

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the 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. Garbowski led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Joe Marino	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller		Excused
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	(Arrived 7:08PM)
Solicitor, Charles Fiore	Present	
Business Administrator, Kevin Heydel	Present	(Arrived 7:14 PM)
Dir. Public Safety, Jim Smart	Present	(Arrived 7:09 PM)
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of July 5, 2017. The motion was seconded by **Cncl. DiLucia** and approved by all members of Council in attendance with the exception of **Cncl. Dilks** who Abstained.

C.) PUBLIC PORTION

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

Domenic Burgess, B & B Auto Repair, questioned when the \$2,000.00 towing license fee would be due. **Solicitor Fiore** advised it should be submitted after the resolution approving the towing list is adopted and that should be done at the August 28th Council Meeting. If everything goes accordingly the new list will start September 1st. Mr. Burgess had a copy of

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

C.) PUBLIC PORTION (cont'd)

the zoning approval granted to A-Jack's and he questioned whether Mrs. Flaherty gave that to him and why no one else was able to obtain that for their facility. Mr. Fiore noted Mrs. Flaherty may not be able to address that question tonight. Mr. Burgess agreed it could be addressed at another time but commented that he tried to make an appointment to see Mrs. Flaherty for three days and was told that she will not see him. Mrs. Flaherty noted she will need to look at the file. She explained Mr. Burgess wanted an appointment at a time when there was a highly contested issue about an inspection. She has reached out to the solicitor regarding the proper protocol and when she gets a confirmed answer on that is when she will respond back to Mr. Burgess. Solicitor Fiore noted it should not be an inspection, it's just a permit. Mr. Burgess noted he was not given a reason just that she would not see him and that was his only concern. Mrs. Flaherty noted she and Mr. Burgess went through his file and she had no issue with it and that was confirmed a while back. She noted she will not go out and do inspections until she has some guidance. Mr. Burgess felt there was a lack of communication. If there is an issue that can't be discussed he just needs to be told she cannot make any comments and he will be fine with that. Solicitor Fiore explained the ordinance does not require any inspection by the Zoning Officer. There just needs to be some indication from the township that Mr. Burgess is in compliance whether that is a CO or a letter saying there are no open permits. Mr. Burgess noted his only question is whether Mrs. Flaherty gave A-Jack's the paper (*zoning permit*). Mrs. Flaherty replied that was her signature on the permit.

Tom Hann referred to the proposed \$700.00 fee for potentially dangerous dogs and noted that would cost him \$20,000.00. Solicitor Fiore explained this fee will be assessed on dogs that have been determined by a court judge to be potentially dangerous because it has caused personal permanent injury. A dog determined to be dangerous will need to be tattooed, chipped, the owner will need to have the proper insurance and purchase a special tag each year. This does not deal with certain breeds of dogs only those that are deemed to be dangerous by a court. Mr. Fiore noted \$700.00 is the maximum fee allowed to be charged according to State Statute.

With no one else wishing to speak Cncl. 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

• Chapter 104-26 "Disposal of Construction Debris"

Director of Code Enforcement, Rosemary Flaherty explained a number of complaints have been received regarding contractors leaving construction materials from demolition projects, additions to homes, siding and roofing jobs. Most towns require a dumpster be in place prior to a permit being issued and before the CO is issued contractors must verify the dumpster has been removed. In our ordinance a dumpster is at the discretion of the Construction Official, it is not required so in order to minimize debris ending up in Wagner Field or other locations in the township Mrs. Flaherty requested "shall have a dumpster" to be included to prevent materials such as asbestos being left that can contaminate the ground.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

D.) ORDINANCES FOR REVIEW (cont'd)

She spoke of how the construction official reached out to DCA and was told that he should not be the person issuing a dumpster permit so she would be willing to issue the permit under zoning. The ordinance regarding demolition would need to be amended to include a prerequisite that contractors would need to go to zoning first or else she would not be aware of projects needing dumpsters. Mrs. Flaherty noted since the Construction Official got an opinion this entire ordinance will need to be scrapped because he cannot have any involvement with dumpsters or requirements regarding them. She noted she will be proposing at the next Ordinance Meeting a new ordinance that will fall under the Zoning Officer at the time of permit. Cncl. Dilks questioned whether this was for residential or commercial. Mrs. Flaherty explained commercial is usually bonded and being guided and reviewed by the engineer so she is not looking to include those types of properties. Cncl. Marino referred to the \$50.00 fee for each dumpster and noted many towns have flat fees for dumpsters tied to the construction permit such as \$150.00 no matter how many dumpsters they have. Mrs. Flaherty felt a blanket fee of \$50.00 would be enough for her to perform an inspection and if a contractor uses their own truck to dispose of materials they will be able to request a waiver from that fee. Cncl. Marino questioned would the contractor need to provide a receipt that the dumpster was removed and whether that would be tied into the CO. Mrs. Flaherty explained no receipt will be needed as she will do an inspection right before the final CO/CA is issued by the Construction Office and there would be no way that she could track the commodity because a contractor could take it to a landfill or break the material down for scrap. She explained she just wants to make sure the materials are off the property and there is something in place to prevent the ground being contaminated with asbestos shingles and tiles. Cncl. Marino questioned if a homeowner wants to get a dumpster to clean out their garage are we going to require them to get a dumpster permit. Mrs. Flaherty replied no this would be only for renovations. Cncl. Marino spoke of other towns requiring dumpsters to be removed within a certain time period and he suggested including that requirement in the new ordinance. Mrs. Flaherty recommended Council delete the current Chapter 104-26 from the code as it cannot be enforced according to DCA Commissioner. Cncl. Dilks questioned who would get the permit for the dumpster if a contractor gave a homeowner a price for installing a new roof but the homeowner is going to remove the old shingles. Mrs. Flaherty replied one can't be put above the other, there will need to be a dumpster in place or a waiver granted and then they would get their permit. It was noted that dumpsters cannot be put on the road, they must be placed on the property and Mr. Fiore advised that falls under Chapter 267 "Vehicles and Traffic". Council questioned whether the current ordinance should be deleted now or wait until the new ordinance is done. Mr. Fiore recommended doing it all at on time. Mrs. Flaherty advised that is fine but Council needs to know that if there is debris at a site there is nothing the Construction Official can do at this point, it cannot be retroactively enforced. Cncl. DiLucia requested the revised ordinance be sent to Council as soon as possible so they have a chance to review it. Mrs. Flaherty advised she would get it right out to Council.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

D.) ORDINANCES FOR REVIEW (cont'd)

• Chapter 162-8 "Enforcement Housing Standards"/Housing Officer Title & Stipend

Mrs. Flaherty noted as the Director of Code Enforcement she makes recommendations for the appointment of a Housing Officer. She explained when the Zoning and Construction offices were doing the transition after Fred Weikel retired and her position was being created Construction took over housing and it just didn't take off. There are 2,500 rental units that have not been inspected in two years, resale properties, abandoned homes and code enforcement, which amounts to an extremely large amount of work and inspections must be followed up on if we do the program the right way. Now that Code Enforcement has relinquished housing and Community Development has taken it over Dan Kozak is working for her doing rentals, resales, abandoned properties and code enforcement. She felt it would only make sense to appoint him annually and give him a stipend for the work. When this issue was first brought forward she considered a \$5,000.00 stipend based on 800 properties but was later informed by Ms. Park there are 2,500 rental units that must be inspected every year. These inspections generate \$85,000.00 a year and we also expect \$800,000.00 to \$900,000.00 this year for the abandoned properties so more revenue is being generated to cover the cost. Mrs. Flaherty recommended Dan Kozak to be the housing officer as he has the expertise to look at properties and follow up. There were others in the past that said they would do the job but there has been a significant improvement since Dan has been doing it for Community Development. Cncl. Heffner questioned if the workload has changed from the time rental inspections were previously done to now. Mrs. Flaherty explained when Fred was here Dan did rentals only, Fred did zoning, enforcement and resales but now Dan does rentals which include Barclay Glen plus all the other rentals that have not been inspected in two years, all the resales, code enforcement, abandoned properties and general inspections for the Board of Health, which amounts to a lot of work. We are also considering new programs down the line so there may be a need to bring someone else on. The department as a whole previously had twenty-one employees in 2005 and now we are doing a larger volume, collecting probably twice as much revenue and we have ten employees. Cncl. Heffner questioned whether a stipend could be removed. Mayor Teefy advised a stipend can be removed, it is not a salary and is not pensionable. Cncl. Heffner noted his concern is that every time someone does one little extra job Council will be asked to give them a stipend. Mrs. Flaherty noted if it was a minor job she would not be here asking for this. Cncl. Marino felt Dan is may be the most qualified for the position since he has an electrical background and all the sub-code certifications. Mayor Teefy commented that the department, which includes Dan is taking more pride in the town so we are seeing a difference and this will help more. Cncl. Pres., McIlvaine noted he is not keen on stipends because he feels people should step up to the plate but this is a large amount of work to be thrown on one person's shoulders. Cncl. DiLucia noted he does not have a problem with it but wanted to comment that history has indicated we do not take stipends away so this will be about a \$2.00 per hour increase. We have a choice we put it on the hourly rate or we give the stipend but either way it will be permanent because we never take them away. Cncl. Heffner polled Council and all were in favor of giving a \$5,000.00 stipend to the housing official.

• Chapter 175-30 "Zoning Board of Adjustment Powers & Duties"

Mrs. Flaherty explained she feels the public needs to be notified when applicants go

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

D.) ORDINANCES FOR REVIEW (cont'd)

before the Zoning Board of Adjustment to appeal a decision of the Zoning Officer or when an application is made for a pre-existing use that was abandoned. A Zoning Officer takes an oath to protect the safety, health and welfare of residents so when an appeal is made against a decision that person is saying the Zoning Officer is not protecting the health, safety and welfare of residents. Notifications would be sent to only people from within 200 feet of the particular property. Mrs. Flaherty noted under the MLUL notification is at Council's discretion and she felt it would be better to do it, as we want to be transparent to our residents. **Cncl. DiLucia** questioned whether the section in red was the changes Mrs. Flaherty was proposing, was it a recommendation of the Zoning Board and did the Zoning Board Solicitor approve it. Mrs. Flaherty advised the changes are shown in red and if Council moves this forward it would be scheduled for review at the next Zoning Board Meeting and she didn't see a reason the Board would be against it. She added it will also go before the Planning Board since it is a Chapter 175 ordinance. **Cncl. DiLucia** noted there is a lot in red that deals with configuration and various sizes and shapes of properties but the only change Mrs. Flaherty is contending is the public will now be notified. Mrs. Flaherty replied that is correct. **Cncl. Marino** questioned the portion of the ordinance struck out and Mrs. Flaherty explained that section is being removed because it exempted people from being notified. The new section being added deals with basically appeals for conditional use and right now the public would not be notified but with the amendment the area residents would need to be notified. **Cncl. DiLucia** added this is the elimination of an automatic approval for grandfathering and it gives the public an opportunity to challenge grandfathering. **Cncl. Marino** noted he did not see anything that says it goes to the Planning Board. Mrs. Flaherty explained the Planning Board attorney does not review the Zoning Board applications and the only reason this would go to the Planning Board is because it is under the Land Use section of the Township Code. **Mayor Teefy** felt more transparency is good because by notification one person or fifty may come out and it is good to listen to what the residents have to say. **Mayor Teefy** commented that the Planning and Zoning Board agendas now give a summary of the resolutions and residents have commented they like that because they know whether or not to attend the meetings. **Cncl. Heffner** polled Council and all were in favor of sending the proposed amendments to the Zoning and Planning Board for review and recommendation.

- **Nuisance Ordinance**

Mrs. Flaherty explained she thought when she brought this forward that she was helping out but she does not want to be the be all, end all person that handles all the responsibilities for various departments. She does not mind her department being an overlapping enforcement department that would pick up slack when doing inspections but she does not want to take away from what the Board of Health or Police Department does. She just wants her office to be able to enforce if they see something while performing inspections or while out on the road because all enforcement officers should take interest in making sure things they see are followed up on. She noted this ordinance was reviewed before and if Council wants to move forward with it she is fine with it as long as her department just overlaps other departments. She explained if she is out on an inspection and sees a violation instead of divvying it up between five departments she could enforce it and be the sole person

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

D.) ORDINANCES FOR REVIEW (cont'd)

taking the entire violation to court. If someone from another department wants to enforce just their section of it she has no problem with that either. It just doesn't make sense that while doing an inspection if she sees a violation that she can't cite it and Officer Burton brought that to her attention. Cncl. Heffner questioned if Mr. Fiore had a problem with that. Mr. Fiore replied no, but suggested everything be coordinated. He noted he would take a closer look at this. He added the way it was proposed could have created confusion but he felt it is a good idea to have overlapping enforcement. Cncl. Marino questioned what other departments did it involve and if the building inspectors see something during an inspection what can they do? Mrs. Flaherty advised it involved the Police Department, the Board of Health and Property Maintenance, which she oversees and the inspectors would be able to issue a citation for any violations they see. Cncl. DiLucia noted Mr. Fiore suggested in his letter that there be a complete comprehensive review of all the ordinances. Mr. Fiore suggested the ordinances be reviewed by a committee. Cncl. Dilks questioned whether the person who writes a violation would be the one who goes to court. Mrs. Flaherty explained technically her department does the inspections for the Board of Health and handles property maintenance so it would probably be her that would go to court. If the Police Department handles it then they would be the entity that goes to court. Mr. Fiore noted the departments that should review the ordinances are Board of Health, Public Works, Police Department and Mrs. Flaherty. Mayor Teefy requested Mrs. Flaherty arrange a meeting with those departments. Cncl. Heffner volunteered to attend the meetings on behalf of Council.

- Chapter 74 "Fees" (Potentially Dangerous Dogs)

Solicitor Fiore noted County Animal Control has recommended a fee of \$700.00 be charged for two dogs that have been determined to be potentially dangerous under the State Statute. There is nothing under Chapter 74 "Fees" right now so only \$150.00 could be charged. He explained a potentially dangerous dog is determined by the court when a dog has caused personnel injury or death. Owners of potentially dangerous dogs are required to purchase a special license, tattoo the dogs in the mouth and they must have special insurance. Solicitor Fiore explained the case involving the two dogs has been postponed several times because two children were severely bitten and part of State Statute allows for vicious dogs to be euthanized. The dogs broke through a vinyl fence, went into the house where the mom was holding one child in the air and pushed another child into a closet. She was bitten all over her body. This was not just a normal bite type case so we are taking the high road in trying to prosecute this. What is happening is both kids are being examined by doctors to see the extent of their permanent injuries because they may need plastic surgery in the future. In order to have the dogs euthanized the burden the State will have to satisfy is that there were permanent injuries. A permanent injury can be described as psychological, as the mom and these kids are seriously affected by this. The gentleman who owns the dogs went through the entire process of putting in the proper fencing, tattooing the dogs, getting a special insurance policy on each dog, which must be renewed each year and he is ready to pay all kennel fees. We are trying to prevent the dogs from going back into that residential neighborhood because they do not belong there. The attack was vicious and the woman gets hysterical when she talks about it. Mayor Teefy questioned when a dog is designed potentially dangerous how would the Clerk's Office know

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

D.) ORDINANCES FOR REVIEW (cont'd)

when they come in next year to issue that type of license. The Deputy Clerk explained their 2017 dog license would be pulled up for renewal and it is noted on that license the dog is PDD (potentially dangerous dog). The owner will be required to purchase a 2018 regular dog license plus pay \$700.00 for each PDD. Mr. Fiore explained the \$700.00 fee is under Chapter 280 "Animals" but it needs to be cross referenced under Chapter 74 "Fees". Cncl. Dilks questioned who would determine whether the dog was potentially dangerous or a vicious dog. Mr. Fiore advised the judge would make that determination through the hearing. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the August 28th Council Meeting.

E.) MATTERS FOR DISCUSSION

- **Fee Exemption for Victims of Crimes** - Removed from Agenda will be rescheduled for the September Ordinance Committee Meeting.

- **LOSAP**

Cncl. Heffner noted the proposed changes to the LOSAP ordinance are those that were mandated by the State and both the fire department and ambulances association have reviewed them. The other issues dealing with LOSAP are entirely different. Cncl. Heffner commented that no one from the ambulance association has reached out to Mr. Swartz of the Williamstown Fire Department for help through the process and only one individual has come before Council regarding the stipend. BA Kevin Heydel advised the organization is still interested in the stipend. Cncl. Heffner noted then more than one individual needs to come before Council and when they do we will work with them but he doesn't want to tie up what the State says we have to do. Cncl. DiLucia noted presently if someone comes in at 18 years old they don't begin to accrue points until they are 21 and at that point they must go five years before they become vested so in reality they are working eight years before being vested and the State does not mandate that. The State says they can begin accruing at the age of 18 so the difference is three years. The fire department wanted to keep it as it is but Council has not agreed to that. Cncl. Pres., McIlvaine noted the fire department has no choice because the State is mandating that we do it from the beginning. Cncl. DiLucia noted so at 18 individuals begin accruing points and in five years they are fully vested and we are required to make that change. Cncl. Pres., McIlvaine replied yes. Director of Public Safety, Jim Smart explained the volunteers must work one year before a LOSAP account can be opened up so the time period would actually be six years until they are vested. Cncl. Pres., McIlvaine added the Length of Service Program was established to get volunteers to stay with an organization, not to come for two years to get a little cash settlement. Council discussed the time period it takes to accrue LOSAP points and Mr. Heydel noted State Statute has always said age 18 but the township defined the age when our policy was put in place so we have not conformed to State Statute for seventeen years. Cncl. DiLucia noted the other issue was the disparity on how the ambulance association accumulated points under the present system and the fire department had offered to help them with that. He questioned whether the ambulance association seized that opportunity. Tom Swartz,

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

E.) MATTERS FOR DISCUSSION (cont'd)

President of the Williamstown Fire Company advised they have not. Mr. Heydel referred to Mr. Swartz helping members of the ambulance association find ways to accumulate points and noted they do forty twelve hour shifts a year, which amounts to 460 hours a year and the maximum they could ever get for those 460 hours is 45 points. Tom is saying they can get points for doing extra things but that is all time over and above their primary responsibility of working their shifts. The 45 points include standbys and overnights. One point is given for each all call and 7½% of their all calls for a maximum of 25 points. Sleep-in or standby is twenty additional points so the maximum is 45 points for 460 hours. The time spent does not include what they do for drills, meetings and other functions they perform. Mr. Swartz explained they can also include outside training. Mr. Heydel noted they get a 25 point maximum for their training and not all members get that. Director Smart questioned why not because they have to be certified every year. At this point Cncl. Heffner stopped the discussion noting this is a discussion for another day. Our concern today is the changes the State is mandating. He added he has no problem meeting with members of the ambulance association to discuss this but he wants it to be more than one guy complaining. So far he has not heard from anyone else saying they want to make changes. Mr. Heydel questioned whether Cncl. Heffner wanted a letter from the organization stating who was in charge. Director Smart recommended the ambulance association trustees and chief be here. Mr. Swartz noted he is the only person in the Fire Department, or the vice-president in his absence, who can speak on behalf of any administrative function. If the treasurer or the chief came they do not have the authority to represent the body. Cncl. Heffner noted there is a chain of command and we are going to follow it. Mayor Teefy noted a week ago he and Director Smart sat down with Chief Accoglio and Anna Mills to discuss an issue and at the end of that discussion he told them LOSAP would be discussed at this meeting and they should attend if they had anything to say about it but they are not here. Cncl. Heffner polled Council and all were in favor of moving the amendment to the LOSAP ordinance forward for First Reading at the August 28th Council Meeting. Cncl. Marino added the ambulance association and Tom Swartz need to get together because there may be some different ideas on how the ambulance members can build up their points.

- Developer's Agreement Site Plan Waivers

Solicitor Fiore explained previously a developer's agreement was only needed when a major subdivision site plan was approved but he recommended last week it be added to a site plan waiver situation. The developer's agreement is a separate contract between the township and the developer codifying what the requirements are of the developer beyond what the resolution of approval may state. He gave the example of someone coming in for a site plan waiver when converting a nail saloon to a restaurant. The applicant represents under oath that parking will increase by a certain number of cars, there will be one dumpster and some other amenities that will cause no problems on the site. With a developer's agreement if at some point in time the site explodes into something other than what was represented they would be required to go back to the respective board to address those issues. He noted he spoke to Mrs. Flaherty about it and her concern was that it may cause a delay. He explained a boilerplate/general agreement could be prepared and given to them when they come in to pick up their application. The agreement would say certain things will be represented to the board and if an approval is granted they will have to live by that approval. If it is determined by the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

E.) MATTERS FOR DISCUSSION (cont'd)

Code Enforcement Officer that they exceeded what was represented they will be required to come back to the board to have it reviewed. **Mrs. Flaherty** explained her concern is fees have been cut on all land use applications to entice development and she does not want to have the applicant incur any additional escrow costs. Once buildings are filled we can have additional regulations and pick and choose but until then she is concerned. She added as long as this will not inhibit people from opening up or expediting business she is fine with it. **Mr. Fiore** noted an example is Enterprise which took over Frank's Repair. That went before a board and was granted a site plan waiver. That site has now exploded beyond what the site plan was as there is a rental next door and cars and Enterprise trucks are parking in the front of that property. He told **Mrs. Flaherty** about it and she will be looking into it. Many times people come in and paint their project in the best light possible and sometimes it may not turn out to be that way. **Mayor Teefy** commented what is odd to him is that the applicant is under oath at the meeting and when they get site plan approval they agree to things in the resolution but that is not binding. **Mr. Fiore** explained they may say something that won't make it into the resolution so the developer's agreement will be added protection. The meeting minutes are not verbatim, they are a summary and even if we get a transcript of a meeting there have been times when the discussion gets lost in the translation. **Cncl. Marino** questioned whether the specific board attorneys would have to look at this too. **Solicitor Fiore** replied no, this would be approved by Council. **Cncl. Heffner** polled Council and all were in favor of moving it forward to the Planning Board. **Mrs. Flaherty** requested it be held until next month because there are a couple of sections that need to be tweaked and she would like to meet with **Mr. Fiore** to discuss them. **Cncl. Heffner** requested the ordinance be sent to Council for review prior to the next meeting after it is tweaked.

F.) NEW BUSINESS

Cncl. Pres., McIlvaine requested the Ordinance Committee Meeting be moved to the larger first floor meeting room and all members of Council agreed.

Business Administrator, Kevin Heydel reported the Division of Local Government Services came out with the 2017 Best Practices Survey. The good news is the questions were cut from 30 to 25 but the bad news is the township is a few points short to qualify. To gain additional points a vehicle use policy for employees who take vehicles home must be adopted by resolution. Vehicles are taken home by firefighters, police, ambulance members, **Director Smart, Rosemary Flaherty, Jim Morrison, Jim Bonder and Mike Calvello.** **Mrs. Flaherty** advised designated inspectors also take vehicles home for emergency call outs. **Mr. Heydel** noted there is an exemption for unmarked law enforcement vehicles so a person characterized as a public safety officer is exempt and **Rosemary, Jim and Mike** would be considered public safety officers because they respond to emergencies. The one that is sketchy is **Jim Bonder** because he is technically not a public safety officer but is on call and does respond to issues at the parks, so do we stretch it and say he is public safety. **Cncl. Marino** noted he has been at the park when **Jim** has come out when the alarms are going off in the snack stand and he questioned whether it would be considered an emergency for him to come out after his normal working hours. **Mr. Heydel** explained if an employee has a vehicle and is not considered a public safety officer the value of that vehicle must be calculated and added to their W-2 form as a taxable benefit. That

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

F.) NEW BUSINESS (cont'd)

amount would not be much for Jim because he only lives a mile from work. Mr. Heydel noted he would like to designate the positions that take vehicles home when creating a policy. Another issue deals with conflicts of interest in regards to employees holding outside employment. Mr. Heydel requested the help of the solicitor with this issue as he didn't know how that would apply to part-time directors receiving a stipend. **Solicitor Fiore** gave an example that if Jim Smart, Director of Public Safety, worked for a manufacturer of fire trucks he would have to divulge that information. **Cncl. Heffner** noted his company requires employees to inform the company when working somewhere else even if there is no conflict. Mr. Heydel noted another question requires municipalities to annually assess the authorities they created and publically discuss their findings and conclusions. The discussion should address whether existing authorities continue to serve the public interest more efficiently than other potential alternatives in providing services and financing public facilities. The matter must be listed as an agenda item on a scheduled governing body meeting and the findings and conclusions must appear in the meeting minutes. He explained the only authority we have is the MMUA so we need to schedule the MMUA on a Work Session agenda for discussion. Last year we fulfilled this requirement because we had a discussion about bringing in a professional consultant to review the MMUA but the requirement must be fulfilled again this year. **Cncl. Heffner** suggested contacting the MMUA to see how this should be handled. **Mayor Teefy** suggested just putting the MMUA on the agenda for discussion. He added the other entity is the Library and he questioned whether that is included in the questionnaire. Mr. Heydel replied no as that is not an authority. He noted another item is PILOT Programs (*payment in lieu of taxes*). Question one is "*does your municipality have an official designated to monitor exemptions granted pursuant to the Long Term Tax Exemption Law*". Question two is "*have in place a documented processing for insuring compliance with the terms of each PILOT agreement*". He noted we need to designate someone to do that and have a documented process ensuring the terms of those PILOT agreements. **Mayor Teefy** felt the Tax Collector should be the one to handle that. Mr. Heydel noted the final question asks if an employee handbook has been adopted by resolution within the last five years. The Township handbook was adopted in June 2012 so that would need to be adopted by resolution again. Mr. Heydel noted he would send a copy of the handbook to Council as there have been minimal changes made since the 2012 handbook.

G.) OLD BUSINESS

Mayor Teefy spoke of walking along Main Street with Kathryn Cornforth, Mike Calvello and Ernie Carbone to see how many parking spaces are available. Kathryn advised nine no parking signs can be removed so we will pick up approximately fourteen parking spaces. Kathryn, Mike and Ernie are going to meet to address the signage and stripping from Virginia Avenue to Garwood Avenue. **Cncl. Heffner** questioned if changes are made by Poplar Street would County approval be needed since that is a County road. **Mayor Teefy** felt it may need County approval. **Cncl. Marino** questioned where the stripping would be and the Mayor explained the stripping would be on the current crosswalks as well as one or two more areas.

Mr. Heydel replied the matters he discussed for the Best Practice Survey is worth \$48,000.00 as that is what the penalty would be if we do not get additional points.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

G.) OLD BUSINESS (cont'd)

Director of Public Safety, Jim Smart reported Cecil got hit really bad by the storm that came through today and a monstrous pine tree fell blocking all of Whitehall Road. It didn't hit any power lines but it cleaned off phone lines from about five poles. The Road Department and Fire Department put a team together to open up Whitehall Road because ingress and egress would have only been through Friendly Village. There were also a couple other trees down in the lake area that the Public Works crews were cutting up. All departments put forth a good effort and the Police Department assisted to free up the fire trucks to cover the other calls.

Cncl. Heffner noted he has seen emails going back and forth regarding stormwater management and he questioned the status of that. **Mrs. Flaherty** advised Engineer Kathryn Cornforth has a complete inventory of all township owned basins in the event the NJDEP comes here to check the records that were submitted with the annual report. Kathryn is almost 90% complete on the manuals, which will be good when Mike Calvello files his report to NJDEP. Mrs. Flaherty noted she recommended the engineering department oversee that permit because as Kevin is going through the Best Practice Survey it would be very easy for Kathryn to get points as township engineer. In other towns it works because the township engineer knows when the basins are getting turned over to the township and they are the experts that can review the manuals to ensure the engineering is correct or if anything is wrong. If they are the go-to people for 90% of the process the person submitting the annual permit to the NJDEP should be the same person or entity. Kathryn is going to review and revise the ordinance to how other towns do it and will submit it to Council. Council asked how many basins were in the township. Mrs. Flaherty noted her office has been sending Kathryn plans and she is almost finished the list and manual, which is very detailed. Mayor Teefy requested Mrs. Flaherty send the information to him and Council as soon as she receives it from the engineer.

Mayor Teefy reported Geets is moving ahead and is coming in tomorrow regarding their signage and lighting. Mrs. Flaherty noted in the future they will probably get the sign to turn again but right now they are working just to install the LED portion. The diner should be opening in September. Mayor Teefy noted they are looking for some old pictures of Geets, as the Historical Society had none.

Mrs. Flaherty noted she has the emergency contractors scheduled for Saturday, September 16th to install the roof on the Hall Street School. The township is responsible to provide the materials and she does not want these contractors to schedule their employees to work that day if the materials are not available. **Mr. Heydel** noted he requested a list of material from John Clidy but he has not gotten back to him on that yet. **Solicitor Fiore** advised John said he was going to get two quotes and send them to him so as soon as he receives them he will forward them to the BA. Mrs. Flaherty noted hopefully we can make this a community spirit event and get a lot of volunteers to get the project done on Saturday. The contractors also blocked off Sunday, September 17th in case they didn't get the work completed on Saturday. Mr. Heydel noted once he receives the material list he will find a vendor, set the vendor up and order the materials. Cncl. Marino questioned if the material could be purchased through Clidy's company because he could probably get a better price. Mr. Heydel noted he needs more than one quote. Solicitor Fiore advised he is getting two quotes.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

G.) OLD BUSINESS (cont'd)

Mrs. Flaherty questioned the status of the tax card program and whether the RFP was re-advertised. She noted Jen Pesotski in attendance tonight has expressed interest in the tax card program. Jen works with Tom Duffy and has extensive knowledge in real estate. Cncl. Marino noted the RFP was not re-advertised. The model person would have knowledge in real estate, know the town and be sales oriented. He added we have a list of businesses that originally signed up and Ernie Carbone was working on getting a second sponsor but Council did commit to sponsoring the cards if we could not get one. Mayor Teefy noted there was no response to the RFP so legally what can we do. Solicitor Fiore explained under the Local Public Contracts Law the municipality can go out to bid twice. An RFP can be compared to a contract so it can be advertised again. If no one responds or we get someone that is not favorable then we can negotiate with someone in that field. Cncl. Marino felt it would be difficult to get someone to bid on the RFP that was previously put out because a person had to have worker's comp and general liability insurance. At one time we were looking at a part time clerk so in that case would we need to do an RFP. Mayor Teefy noted throwing more work on to Mrs. Flaherty's office would be too much so we need someone from the outside to help us on a part time basis. Mr. Fiore questioned would it be an independent contractor working within the municipal building? If so there would still be an issue with insurance. He noted that may seem ridiculous because it is not a high priced position but they will technically be working under the township roof and performing services for the township even though they are given a 1099. Mrs. Flaherty noted it would be no different than when Ernie was working here and he would still be here if he hadn't resigned. We don't know how many of the 400 businesses in town are interested in participating in the program. We need that information to give to the company creating the website for the program and Jen has expressed interest in doing that. Council discussed hiring a part-time employee to get the program off the ground and if it ends up not being sustainable then the plug would be pulled. Mrs. Flaherty noted we have money from investors and if the program is not going to move forward they would like their \$5,000.00 back. Mayor Teefy noted a part time employee would be covered under township insurance. Cncl. DiLucia thought that under the collective bargaining agreement a person can be hired for the first four months without them being an employee. He suggested hiring a person for four months as a part-time employee under that provision and that way we would not have to pay insurance. Cncl. Marino added and then the program should be evaluated before the end of the four month period to see where we are. By then we should have businesses signed up and the roll out done and Jen will know whether or not there is interest in the program. Cncl. DiLucia noted with the RFP there was a low hourly wage with no benefits but if Council is talking about bringing on somebody as an employee we are then talking about \$31,000.00 in healthcare. Mayor Teefy noted there would be no healthcare cost as the employee would be part-time for three or four months and then we would put an RFP out and it would be subcontracted out. Cncl. Marino felt there would be some positive or negative results in the very beginning. He added the EDC members may not know what Council is discussing so the person doing this work will need to report to them because they are promoting the program and this must be a combined effort. Solicitor Fiore felt hiring someone on a part-time basis would probably be the best way because within four months Council will know whether the program will be a success or not. Mayor Teefy requested Ms. Pesotski come to his office on Friday to discuss what we are looking to do and the hours that will be involved.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 2, 2017

H.) ADJOURNMENT

With nothing further to discuss Cncl. Garbowski made a motion to adjourn the Ordinance Committee Meeting of August 2, 2017. The motion was seconded by Cncl. Pres., McIlvaine 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 August 2, 2017 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted sw Date 9/6/17
Approved as corrected _____ Date _____