

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
NOVEMBER 8, 2018**

**A.) OPENING CEREMONIES**

**CALL TO ORDER**

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

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*N.J.S.A. 10:4-6 thru 10:4-21*). Notices were placed in the official publications for the Township of Monroe (i.e.: South Jersey Times, Courier Post and The Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex and on the Monroe Township website.

**SALUTE TO THE FLAG**

**Cncl. Pres. DiLucia** 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. Bob Heffner	Present	
Cncl. Bart McIlvaine		Excused
Cncl. Cody Miller	Present	
Ord. Chairman, Cncl. Joe Marino	Present	
Business Administrator, Kevin Heydel	Present	
Dir. of Public Works, Mike Calvello	Present	
Dir. of Comm. Dev./Code Enf., Rosemary Flaherty	Present	
Dir. of Public Safety, Jim Smart	Present	(arrived 7:09)
Chief of Police, John McKeown	Present	
Solicitor, Theresa Lentini	Present	(arrived 7:09)
Engineer, Dave Cella	Present	
Deputy Municipal Clerk, Aileen Chiselko	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Garbowski** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of September 5, 2018. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

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**C.) PUBLIC PORTION**

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

**Dir. of Public Safety Jim Smart** addressed Council to question why the park benches along the trail will be aluminum as opposed to being composite. He asked why the type of bench is being specified. **Cncl. Marino** said Council would discuss this further once they have had a chance to review the Ordinance he is referring to during the meeting.

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

**D.) ORDINANCES FOR REVIEW**

- **Ordinance O:32-2018 – Owens Park Irrigation**

**Engineer Dave Cella** clarified there is \$140,000 for the Owens Park Irrigation. He said Green Acres has given a deadline to have it advertised before the end of the year, with an attempt to award when the bids come in. He said if we do not award, we may lose the money. **Cncl. Pres. DiLucia** asked with regards to the dog park, is the \$780,000 from 4 years ago, that half of that is free money and half has to be repaid with no interest. **Business Administrator Kevin Heydel** said for both the \$140,000 and the \$780,000, it is half grant money and half a no-interest loan which is over the course of 20 years. **Cncl. Pres. DiLucia** wanted to make sure that everyone understands when we are looking at the money the township is spending, the true picture is whatever that estimate is plus half of those 2 grants. **Cncl. Marino** said with the Irrigation, the township funds required is not \$119,500 it is technically \$189,500, if he is to take half of that \$140,000 grant we will only be getting \$70,000 of that. He said where this really hits home, is with the dog park, because now we are talking \$780,000 half of that, which if we went with the option 1 instead of \$978,000 we have to add \$340,000. **Cncl. Pres. DiLucia** said the problem he sees is not the fact that the township owes half of the grant, however, the conceptual plans that we saw 4 years, that \$780,000 grant was supposed to cover the completion of the dog park, including an entrance from Clayton Avenue into the park, parking spaces, a dog park with water fountains and a leisure park. He said he is not sure where this number has come from all of a sudden, he has never heard this number in 4 years. He asked if someone commissioned a study more than what was initially done with the conceptual plan. **Business Administrator Kevin Heydel** said the conceptual plan was done, we wanted to build a conceptual plan for the entire 35 acres. **Cncl. Pres. DiLucia** said that was never approved by this Council. He said this Council approved a dog park/leisure park and now what we are looking at is a much bigger number and ARH was commissioned to do work that the Council did not ask for. He said the Council asked for the completion of the dog park that included the conceptual plans that the \$780,000 was supposed to cover. He understands it is 4 years later and there is inflation, however, when he looks at a number approaching \$2 million, someone had to have asked ARH to do a study, which the governing body never did. **Business Administrator Kevin Heydel** said he believes when the design went out for award, the design of the whole piece of property was \$83,000 and at the time

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**D.) ORDINANCES FOR REVIEW (cont'd)**

when the design was being discussed it was discussed to have at least a conceptual design for the whole piece of property. **Mr. Heydel** said we knew we wanted to build the dog park but wanted the conceptual plans for the rest of it for future expansion because doing the whole conceptual plan at one time would be cheaper than splitting it up. He said the \$83,000 that was awarded included a conceptual plan for a 35 acre piece of property as opposed to the 2 ½ acre dog park property because, you have to factor into that, storm water management for the property and all of the rest of infrastructure that is required. He said therefore a whole conceptual plan was done for the 35 acres, he never planned on fulfilling the whole conceptual plan because he knows we never had \$2 million in order to do so. **Cncl. Pres. DiLucia** said, he would like to see it printed in the minutes showing this Council approving the study being done, he has attended every meeting and he is not aware of it ever happening. **Cncl. Marino** asked Engineer Dave Cella, if the \$83,000 was not only for the plan but also included bringing it to permit, all of the Pineland fees and Mr. Cella confirmed such. **Engineer Dave Cella** explained one of the major cost drivers on this project ended up being the stormwater. He said once they started to evaluate, there is a lot of water coming through this area and they didn't plan for this amount of volume. **Cncl. Pres. DiLucia** said he is unsure how it has gotten to this point after four years, we are going to go into debt for what has been done and now they want an irrigation system installed. He said, there will not be an irrigation system until there is a dog park that he believes they have the money to fund and if there is no funding, he will not agree to it. He said, he wants to know what has to be done to bring this project forward, so the Township can comply with the grant. He said he would really like to see this project started before the grant is lost. **Business Administrator, Kevin Heydel**, said the dog park is top priority as its funding is the issue that is holding up the other projects. He advised putting together a bid package for the dog park, have the bid awarded by February 2019 and have shovels in the ground in spring 2019. He said now Council has to decide what needs to be done with the remaining projects, because we could lose the grants by the end of the year for the irrigation, we may want to address that project next. **Cncl. Pres. DiLucia** made a motion to move forward with the Owens Park Expansion and have ARH continue working on the project as they see fit in order to complete it. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance. **Cncl. Pres. DiLucia** said he expects the shovels to be in the ground in time, so we do not lose the grant for funding.

**Cncl. Marino** advised the \$140,000 grant for Owens Park Irrigation is scheduled to expire. He said we have to have an RFP advertised by the end of the year and awarded, in order for the grant to not be in jeopardy. **Engineer Dave Cella** confirmed as long as the RFP is advertised by the end of the year it will be fine, it does not need to be awarded, however, once it is open and if it does not get awarded, we may be in jeopardy of losing the grant. **Business Administrator Kevin Heydel** said we should advertise it and get the specifications out and see what we get as soon as possible because we do not know what responses we will receive. He said we had received the grant, put the specifications together and have previously put it out to bid for this twice and what we received was over \$400,000. He said we had a problem because of the lack of power at Owens Park, we had an electrical study performed to find out what could be done, which was determined to be three phase power at \$100,000. He said the issue that he found with the estimates was we are pulling the course of drilling the well and installing a pump for a cost of \$80,000, which he finds to be excessive. **Cncl. Marino** asked if we would be able to bid this out separately. **Business Administrator, Kevin Heydel** said, we do not need to bid out the phase because that is done by Atlantic City Electric and we can

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**D.) ORDINANCES FOR REVIEW (cont'd)**

bid the well with the pump. **Mr. Heydel** will reach out to the County and confirm it is fine with the grant to bid items out separately and report back to Council. **Cncl. Pres. DiLucia** asked how much money is left in the builder's fund, **Mr. Heydel** confirmed there is \$180,000 in the fund. **Cncl. Pres. DiLucia** said at some point we will deplete the builder's fund and asked what will happen at that point. He said at the last meeting there were questions about our ability to use money for open space. He believes a resolution was passed three years ago that dedicated money to open space to be used for the sole purpose of purchasing open space and the remaining money was to be used for recreational open space expenses. **Mr. Heydel** confirmed the proposed dedicated trust fund will be used exclusively for the acquisition, development and maintenance of lands for open space / recreational space. **Cncl. Pres. DiLucia** stated if the Open Space Committee came to Council requesting to purchase a parcel of land, Council would be able to give them the money that is designated to open space for them to purchase the land. He said he wanted this to be clarified and on the record that Council will work with the Open Space Committee and guarantee them the money. He said once they pass this project and if there is an over run which runs beyond the dedicated money in the builder's fund, they may use some of the money allotted for open space and recreational space. **Cncl. Miller** advised that if Council ever decides to use the Open Space money, we will involve Open Space in the process. **Mr. Heydel** stated Council has sole discretion on how to allocate and spend the Open Space funds within the parameters that have been given. **Cncl. Pres. DiLucia** said he wanted everyone to understand what they are doing, taking money from another fund that was not intended for that fund and there is a possibility that the Open Space fund will be used sometime in the future for something other than exclusively open space. **Cncl. Miller** said with the open space tax, we have a steady stream of revenue dedicated to open space. He said this was instituted because it was realized that people were not actually spending open space money on open space and preservation of land. **Mr. Heydel** said Mary Mazza Duffy Park was purchased with the Open Space money, partnering with the County. He said we have used Open Space money on open space, it just so happens that there are areas where it has been found prudent to build and expand our parks. **Cncl. Marino** polled the members of Council in attendance and all were in favor of moving the irrigation project forward and being put out to bid.

**Cncl. Marino** spoke with regards to the second phase of the Bike Path Expansion, this is a fully funded grant with possibility of a short overrun on costs. **Business Administrator Kevin Heydel** said in the paperwork that Council had received it states an overrun of \$50,000 however, they do not believe it will be \$50,000 because there is overlap between projects with the dog park area along with the bike path extension. He said they believe the overrun costs will be approximately \$19,000. **Engineer Dave Cella** said they are going to take the bike path as far as they can into the expansion, the more they can the less they will have to do with the expansion project. He said that is the goal, using the grant to its fullest capacity. **Mr. Heydel** said as part of the scope of the project within the grant was doing a resurface of the horseshoe driveway and he feels this may not be necessary to do and by not doing that, it will drive the cost down. **Cncl. Marino** polled the members of Council in attendance and all were in favor of moving forward with the second phase of the bike path expansion.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 175-125 "Land Management" – Open Space

Len Fritz, Chairman of the Open Space Advisory Committee addressed Council to them with an overview of what the Open Space Committee would like to have changed within the Ordinance. He said they basically are looking to clean up the Ordinance. He said they are unsure if there is any type of mechanism with a developer coming in with regards to a fee being set per development. He said they do not want tot lots and the accessory things separated in the individual developments, they would like them to be centralized. He said as opposed to a developer being required to do that, in lieu of, can there be a structured option for open space. **Cncl. Heffner** said as he went through the ordinance, all of section "M", he believes that should all be removed because the Township has lost that ability. He said being on the Planning Board, they are not able to force the developers to do anything at this point. He said with that being said, this whole section of the Ordinance should be removed. **Solicitor Lentini** said they will review, make any recommendations and present it at the next Ordinance Committee meeting in December. Mr. Fritz said it was his perception with regards to the Open Space Funds that the percentage was to be dedicated strictly to open space passive recreation use and not for anything else. He said he is concerned because they have a list of projects that they would like to start working towards and if their fund is depleted because of other purposes other than actual open space, then where would they be. **Cncl. Pres. DiLucia** clarified when the other Ordinance regarding segregating money came before them, it was clear to him that the intention was to ensure there was a sum of money that no one could touch other than Open Space. He said that indicated to him there was a mechanism in place to where some of the money could go somewhere other than open space. He said he wanted to be sure that everyone is on the same page in terms of what the parameters are. He said his continued concern is when they take on a project and there is not enough money to do it, they have to know where to get the money from and if there is nowhere to get the money, it will have to come out of reserve. He said if there is no reserve, the project will have to be cancelled. Mr. Fritz said the perception of the people here that want to preserve the country feel of this town and do not want the developers coming in, knowing the Open Space fund is there, they want to make sure they see something for it. **Cncl. Marino** said once this is reviewed by the solicitor it will be forwarded to the January Ordinance Committee Meeting for further review.

- Chapter 141 "Fire Prevention" – Fire Official; Annual Inspection

**Solicitor Lentini** noted under section "D" on page two of the proposed Ordinance, they have added language to state that the Fire Official must notify the Division of Community Affairs at the County ten days in advance of any leave that is going to be thirty days or in excess of thirty days and in the event that does occur, the Director of Public Safety shall appoint a temporary Fire Official during that leave of absence. She said, they also added in addition to the annual inspections and fees required, the word annual to be more specific. She said the primary purpose of the change, was to address a long absence of thirty days or more. **Deputy Municipal Clerk Aileen Chiselko** advised that the Fire Inspector had a State Inspection and they recommended that this language be placed in the Ordinance. **Cncl. Miller** said there is one minor change in the wording in the first sentence that reads "requires the Director of Public or Fire Official", it should read "Director of Public Safety". **Cncl. Pres. Dilucia** made a motion to move forward and **Cncl. Garbowski** seconded that motion. **Cncl. Marino** polled the members of Council in attendance and all were in favor of moving the Ordinance forward for First Reading at the Regular Council Meeting of November 13, 2018.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 69-13 "Police, Division of" – Physician for Division of Police

**Solicitor Lentini** explained that the requirement of a licensed physician be appointed by the Township for physicals has been deleted from the Ordinance. **Business Administrator Kevin Heydel** confirmed this is a cleanup of the Code. He said every year when the Township advertises for the RFQs for professionals and a Township physician is chosen, all new hires and volunteers are sent to this physician to have their initial pre-employment physical done. **Police Chief McKeown** explained the past practice of annual physicals for the Police Officers. **Cncl. Marino** confirmed this is just a matter of having the Ordinance language cleaned up and there are no changes to the Township's process of physicals with the employees. **Cncl. Garbowski** made a motion to move forward for First Reading at the Regular Council Meeting of November 13, 2018. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

- Chapter 175 "Land Management" – Automotive Service Stations

**Director of Community Development / Code Enforcement, Rosemary Flaherty** addressed Council regarding the need of revising the Ordinance. She said as it reads, it allows gasoline and service stations in various commercial zones but it does not allow for a convenience store to be attached and if it does have a store attached it has to go the Zoning Board of Adjustment. She said some of the past applications have gone to the Planning Board and then some went to the Zoning Board. She said gas stations with convenience stores attached are always much more attractive and do more business as far as taxation for the Township. She said she has worked with Engineer, Tim Kernan and they are recommending this move forward as soon as possible. **Solicitor, Lentini** asked about the last definition in the automotive service station where it excludes the repair of collision vehicles and if this effected anyone that currently does provide collision repairs. Ms. Flaherty confirmed it is not for major repairs and it does not affect any existing businesses. **Cncl. Miller** made a motion to move forward for First Reading at the Regular Council Meeting of November 13, 2018. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council in attendance.

- Chapter 104 "Buildings" – Article III Disposal of Construction Debris – Dumpsters

**Cncl. Marino** explained the spirit of this was to have a dumpster permit fee tied together with a construction permit, and the resident would not be penalized for putting a dumpster on their property and have to pay a separate permit fee. **Solicitor Lentini** said the permit fee was reduced from \$75 to \$20 and they provided notice of violation by personal delivery. She said the language has been added to state the resident will be given five days from the date of the violation to remediate. She said generally when a violation is issued, it is sent via regular and certified mail and she has found many times that the resident will receive the regular mail and not pick up the certified. She said this is a vicious and expensive cycle that happens all of the time, so she is suggesting instead of mailing the violation, the Township create violation labels and post them on the residents' front door and take a picture with the address. She also suggested creating a very simple form for those who are delivering the violation label to fill out and attach the picture to as proof of delivery for the file. She said this method of notification will get the Enforcement Official over the first hurdle of

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**D.) ORDINANCES FOR REVIEW (cont'd)**

giving notice. **Director of Public Safety Jim Smart** expressed his concerns with a dumpster being placed in the roadways, as this is a very big hazard at night because they do not have reflective materials on them. **Cncl. Marino** said the residents are asked to submit a drawing, not an official survey, but a simple plot plan to submit along with their application. He said this allows the Zoning Office to review and grant or deny permission of the placement of the dumpster. **Dir. of Comm. Dev./Code Enf. Rosemary Flaherty** said her office does not allow dumpsters to be placed in the street, there needs to be a safety plan in effect and it would be at the discretion of the Chief of Police. **Cncl. Heffner** said he feels the five-day notice is too long of a grace period. **Solicitor Lentini** explained the procedure of due process for violations and suggested shortening the street violation to 48 hours unless it is deemed to be a safety hazard determined by the Police Department. **Police Chief McKeown** suggested if the Township has to remove the dumpster in violation, to call the dumpster company that is advertised on the dumpster and have them remove it immediately. **Cncl. Marino** said once this is further reviewed by the Solicitor it will be forwarded to the January Ordinance Committee Meeting for review and discussion.

- **Chapter 230 "Peddling and Soliciting"**

**Solicitor Lentini** said the revision was made to reflect a background check for veterans, who were originally exempt. She said the fees were also revised to be consistent with the other Ordinances, as the fees were previously too high and unlawful. She said the fees have to be justified, used for administrative overhead and management of the actual permits. She said the fees have been changed to \$125 annual fee, with a photo ID of \$25 per employee. Ms. Lentini said the food cart will be \$250 for an annual permit. She said the concern originally was with the Boy Scouts, Girl Scouts or another non-profit organization, which is why they added the language to state \$25 per employee. the Scouts are not employees. She said the language is also being updated to remove the wording registration permit and replacing it with background check. **Cncl. Garbowski** made a motion to move forward for First Reading at the Regular Council Meeting of November 13, 2018. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance.

- **Chapter 74 "Fees"**

**Solicitor Lentini** said with regards to the fees, the purpose of the changes was to have this chapter consistent with the other Ordinances and also that the fees are in line with what it would cost for administrative overhead. She said the fees have to be reasonable and justified, and we went through and made the appropriate changes. She said the language was also changed to state, records provided by email or facsimile will be free of charge, with the additional update that records can be sent by flash drives and by all electronic transmissions. **Cncl. Garbowski** made a motion to move forward for First Reading at the Regular Council Meeting of November 13, 2018. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

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E.) MATTERS FOR DISCUSSION

- Revised Application Forms – Peddler and Solicitor License; Township-Sponsored Events

**Dir. of Comm. Dev./Code Enf. Rosemary Flaherty** said she had recently revised our applications using Haddonfield's peddling and soliciting application as a template. She said she will go back and revise it to reflect the new fees discussed tonight. **Solicitor Lentini** said with regards to Township Sponsored Events they have added a release to the application in order to limit the liability and protect the Township. **Director of Public Safety Jim Smart** asked with regards to the Fire Department should they also have a similar release when they are holding events. **Solicitor Lentini** will provide Mr. Smart with a general release to be used for the Fire Department. She said a photo release should also be included on the Township applications as well.

- 2019 Best Practices Worksheet

**Business Administrator Kevin Heydel** spoke regarding the Best Practices Survey that is completed every year, this year it is a sixty-one question survey. He said after receiving some clarification he has completed the survey. He said in order to maintain our level of aide and not be penalized, we have to score anywhere between 46 and 66 and we scored a 54. He said they do question outside agencies and if they are reviewed by the Township to ensure they are cost efficient with their operation systems. He needs to submit the survey by November 12, 2018 and asked **Cncl. Pres. DiLucia**, the MUA Liaison, to read into record his report so he can submit the survey. **Cncl. Pres. DiLucia** reported the MUA report for the record: "Over the past year, the authority has taken various steps to improve efficiency, as well as implement cost savings strategies where applicable. Some of these measures are: replacing the full time controller position with a part time CFO consultant, elimination of the Assistant Executive Director's position, reinforcing the cross training of employees and combining billing and collections to one department, continuation of our meter replacing program with solar meter reading capability, solar meter reading is a significant component in assisting the authority as well as the use in conserving water. The authority was able to perform projects such as Davis Avenue water main extension and the Carroll Avenue deed trench sewer repair. These jobs were done by personnel who are skilled in these areas, therefore, alleviating the need to hire subcontractors. The Authority is currently looking into resources such as solar energy to offset electrical expenses." **Mr. Heydel** said with this survey completed and our score of 54, our aid will not be cut.

- Halloween Curfew Hours

**Solicitor Lentini** said the times for Halloween have been narrowed down to 4pm to 8pm for ages 18 and older to solicit. She said some towns, in their general Ordinance allow children to trick-or-treat between 3pm to 6pm, so you do not have children running around after dark. She said this keeps it more localized to younger children as opposed to the older children who like to go out late at night. She said she does not feel there should be an age attached, it should just apply to trick-or-treating in general. **Cncl. Marino** polled members of Council and it was the consensus that the start time should be 3pm and ending at 8pm. **Police Chief McKeown** said in regards to Article II. Juveniles, he does not feel this is an issue for Halloween, but rather the youth that are out creating havoc all hours of the night regardless of the specific date.



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**F.) OLD BUSINESS**

**Business Administrator Kevin Heydel** spoke regarding the Firehouse improvements and the need of additional funding that may be required. He said when he had performed the analysis of the project and the bonding, amortization schedules, he added in a factor of another 2.4 million dollars. He said with 5% down, this would be going into the 2019 budget, and that would make it 2.2 million dollars in addition to what is already out there. He said, it is the general understanding that this project will cost more, however, they are just not sure how much more. He is scheduling to go out for serial bonds in March, which means, in January we would have to go out for a Bond Ordinance. He said, he wanted to prepare everyone, to let them know about the time schedule we are on. He said bonds need to close in March because we are going out for short term notes as they currently expire in December. He said he wants to make sure the timing is right, so we are only paying interest for the three months on short term notes before going into the serial bond process. **Cncl. Pres. DiLucia** asked Mr. Heydel to confirm if Council approves the project, he will be asking for 17 million. Mr. Heydel said, he will prepare a detailed email and send it out for review.

**G.) ADJOURNMENT**

With nothing further to discuss **Cncl. Garbowski** made a motion to adjourn the Ordinance Committee Meeting of November 8, 2018 at 9:17pm. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

Respectfully submitted,

  
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Deputy Municipal Clerk, Aileen Chiselko, RMC

  
\_\_\_\_\_  
Presiding Officer

*These minutes were prepared from excerpts of the recorded proceedings and hand-written notes taken during the Ordinance Committee Meeting of November 8, 2018 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 9/27/18  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_