

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
DECEMBER 6, 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

Deputy Clerk, Sharon Wright 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		Excused
Acting Solicitor, Gary Lomanno	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 November 1, 2017. The motion was seconded by **Cncl. Marino** and unanimously 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. Pres., McIlvaine** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Miller** made a motion to close the Public Portion. The motion was seconded by **Cncl. Marino** and unanimously approved by all members of Council in attendance.

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D.) ORDINANCES FOR REVIEW

- Ordinance To Cancel Funding Ordinance O:09-2011

Cncl. Garbowski explained Ordinance O:09-2011 was done years ago to fund intersection improvements in the redevelopment zone located from the end of South Main Street to Corkery Lane. Cncl. Heffner explained nothing has been done there so the Business Administrator wants to cancel this funding altogether. Cncl. Miller added within the next month or two the Redevelopment Committee will be presenting an ordinance to cancel the developer on record so a new one can be found that may want to develop that area. The ordinance will not change the redevelopment area designation only the developer of record. Cncl. Heffner polled Council and all were in favor of moving the ordinance to cancel Ordinance O:09-2011 forward for First Reading. The Deputy Clerk questioned whether this ordinance could go for first reading at the December 11th Council Meeting since there is not another meeting in December to hold the second reading. Acting Solicitor Lomanno advised there would be no problem scheduling the ordinance for first reading at the December 11th meeting since there would be no change to the governing body in 2018.

- Chapter 175-151.1 Wireless Telecommunications Facility & Deployment

Cncl. Marino reported the committee met with Solicitor Fiore in November to review the changes the Pinelands recommended and there was nothing outstanding that would create an issue. The entire ordinance was reviewed and the only change from the original ordinance was that "in Pineland areas" was added so anyone in Pineland zones will be required to go through the Pineland process when putting in any new installations or adding to any existing infrastructure. Everything seems to be on point so the ordinance can move forward. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the December 11th Regular Council Meeting.

- Chapter 175-57 Pinelands Area Development

Cncl. Pres., McIlvaine noted the only amendment to this ordinance was some verbiage was changed as per Pineland regulations. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the December 11th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- Establishing A Historic District

Cncl. Miller spoke of the Historic District in Woodbury and how such a designation gives the municipality more control over the façade of the buildings and sets standards regarding windows and visibility of businesses. Cncl. Miller suggested this issue be deferred to the Redevelopment Committee and then it could be addressed next year. Cncl. Marino felt the committee should address paint colors and types of shingles for the buildings on Main Street and cautioned that a Historical District designation may restrict people from improving their properties. He noted the buildings on Main Street are of different ages so many may not be able to be deemed historic but he felt there should be building standards in place so when

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E.) MATTERS FOR DISCUSSION (cont'd)

people buy properties along Main Street they have regulations to reference. **Cncl. Garbowski** suggested the Planner look into the requirements of Historic Districts. **Acting Solicitor Lomanno** explained a historic designation is completely different as it is based on the age and character of the building whereas in a Historic District the regulations are not be as restrictive they just keep an area uniform. Mullica Hill has a Historic District that runs from the Harrison House through town to the post office but there is only three or four blocks that are actually historic homes so the designation just keeps uniformity with colors. **Cncl. Miller** suggested the Redevelopment Committee research this matter before action is taken and Council agreed.

- **Proposed Amendment to Abandoned Properties Ordinance**

Cncl. Heffner advised the amendment to abandoned properties ordinance would be addressed at the next ordinance meeting when Director of Code Enforcement, Rosemary Flaherty can be in attendance to explain it.

F.) NEW BUSINESS

- **Payment to Retirees In Lieu of Health Benefits**

Cncl. DiLucia explained this ordinance would allow retirees to opt-out of health benefits and would be in line with the ordinance recently adopted for payment to employees in lieu of receiving health benefits. He explained prior to the 2011 legislation enacted by the State retiring employees did not contribute towards their health care coverage but now those beginning to retire are required to contribute. Many retiring police officers are looking at an increase in their contributions because retiree premiums under State Health Benefits is \$41,000.00. Initially they thought they would be paying less because their income would be going down and the premium of \$31,000.00 would remain the same. However their premium went up to \$41,000.00 so their contribution went up which gives them more of an incentive to opt-out if other health insurance is available to them. **Cncl. DiLucia** noted when the employee opt-out ordinance was adopted he questioned the Business Administrator on why retirees could not opt-out and after looking into it he found State Health Benefits does allow retirees to opt-out., which makes sense because the law was designed to save money for municipalities. He noted there are at least two and possibly three police officers that recently retired and will opt-out. These former officers are paying \$8,000.00 to \$9,000.00 in premiums and if they were given \$5,000.00 to waive insurance coverage that would amount to \$14,000.00 for them and a \$27,000.00 saving for the township per person. In order to opt-out a retiree would need to have insurance through a spouse and in the future if there was a loss of that insurance they would be required to notify the Township and State within 60 days of the occurrence or they will not be able to get back in and that 60 day requirement must be communicated with everyone opting-out or it could cause a problem in the future. **Cncl. Heffner** commented that if both spouses work for a township/school that is covered under State Health Benefits only one will have the insurance and the other will not be eligible to get the opt-out. He expressed concern that if

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F.) NEW BUSINESS (cont'd)

something happens to the spouse with the insurance the other would be unable to get health insurance because the chain would be broken. Cncl. DiLucia explained there is a provision for a "life event" so if a spouse dies the other person would be able to get the insurance. Cncl. Pres., **McIlvaine** spoke of an incident that occurred several years ago when a police officer and his wife who had both retired from the township each wanted their own insurance coverage. They sued and the court ruled that the township had to give each of them their own policy. Cncl. DiLucia explained the 2011 legislation and the spirit of the law was designed to save money for the taxpayers of the township and a decision was made that they would not pay for something that does not save money. So, if a husband and wife both work for an entity that participates in State Health Benefits only one will receive the insurance and the other will not be able to receive opt-out money. In the event one spouse has private insurance then the other is permitted to waive the State Health Benefit coverage and receive opt-out funds. Cncl. DiLucia noted this is only for a spouse that has insurance it is not for a 65 year old to purchase their own supplemental plan. Cncl. DiLucia assured Council that retirees would be able to get back into the State plan as long as they notified the Township and the State within 60 days of losing their other insurance. He suggested the Administration/Human Resources explain the process and make retirees sign a document stating they know they must notify the township and State within 60 days if their situation changes so they will not be able to say later that they were not told of this requirement. Cncl. **Marino** advised the information the BA gave Council includes a form for employees to complete if they have other coverage and want to waive township insurance. The form allows them to check off a box that will allow them to enroll with the township insurance within the 60 day period and that must be made clear to them. Cncl. DiLucia agreed adding the State will not let them back in after that 60 day period and there will be nothing the Council can do about it. Cncl. **Heffner** polled Council and all were in favor of moving the ordinance forward for First Reading at the December 11th Regular Council Meeting.

- **Chapter 109 "Circuses and Carnivals"**

Cncl. **Heffner** noted a meeting was held with Deputy Chief Farrell, the Township Clerk Susan McCormick and Director of Code Enforcement Rosemary Flaherty and they agreed to delete "*and/or public event*" from Chapter 109 because including public events with the regulations for circuses and carnivals was causing confusion. Another ordinance will be drafted that just pertains to public events such as block parties or events at Owens Park, as they deal with different regulations. Cncl. Heffner noted he is going to sit down with Sue and Rosemary to review some regulations and then the solicitor will draft the ordinance. Cncl. Heffner polled Council and all were in favor of moving the proposed amendment to Chapter 109 forward. The Deputy Clerk noted the ordinance was not prepared in draft form therefore it would not be ready for First Reading on December 11th. Cncl. Heffner noted the ordinance could be done during a Regular Meeting in January 2018.

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F.) NEW BUSINESS (cont'd)

• **Block 3901, Lot 25**

Cncl. Heffner explained this property located near Battles Road and Summerfields West was previously included in the township land sale but no bids were received. **Acting Solicitor Lomanno** explained the property is land locked so former Solicitor Fiore had suggested offering it for a nominal fee, such as \$1,000.00, to Summerfields because no one else but them can use it. **Cncl. Heffner** stated the property will not be included in the litigation agreement with Summerfields and all neighboring property owners will be notified of the sale. **Solicitor Lomanno** replied that is correct. Council discussed how the property had some issues with falling trees, water running onto neighboring properties and how rebuilding an asphalt curb may help to get more water into the inlet and stop it from running onto Joe Hurst's property. **Cncl. Heffner** polled Council and all were in favor of moving forward with a private land sale for lot 25.

• **Chapter 37-2 Municipal Expenses**

Deputy Clerk Sharon Wright explained the Deputy Coordinator of Gloucester County Emergency Management, Charles Murtaugh sent an email to the township recommending Chapter 37-2 be amended to allow the township to seek reimbursement during mutual aid calls. Currently Chapter 37 says the township agrees to assume all expenses incurred for mutual aid. **Cncl. DiLucia** questioned what changed because at some point in time a deal must have been made not to charge for mutual aid. **Cncl. Pres., McIlvaine** explained in the event of a serious issue such as a flood the township would be able to get money from the County or FEMA but because of this ordinance we would be unable to do that. **Cncl. Heffner** stated he didn't want the BA to begin charging other towns for mutual aid since no one is charging us. **Cncl. Pres., McIlvaine** suggested **Cncl. Heffner** reach out to Mr. Murtaugh to find out the reason he is requesting the ordinance be amended. **Cncl. Heffner** will contact Mr. Murtaugh and report back to Council.

G.) OLD BUSINESS

• **Open Space Advisory Committee Recommendations**

Cncl. Heffner referred to the Open Space Committee's recommendations Mr. Fritz had given Council at the last Ordinance Committee and questioned whether the verbiage "*Monroe Township allows developers to pay a fee of \$5,900.00 per dwelling unit and/or lot*" was old language because now it is illegal to do that. **Mr. Fritz** advised that was old language. He explained the commission began working on this in 2013 so some of the facts included were carried over. **Cncl. Heffner** referred to the fee for basin management and questioned Mr. Fritz on whether other towns get a monthly or yearly fee for that, as Monroe Township just gets a bond in the amount of \$10,000.00 and when it runs out the township is on the hook for everything. **Mr. Fritz** noted he will reach out to other townships to see what they are getting. **Cncl. Heffner** spoke of developments that received permit extensions and explained we are not obligated to keep extending them so they will have to start the process all over. When that happens he will recommend the township look at one of the properties for open space. He commented that one

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G.) OLD BUSINESS (cont'd)

of his pet peeves is the Planning Board is permitted to allow three extensions on a development for up to three years and they give them three years at a time but since he has been on the Planning Board he harps on only allowing extensions for one year at a time so the developer does not handcuff the town for nine years. He questioned whether Washington Township is considering changing its levy from .2¢ to up to .2¢ or is that also a verbiage issue. Mr. Fritz explained they have a floating .2¢ and are going to set it as a solid .2¢ each year. Cncl. Heffner commented that Monroe is not that far off from other towns but the biggest problem we have is that we allow wetlands to become open space and then we get stuck with useless land. Mr. Fritz explained when he reviewed the information he provided for Council he realized he should have put the existing open space requirements with what he wanted removed and added so everyone could see what the committee is trying to accomplish. What we want to do is reduce the amount of basins and unwanted lands that the developers want to give us for open space. A prime example is the Mink Lane subdivision that just came before the Zoning Board. They want to give us wetlands that are unusable and it was brought up and put on the record that those lands were wet and not useable and should not count as open space. We want those types of lands out of the open space inventory and we want land that can actually be used instead of land locked property in the back of subdivisions. Cncl. Heffner noted if Mr. Fritz wants to change the regulations the ordinance will need to go back to the Planning Board before Council can address it. Mr. Fritz questioned whether he should come up with verbiage for the ordinances for Council to review prior to it going to the Planning Board. Cncl. Heffner replied yes, adding he agrees with the changes Mr. Fritz wants to make. Mr. Fritz brought up the issue of bio retrofitting the basins and he questioned whether that would need to be done by ordinance. He noted he has researched that question and found information on the DEP website that says what records must be kept and the design criteria but he can't find out what the first step is or who to contact to find out but hopefully by the first of the year he will have more information. Cncl. Heffner noted if Mr. Fritz can draft the changes Council will review them and forward them to the Planning Board for their review and recommendation.

- LED Street Lighting for Future Developments

Cncl. Heffner noted due to the high cost of street lighting he would like the Planning Board to consider LED street lighting for all future developments, as that is the way of the future. He added he didn't know if the township can legally require LED lighting but he would like the Planning Board to look into it and down the road he would like to replace lights in developments. Hammonton did that and if their cost estimates are correct, they will save a lot of money on their electric bills. Cncl. Marino noted Hammonton Mayor DiDonato told him they received a grant in the amount of \$128,000.00 and he suggested our BA contact their BA to get information to streamline the process for us. He did speak to Kevin Heydel about it but didn't take it further because he wanted to check with ARH to see what the timeline was on closing the landfill and installing solar on it. He also felt this would overlap into the wireless because upgrading to LED was discussed and both wireless companies were fine with doing it. He felt getting grant money from Atlantic City Electric, getting support on the wireless side and mixing solar down the road would really make a dent in the electric bills. Cncl. Marino questioned whether Council wanted him to give the information to the BA. Cncl. Heffner

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G.) OLD BUSINESS (cont'd)

indicated he would like to see more information on it. Len Fritz spoke of having a contact with QB Lighting Group and advised that they could make a presentation to council. Cncl. Heffner indicated he would like to hear a presentation and requested the Township Clerk be contacted to see what meeting dates are available. He also asked the Deputy Clerk to send a memo to the Planning Board requesting them to consider LED street lighting for all new developments. Cncl. DiLucia noted five or six years ago he spoke to a person who performed audits on the electric use of municipalities and they would find grant money and provide a report on what needed to be done to cut electric cost. At that time he mentioned it to Kevin who said he already had an audit done so Cncl. DiLucia thought the township was as efficient as it could be. Cncl. Miller thought that audit was done on the municipality's buildings. Cncl. DiLucia noted he wants the entire town audited because the biggest cost is street lighting and he questioned whether we can find out if that was ever done. Cncl. Heffner stated he would contact the Business Administrator to find out. Cncl. Marino added some municipalities have grant writers that they share with the school districts and he questioned whether the Board of Education has a grant writer. Cncl. Miller replied no, a while ago they were talking about joining with the township to get one and Washington Township also spoke to him about sharing a grant writer. Cncl. DiLucia noted the person he talked to years ago did the audit, wrote the report on what was needed and wrote the grants and they were paid nothing, as their revenue came from the businesses that were brought in. Cncl. Marino was asked to discuss sharing a grant writer with the Board of Education and to give BA Kevin Heydel the Hammonon Business Administrator's contact information.

Cncl. Heffner noted this is Deputy Clerk, Sharon Wright's last meeting and he thanked her for keeping him in check during his two years as Ordinance Committee Chairman. He added he knows Aileen will do a fantastic job but he really hates to lose Sharon, as it has been a pleasure working with her. He questioned when her last official day was. She advised it would be December 29th and thanked Cncl. Heffner for his comments; noting she will miss everyone.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Miller made a motion to adjourn the Ordinance Committee Meeting of December 6, 2017. The motion was seconded by Cncl. Joe Marino 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 December 6, 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 DS Date 2/7/18
Approved as corrected _____ Date _____