding employees whose spouses work in other government entities and Mr. Heydel explained if both spouses are covered under State Health Benefits they cannot get the opt-out. If one spouse is in State Health Benefits and the other is covered under private insurance then the opt-out can be given. Mr. Fiore noted some school districts, which have private insurance is giving employees \$8,000.00 to opt-out. Cncl. Heffner noted the Monroe Township School District was giving \$8,000.00 but under their new contract that was reduced to \$4,000.00. People already getting the \$8,000.00 were grandfathered but new people coming in will only get \$4,000.00. Cncl. DiLucia noted we already give \$2,400.00 to opt-out so does any adjustment to that become subject to collective bargaining since it is already a condition of employment and if it is in the contract it cannot arbitrarily be cut out because it is a practice. If the employees go before an arbitrator and say they have been getting it and the township took it away Cncl. DiLucia felt it would become part of the collective bargaining agreement based on a practice. Solicitor Fiore commented increasing the opt-out amount would be an incentive for more employees to opt-out. Mr. Heydel explained the average police officer makes \$100,000.00 and their family health plan is \$31,300.00 so they would pay \$10,000.00 towards those benefits. If they are offered the buy-out they would save that \$10,000.00 and make an additional \$5,000.00 so they would get a \$15,000.00 swing. If their spouse is working at the school earning \$40,000.00/\$50,000.00 they may only be paying \$6,000.00 for benefits. He noted right now the savings from opt-out is \$209,000.00, we give back \$20,000.00 so the total saving to the township on opt-out is approximately \$185,000.00 and that is significant. Cncl. DiLucia noted there has been some assurances that if the opt-out is raised more employees will take it and that would

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E.) MATTERS FOR DISCUSSION (cont'd)

be a win, win situation for the township and them. He questioned whether it could just be implemented without going through collective bargaining because once it was given you give up your management's prerogative, as it becomes a bargaining issue. He questioned whether the Statute means before the first instance or does it mean once in place you can or can't adjust it. Cncl. Heffner noted currently the opt-out is included in employee contracts. Mr. Heydel advised it is not in contracts and was not done by ordinance, it is just a practice. Cncl. DiLucia noted there have been thousands of cases before arbitrators where practice supersedes management rights because management established the practice so it is a benefit that is expected and whatever is done he wants to make sure it's legal. Cncl. Marino questioned whether there was a projection on the number of people who would possibly opt-out. Mr. Heydel noted he could not project but the MTPOA feels officers will take it. If the opt-out was increased it would cost the township \$28,000.00 more if no one else took the opt-out but if one more person takes it then it would be a wash. Cncl. DiLucia noted if a retiree took it there would be a real win for the township because their benefits are \$41,000.00. Mr. Heydel advised retirees cannot get the opt-out. At the conclusion of discussion on this matter Mr. Fiore advised since time is of the essence he will draft the ordinance for discussion at the November 13<sup>th</sup> Work Session Meeting.

- Chapter 162 "Housing Standards"

Solicitor Fiore explained the language in Chapter 162 needs to be changed to conform to what the case law was. Cncl. Heffner questioned if the language is changed is the township still subject to a lawsuit. Mr. Fiore explained rather than a licensing fee it will be called a registration fee and part of that cost is for the inspections of the property. He felt the ordinance will be challenged, as more apartment complexes are brought in. Mr. Fiore noted he is still working on this ordinance and will have it prepared by the December Ordinance Meeting. Cncl. Pres., McIlvaine asked Mrs. Flaherty if inspections are being done now. She replied yes they are.

- Abandoned Property Fees

Solicitor Fiore advised he met with Kevin Heydel and Rosemary Flaherty to discuss the abandoned property fees and an ordinance will be drafted by the December Ordinance Meeting so the fees can be in place by the end of the year.

- Wireless Telecommunications

Cncl. Marino advised the Committee met last Wednesday and the Solicitor is amending some of the language in the ordinance to address the Pinelands. Solicitor Fiore explained the ordinance will need to go back to the Planning Board for review and recommendation. Mrs. Flaherty advised the next Planning Board Meeting is tomorrow night (November 2<sup>nd</sup>) and she questioned whether Mr. Fiore would attend that meeting to explain the amendment or would he be giving her an overview. Mr. Fiore advised he would provide an overview. He went on

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**E.) MATTERS FOR DISCUSSION (cont'd)**

to explain that the ordinance would go before the Planning Board and once they sign off on it, it will come to Council for First and Second Reading before it is sent to the Pinelands. He added we can actually send it to the Pinelands after the Planning Board Meeting to advise them of the changes and that the ordinance will be going for First and Second Reading. The changes are what the Pinelands Commission recommended so we can assume they will sign off on it. Once the ordinance goes for First and Second Reading it will be certified by the Pinelands assuming they have a meeting in December. **Cncl. Marino** noted an RFI was sent out in order to get companies to attend an informal meeting that will advise them of issues we are having so they can present to us their ideas, plans, coverage and design. Four companies responded to that and meetings are scheduled with the first two, Crown Castle and SBA on November 16<sup>th</sup> at 5:30PM and 7:00 PM. He questioned whether copies of this ordinance should be given to them at the meeting. Solicitor Fiore replied no as it will not be approved yet. The Deputy Clerk requested clarification from the Solicitor regarding whether he was going to send the proposed changes to the Pinelands prior to adoption of the ordinance. Mr. Fiore advised that was correct, he would be sending the changes to the Pinelands.

**F.) NEW BUSINESS**

**Cncl. Marino** noted a resident of Victory Lakes asked him what the process was to put in three way stop signs at certain intersections. **Chief McKeown** explained most residents ask for stop signs to control speed control but they are designed to control traffic flow. Placement of stop signs is based on crash data so if there is a hazardous intersection a stop sign would be put up. **Cncl. Marino** questioned if a traffic study would need to be done. **Chief McKeown** replied yes one would need to be done.

**Business Administrator Kevin Heydel** advised the New Jersey Department of Health received a complaint from an employee that there were health concerns in the municipal building. Mr. Heydel and Director of Public Works Mike Calvello went to every office in the building to see if there were any issues. What was found was that many windows have black areas but that is not mold it is from the wood rotting. Some of the windows were damp but not overly wet. All the ceiling tiles were inspected and we have identified where there were leaks. All ceiling tiles are currently dry and the inspection took place two days after a big rain storm. During the last storm there was an issue in the basement and the carpet in the OEM office got wet. Mr. Calvello noted the roof was inspected several times but we can't find where the water is coming in. It seems to be following the air conditioning duct work so all the joints have been sealed hoping that will take care of the problem. It is not a roof issue because there is no way it could leak through every floor to get to the basement. **Cncl. Heffner** questioned whether all roof flashings were checked around the rooftop units because that is what would be in contact with the roof vents. **Cncl. Pres., McIlvaine** questioned whether any of the gutters go through the center of the building. Mr. Calvello advised the flashing has all been checked and the gutters do not go through the building. **Cncl Heffner** questioned whether the building's air quality would be tested. Mr. Heydel replied yes, bid specs were done for that and they are due November 7<sup>th</sup>. Hopefully it will be a quote situation but if it turns out to be more than

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F.) NEW BUSINESS (cont'd)

\$17,500.00 the project may need to be broken down into certain buildings. As soon as we get this back we will move forward with the air quality testing. Cncl. Pres., McIlvaine questioned whether the testing will be done yearly. Mr. Heydel advised he wants to find out how often the testing should be done and it would also depend upon the cost. Mr. Heydel advised during the inspections they did not find mold anywhere but Mrs. Flaherty did just send him an email saying there was mold on a mouse pad and a desk in her office. Mrs. Flaherty noted Pokey said he was going to clean it on Saturday but she didn't know how much you can clean mold or what he was cleaning with. She noted there is a possibility that the desk is contaminated. Cncl. Marino explained if humidity levels are low mold will not grow. Mr. Heydel noted all the issues with the windows and stains on ceiling tiles were catalogued and pictures were taken. Solicitor Fiore referred to the mold problem in the schools and noted the School District looked at all the statistics and percentages of people absent and it was all the same throughout the district. The attendance level for students and teachers was no different in Whitehall than in any of the other schools and there were no reports of people being absent for respiratory conditions. Mr. Heydel advised he sent an email to each department and asked the supervisors to make sure the staff is aware of the complaint. Solicitor Fiore noted the municipality cannot be held responsible for something in which they did not have a duty of care. Once the duty of care is established, ie the level of mold in the air quality, then the township would be responsible if found to be negligent. Mr. Heydel noted he documented all the windows that need to be replaced and replacing them will be expensive. Some have already been replaced in the Finance Department and the Mayor's Office and the others should be the priority and the carpet should be next. Council questioned if Mr. Heydel had pictures of the windows and if he knew which office had the worst ones. Mr. Heydel explained the way he categorized them was by whether they were damp or dry and he would replace the damp ones first. Mr. Heydel advised the air quality bids will be in on November 7. Solicitor Fiore questioned whether the deteriorating windows could fall under an Emergency Contract if there is a health and safety issue. Mr. Heydel responded probably but he was not sure it would be considered an emergency as there are no visible signs of mold.

Cncl. Heffner requested Mr. Calvello to have Pokey Ward remove the desk that had mold on it from the Code Enforcement Office. Mr. Heydel noted the Code Enforcement Office wants to use the desks from the old Planning Office but due to the way they are constructed they cannot be taken apart without damaging them so he suggested new aluminum desks be purchased. Solicitor Fiore suggested cleaning the carpets while the desks are out of the office.

Director of Public Works, Mike Calvello noted prior to the school board issues no incidents were reported regarding our buildings prior to us getting the complaint letter from the State. Some employees looked at the ceiling vents so all the vents throughout the building were cleaned and they were just dusty, there was no mold.

Cncl. Heffner questioned whether the new heating/air conditioning units will be installed on the roof by the end of the month and he recommended cleaning the duct work prior to installing them. Mr. Heydel responded he was hoping they would be installed by the end of the month and that he would check to see if the duct work could be cleaned.

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**G.) OLD BUSINESS**

**Cncl. Heffner** questioned whether there were any issues from the residents regarding the changes to the parking on Library Street. **Chief McKeown** noted there have been no complaints brought to his attention.

**Cncl. Heffner** stated Jim Bonder will be contacting Chief McKeown to get some patrols behind the Pfeiffer Center because vandalism is getting bad there. **Chief McKeown** advised he met with Jim and some concerned citizens living around the park and Pfeiffer Center area. We also met with Mike Calvello who is going to take care of some maintenance issues and repairs to some of the lighting. Extra patrols will be assigned to the area and the citizens may be creating a Town Watch in that area.

**Cncl. Pes., McIlvaine** spoke of the ordinance prohibiting parking on one side of Library Street and how during the show at the Grand Theater cars were parked on both sides of Library Street. He expressed concern that snow season is in the near future and that street will need to be plowed. Chief McKeown stated the no parking regulation will be enforced by that time.

**Cncl. Miller** questioned the status of the dog park. **Business Administrator Kevin Heydel** advised the engineer is working on the design of the park.

**Cncl. Dilks** questioned the status of the demolition of the building next to the fire house. **Mr. Heydel** explained the asbestos report came back and we are looking into a company to remediate that prior to getting demolition quotes. If the two projects are separated we may be able to get the demolition done after the first of the year for \$15,000.00 which is cheaper than paying prevailing wage. If the two are put together we would run into a bid situation. **Director Smart** noted the fire department wants to use the building for drills and he questioned if Mr. Heydel would send the asbestos report to the fire chief so they do not cut into those areas. Mr. Heydel indicated he would but he would like to get the remediation done before the fire company goes into the building. **Solicitor Fiore** suggested Mr. Heydel run it by JIF to see if the fire company can use the building for training. Mr. Heydel noted he would check with the JIF on that.

**Cncl. Heffner** noted he just received a text from Jim DeHart questioning whether Mr. Heydel and Cncl. DiLucia would be available on November 20<sup>th</sup> at 7:00 PM to meet regarding the FOP contract negotiations. Mr. Heydel and Cncl. DiLucia both agreed to meet at that time.

**Director Smart** reported he met with OEM, the Chief and Parks and Rec to review the parade and discuss points that will improve the parade and make some things a little safer.

**Cncl. Pres., McIlvaine** noted everyone received a copy of the vehicle use policy and he requested everyone review it as he would like to move one way or another on this at the next Council Meeting.

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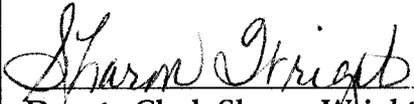
G.) OLD BUSINESS (cont'd)

Cncl. Dilks questioned the status of cleaning up the house on Tuckahoe Road that was damaged by fire. Director of Code Enforcement Rosemary Flaherty advised she saw it and is having the acting construction official look at that as well as some other properties throughout the town.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Miller made a motion to adjourn the Ordinance Committee Meeting of November 1, 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 November 1, 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 AD Date 12/6/17  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_