

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MAY 10, 2011**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 6:30 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** 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 Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

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

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	(Arrived 6:50 PM)
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Dir. Code Enforcement, George Reitz	Present	
Deputy Clerk, Sharon Wright	Present	

B.) PUBLIC PORTION

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

C.) ORDINANCES FOR REVIEW

- **An Ordinance Of The Township Council Of The Township of Monroe To Amend Chapter 230 Of The Code Of The Township Of Monroe Entitled "Peddling And Soliciting"**

Cncl. William Sebastian noted the Peddling and Soliciting Ordinance will be enforced by the Code Enforcement office since the Clerk's Office does not have the authority to perform inspections. **Cncl. Rich DiLucia** noted this ordinance limits the ability of door to door soliciting

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C.) ORDINANCES FOR REVIEW (cont'd)

and he questioned how residents can challenge someone soliciting door to door. **Solicitor Fiore** explained the ordinance establishes a process for those wishing to solicit door to door because it cannot be completely prohibited, as that would violate someone's first amendment rights. Mr. Fiore explained under this ordinance solicitors will be required to present an ID card/license issued by the municipality when challenged and if they do not have one, they are in violation of the ordinance and the resident can call the police or code enforcement to enforce the ordinance. He noted some police officers are of the mindset that they cannot issue a summons for violation of an ordinance but they clearly can. He spoke of having numerous discussions regarding that issue with Chief Pontano and noted hopefully the new chief will also have that same understanding. Mr. Fiore noted the ordinance is also enforced by the Director of Code Enforcement and/or his designee. Cncl. DiLucia noted there have been many cases where senior citizen developments have been targeted for scams and this ordinance will be helpful to prevent that. He also questioned whether people are permitted to put literature on mailboxes. Solicitor Fiore explained literature can be hung on the outside of a mailbox but cannot be placed inside of it. Mr. Fiore noted many of our ordinances require criminal background checks. He explained when an application is sent to the police department checks are only done for things that have occurred within the township. With this ordinance applicants will be required to be fingerprinted through a state agency and that will show everything. Cncl. Frank Caligiuri noted he thought the ordinance was going to be modeled after the Washington Township ordinance. Mr. Fiore agreed that was true but after speaking with the Washington Township solicitor he found that their ordinance was challenged a couple of times, went to municipal court and was thrown out as being vague. This ordinance is modeled after the Glassboro Peddling and Soliciting ordinance that was upheld when it went before the Superior Court. Cncl. Caligiuri expressed concern that in Section 230-13 organizations such as the girl scouts selling cookies and candidates for public office campaigning are restricted and would need to apply for a permit. The Washington Township ordinance permitted those types of things. Cncl. Sebastian noted the Girl Scout organization does not permit scouts to go door to door to solicit, which is why they now set up in front of stores; however, if the girls went door to door under the "Special Exemption" portion of the ordinance, the organization could request an exemption/waiver be granted from Council. Mr. Fiore added the ordinance does not involve political campaigning, as that cannot be restricted. He went on to express his concerns that this is the only municipality around that has allowed peddling and soliciting to occur the way it has. He noted in his opinion the current ordinance could have been interpreted in a different manner but this ordinance is very clear, as all zoning and planning regulations must be met. He explained if someone wants to sell widgets from a residential property that would not be permitted and that person would need to go before the Zoning Board, which he felt was what Council wanted. He also gave the example of a flower vender and a widget vender locating on the same commercial corner and explained one of them would need to go before the appropriate board, as it would be a second use even though the use is permitted. Mr. Fiore noted this ordinance is restrictive because it leaves no interpretation; it either is or isn't. From a constitutional standpoint, it is fair, as the town is protecting people, who may have spent thousands of dollars in soft costs for engineers to get a site plan waiver, site plan review, use variance etc. from people opening up next to them with only a mobile unit. Cncl. Ronald Garbowski suggested including language in Section 230-13 dealing with political

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C.) ORDINANCES FOR REVIEW (cont'd)

campaigning. Mr. Fiore suggested adding an additional section, such as 230-17 with language indicating this chapter shall not apply to political candidates seeking political office as they are protected. Cncl. DiLucia noted campaigning is a constitutional right covered under the constitution and he felt Council should not get involved in reaffirming that. Cncl. Sebastian noted peddling and soliciting only deals with selling door to door and candidates are not selling anything while campaigning. Mr. Fiore referred to a portion of Section 230-13 A. that stated "*canvassing or solicitation does not involve the sale or attempted sale of merchandise.*" and suggested removing the word "not", as he felt that may be a typo since going door to door does involve the sale of merchandise and that should be regulated. Discussion took place regarding Mr. Fiore's suggestion and Council was in favor of his recommendation to remove the word "not". **Director of Code Enforcement, George Reitz** was also in favor of the ordinance; noting he brought issues up ten years ago about vendors coming here. The Deputy Clerk questioned the \$200.00 fee included in the ordinance, as the current peddling and soliciting fees included in Chapter 74 include a \$50.00 non-refundable application fee along with \$100.00 a day fee or a fee of \$600.00 for the year. She noted if the fee changes Chapter 74 will also need to be amended. Mr. Fiore explained this ordinance requires individual license holders to pay the fee and those fees must be reasonably related to the amount of work the municipality has to expend to issue the license. Cncl. **Walter Bryson** referred to Section 230-3 A. that allows soliciting during the hours of 9:00 AM to 5:00 PM and prohibits canvassing on Sundays. He noted the Music Festival the township is planning will go against those hours and the Sunday regulation deals with the Blue Law. Cncl. Sebastian noted the Music Festival falls under the Parks and Rec ordinance. This ordinance deals with people going door to door throughout the township. Solicitor Fiore explained canvassing on Sundays is a problem for the municipality because no one is around to enforce the ordinance on that day. He added that section could be challenged but he felt it should remain in the ordinance and if someone wants to challenge it, let them. Cncl. Bryson referred to Section 230-4 and felt there should be no exemptions from fees. Mr. Fiore explained State Statute requires certain people to be exempt from fees but not exempt from the regulations of the ordinance. Cncl. Bryson referred to Section 230-9 and the exclusions of certain persons, organizations and activities and questioned why it referred to a public utility. It was explained that Atlantic City Electric, the MMUA, South Jersey Gas and telephone companies would not need a license, as they are regulated by the Board of Public Utilities. Cncl. Bryson also expressed concern that the ordinance requires people to give the township their social security number and noted a driver's license number could be given instead. Cncl. DiLucia questioned whether any municipality can legally require the entire social security number. Mr. Fiore responded yes, as it may be requested for tax purposes. Cncl. Sebastian noted municipalities have the option to request it but people do not have to provide it. However, if they don't, the municipality does not have to provide the service just like a credit card company would not provide a credit card without a social security number. Cncl. Caligiuri noted when his company is under contract with a contractor to supply equipment they are required to supply a federal EIN number or a social security number, as they are interchangeable. Cncl. DiLucia noted that is for the purpose of reporting income tax, this is just so we can check a person's background. He noted he does not give his social security number to anyone anymore because of what is going on with fraud. Mr. Fiore noted he would look into this matter further but he suggested the social security number requirement remain in the ordinance for first reading and

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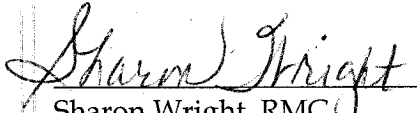
then if necessary, it could be removed prior to the second reading. Cncl. Sebastian polled Council and all were in favor of moving the ordinance forward for first reading at the Regular Council Meeting this evening. Mr. Fiore will make the noted changes to the ordinance prior to second reading.

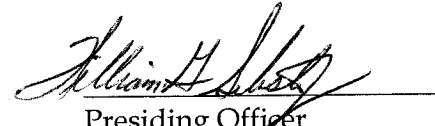
D.) MATTERS FOR DISCUSSION - None

E.) ADJOURNMENT

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of May 10, 2011. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and the hand written notes of the Ordinance Committee Meeting of May 10, 2011 and serve as only a synopsis of the proceedings. That 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 6/1/11
Approved as corrected _____ Date _____