

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
FEBRUARY 1, 2012**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** 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.: Gloucester County 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. Rich DiLucia led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	
Patrolman Anthony Pease	Present	

B.) APPROVAL OF MINUTES

Cncl. Ronald Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of January 11, 2012. The motion was seconded by **Cncl. Daniel Teefy** and unanimously approved by all members of Council in attendance with the exception of **Cncl. Walter Bryson** who **Abstained**.

C.) PUBLIC PORTION

Cncl. Marvin Dilks made a motion to open the Public Portion. The motion was seconded by **Cncl. Walter Bryson** and unanimously approved by all members of Council. With no one wishing to speak **Cncl. Rich DiLucia** made a motion to close the Public Portion. The motion was seconded by **Cncl. Ronald Garbowski** and unanimously approved by all members of Council.

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At this time Cncl. William Sebastian deviated from the agenda to allow Officer Andy Pease to address Council's concerns with the Red Light Camera.

D.) MATTERS FOR DISCUSSION

- **Red Light Cameras**

Cncl. Sebastian noted Cncl. Caligiuri requested the red light cameras be placed on the agenda, due to the complaints he has received from his constituents about accidents and tickets being issued at that intersection. Cncl. Caligiuri wanted to know whether the township had any control over the timing of the yellow light since the traffic signals are located on county and state roadways, as he is concerned rear end accidents could occur if someone slams on their brakes for a yellow light that is too short. Officer Andy Pease explained traffic lights leading into intersections have an amber time of 5 seconds and if the lights at the red light camera intersection are not 5 seconds violations are automatically rejected. The rule of thumb is 1 second for every 10 miles per hour. Lights are checked throughout the year and probably less than 20 were rejected for being 4.9 seconds. Officer Pease noted Sicklerville Road speed limit is 35 miles per hour on both sides and the pike is 50. Rear end collisions are very rare but when they happen it is mainly from people not paying attention. One rear end collision did occur at that intersection but that was due to a medical issue. Cncl. Rich DiLucia questioned what constitutes getting a ticket. Officer Pease explained all four tires must be behind the stop bar when the light is red. Tickets are not issued for yellow lights, which are supposed to prepare the vehicle to stop; however, most people speed up on yellow to get through the light. The police department reviews the actual video footage looking at the perimeters of the tape to see if the vehicle fits the description, the tag is clearly visible, the amber light is 5 seconds and the lane is correct, as there have been cross triggers and files of vehicles that are not the violators have been pulled due to the roadways having two and three lanes. The police have the capability of slowing down the video to half speed or quarter speed to see how far the vehicle is behind the stop bar and can also determine the speed of which a vehicle is actually traveling when approaching the intersection from two devices located within the pavement that measures the speed through time distance. Officer Pease noted all summons issued are legitimate, as all those things must be met before a red light violation is issued. He explained many times people who get tickets look at the hard copy, not at the video footage but after being shown the video they see the violation. Cncl. Sebastian questioned what happens if the light turns red when a vehicle is in the middle of the intersection. Officer Pease explained the police department would not even see that because the perimeters set up by the camera company requires all four tires to be behind the stop bar so violations are not issued if the front tires are over the stop bar. He also explained weather is taken into consideration because sometimes heavy rains can make it unsafe for drivers to apply brakes due to the possibility of hydroplaning and in those instances violations would be rejected. Cncl. Bryson questioned whether it would be a violation if a light turns yellow when a vehicle is making a right turn. Officer Pease replied no, the light must be red and vehicles must be behind the stop bar in order for a summons to be issued. Cncl. Sebastian noted when turning right on red vehicles must make a complete stop behind the stop bar and then proceed to the corner to make the right hand turn. Office Pease explained the camera company originally set up the cameras so the police department does not see any violations less than 10 miles an hour. The police

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D.) MATTERS FOR DISCUSSION (cont'd)

department is establishing some consistency by being a little lenient with vehicles that stop a little over the stop bar and then turn right. Those incidents are considered a slow roll right turn and violations are rejected but on the straight away, vehicles must be behind the stop bar. Cncl. Sebastian noted to set the record straight, there is no time frame for how long a vehicle must be stopped; it just needs to come to a complete stop. Officer Pease invited Council to come view the videos in the police department to see how the operation actually works. He noted there were not many violations in October but the police department was hammered with them in November and December and 170 new ones were just loaded into the system. Officer Pease noted cameras and writing speeding tickets not only generates revenue but it also prevents violations when people know tickets will be issued. He noted four police officers, who were not driving their vehicles were issued tickets and he went on to explain how tickets are issued to whoever the vehicle is registered to, not to the driver. Cncl. Sebastian noted that was also one of the complaints Cncl. Caligiuri received. Officer Pease noted electronic tickets come with three different images showing the vehicle preceding the stop bar, the color of the traffic signal (*which is red*), where the vehicle is after the stop bar and the tag. It also tells the time of day the incident occurred, the amber time of 5 seconds, how long the light was red before they passed by the stop bar and their speed using time distance assessment. Cncl. Sebastian posed questions to Officer Pease regarding the fatal accident that occurred at the intersection of South Main Street and the Black Horse Pike. Officer Pease explained when investigating accident scenes he makes sure the traffic signals are working properly and takes photographs of lights to ensure he has documentation that can be utilized if the matter goes to court. He noted at that particular intersection there is an issue with the paint markings at the jug handle but that should not be a factor because the two traffic lights are clearly visible when entering that jug handle. He explained officers conducting crash investigations must rule out roadway, vehicle and driver error. He noted most accidents are caused by driver error. **Business Administrator, Kevin Heydel** questioned who is responsible for calibrating the time of the amber light and how often is that done. **Solicitor Fiore** replied the DOT is responsible but he was unaware of any law establishing that criteria. Officer Pease explained when lights malfunction usually it is the amount of time the light stays green, not amber or red. **Solicitor Fiore** noted at the red light camera intersection when the police review the video they are basically auditing the light to ensure the amber is 5 or 5.1 seconds. He suggested contacting the red light camera company to find out what the procedure is for calibrating the light and to see if it is done on a yearly basis, every six months or whenever needed. Officer Pease advised according to the maintenance agreement they go out every so often to check it; plus the light also has a self checking mechanism, which is why it flashes when no cars are in the area. Cncl. **Daniel Teefy** questioned whether in May after the light has been in effect for a year could a report be generated showing if safety has improved from the prior year. Officer Pease noted the police department has reports and he explained the cameras have a trickledown effect that makes all roadways safer, as more people are stopping at intersections with the cameras that just trigger traffic lights because they think they could get a red light ticket. The intersection alone has not been much of a problem because the State has it under control by how the light is alternated but, there have been many rear end collisions on Sicklerville Road, which is where the crash data was compiled for the red light cameras. There was one rear end collision and a couple minor accidents at the intersection since the cameras were installed. Business

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D.) MATTERS FOR DISCUSSION (cont'd)

Administrator, Kevin Heydel advised the township received approval to install two red light camera systems. The second one was supposed to be located at the intersection of Corkery Lane and the Black Horse Pike but that was nixed and the Berlin-Cross Keys intersection is now being considered. The problem with that intersection is it would be a nightmare for red light cameras unless the lights were changed to delayed turn arrows. Officer Pease agreed that intersection should be reconfigured due to the volume of traffic utilizing it and the number of accidents that occur there. Cncl. Sebastian spoke of a proposed traffic signal at the Guzzo project on Berlin Cross Keys Road and noted that will slow down traffic coming from Winslow. Officer Pease advised red light violations from that intersection are from the turn arrow on the pike going onto Berlin-Cross Keys Road on both the Washington Township side and the Williamstown side. He explained if a vehicle is in the box, which is beyond the stop bars, there is no violation. Cncl. Bryson questioned whether the next red light camera should be located at the Malaga Road intersection near the new Wal-Mart. Officer Pease noted there will be a large volume of traffic at that location and the jug handle being installed next to Peter's Diner will be obsolete and not able to accommodate the traffic when Wal-Mart opens. He went on to explain how people can go online utilizing a pin number printed on their ticket to view their red light camera violation for themselves or if they have no access to a computer the police department will show them the video. Council questioned how long those records are kept. Officer Pease explained non-paid violations remain in the system for a while because they must go through the warrant process but once paid the system archives and removes it. With no further questions Cncl. Sebastian extended his appreciation to Officer Pease for attending the meeting to explain the violation process.

E.) ORDINANCES FOR REVIEW

- **E-Mail Policy**

Solicitor Fiore noted questions have been posed in regards to the difference between township emails and personal emails and he cautioned that personal emails utilized for township business are also subject to OPRA. He explained political caucuses are allowed but Council action taken during a conference call is subject to OPRA. Cncl. DiLucia questioned Mr. Fiore's definition of a political caucus. Mr. Fiore explained a political meeting with the local chairman is acceptable as long as no official decisions are being made. He noted he disagrees with Mr. Dalton's legal determination that one of council's emails was a rolling email. He noted he expressed his opinion on that to Mr. Dalton, as the email from Cncl. Sebastian was setting meeting dates, it was not asking for anyone's feedback, which is what would constitute a rolling email. Mr. Fiore felt the legislature will tackle this issue at some point in time, but for right now the safest thing is not to send emails. He urged Council not to respond to emails and explained that he would disseminate language for the Clerk to be included in her emails, as it may be easier to send them to her and have her forward them especially legal ones. He noted he would include language such as "*this is for informational purposes only do not respond via email.*" He explained when the Open Public Meetings Act was created the internet or email was never contemplated and it will take years for the legislature to get caught up with that. Also

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E.) ORDINANCES FOR REVIEW (cont'd)

Assemblyman George Geist who was involved with OPRA and transparency in government never envisioned that it would raise to the level it has now. He noted everyone wants people to have access to public records but it has now become a nuisance to all clerks due to the timeliness in which they have to respond and there is no reimbursement for cost when information is faxed or emailed. **Cncl. Teefy** noted currently council minutes are available and he questioned whether down the road podcast would be available so people can listen to the meetings without submitting OPRA requests. Solicitor Fiore noted that could be done but then there is a cost to the municipality to create that. He explained the Open Public Records Act deals with providing available records; the law does not require municipalities to create special documents/reports in response to an OPRA request. **Cncl. Dilks** questioned what happens if Council uses iPads with confidential matters in them. Mr. Fiore noted right now there would be no access to those records but he felt at some point in time it would evolve to that. **Cncl. Sebastian** felt iPads could have password protection just for confidentiality matters and other matters would be open for anyone to see. **Business Administrator, Kevin Heydel** noted the Closed Session Minutes are not available to the public until the solicitor gives the authorization to release them. Mr. Fiore explained a committee is supposed to review Closed Session Minutes to determine if they can be released but that has not been done in years. He felt the Closed Executive Session minutes should contain as much information as legally permissible and noted ours are very detailed. Mr. Heydel noted the draft email ordinance is geared specifically towards the governing body and he requested the township email policy from the Personnel Handbook be incorporated to address email use by employees. Mr. Fiore agreed; noting it should be included and codified, as that will make it enforceable. **Cncl. Sebastian** noted this policy deals with township computers but the policy should also address employees doing business from their own computers. Mr. Fiore will revise the draft ordinance for further review at the March Ordinance Committee Meeting.

• **Residency Requirement - Parks and Recreation Commission**

Cncl. Daniel Teefy noted Council discussed the residency requirement issue last year but took no action to amend the code at that time because it only affected one person. He explained the Parks and Rec Commission is looking at people who do not live here but are affiliated with the township and want to be involved as a voting member, not an officer. Solicitor Fiore explained the ordinance can include language that states non-residents can be board members and he questioned whether Council would like to limit the number of non-residents on the board. **Cncl. Teefy** spoke of the by-laws for the athletic organizations requiring boards to consist of 75% township residents, as there were members of the Hockey Association that did not live in town and that became an issue. After limited discussion a decision was made to amend the Township Code to allow three nonresident members to serve on the Parks and Rec Commission. Solicitor Fiore will prepare the amendment for first reading at the February 14th Regular Council Meeting.

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F.) NEW BUSINESS

- Chapter 30 "Emergency Medical Services Division"

Cncl. Sebastian noted the reference to Cecil Fire Company # 1 Inc. and Ambulance should be deleted from Chapter 30 "Emergency Medical Services Division" because effective March 1st Cecil Ambulance will be absorbed into Monroe Township Ambulance Association. Cecil Fire Company should also be deleted from Chapter 30 because they cannot third party bill, only the ambulance division of the organization can bill. The request to delete Cecil Fire and Ambulance from the code came from Frank McLaughlin, as he sends the code to the State with reports and it should not include Cecil Ambulance after that organization is absorbed by Monroe. Frank had also requested the language dealing with part-time emergency medical technicians be deleted, as there are no part-time employees; they are all full time or per diem. Mr. Heydel added EMTs do not necessarily have set schedules: they are filtered in based upon their availability and the need for them to work. After limited discussion a decision was made to leave the language regarding part-time emergency medical technicians in the code. Cncl. Sebastian noted Cecil Fire Company will need to amend their by-laws and he requested them to contact the Solicitor when they do that. He spoke of an informal EMS meeting held with the Williamstown Fire Chief, Cecil Fire Chief, Williamstown Ambulance Chief, the Public Safety Director and officers from each department to discuss the logistics of the move. Those in attendance previously heard this move was going to take place the beginning of January and they were concerned because no one had discussed it with them. It was explained to them that was not the case, as meetings must take place to establish a time frame for the move plus the county must be involved due to the number of changes that will take place. After discussing the issue everyone in attendance at the EMS meeting felt one month would be sufficient time to make the change and to reschedule crews. Two ambulances and five people will be transferred from Cecil. All ambulances will now be stationed in the Williamstown Ambulance building and the crews will stay in the bunk room during their crew schedule. Two crews will be scheduled on the weekends and single crews in station on weekday nights. Hopefully, a third person will be in station so if a second call comes in he can have the ambulance started and ready to go when the other EMT arrives. Some of the individuals involved in the association do not live in town and are required to stay in the station when on duty. Cncl. Bryson questioned whether the township had two paid crews; one from Williamstown and one from Cecil. Cncl. Sebastian advised Cecil has no paid crews; the township only has one paid crew that operates from the Williamstown Ambulance building during the day. He noted logistically this move will not be a problem because now Cecil EMTs respond from their homes, which means if a call comes in at 3:00 AM they must get up, get dressed and get to the ambulance building, which involves a time frame. The Williamstown Ambulance crews respond from the ambulance building and most sleep in their clothes and when a call comes in they only go 35 feet to get to the ambulance. When responding to a location in Cecil the time frame will be the same or may even be a little quicker than the Cecil crews responding from their homes. Cncl. Bryson questioned what is being done with the County EMS as far as trying to justify and keep our own EMS. Cncl. Sebastian explained the justification is not in the capabilities or the response time of the squads; the justification is going to fall on our fiscal responsibility because at some point, the cost/worth of having our own association will need to be determined. If all other

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F.) NEW BUSINESS (cont'd)

municipalities join and the township is paying 10.1% of the County's total bill we could end up spending two million dollars a year for something we are not using. At that point there would be no justification to keep our services. Cncl. Bryson questioned what law the County passed that mandated the township pay 10% of that service and he suggested the township lobby against having to be part of that. Mr. Heydel explained 10.3% of the rateable base of Gloucester County belongs to Monroe Township and that is what the charges are based upon. Cncl. Bryson felt the EMS services should be handled like the County Library system, which the municipality can chose to be a part of or not be a part of. Mr. Heydel explained that's not how the County adopted the regulations for EMS. Cncl. Bryson questioned what would the procedure would be to lobby or force a change of that. Solicitor Fiore explained the legislature would need to change the structure of county government, local government and the budgeting process, as that is by State Statute and that will not be done because they are pushing towards centralizing everything and eliminating local government. Cncl. Sebastian noted the key factor involved in the legislation is that they must offer the service to all municipalities within the county; they cannot just offer it to a few communities. The municipality has the right to either accept or deny the service but the bottom line is either way the municipality pays. Solicitor Fiore explained their argument is that we are imposing it upon ourselves because they made EMS services available to us but we are choosing to keep our own organization. Cncl. Rich DiLucia noted if all the big townships got together maybe something could happen to change this but there may never be enough emphasis behind it to change it. The only thing keeping us out of it is that we are still taking in more than we spend. Cncl. Sebastian felt it's worth paying \$50,000.00 more a year to keep our quality of services but there will be a definitive point where it will no longer be fiscally responsible. Right now much of the services are provided by volunteers with the exception of the paid day crew so there is no added costs; but, if it gets to the point where the township does not bring in sufficient revenue and the service becomes an expense that exceeds the need, than it will be time to go to the county. He noted he does not mind spending \$50,000.00 to keep our volunteers that know the neighborhoods, respond in a timely manner, attend football games and participate in parades or whatever else the township calls them to do, as the county will only provide EMS services. Cncl. Sebastian noted there are other variables the county does not talk about such as how the cost will increase for the first twelve municipalities that joined the system when all the municipalities join. Right now, they're happy because other municipalities are paying for their service and they are paying 1% of the total cost but when everyone joins and that 1% is 1% of \$22 million rather than 1% of \$2 million, they will be upset. Another variable is when it gets to that point, the county may not be able to maintain the service, as they are having trouble maintaining and keeping a profit now, so they may end up privatizing it and when that happens, the State Statute may not be in effect and we could pull out. Cncl. DiLucia did not agree with Cncl. Sebastian on that and noted the law is clear, the Supreme Court determined twenty years ago that a public employer has the right to subcontract and break any contract they have to do it. They will say they are still providing the service they committed to and are just finding a more economical way to do it. At that point, not only will there be a legal problem but there will also be a political problem because they will say they are doing it cheaper for the taxpayers. He noted once we consolidate the municipality loses total control, which means we have no control over administrative cost. Cncl. Dilks questioned whether there had been any instances where our

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F.) NEW BUSINESS (cont'd)

ambulances are busy and the county has stepped in to help us. Cncl. Sebastian noted it has happened when there are numerous calls at one time. He explained even though there will be six ambulances in our building when Cecil moves, we do not have crews to man six at one time. With the additional ambulances in the building we can rotate them and instead of putting 1900 calls on four, we can put 1900 calls on six, which will alleviate the need to purchase new ones. He noted when the county takes over there will be two ambulances and crews and if they get seven calls at a time where will those crews come from. Their argument is that an ambulance can be taken from Glassboro and then if Glassboro's other ambulance gets a call an ambulance will be brought in from Mantua to cover. They also have one floater ambulance that drives around the county waiting for calls or goes to certain stations for additional coverage. Cncl. Dilks questioned how many towns are covered by County EMS. Mr. Heydel noted the bigger townships of Washington, Franklin, Deptford and Monroe are not. Washington Township is privatized but rumors are Franklinville and Deptford are going and once those towns go we are going to have to consider it. Mr. Heydel explained 40% of our ambulance crew is paid and 60% are volunteers. When we go to the county EMS our costs will more than double, as more paid EMTs will be needed and the county rates are way higher than ours. He explained we are bidding time because third party billing brings in \$800,000.00 in revenue, the cost of our services is between \$600,000.00 and \$700,000.00 and we cannot afford to lose the other \$100,000.00. Cncl. Bryson noted he would like to see the law regarding consolidation, as he felt it pertained to smaller towns merging with larger towns to save money; not to force larger towns into a situation that cost them more money to operate. Cncl. DiLucia noted consolidation has been a big issue and right now the governor and Senate President are fighting over who is saving taxpayers the most. He noted with all the political rhetoric every taxpayer in our township is expecting a reduction in taxes next year. He also spoke of mass mailings from attorneys and companies offering their services in the preparation of tax appeals on a contingency basis. He felt the township should just reassess all properties because if 50% of this town gets a tax reduction from tax appeals the other 50% will have to pay the difference. Cncl. Teefy noted when looking at the EMS issue we must look at what we spend for township services plus what we pay to the county. Cncl. Sebastian noted the county numbers are included in the total county budget, which we are paying 10.1% of and when we tried to find out what exactly the EMS part of that budget was, we could not get a straight answer. He spoke of submitting an OPRA request to the county two years ago requesting the EMS cost, how Chad Brunner gave him one figure and how he received a response from the OPRA request that had a difference of over \$100,000.00 from the one Chad Brunner gave him. He noted one response did not include payroll and the other did not include gasoline. Much discussion took place regarding the fees the township pays to the county, the cost of the county EMS and the services the county provides to the smaller municipalities. Cncl. Teefy noted if the township is making \$800,000.00, paying \$700,000.00 for our local EMS and then paying the County another \$200,000.00 for EMS we are losing money and the taxpayers are paying an additional \$100,000.00 for EMS. Cncl. Sebastian noted the township could also save money if trash pickup was privatized but we would not get the service we now have. He noted eventually the cost for our EMS will become fiscally irresponsible and at that point we will need to go to the county EMS. He noted the first step in being fiscally responsible is to move Cecil to Monroe, as that

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F.) NEW BUSINESS (cont'd)

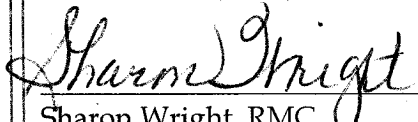
prevents the need to fund two separate ambulance associations. Mr. Heydel noted new legislation requires EMTs to have eight months of training instead of the previous five months at a cost of over \$1,000.00 instead of the previous \$550.00. He expressed concern that the township will pay to train EMTs that will only stay here for a short while and then leave, which will require the process to be repeated. Further discussion took place regarding the cost and whether it would be beneficial to lobby the county to change the regulations dealing with mandatory consolidation. Council felt lobbying would not help the township as consolidation is what the State is moving towards. Upon conclusion of the discussion Cncl. Sebastian requested Solicitor Fiore to prepare the amendments to Chapter 30 for First Reading at the February 14th Regular Council Meeting, as it must be in place by March 1st.

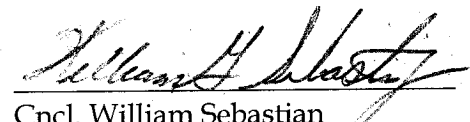
G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of February 1, 2012. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of February 1, 2012 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 3/7/12
Approved as corrected _____ Date _____