

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
MAY 7, 2014**

**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.: 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., Ronald Garbowski** 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. Ronald Garbowski	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:02 PM)
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Bryson** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of April 2, 2014. The motion was seconded by **Cncl. Dilks** and approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

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

**Domenic Burgess, B & B Auto Repair** noted he contacted NJ Motor Vehicles to dispose of the abandoned vehicles he towed and found because they were a police involved tow he was not permitted to dispose of them unless the police provided a letter, on police letterhead, stating

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they cannot dispose of them and the reason why, which could be as simple as manpower. Mr. Burgess submitted information for Council to review from the NJ Motor Vehicle Commission regarding the process for getting a title to dispose of junk vehicles.

**Jack Simmermon** questioned whether he would be able to speak when the Towing Ordinance is discussed. **Cncl. Sebastian** indicated the towers would be permitted to speak at that time.

**Frank Stellaccio** spoke of receiving a certified letter from Officer Mark Burton on Saturday and a warning phone call on Monday basically telling him to cease and desist from making curbside deliveries of mulch and stone according to Ordinance 295-10. Mr. Stellaccio noted his two companies located in Monroe Township rely on delivery service and the sudden enforcement of this ordinance, which Officer Burton said was for safety reasons, will really hurt his business. **Solicitor Fiore** explained Mr. Stellaccio is referring to Section 295-10 k. of the Nuisance Ordinance, which has been on the books since at least 1991 and may not have been enforced since Officer Bill Thompson retirement. Mr. Fiore noted Officer Burton had informed him that he would rather mulch and stone be dumped in driveways and have the people park their cars in the street because in some developments this time of year mulch is being left in the street for weeks at a time. It then becomes a nuisance by obstructing the highway, which is why Officer Burton sent the notices out. Mr. Stellaccio explained there is a danger in dumping on driveways because the trucks are very heavy and also leak so sidewalks and driveways can be cracked. Mulch and stone also stain so residents do not want it dumped on their driveway and would rather put it on the road so they can wheelbarrow it onto their property. He noted he cannot fix everyone's driveways so he included on his invoices "All responsibility past curb line is the homeowner's responsibility and to solve this problem he could also include *"anything curbside delivered must be removed within 48/72 hours of delivery"*. He explained the majority of his deliveries are on Friday and Saturday, as most people want to beautify their properties on the weekend, however there are times when it rains and the materials stay there for a week. **Solicitor Fiore** recommended a suggestion be made to Officer Burton that residents be given a 48 hour window of opportunity to move the materials. He felt Mr. Stellaccio could also put it on his invoices and question whether customers had a place to deliver off the street. Mr. Stellaccio noted his sales team is very direct in telling customers we do not go on their property unless we have a contractor or homeowner say it's ok and he would have no problem telling them if materials are dumped in the street they are required to remove it within 48 to 72 hours according to the Monroe Township ordinance. **Cncl. Dilks** spoke of an incident that occurred a few years ago when he delivered top soil to a housing project in Washington Township. The landscaper directed him where to dump the material on the road, he placed cones around the top soil and he left. The next morning a girl driving to school went around the bend, the sun was in her eyes and she hit the top soil pile and broke her nose. Pierson Construction, the homeowner and landscaper got sued. **Cncl. Dilks** noted he was cleared because he was directed to dump there but things like that could happen. Mr. Stellaccio noted that happened to him in Sicklerville. He has also been sued by people that went through the yellow pages, found that he is a delivery service and sued him even when he never made a delivery to them. Stone, mulch and top soil does not jump out in front of cars so most of the time the accident is caused

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because of speed, conditions that warranted it or some other type of distraction. Mr. Stellaccio requested help from council in this situation, as he has forty employees and times are tough as it is. **Cncl. Bryson** agreed to Mr. Stellaccio's suggestion about including a removal notice on his invoices but he felt 48 hours was long and suggested it be within a 24 hour period. Mr. Stellaccio went on to explain how the trucks dump materials and how he is intensely training all his drivers to dump facing the direction of the roadway and as close to the curb as possible so they are only taking up a parking spot. He noted when it comes to paver stones he has forklifts that can transport them into the rear of a property but with mulch and stone an 80,000 GBW truck can break sidewalks and irrigation and sewer lines on a residential property. **Cncl. Sebastian** questioned whether Mr. Stellaccio puts cones around mulch and stone deliveries. Mr. Stellaccio replied no but he would have no problem advising customers cones were needed and incorporating their cost into the delivery charge. **Cncl. Teefy** questioned whether it would be possible, even if deliveries were a little slower, to send a bobcat along on the delivery to move the materials onto the property. Mr. Stellaccio noted local delivery charges are \$45.00 and that would require him to charge much more. Larger deliveries are done for contractors and they usually have the equipment to move the materials out of the street. He noted he will do a better job telling customers the materials must be moved and he felt by putting it on the invoice to make people aware will resolve most of this as opposed to citations. He noted he is one of fourteen businesses that received the certified letter. **Cncl. Pres., Garbowski** felt there definitely needs to be a time limit and that vendors should be requested to put the 24/48 hour notice on their invoices so homeowners know to remove it because during a hard rain storm the gutters could be blocked causing flooding in the area. Mr. Stellaccio felt the answer is twofold; one as a seller to be more responsible in educating those getting deliveries and also having the township more tolerant of its residents beautifying their properties. **Cncl. Sebastian** noted whatever Council decides to do on this Officer Burton and the Public Works Department should be included in the discussion since they have control over the roadways. **Cncl. Dilks** questioned if we change the ordinance to allow 48 hours does the responsibility come back on the township if something happens and **Business Administrator Kevin Heydel** questioned if an accident happened within that 48 hour time period is the risk greater for the township. Solicitor Fiore replied no, they will sue the township regardless. **Cncl. DiLucia** questioned whether there was a greater chance we would prevail because of the 48 hours. Mr. Fiore noted from a legal standpoint yes, but from how defense carriers and insurance carriers work, no, as they always look at litigation cost and resolving cases so in theory yes but in practicality probably not. Mr. Stellaccio suggested legitimate whole sellers of natural stone and mulch be required to obtain a permit to curbside dump as that would provide some control over people dumping in the middle of streets or along sidewalks. Mr. Fiore went on line to E-Codes to review Washington Township's Ordinance, which requires permits for every activity that occurs on a roadway. Mr. Stellaccio noted it works well there he has never had a problem in Washington Township. **Cncl. Teefy** felt the suggestion for permits was a good idea because then people would be made aware of the rules and he questioned whether Mr. Stellaccio previously knew about the township regulations. Mr. Stellaccio replied no, this was a complete shock to him on Saturday when he received the certified letter. Mr. Fiore felt the homeowner should be required to get a permit, put cones in place and get it off the street within 48 hours. **Cncl. Teefy** felt it should be the person delivering; not the homeowner. Mr. Stellaccio added

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that would also provide a level playing field for out of town businesses, as they would have to obtain a permit and advise the homeowner of township regulations. **Cncl. Bryson** felt a permit may not even be needed if the residents are advised of the township regulations. **Cncl. Sebastian** felt permits would let the Police Department know where materials are being dumped and then they could check the area after 48 hours for enforcement purposes. Solicitor Fiore suggested Officer Burton provide data as to how and when this became an issue before Council moves any further on it. **Dan Kozak** noted in other towns the police get involved with permits to make sure materials are not dumped in a site triangle or in an area that would cause a roadway problem and cautioned that by having the truck driver tell the homeowner about the 48 hour requirement when the police go to enforce the law the homeowner could say the driver never told him and that it wasn't written on the invoice. **Cncl. Sebastian** noted if it is written on the delivery contract in bold and they signed off on it the company would be off the hook. **Mr. Stellaccio** noted he has every driver and homeowner sign off because when he first started his business he had a person call him and say he didn't receive the delivery and for him to prove that it was delivered. Now, every delivery he does they are shown there is no responsibility past the curb line and if there is any problems the driver is actually held responsible. CDL drivers are very professional and are held to a higher standard than other drivers on the roadway so to have a driver figure out site triangles and where to dump is child's play for them. Customers are asked when, where and how they want deliveries, disclaimers are given that drivers are not responsible for anything past the curb and we will advise them at the time of purchase about the 48 hour period. If the customer wants deliveries past the curb they are responsible for aprons, sidewalks, driveways, lighting, irrigation and anything else past the curb. **Cncl. Sebastian** noted the Ordinance Committee will review this and get the Police Department and Road Department involved and then notify **Mr. Stellaccio** if there are any changes. **Mr. Stellaccio** noted this is his busy season so he would appreciate anything that can be done. **Mr. Fiore** noted in the interim since the ordinance is on the books he will speak to the Police Chief and request people just be given warnings that they have 48 hours to get the materials off the street.

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

D.) ORDINANCES FOR REVIEW

- **Precious Metals Ordinance**

**Cncl. Sebastian** noted the Police Department had a demonstration of the Rapid System for Fera's and Williamstown Jewelers and although they found it easy to operate Mark Fera still felt it was unconstitutional and was not in favor of it. Other than that everyone seems to be OK with the process. **Cncl. DiLucia** made a motion to move the Precious Metals Ordinance forward for First Reading at the May 12, 2014 Council Meeting. The motion was seconded by **Cncl. Teefy** and approved by all members of Council in attendance with the exception of **Cncl. Bryson** who voted Nay.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Towing

**Solicitor Fiore** explained after reviewing the ordinance the only recommended change was to have an unlimited number of towers so after reviewing his notes and the ordinances from other municipalities he provided Council with his suggestions. Mr. Fiore noted the definition section of Chapter 262-2 is very limited and many words/phrases need to be elaborated upon and language from some of the ordinances from other towns could be included into the definition section of 262. Section 262-3 - List of wreckers is the most controversial section of the ordinance. Mr. Fiore noted when looking at any ordinance you must look at what your ultimate goal is however, there will never be a perfect ordinance. Someone will be affected by it, something may be missed or something may not be defined properly causing confusion but our job is to try to come up with a comprehensive ordinance that is going to address efficiency and public safety and that is the underlying theme with this particular ordinance. Mr. Fiore noted in speaking with some of the towers an unlimited number of towers would cause problems. Towers are in the business to make money and when looking at equipment investment, twenty towers would water down the revenue pot. He noted he was not suggesting a right or wrong number only that issue is just something to consider. Another issue was the 15 day notice requirement because most of the towers in the beginning had difficulty with that and every other town has a 30 day period of time. The provision for paying real estate taxes may not be relevant to towing, as there could be a situation where a tenant pays his rent but the landlord fails to pay his taxes so why should the tenant be penalized over that. Mr. Fiore noted the minimum and maximum tow charges must also be addressed because they may not be consistent with the appropriate rate in other towns. The application must also be reviewed as it must be consistent with the ordinance so everyone is aware of what is going on. He noted the toughest decision is what is going to be the appropriate number of towers and Council may decide it should be unlimited. There was also a suggestion that if someone was removed from the list that they have the ability to be reinstated back onto the list within that year. The greatest contention over the years has been who is going to be the responsible party. Every other town has the Chief of Police but we had a problem with that when the police chief changed and the towing applications were not delegated to the right person. Some towns have the Business Administrator and whether or not that happens here there must be a point person. The complaint process also must be streamlined and it should be included in the code that the point person must respond swiftly to any complaint. **Cncl. Sebastian** noted he would like to get the ordinance fined tuned since we have the time frame and he suggested scheduling another Towing Committee meeting and in the meantime Mr. Fiore could prepare a draft ordinance that includes his recommendations. **Cncl. Teefy** questioned whether the period between submitting the application and the November 1<sup>st</sup> compliance deadline is being reviewed so applicants have time to correct their applications if something was missing. Mr. Fiore felt that should be built into the ordinance because of what had transpired in previous years and in case there are new applicants. **Cncl. Teefy** suggested moving this process quickly if the Committee was looking at having applications submitted by October 1<sup>st</sup> since there is only a few months left until then. **Cncl. Sebastian** polled Council and all in attendance were in favor of scheduling another Towing Committee meeting.

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**Jack Simmermon** noted before the ordinance could not be changed due to the litigation so what makes it different now since we are again involved in litigation. Mr. Fiore responded that it needs to be addressed as there have been too many issues floating around for a long time. Mr. Simmermon referred to comments about towers being able to correct problems with their application and noted we have had the same application for seven years so if they can't get it right by now they don't belong on the list. He noted if they need their hand held maybe Cncl. Teefy should go to their office and fill out their paperwork. He added he was not trying to be disrespectful to Cncl. Teefy but if seven years is spent in first grade then they have to go. He added some businesses are professional and others are not and don't take the time to complete their paperwork. Cncl. Sebastian noted that language in the ordinance would be for new applicants that may come in. Mr. Simmermon stated so that would affect only a new guy and it would be do or die for the seven so that if there application is not right by November 1<sup>st</sup> than they would not be on the list. Mr. Fiore noted that is something to consider.

**Tom Atack, Cecil Collision**, noted last year everyone turned their applications in and they were fine we just need to get the "gotcha" aspect out of it. As far as the numbers are concerned we would like to keep it at seven and anyone else that comes in would be placed on a waiting list like all of us have been on at one time or another. Mr. Atack noted we want to make as much money as we can and the more towers there are the less money we make.

**Cncl. Teefy** spoke of the ice storm and questioned whether additional towers had to be brought in to assist that morning. He referred to comments Cncl. Caligiuri had made regarding catastrophic events and noted seven towers on the list should be enough to handle any big problem that could occur. Mr. Simmermon replied that was his week. He took sixteen calls in two hours and had more trucks out that day than the township had police. People were waiting on the side of the road for police officers to get to the scene to write a tow sheet because vehicles cannot be towed without that so that is something that should be taken into account. Mr. Simmermon noted last year there were two towers and they didn't make a request to limit it to two towers but now that these guys are back on the list they want to drop it to seven. He noted it has been ten all these years so leave it at ten or put it down to two. At this point the other towers in the room laughed and Mr. Simmermon stated go ahead and laugh but you call me because I'm the big dog. He noted two week ago after he had just finished his week he received a call because no one else on the list had the equipment to handle a bucket truck. He felt that if they don't have the equipment they should not be on the list and they might think differently but there is a reason why Pierson Construction gets the big highway jobs and that's because he has the equipment. The guy who has a Bobcat and a pickup truck is not being called to pave Interstate 295. He noted this is a public safety issue and the township has to quit playing political games to make sure all their buddies get on the list. Someday someone will get hurt from the roadway being blocked while you are going down and it's going to come back on the township because a lawyer will look through all these meetings and say there is a tower that is talking about safety issues and it is not being addressed here. He noted like Chuck said everybody is going to get sued so let's try to fix that problem. **Cncl. Sebastian** noted what Cncl. Teefy was referring to was Cncl. Caligiuri's concerns about a catastrophic type event and

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if that type of emergency was declared OEM could call every tower truck in Gloucester County. A question was posed as to whether Council was still considering an unlimited amount of towers and Cncl. Bryson suggested there be as many as qualifies for that year. Cncl. Sebastian explained a specific number must be set or we could have fifteen if all qualified. Cncl. Bryson questioned what would happen if the number was set at ten and an out of town tower applied who ended up being number eleven. Solicitor Fiore advised if the ordinance limits the number to ten then there will be a waiting list like there was in the past. Cncl. Sebastian explained if the number is limited in the ordinance the municipality can defend it. Tom Atack of Cecil Collision noted the heavy duty issue is kind of a red herring because during the five years he has been on the towing list he has only had four calls for heavy towing. One was last week for a bucket truck and when the dispatcher called him he answered the phone and said call Jack because after hearing the call over his office radio he knew on one else in town could handle it. Some comments were made between Mrs. Simmermon and Mr. Atack and Cncl. Sebastian advised there would be no debate at this time. The Towing Committee will have all the towers discuss their issues and the entire Council will review it once it is put into an ordinance format.

- **Chapter 175-140 HDPE Pipe Requirements**

Cncl. Sebastian advised ARH recommended some changes to 175-140 to try to resolve the issues with the HDPE pipes cracking. The Mayor is trying to avoid future issues with these pipes, as some have failed in a couple developments and the repairs are falling upon the municipality. Those recommendations were sent to the Planning Board for review. The Board reviewed and recommended the proposed changes and Planning Board Solicitor Len Schwartz drafted the proposed ordinance. Cncl. Bryson questioned whether we could just ban that type of pipe. Solicitor Fiore replied no, the RSI standard allows corrugated polyethylene pipe. Cncl. Pres., Garbowski added we said we would allow it as long as flowable fill is used around it, as that gives it support and strength. Cncl. Sebastian noted we are not banning it but we are requiring developers to follow certain strict requirements and there is justification for that. In some cases developers may not want to do it and just decided to install concrete pipe. Cncl. Teefy added they are paying for the engineer to be at the site and that can become expensive. Solicitor Fiore noted that may be different someday because the Builder's League wants standardized charges for all actions; for example they want one standard charge for inspection of corrugated piping. The Builder's League is a very strong lobby and they are trying to outlaw the discretion municipalities have in paying their engineers. Cncl. Sebastian polled Council and the consensus was to move the ordinance forward for First Reading at the May 12, 2014 Regular Council Meeting.

**E.) MATTERS FOR DISCUSSION**

- **Veteran Owned Business Set-Aside Program (Atlantic County Sample Ordinance)**

Cncl. Sebastian noted the sample ordinance for the Veteran Owned Business Set-Aside Program was adopted by Atlantic County and they requested other municipalities join them in notifying the State that this program should be approved for veterans. Cncl. Pres., Garbowski

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

noted the former mayor of Hamilton Township who is a veteran on the Veteran's Board in Atlantic County requested this. **Cncl. Bryson** questioned whether this was a federal mandate/program. **Cncl. Sebastian** replied no, this is just for the State. **Solicitor Fiore** explained to move this forward Council would need to adopt a resolution encouraging the Gloucester County Board of Freeholders to adopt the ordinance county wide. That resolution would then be circulated to the other municipalities in the County. Mr. Fiore advised he could prepare the resolution for the May 12<sup>th</sup> Regular Council Meeting. **Cncl. Bryson** noted he was 100% behind veterans but he questioned what the requirements are because these are tough economic times and no one should be denied the right to bid. He explained he is a manufacturer rep and there are times when he is not allowed to bid on a job because of specific conditions that allow only minority, women and Indian owned businesses to bid. He felt if specific conditions were no longer allowed business would flourish and that is the only reason he is questioning this. He noted many businesses do not comply when restrictions are in place, as those special conditions get the first priority on a bid or set-aside. **Cncl. DiLucia** questioned what a set-aside was. **Cncl. Bryson** explained a set-aside requires a certain percentage of purchases made by government entities to be made from minority, woman, Indian etc. owned businesses so not everyone can bid. If everyone could bid it would be a fair and just pricing but if it is a set-aside only a few can bid and nine times out of ten because it is a set-aside it will be more expensive. In the case of the federal government a set-aside can even mean the cost of what you are procuring is 5% to 10% more than what the actual price of the material is. **Cncl. DiLucia** noted so with a set-aside if there is a million dollars' worth of work to be done \$300,000.00 can be set-aside for particular groups and he questioned whether that was mandated. **Cncl. Pres., Garbowski** noted all the contracts he deals with for the college have a set-aside goal; it is not mandated. **Cncl. Bryson** noted that might be on state contracts but on the federal level a certain percentage is mandated for set-asides. **Solicitor Fiore** went on line and pulled up the State law for set-asides and noted this is not a new legislation it is just adding veterans to the existing list and it still requires the lowest responsible bidder, even though there is a set-aside percentage. **Cncl. Bryson** noted if that's the case he would go along with this. He went on to say he does business with Federal government and commercial entities, not the State because he doesn't want to be involved in any conflicts and when it comes to the Federal government he could show Council sizable contacts that he cannot bid on because of the mandates. **Cncl. Sebastian** added the Federal government can limit their contracts to American made only products but this is at a County level not Federal. **Solicitor Fiore** explained the whole concept of a set-aside is that contracts must be awarded to the entities set forth in the Statute but the underlying theme is they have to be the lowest responsible bidder they cannot be thousands of dollars above what a non-set-aside bidder would be. **Cncl. DiLucia** questioned if just set-aside people are allowed to bid how would you know whether non-set-aside people had the lower bid. Mr. Fiore noted his understanding of local public contracts law is that you can't just say there are only set-aside bidders, everybody can bid on a project and the set-aside bidders are given preference. **Cncl. Pres., Garbowski** noted if there are two equal contract bidders and one has veteran or minority preference that is the deciding factor in awarding the bid. At the conclusion of this discussion **Cncl. Sebastian** noted this matter would be handled by way of resolution.



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- **Blue Bell Farms Three Way Stop Signs**

**Solicitor Fiore** noted after reviewing the intersection of Ames Road and Thoreau Lane Dave Cella and Chris Rehmann indicated that a three-way stop sign met one or two of the State warrants because of site-triangle. Mr. Fiore questioned whether council wanted to put that in the form of an ordinance for the May 27<sup>th</sup> Council Meeting or if Council would like to invite Officer Burton to the Work Session or Ordinance Committee Meeting to provide some input about that. Cncl. Pres., Garbowski requested that Officer Burton be invited to the May 12<sup>th</sup> Work Session Meeting to discuss this matter.

F.) NEW BUSINESS

- **Vacant Properties**

**Cncl. Bryson** expressed his concerns regarding the numerous vacant and unmaintained properties throughout this township; noting there is a glaring example of this in Newbury Farms. Two years ago he mentioned this property, which at the time was a rental. Now it's vacant has junk all over the yard, is boarded up and has no siding on the back of the house and the neighbors want to clean up it up and use a township dumpster. He spoke of all the foreclosures in the township over the last few years of how the problem with vacant homes is only getting worse and requested a legal opinion from the Solicitor in regards to how far and what the township can do to get these properties cleaned up, torn down or the owners fined if they don't maintain their properties. He noted this problem needs to be eliminated or corrected because it affects the neighboring homes and there are two developments in his Ward, Newbury Farms and Forest Hills that have several of these properties. **Business Administrator Kevin Heydel** explained the Newbury Farm residents want to go clean up the home but if the township supplies a dumpster, it will open that up to everyone else. It also is basically saying we are giving them permission to go on that property and we don't have the legal ability to allow them to do that and if someone gets hurt the township would be at risk. **Cncl. Pres., Garbowski** noted the problem is we boarded up the property and no one kept an eye on it and now it's falling apart. Mr. Heydel explained we had permission to go on the property to board it up because it was a Board of Health issue. **Dan Kozak** explained if the police call and say a property is unsecure the township can immediately board it up on their orders; we don't need the 24 or 48 hour notice to the homeowner. He noted even though we know the owner of the Newbury Farm's house is deceased the house was posted for seven days in case the former tenants have something there. The Solicitor also checked to see if a will was probated in Gloucester County and a letter was sent out just in case there is someone to answer it. After those seven days we will have a private company clean up the property and then the township will place a lien on it. **Cncl. DiLucia** spoke of going to a home in Monroe Village that he received a complaint about and noted he found it deplorable when he looked in the windows everything in the house was torn up. A phone number was posted on the door but when he called it was a message to leave his name and number and he knows no one will call him back. Cncl. DiLucia suggested that when we find a house like this we check to see if someone owns it and if the taxes are paid and if they're not we should buy the house for taxes and use it to fulfill our COAH obligation. He noted we should be proactive on this and do

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F.) NEW BUSINESS (cont'd)

whatever we can to accelerate the process because living next to one of these houses is not fair to our residents. He went on to explain the dilapidated condition the house was in, of Holiday City paying to have the grass cut on nine vacant properties and noted we need to get aggressive because people are just walking away from these houses. Cncl. Bryson agreed these homes could be used for the COAH obligation and he questioned Mr. Fiore on whether our hands are tied on this. **Solicitor Fiore** advised our hands are not tied, as we have Chapter 104 of the Township Code entitled "Unfit Buildings" that allows us to take action against blighted properties. Under this chapter nuisances addresses landscaping in disrepair, paint chipping off houses and it describes blighted buildings so it is just a matter of enforcing it. The chapter references the Construction Code Official as the enforcing the ordinance and it explains the process for demolishing buildings. Mr. Fiore noted in the past money was budgeted for demolition but that has not been done for the last few years. Mr. Heydel advised in the past \$10,000.00 was placed in the budget for that but now the cost to demolish buildings is much more. **Cncl. DiLucia** questioned if COAH money could be used to tear down a home if the property could be used as an investment to build a COAH home. Mr. Fiore advised COAH money could not be used for that purpose. He explained these homes would also fall under the Board of Health and we need to come up with a system where boarded up homes are tracked. This is no one's fault as manpower is spread thin but it is something we need to be on top of because the last thing we need is residents going in and taking things into their own hands. Mr. Heydel questioned whether we legally have to put homes up for tax sale homes that people just walk away from, have outstanding taxes or not banked owned. Mr. Fiore replied yes, we can't just automatically take the property. Mr. Heydel explained when someone buys that tax lien our hands are tied again unless we can make them responsible to maintain the property. Mr. Fiore explained they are not an owner or equitable owner of the property, they just purchased the tax lien. The township will have placed a lien on the property for boarding it up and at the time of sale the person foreclosing on the tax lien will have to pay that lien off so we get our money it just takes a period of time. Due to limited manpower neighbors need to be vigilant and report these properties and once we receive those reports we need to take action. Mr. Fiore recommended Council review the Cherry Hill Ordinance and the ordinances from other townships that provide municipalities with mechanisms to deal with bank owned properties. **Dan Kozak** explained the owner of the Newbury Farms property passed away so there is no owner. A company purchased the tax lien and they are paying the taxes now but they have no responsibility to clean up the property. After the seven day notification period we are going to hire a contractor to do the cleanup and then we will lien the property for the cost of the cleanup. Mr. Kozak noted when the township boarded up the house the fence was up but when the fence was torn down all the debris could be seen and after people went through everything it was worse. He noted the neighbors should have contacted the police immediately when they saw people going through the stuff and that may have prevented some of this. He added there is only so much the township can do. He spoke of residents calling the Board of Health to report unkempt vacant properties and on the last call he responded to the neighbor wanted him to trim bushes and pressure wash the house. Mr. Kozak noted he and the Zoning Official will do whatever Council wants but we can't do everything the neighbors want. Mr. Fiore noted Chapter 104-7 deals with everything that was discussed here tonight it is just a matter of people being cited and brought to municipal court. Cncl. Bryson

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noted some people cannot afford to maintain their properties so if they are taken to court maybe volunteers could help these people get their houses repaired and if that doesn't work Habitat for Humanity could be contacted for help. Cncl. Bryson indicated he would try to find help for them if they called him. Cncl. Sebastian questioned the requirements of the Clean Communities Grant. Mr. Fiore explained that deals with public streets, walkways and public properties. Mr. Kozak suggested that when houses are boarded up the boards be matched to the color of the house, which would make it look a little nicer. He added enforcement and follow up is an issue due to the limited number of people we have. Grass season is also coming up and last year we handled over 400 lawns so it is difficult to follow up. Cncl. Sebastian spoke of a twin home on Main Street that is boarded up on one side because of a fire and the other side is being rented. Mr. Kozak noted as long as the house is secured we cannot make an owner make repairs to that property and for the Construction Official to say a house must be torn down it must be unsafe since most things can be repaired these days. Cncl. DiLucia gave Mr. Kozak the address of the vacant house in Monroe Village that he was contacted about. Mr. Kozak noted if the doors and windows are secure we can't board it up; the only thing we can handle is the grass and we cannot make them put blinds on the windows. Cncl. Teefy suggested a committee of Council be established to meet with the Zoning and Construction Officials to review the list of vacant houses in order to formulate the data that we need to get them up for tax sale so they can be rehabbed. We can't go into Forest Hills or any other development to knock down a house; that's not what the neighbors want they just want it repaired. We also need to see how high we can make the liens or fines on these homes because the banks are just sitting on them and if they are being fined they might start looking at ways to sell them. Also Habitat for Humanity and volunteers from the community might be able to help fix up the ones the township takes ownership of so they can be sold. Cncl. Pres., Garbowski suggested the Law Committee and Chuck meet to determine what can and can't be done and to begin working on an ordinance to address this issues and then we will see where we can go from there. Cncl. Teefy questioned what can be done with an abandoned house that has an in-ground pool in the backyard. Mr. Kozak explained those properties are taken very seriously and are given top priority. When a complaint is received we go out that day to secure the property. If people are living in the homes notices will be issued right away. Cncl. Teefy questioned if he gave Mr. Kozak the address of a house on Jobs Lane with a pool whether something would be done. Mr. Kozak knew of the house on Jobs Lane and noted that has an in-ground pool but the yard is fenced and the gate is usually closed. The township sometimes cuts the grass and sometimes the son cuts it. He noted the pool water is green but we call the County Health Department and they put a chlorine puck in it to stop the mosquitos. We cannot make the property owner filter the water to clear it up we can only handle the mosquitos. Mr. Heydel advised the banks are taking down above ground pools at abandoned homes. Cncl. Teefy questioned if Mr. Kozak has a spreadsheet listing of vacant homes with pools that could be reviewed to see what has been done. Mr. Kozak explained the Board of Health has received complaints and has documentations that says how it was handled. Cncl. Bryson referred to residents that economically cannot maintain their properties and noted the County offers a no interest loan program that allows contractors to make repairs. Homeowners are not required to repay the loan but when they die and the property is sold the proceeds go back to the County. He added there have been situations where the contractors are really bad so this is a double

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edge sword but the program does exist. Mr. Heydel noted the County also has a housing program to rehab homes but there is only so much money out there plus people are not aware that the program even exists.

- **Crystal Lake Sewer Project**

Cncl. Teefy noted he met with the residents of Crystal Lakes on Monday and an amendment to the 208 Plan is needed to make that area a sewer district. The area was previously included in that plan but was taken out and needs to be put back in. Cncl. Sebastian noted in Cncl. Dilks' place as the liaison he also attended the meeting Senator Fred Madden held for the residents of Crystal Lakes. Municipal water was put in that area through the Spill Fund when their wells were found to be contaminated several years ago and now they are trying to get sewer put in. Originally they were included in the Sewer District but were removed by the County due to their location to the wetlands, which seems strange because you would think there would be sewer there as opposed to cesspools and septic systems. There is a process to amend the 208 Plan and the question Madden brought up was what percentage of Crystal Lake residents want the project to go forward once given the estimated cost per household. The numbers that were discussed were \$10,000.00 for construction, \$3,100.00 for the MMUA tie-in fee and \$2,150.00 for the County fee. If the sewer runs past a home the residents are required to tie in and there is a mandate to make the cesspool/septic system inoperable. Madden was talking about a cost of up to \$15,000.00 to close a septic system so if those figures are added the cost would be over \$30,000.00 per household. There is approximately 314 homes in the area and some of those homes are only appraised at \$40,000.00. Senator Madden requested that we bring this back to the municipality and in conjunction with the MMUA send a survey out to those 314 homes to find who is interested in installing sewer knowing that it will cost them \$30,000.00. The municipality can then decide what percent of that would make it feasible to install the sewer. The County representative talked about low interest loans the municipality could apply for with the MMUA. Once the MUA installs the sewer system the loan would be paid through the \$30,000.00 assessed to each household. Mr. Fiore noted the amendment to the 208 Plan is an MMUA entity project. Cncl. Sebastian replied yes and their engineer will do that. Cncl. Teefy spoke of how the MUA engineer pushed it back onto the township to do that. Mr. Fiore noted a few years ago the 208 Plan was amended when the previous owner of Decora wanted to install sewer and during a Thursday meeting Federici and Akins and Bret Yates were brought in to amend the plan so this needs to be clarified. Cncl. Teefy noted he spoke to Chris Rehmann about this and he was going to contact Federici and Akins to get this started right away. Chris got grants for these types of projects in other towns and that's what we want, as this is a public safety/health issue. By the County deeming this a public health issue it will qualify for grants but in talking to the County if they go out there people may be cited. Cncl. Teefy noted he doesn't want citations issued, he just wants them to see if this is a health issue because then the EPA could be brought in to help people. Mr. Fiore questioned if anyone knows how many homes have cesspools and how many have septic. Cncl. Teefy noted he pulled the data and there are 331 homes and 44 businesses in the area. Ten or eleven homes pulled permits for septic and many of the businesses would love to have sewer. Mr. Fiore explained now in order to sell a home it must have a certified septic system.

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Cncl. Teefy went on to say the cost estimate was \$25,000.00 per household and the cost of the project is \$8.2 million but we could get grant money by deeming it a public health problem. Some people in that neighborhood have lived there 50/60 years and don't want to rat out their neighbors but are concerned because the old cast iron pipes are failing and there is an odor in the area. We need more data to see how many permits were pulled and we need to get Chris Rehmann involved since he mentioned grants while no one from the County, DEP, Senator Madden or the MMUA said anything about that. They only spoke of low interest loans. Cncl. Bryson noted if the sewer needs to be done we have to look into grants and if it's the responsibility of the MMUA then we let them do it since they are more skilled at getting grants. Cncl. Sebastian noted we all agree to grants but there is a catch 22 involved, which is if it gets approved today the process takes two years before sewers would be installed. The County representative said if he inspects and finds a health issue by law he must cite the people and if they don't fix the problem fines will be assessed. He stated if an existing health hazard is found he can't knowingly allow that to be there for two years. That is where the catch 22 comes in because the people might have to install a septic system at the cost of \$25,000.00 to fix the problem and then if the sewer goes by they will be required to tie into that and take out their septic system, which will cost them more money. Cncl. Sebastian added according to Senator Madden the first thing that has to be done is the survey to find out the percentage of residents that want the sewer. Cncl. Bryson noted a few years ago Council discussed creating an infrastructure fund that would be used to aid in specific situations such as this and that should be considered again because in these economic times it's getting hard to get funding from the State, as they don't have money either. He suggested looking into whether we could use some of the Open Space funds to help people in this area because these costs might drive them out of their homes. Cncl. Teefy noted residents from Crystal Lake came to an MMUA meeting complaining about the problem and you would expect people that do this eight hours a day as their job would be willing to conduct a survey and pull up data to see who has a septic or not; but no one knows how to proactively move so that was not done. He noted he grabbed some data and has all 331 home mailing addresses and the survey ready to go so now it is just a matter of putting it together and talking to Joe Diamond the leader of those residents to try to figure out how to get the survey back. Cncl. Teefy noted during the meeting when he asked how many people wanted sewer 38 hands went up out of 40 so that was a pretty good survey. Mr. Stellaccio noted he had this conversation two years ago and is glad to see it getting pushed. The Black Horse Pike needs it for the business aspect to get a larger tax base and residents in the back are suffering, as he knows for a fact plastic pipes are pumping into the wetlands. Cncl. Teefy noted he has the survey ready to go. Cncl. Sebastian questioned whether that would still fall under the purview of the MMUA. Cncl. Teefy advised that is not what Fred Madden told him; he said to run with it; the township needs to find out what those residents want and need.

G.) OLD BUSINESS - None

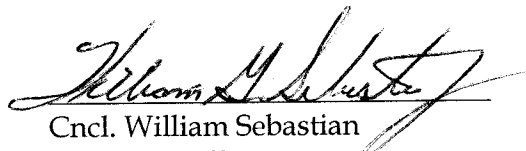
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H.) ADJOURNMENT

With nothing further to discuss Cncl. DiLucia made a motion to adjourn the Ordinance Committee Meeting of May 7, 2014. The motion was seconded by Cncl. 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 May 2, 2014 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     *JW*     Date     6/5/14      
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_