

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 7, 2016**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: South Jersey Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

Cncl. Bryson led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walt Bryson	Present	
Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	(Arrived 7:15 PM)
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Dir. Public Works, Mike Calvello	Present	
Dir. Community Development, Rosemary Flaherty	Present	Arrived 7:05 PM)
Dir. Public Safety, Jim Smart	Present	(Arrived 7:10 PM)
Sgt. Jim DeHart	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. DiLucia made a motion to approve the minutes as submitted of the August 3, 2016 Ordinance Committee Meeting. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council.

C.) PUBLIC PORTION

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

Domenic Burgese of B & B Auto Repair referred to page 8 of the proposed Towing Ordinance and questioned the on-hook insurance coverage; noting according to his insurance

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agent on-hook coverage is for companies that do just towing. Most of the towers in Monroe Township have repair shops and their garage keeper's liability covers everything on-hook would cover. **Solicitor Fiore** explained that was put back into the ordinance because Council directed a copy of the ordinance be forward to the township's insurance carrier and they sent an email to Mr. Heydel indicating the language that should be included in the ordinance. Mr. Burgese distributed information to Mr. Fiore dealing with on-hook and garage keeper's insurance and noted having both insurance coverages would be redundant so maybe the insurance carrier did not realize the towers had repair facilities with garage keeper's coverage. Mr. Fiore noted he did not make that distinction when he sent them the ordinance but this is the language the township's insurance carrier wants included in the ordinance. **Jack Simmermon** noted it says \$100,000.00 per vehicle and he questioned whether that was \$100,000.00 per towed vehicle or per tow truck. Solicitor Fiore felt that it was per towed vehicle. Mr. Simmermon questioned if he goes out on an accident call and tows two vehicles would he need \$200,000.00 worth of insurance coverage or if he used two trucks on a four car accident would he need \$400,000.00 worth of insurance. Mr. Fiore noted that is his understanding of it. He added this is the first time the insurance company reviewed and requested changes to the ordinance so in the past we may have been operating without the proper insurance coverage and thank God nothing has happened. Mr. Fiore proceeded to review the language in the ordinance dealing with insurance coverage. He explained in the past Monroe Township was just listed as an additional insurer but now the JIF wants additional language so coverage is expanded to include all elected and appointed officials, all employees, volunteers and board/commission members in the event someone would decide to sue. Individual tow companies are required to have worker's compensation insurance, garage keeper's insurance with a minimum of \$500,000.00 per location, on-hook coverage with a minimum limit of \$100,000.00 per vehicle and they are responsible to advise of any cancellation or change within 30 days. **Dan Heller of B & H Auto** referred to page 20, which states licenses shall commence on July 1, 2017 and he questioned whether that means he would not be able to reapply in November to get back on the towing list in January. Mr. Fiore replied that is correct. The new ordinance will supersede the current ordinance. He also noted a date needs to be established for submission of the applications and he suggested March 1, 2017 since Sgt. Burton stated he needed at least 90 days to review the applications. Mr. Heller also questioned what the fleet requirement would be. Mr. Fiore explained the secondary vehicle must be at least 14,500 GVW and that language will be clarified in the ordinance. Mr. Simmermon noted the information he gave Council from Miller Industries said light duty should be from 17 to 19.5 GVW. **Cncl. Heffner** noted the debate was 14 or 14.5 and the decision was for it to be 14.5 GVW for the second vehicle. Mr. Fiore indicated he would make the corrections to the ordinance but because of all the changes it must go back for First Reading.

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

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D.) ORDINANCES FOR REVIEW

- **Chapter 37 "Fire and Ambulance Services" (LOSAP)**

Solicitor Fiore noted he met with Kevin about the LOSAP law changing and the amendments he would be making to our antiquated LOSAP ordinance in order to conform with those changes. Sgt. DeHart questioned whether any changes would be made to the point system. Mr. Fiore replied no, we cannot take things away from people we just need to make sure we are conforming with the law.

- **Chapter 74 "Fees"**

Sgt. DeHart noted he was in attendance to answer any questions Council may have regarding the new rates he was proposing in the Emergency Management section of Chapter 74. Mr. Heydel noted he was good with what Sgt. DeHart presented but was concerned if the \$300.00 minimum per OEM call out could be justified but that most likely would be billed to the insurance company. Sgt. DeHart explained in the Police Department when an officer is called in there is a three hour minimum along with processing fees. The township receives a portion of that money and the officer receives his portion for his time. This is a little bit more because we don't have an off-duty rate built in to this like they do for the police functions. This will cover the expense of the vehicle and the man hours so it does not cost the township anything. Solicitor Fiore noted this ordinance was sent to various departments to request fee changes and Mr. Bonder questioned if we should consider charging private parties for the use of the Pfeiffer Center. Mr. Fiore felt this would be opening up a Pandora's Box because any group/organization from the public no matter what they represented would then be permitted to rent the facility. Cncl. Bryson questioned whether there was a stipulation in the original agreement from the Pfeiffer family that said the building could not be used for certain things. Solicitor Fiore indicated he was not aware of it but there could be since he recently came across a deed from the 1960's that had certain stipulations. He added the Pfeiffer Center is run by public funding so he was not sure if something like that could be enforced. After limited discussion on the issue Council was not in favor of charging a fee for the use of the Pfeiffer Center. Cncl. Heffner polled Council and all were in favor of moving the proposed changes to Chapter 74 forward for First Reading at the September 12th Council Meeting.

- **Chapter 262 "Towing"**

Cncl. Heffner asked if Council had any additional questions regarding the proposed ordinance. Jack Simmermon suggested establishing a set number if insurance for on-hook towing is going to be included because just saying \$100,000.00 per vehicle is not clear. He questioned does that mean per vehicle per week? If so \$800,000.00 worth of insurance would be needed if eight cars were towed in a week. Mr. Fiore replied no, \$100,000.00 is needed per incident so when a hook is put on a vehicle it will be covered for \$100,000.00. Mr. Simmermon noted if a tower has two flatbeds and tows two cars on each truck he will need \$400,000.00 so to make it fair to everyone some type of number should be included in the ordinance. Mr. Fiore indicated he would clarify that with the township's insurance company because if it is something other than what their minimum requirements are the township would not be covered and would

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be exposed. Mr. Fiore explained his personal insurance coverage is \$100,000.00/\$300,000.00 on each vehicle so if he had an accident at the same time as his kids each vehicle would be covered because it is a separate occurrence. If it happened with two tow trucks it would be separate occurrences because each vehicle is insured. Mr. Simmermon questioned would it be \$100,000.00 per vehicle being towed or per tow truck. Mr. Fiore felt it would be on what is being towed but he will get clarification on that from the insurance company. **Cncl. Heffner** requested Mr. Fiore get that in writing by Monday night's Council meeting. **Director of Public Safety, Jim Smart** questioned whether all applications will need to be submitted by March 1st because Sgt. Burton said it will take him ninety days to complete his inspections and provide a recommendation. That would take us to the end of June so when will Council make the decision so the ordinance can be implemented by July 1st. **Cncl. Heffner** noted Sgt. Burton had stated he needed sixty days but ninety days would work for everyone. **Cncl. Heffner** polled Council and all were in favor of moving it forward for First Reading at the September 12th Regular Council Meeting. He requested copies of the ordinance be made available for the towers at the meeting.

- **Chapter 175-133 "Sidewalks"**

Solicitor Fiore advised this ordinance is a result of the Builder's League challenging the legality of the township charging a fee to waive sidewalks. This matter was sent to the Planning Board who reviewed it and adopted a resolution recommending fees no longer be charged for sidewalk waivers. **Cncl. Heffner** polled Council and all were in favor of moving the ordinance forward for First Reading at the September 12 Regular Council Meeting.

- **Chapter 175-135 "Signs"**

Solicitor Fiore explained there were issues regarding permit fees for non-profit organizations. Section F of Chapter 175-135 was modified to say "*No sign for any non-profit corporation, social club, church or business whether commercial, industrial or for a home occupation shall be erected without receiving a zoning permit or paying a fee*". Previously non-profit organizations just put signs out but those organizations still need to go through the process of applying for a zoning permit because there could be site triangle or other issues that should be dealt with. **Cncl. Bryson** questioned whether non-profits included political organizations too. Mr. Fiore replied they are not non-profit and they must abide by the political sign ordinance. **Cncl. Heffner** polled Council and all were in favor of moving the proposed amendment to the Sign ordinance forward for First Reading at the September 12th Regular Council Meeting.

- **Chapter 175-54 "Subdivision, Site Plan and Conditional Use Approval"**

Solicitor Fiore explained site plan review and waiver came up about a year ago and an attempt was made to define what type of use would kick in the provision of site plan or application for a waiver. Mr. Fiore explained the proposed language and that previously the ordinance just talked about changes in occupancy. This is a useful tool when modifying a building because it gives the Zoning Officer and Township officials the ability to clean up

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properties and provide a framework for the town. Many times a site plan waiver works because instead of paying the professionals and an engineer for a full blown plan and drainage calculations they can put the money into the property by paving it, installing landscaping etc. Normally they would not get those things until they had a site plan review, which requires an attorney, an engineer, payment of escrow fees and then after paying \$10,000.00 the application is heard by the board. This ordinance encourages people to put the money into their properties. In the future this will provide a map as to what the property will look like and if changes are made that will affect the Master Plan we have some ability to enforce the ordinance. It appears everyone is welcoming this because it is a good tool and conditions can be placed on the use. Mr. Fiore added the Planning Board reviewed and is recommending this amendment. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the September 12th Regular Council Meeting.

- **Chapter 105 "Crane Use and Operation"**

Solicitor Fiore explained the requirement that a crane operator had to reside within the municipality, county or state was deleted as that is subject to challenge. **Cncl. Heffner** noted as long as a crane operator has his union card and other credentials he can come from anywhere. He polled Council and all were in favor of moving the ordinance forward for First Reading at the September 12th Regular Council Meeting. **Cncl. Bryson** questioned when a crane company is going from Philadelphia to Atlantic City do they have to notify the township. **Cncl. Heffner** replied no, only when a crane is being used within the borders of the township.

- **Land Sale**

Solicitor Fiore explained this ordinance advertises the private and public lands that will be sold at the next Land Sale scheduled for October 20th. **Cncl. DiLucia** questioned whether any of the land listed was useful and who appraised the properties. Mr. Fiore replied most of the lots are undersized and only valuable to the neighboring property owners and the Director of Real Estate, John Clidy, reviewed the tax records and provided the property values. These properties were on the previous tax sale but didn't sell so the prices are being reduced just to get rid of them, as the township is still paying school and county taxes on them. **Mayor Teefy** pointed out one property on the list 308/312 Crystal Drive. The property was originally listed for \$20,000.00 but no one wanted it because it had two old trailers on it. The trailers were removed, the property was cleaned up, the price will be lowered to \$10,000.00 and hopefully it will sell so we can get a rateable again. **Cncl. McIlvaine** questioned whether that lot would still have trailer rights on it since the trailers are now gone. Mr. Fiore replied no, the trailer rights disappear when the trailers are gone. **Cncl. Heffner** polled Council and all were in favor of moving the Land Sale Ordinance forward for First Reading at the September 12th Regular Council Meeting. **Cncl. Pres., Miller** was fine with moving this forward but requested the schedule of properties be 100% accurate when the ordinance goes for First Reading because when the last land sale was done the list of properties was changed after first reading and it was costly to re-advertise it. **Mayor Teefy** explained he, the tax collector and the solicitor sat down and went over all the properties. Some did slip through but they were caught later so now that we have gone through the process and

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the proper designations are in the system it will be easier to pull the list. The Mayor added before this past land sale the last one that was done was during the Mary Duffy administration. Land sales should be held every year in order to get them back on the tax rolls. Mr. Fiore added in the future as he does In-Rem foreclosures properties will be added to the land sale list so those properties can be sold as well.

- **North Main Street Redevelopment Area**

Cncl. Pres., Miller noted this matter went to the Planning Board, a public hearing was held on July 14th and the Board is recommending Council adopt this ordinance creating a Redevelopment Area for the brewery. **Mrs. Flaherty** explained once Council adopts this ordinance the brewery will move forward with their site plan. **Cncl. Bryson** questioned whether any feedback has been received from the residents of Candlewood or would they even know until the Planning Board sends out the notifications. **Mrs. Flaherty** explained there is no notice unless there is a site plan. **Cncl. Pres., Miller** added and it is a commercial use the same type that was permitted in the facility before. **Mrs. Flaherty** clarified his comment by saying it wasn't a brewery but it was a manufacturing candle factory and other commercial uses there for many years. **Cncl. Bryson** noted the residents in Candlewood have really nice homes and he doesn't want to see problems for those residents like we had with the ones on New Brooklyn Road from Accurate Industries. **Cncl. Pres., Miller** explained they have discussed noise, odor issues, have stated their operating hours will not be ridiculous and that there are ways they can mask the smell. **Cncl. Dilks** questioned the hours of operation and whether they would be open seven days a week. **Cncl. Pres., Miller** did not know the specific hours just that they were not going to operate during late evening hours. **Mrs. Flaherty** advised there is no application yet before the Board and those are the kind of questions that will be asked and put on the record of the Planning Board. All this ordinance is doing is creating a Rehabilitation/Redevelopment Zone to allow a brewery. The application could still be rejected if the Board doesn't feel they meet the burden of proof. **Cncl. DiLucia** questioned whether there will be public hearings. **Mrs. Flaherty** explained the Planning Board will hold public hearings and people in that area can contact her office to get a copy of the meeting agenda. **Cncl. DiLucia** questioned if the township is required to give notice or is this just by word of mouth. **Mrs. Flaherty** explained the agenda is posted on the website. **Cncl. Pres., Miller** explained if it was a redevelopment condemnation route then we would need to notice the public but this is for rehabilitation. **Cncl. Bryson** indicated he thought notice had to be given to people within 100 feet. **Mr. Fiore** explained yes if there was an application for a use variance but this property was previously approved for a use variance for manufacturing when Victor DeSanta owned it. The use variance was for the back building and the middle building was for a restaurant and offices but that never happened. The Rehabilitation Zone sets forth what the approved uses are. Restaurant, industrial and several other businesses are allowed to be conducted in that rehabilitation zone but they will need to come in for site plan. The Planning Board can look at it and address the hours of operation, parking, landscaping, lighting, noise control, dumpsters, etc. so it doesn't migrate onto someone else's property. Residents do not get specific notices but they can come to the meeting. **Mayor Teefy** referred to the site plan ordinance Council just moved forward and commented that gives the Board more teeth to tell the brewery what they want done. **Cncl. DiLucia** noted the worst smell in the world is stale beer

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so he wanted to make sure there is some control over the odors because Council will be the ones that hear complaints from the residents. He added he wants to see this happen but wants to be sure all bases are covered. Mayor Teefy explained no food can be cooked at a microbrewery, people don't sit there for hours like they would in a bar and the State limits the amount people can get to a pint or two. Cncl. DiLucia suggested the process of how they expel fumes be explained. Mr. Fiore noted the microbreweries he has seen are contained in a glass area so people can sit and watch how the beer is brewed. Cncl. Heffner added the one in the center of Pitman has had no issues at all. He explained by making this a Rehabilitation Zone they might not get any site plan waivers and it gives us the option of what kind of other businesses we want there. Cncl. Heffner polled Council and all were in favor of moving the Redevelopment Ordinance forward for First Reading at the September 12th Regular Council Meeting.

- Chapter 230 "Peddling & Soliciting"

Mrs. Flaherty explained years ago the Director of Code Enforcement oversaw the Zoning, Planning and Construction Offices and now that we have a Director of Community Development the Peddling and Soliciting process falls under that department so the ordinance needs to be amended to reflect that change. She explained the process has been the application comes to her department, she works with the Chief of Police to get a background check, then it goes to Sgt. DeHart who issues the ID card and then she will issue the license. **Cncl. DiLucia** questioned what teeth this ordinance has if a person does not get a Peddling and Soliciting license. Mr. Fiore explained a person can be cited and taken to municipal court and a maximum fine of \$2,000.00 can be assessed and up to six months in jail. Mrs. Flaherty noted she found out from Officer Boyd there is a box of Peddling and Soliciting applications in the Police Department and she wants to meet with him to find out who is still operating without renewing their permits. If they are operating in the town they should be notified at least 30 days prior to expiration of their permit so they can come in to renew it. Cncl. DiLucia expressed his concern that seniors in Holiday City are being targeted, as there have been some shysters that took money to install a new roof and then they never came back. Mrs. Flaherty indicated she will prepare an Excel spreadsheet of all approved solicitors and give it to the Police Department so they know who is legal. Cncl. DiLucia requested she also put that list on the website for the residents to review. Mayor Teefy questioned whether residents could call the Department of Community Development for this and if the township map/directory being prepared had any available space to provide that office's contact information. Mrs. Flaherty replied residents should contact her and she will discuss including it on the map with those preparing it. She noted we never had a list of township businesses, but that has now been done. Also there was never a list of solicitors/vendors who compete with our businesses and some of them are not even legal so we need to get a handle on them. She will investigate, tell them they need to get into compliance and if they don't they will be issued a summons because they can't compete against our businesses that have overhead. **Cncl. Heffner** questioned whether Mr. Softee is required to do this. Mrs. Flaherty explained she didn't know it until after it happened but Mr. Softee had sent in a check for \$600.00 and because an application was not included it was returned to him. He was trying to be legal but the check was returned instead of asking him to come in and update the application already on file. Cncl. Heffner questioned whether that fee would be per truck. Mrs. Flaherty advised the license is

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issued per person. Cncl. Heffner questioned whether the vendors at the Halloween Parade would go through Mrs. Flaherty's office. She replied no that is a township event. The fees for that are \$25.00 or 20% of the total sales and that is handled by Parks and Recreation. The whole idea of these licenses is for the protection of the public because we don't want people who could be criminals interacting with the public during social events. Cncl. Heffner questioned how can we make sure Jim Bonder issues a photo ID or other identification. Mrs. Flaherty noted background checks should be done and they should go through the process. With Peddling and Soliciting licenses it is a \$600.00 fee per year but then the township would not get 20% of the total sales. Those vendors would be licensed yearly and would be on an approved list of vendors and they would have to be used for township functions. Cncl. Dilks questioned who would enforce that at the parade? Cncl. Heffner felt any official would have the right to ask the vendor for his documentation or ID. Currently kids are buying things from the vendors and we have no idea who is legitimate and who is not and that needs to be addressed with Jim Bonder. Cncl. Bryson questioned whether the 20% was done by honor system. Mrs. Flaherty advised it is an honor system and Cncl. Heffner advised it has worked out very well for the Parks and Rec Department. Mr. Fiore commented there were complaints that some of the vendors super inflated their prices. Cncl. Heffner polled Council and all were in favor of moving the proposed amendment to Chapter 230 forward for First Reading at the September 12th Regular Council Meeting.

• **Bond Ordinance**

Cncl. Heffner explained the Bond Ordinance is needed because only \$480,000.00 was appropriated for the purchase of a fire truck for Cecil but the bid came in just under \$500,000.00. The original price of the truck was \$680,000.00 but it was bare boned, which brought the price down to the bid amount of \$500,000.00. Cncl. DiLucia questioned whether that included the trade in of \$50,000.00. Business Administrator Kevin Heydel explained the cost of the truck was \$547,000.00. Two trucks, a tanker and a pumper, are being traded in for \$47,000.00 bringing the cost down to \$500,000.00. We allocated \$480,000.00 so this \$20,000.00 bond ordinance is needed in order to award the bid. Cncl. DiLucia questioned if Mr. Heydel had calculated the \$480,000.00 with the trade-in included in that price. Mr. Heydel replied yes because in 2013 the price was \$400,000.00 plus dollars and they said that would go up 7% each year so when he calculated 7% up to now it should have come in at \$525,000.00 bringing it down to \$480,000.00 with the trade-in. Cncl. DiLucia questioned whether everyone who knows something about fire trucks feels that this is a good price. Cncl. Heffner noted Cecil put in for what they wanted and with all the bells and whistles it would have cost \$680,000.00. Andy Potopchuk and George Reitz told them they had to make cuts so it ended up being a barebones truck. Cncl. DiLucia questioned how many bids were received. Cncl. McIlvaine noted when the bid was put out a couple companies were interested but only one bid it. Mr. Heydel noted they worked with a vendor for bid specs, they put the bid out and only one vendor bid. Cncl. McIlvaine noted when someone writes a spec they write it around their truck. In this case it was Spartan, the company that we bought three firetrucks from a couple years ago. E-One wanted to bid the truck but there were too many exceptions and to them, according to the chief, it just wasn't worth bidding it and unfortunately that is what happens; whoever writes the spec writes it around the vehicle they're building. The Spartan Chassis that we will end up with comes with air bags already on the vehicle. The E-One

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truck does not have air bags so that would have been a \$30,000.00 option so they didn't bid and ultimately we ended up with one bidder. Cncl. Bryson questioned if they ever considered used tankers. Cncl. McIlvaine noted years ago Cecil bought a tanker that was built for a Pennsylvania mountain town but we only kept it a couple years because it was geared low and didn't work. George Reitz who has been involved in purchasing and designing firetrucks for probably forty years made sure this truck was cut to barebones and that it would do what was needed for this township and firemen. He added he is confident that George got the best bang for our buck. Cncl. Bryson noted the Spartan dealer basically wrote the specs around what he sells but there are other Spartan dealers out there that have many different versions and he found a used Spartan on the internet that had all kinds of equipment and a utility truck came along with it for \$400,000.00. The utility truck had 1,500 miles on it and the Spartan tanker had 3,200, which is basically brand new. He noted we purchased firetrucks through this vendor before and know he's a good vendor but we are buying a truck from him and trading in two trucks, which he will basically sell for maybe \$40,000.00 for the pumper and \$20,000.00 for the tanker. Cncl. McIlvaine noted the majority of trucks sold in the past were crushed, one is an irrigation pump for a farmer and some have ended up overseas. He urged Council to remember that there is a whole group of things that must be taken into consideration when purchasing a firetruck because they are designed around the whole fleet. The fire company could not buy a truck from Washington Township because their trucks are designed a certain way that is not compatible to our fleet. Cncl. Bryson noted if Williamstown and Cecil know what they want in a firetruck, they and only they should have the responsibility of writing specifications that can go out to multiple vendors. One vendor should not write the specs because then they have the advantage. Cncl. McIlvaine explained when Williamstown wanted the ladder truck members of the fire company sat with Pierce, and Seagrave as well as a whole slew of different companies. We chose one of the specs because we couldn't bid all them so ultimately some companies bid and others did not. Cncl. Bryson noted the fire department knows what equipment they have, they know what is compatible and the specs should be written by them because when he hears specs are written by the vendor he has to question it. Cncl. McIlvaine explained for the most part they are because the fire company tells the builder what size pump, what size engine, what size tank, what size bed, etc. they want and that builder writes the spec to their specifications. He spoke of how the township gets beat up on trade-ins and gave the example of the 1983 ladder truck that was purchased for \$370,000.00 when new and sold to Ferrell for \$10,000.00. Cncl. Dilks added the warranty for a new truck is different than the warranty of a used truck. Cncl. Bryson noted if they say they need this truck then they should have it; he is just concerned that they are coming back requesting additional funds. He felt the next time a truck is purchased the fire company should write the specs so multiple bids will come in because that's the way to get better deals. Cncl. McIlvaine defended the fire chief who had told the Public Safety Committee when he first met with them that the truck would cost around \$650,000.00 to \$680,000.00. At that time Cncl. McIlvaine told him there is no way a truck costing that much would be purchased and the chief had to get those numbers as close to the \$480,000.00 as possible. The Mayor then appointed George Reitz and the Deputy Mayor to work on this and the result is before Council. Cncl. DiLucia added he didn't want anyone to take what he was about to say wrong because he felt they did work on this diligently and he was going to approve it but in the future we have to make sure that we create competition for all major purchases. He felt people should be told to be

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patient and spend a little more time thinking out a plan that will create a bigger universe that will compete for our dollars. Mr. Heydel noted another mechanism that could be used is to purchase through a national co-operative. Cncl. McIlvaine suggested in the future the solicitor help the fire company write the specs because it is outrageous that we are spending \$480,000.00 and only one company submitted a bid when you would think people would be fighting for that business. Mayor Teefy questioned if Council wanted George Reitz to speak about the process during the Work Session Meeting because he knows all the background information. Council felt that would be a good idea. Cncl. Heffner polled Council and all were in favor of moving the proposed Bond Ordinance forward for first reading at the September 12th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- Chapter 30 "Emergency Medical Services Division" - (REMOVED FROM AGENDA)
- Chapter 249 "Streets and Sidewalks" & Chapter 31-19 "Pruning; Clearance; Obstruction of Light, Devices and Signs"

Cncl. Heffner spoke of a gentleman coming to the last Work Session Meeting regarding a violation he received for his weeping willow tree that hangs over the roadway and how he had picked one sentence from Chapter 31-19 that says trees must be cleared eight feet above the surface. Cncl. Heffner questioned whether the same type of language should be incorporated into Chapter 249, which says trees should not hang over the roadway but it doesn't require trees to be trimmed to a certain height. Mrs. Flaherty advised the resident was cited under Chapter 249 because she does not enforce Chapter 31. Solicitor Fiore questioned the height of trash trucks. Mr. Calvello advised the trucks are twelve feet high and the tree also interferes with school buses. Cncl. Pres., Miller questioned one person is being told to cut his tree so are all the other trees that are overhanging the streets in violations as well. Cncl. Heffner noted we can't jump the gun, we are talking about one isolated incident. We can't pick apart every tree in every development because we won't have any trees left. We need to address them when they are brought to our attention. Cncl. Bryson noted if this tree is in the path of a utility they will trim the tree. Mr. Calvello noted the power companies will trim around the high tension lines but anything below the wires is the homeowner's responsibility so if he is afraid to go near the wires he should hire someone to do it. Mayor Teefy questioned what should the resident be told when one ordinance says eight feet above the surface and the other just says "*shall not interfere with a motor vehicle or pedestrian*". Mr. Fiore suggested telling them the height of a tractor trailer, which is approximately fourteen/fifteen feet. Cncl. Heffner felt the person writing the summons should make that determination. Solicitor Fiore explained the whole idea of the Tree Commission is to establish a standard throughout the town and that standard is eight feet. Chapter 249 2C says "*all existing trees within the township right-a-way along any public avenue or highway within the township are hereby required to be properly trimmed and shall not interfere with motor vehicle or pedestrian traffic*" so that is not inconsistent with the Tree Commission Ordinance, which establishes the standard. In some areas eight feet may not cause a problem but if it does then residents are required to cut them back further. The resident was cited under Chapter 249 not under Chapter

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E.) MATTERS FOR DISCUSSION (cont'd)

31. Mr. Calvello noted Board of Health ordinance Chapter 295 "Nuisances" Section M mimics Chapter 31 so it all depends on which department looks at the tree. Dan Kozak, the Board of Health inspector would follow the eight foot ordinance where Public Works, the Police Department and Mrs. Flaherty would follow Chapter 249. He added Chapter 249 Section A says rubbish, grass and debris must be removed after three days but the Public Works Department gives longer than three days. It also says notice shall be given by the Mayor or Township Clerk and they are not the ones out on the street to see these things. Section D deals with fences along highways and that is handled by the Director of Public Safety and the Police Department so there are four different departments enforcing Chapter 249. Mr. Calvello went on to say the biggest problem with trees near the street are the one-armed trash trucks, which ride the curb line, are constantly getting hung up on trees. Solicitor Fiore indicated he would review and update Chapter 249.

• **Live Streaming Council Meetings**

Cncl. Pres., Miller explained live streaming would allow residents to view both Regular Council Meetings through the township Facebook page on the website live instead of waiting until Sunday night when the second meeting of the month is aired. Just the Regular Council Meetings would be able to be seen live and the camera would be positioned in such a way that only the mayor, council and officials would be seen; residents addressing Council would not be seen. Cncl. Bryson questioned whether those videos would be archived. Solicitor Fiore explained it would not be part of the official township record so it is not required to be archived by us. Cncl. DiLucia questioned if it would be a stationary camera with a wide angle lens that will pick up sound from the podium as well as the professionals. Cncl. Pres., Miller replied yes. Cncl. Heffner noted the problem is no one will see the people when presentations are made. Solicitor Fiore advised the camera could be turned towards them during presentations however most if not all the towns, as part of their ordinance/resolution, do not have the camera on the person so they are not being live streamed. Cncl. DiLucia questioned who was going to control the camera. Cncl. Pres., Miller explained he was going to use his iPad as the camera and place it in a stationary location. Cncl. Dilks questioned in the event Cncl. Miller is absent from a meeting who will operate the camera. Cncl. Pres., Miller noted he would show the Clerk's Office how to do it and in his absence they would be responsible to do it. Mayor Teefy questioned whether another iPad should be purchased that would be kept in the Clerk's Office for this purpose so Cncl. Pres., Miller can use his to view the meeting packets. Cncl. Pres., Miller noted he could use his phone to view his packet. Cncl. Bryson questioned if Comcast might be able to do this for us. Solicitor Fiore noted they can but they charge \$10,000.00 to live stream. Cncl. Heffner felt using an iPad would make the township look unprofessional if the camera fell over or picked up someone's conversation. He added he would like to do it but he would like to see it done in a more professional way. Cncl. DiLucia suggested doing a dry run by filming Monday night's meeting without streaming it live to the public and then Council could review the film and see how it looks. Everyone agreed with that suggestion. Cncl. Pres., Miller will video record the September 12th Regular Council Meeting.

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E.) MATTERS FOR DISCUSSION (cont'd)

• George Ruch Building

Cncl. Heffner explained the Victory Lakes Association was formed again and would like to take back the George Ruch Building to hold their meetings and fund raisers and he does not have a problem giving the building back to them because they will assume all liability and bills for it but is concerned that organizations such as the Boy Scouts and a church group still use the building. He felt it should be made clear to the Victory Lakes Association that those organizations should still be allowed to use the building without any charge. Cncl. Pres., Miller commented that the Association stated they would be able to finance some of the repairs and maintenance from funds generated from renting the building. Cncl. Heffner noted right now we own the building and it costs them nothing so if we give it back to them for nothing they could give a little back. Mrs. Flaherty noted they have a list of five or six organizations using the building and they are willing to allow them to continue using it. Solicitor Fiore questioned whether this transfer was going to be based upon them providing space to any 501C3 free of charge. Cncl. Heffner replied no, only the organizations currently using the building. Mr. Heydel advised the building is scheduled through June 30, 2017. Mr. Fiore recommended the agreement include language stating those organizations can use the facility through June 30, 2017 without charge and beyond that the Association can charge. He added this is a viable group so what is the danger in leasing it to them for one year just to see how it goes because what is going to happen to those other groups after June 30th. The Association can still attain what they want by leasing the building for a year. Ultimately maybe it is a nightmare that we should get rid of but we're going to have a few other groups that need a place to meet. Cncl. Dilks noted once the building is theirs we can't dictate what they can do with it. Cncl. Heffner agreed but added the problem we have is several organizations using that building now are all taxpayers and we are giving away a building that those taxpayers are paying for to another organization so we either find space for them or they will be charged a fee to use that building. Cncl. Pres., Miller noted but they are taking all the responsibilities for that building and how are they going to pay for repairs to it if they have no revenue coming in. Mr. Heydel added they will also be paying for the electric, gas and insurance while those other organizations are using it. Mr. Fiore noted you could lease it to them just for the cost of utilities. Cncl. Bryson questioned if anyone knew the history behind this building and how the township wound up with it. Cncl. Heffner explained the building belonged to the Lake Organization and then the Cecil Athletic Association took it over. Cecil Athletic closed up when baseball went to Williamstown and all their monies were divided up between the youth organizations in town. The building was turned over to the town because the deed requires the property to remain as recreation, which is why the township never sold it. Solicitor Fiore noted he will review the deed to see if there are any restrictions because if there are the township still may not be able to sell the property. Mrs. Flaherty stated she saw the deed and there didn't seem to be any restrictions on it. Mayor Teefy added he would like the organizations using the building to be grandfathered in and Cncl. Heffner noted he would like to see the bylaws of the Lake Association to see what they do with their monies before any action is taken on this. Cncl. McIlvaine felt it wouldn't be fair to lay the entire burden of the building on the Lake Association so if the Boy Scouts want to continue using it then they need to pony up a little or move to the Pfeiffer Center and if there are deed restrictions then maybe the property should just go back to

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E.) MATTERS FOR DISCUSSION (cont'd)

the family that donated it. Cncl. Heffner noted this matter is on hold until the Solicitor reviews the deed.

• Chapter 162 "Housing Standards" & Chapter 104-39 "Abandoned Properties"

Solicitor Fiore explained he just wanted to bring this matter up for discussion because after reviewing our current abandoned/vacant property ordinance and other materials out there he felt our ordinance should be expanded. He spoke of an article that was sent to him regarding a township abolishing a swimming pool and doing work on a property and of how an amendment to our ordinance would allow us to lien a property and if the lien was not satisfied we could foreclose. Under the Abandoned Property Rehabilitation Act townships can assert a priority lien, which means if we foreclose on a property our lien would preempt any mortgage and that will inspire mortgage companies to move much faster. Right now our abandoned property list is growing and growing because under the vacant property ordinance if someone is delinquent in taxes for one quarter they go on the Vacant Property list according to statute. There are almost 900 vacant and abandoned properties and probably half of them are just people delinquent in taxes. Probably 50% have municipal liens for cutting grass and if we modify our ordinance and adopt that language under the Vacant Property Act we can foreclose on those properties and that will motivate the banks to move more quickly. When a property becomes vacant notices are to be sent, which is not being done and when one is taken off the list we have to send a notice so there is a whole process that needs to be established. Originally a full scale ordinance was reviewed and that was modified to deal with just the abandoned/vacant property issues but now by expanding upon the ordinance it would give us more teeth on the properties that are in real disrepair like 812 Main Street where there is a history of problems going back to 2000. Cncl. Heffner questioned if the pool on the property next to Tim Brown was drained and since that is considered an abandoned property can a lien be placed on it for draining the pool. Mrs. Flaherty advised that is correct and this is where the emergency contractors will come into play. Cncl. Heffner questioned since we drained the pool and were the last ones on the property if somebody falls in are we still responsible for securing that pool. Mrs. Flaherty noted she would not recommend draining the pool, she would recommend taking it down or securing it with a cover. She explained we will contact the next person on the Emergency Contractor's List for emergency work that needs to be done and the professional that goes out will assess what needs to be done. Mr. Fiore added and we are establishing a standard and from a liability standpoint that is a layer of protection for the township. Mayor Teefy added in regards to the Holly Parkway property there was debate on whether it was better to leave the pool full or drain it and it was felt that if it were drained and a kid fell in at least he could scream for help he wouldn't drown so the decision was to drain it. Questions were also raised on whether we could use some of the money coming in from vacant properties to purchase a cover to secure it. Mr. Heydel explained the revenue coming in cannot be touched. Money must be budgeted on the appropriation side of the budget. We did budget about \$40,000.00 but in-ground pool covers could cost \$8,000.00 to \$10,000.00. Mayor Teefy disagreed as he just purchased a pool cover for about \$1,600.00 so if the township had to spend \$2,000.00 to secure that property and if we can budget appropriations from that fund it would almost be a wash. Council questioned whether the fence could be repaired instead but Mr. Fiore felt that both would need to be done because

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E.) MATTERS FOR DISCUSSION (cont'd)

once the municipality takes it upon itself to secure a property it must be done correctly. Mr. Heydel felt above ground pools should be torn down and Cncl. Bryson questioned whether an in-ground pool could be filled in. Mr. Fiore explained the property owner would have to be given notice to do that. At this comment several people began speaking and it was noted that \$2,000.00 for a cover would be a lot cheaper than filling in an in-ground pool. Cncl. Bryson commented that throughout the township he has seen more dumpsters in front of houses that are being fixed up and that is a real incentive. Mayor Teefy noted that is because this is the first time we have taken action to fine individuals.

F.) NEW BUSINESS - None

G.) OLD BUSINESS

Mayor Teefy spoke of receiving a formal invitation to the Open House for the Urgent Care facility on the Black Horse Pike. The Deputy Clerk advised invitations for Council were also delivered to the Clerk's Office today. The Mayor noted he was going to see if the high school coaches wanted to visit the facility too.

H.) ADJOURNMENT


With nothing further to discuss Cncl. Pres., Miller made a motion to adjourn the Ordinance Committee Meeting of September 7, 2016. The motion was seconded by Cncl. DiLucia 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 September 7, 2016 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  Date 11/2/16
Approved as corrected _____ Date _____