

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
JUNE 1, 2011**

**A.) CALL TO ORDER & ROLL CALL**

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:48 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (NJSA 10:4-6 thru 10:4-21). Notices were placed in the official newspapers for the Township of Monroe (i.e.: 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	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski		Excused
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Frank Caligiuri** made a motion to approve the minutes as submitted of the April 6, 2011 and the May 10, 2011 Ordinance Committee Meetings. The motion was seconded by **Cncl. Walter Bryson** and approved by all members of Council in attendance with the exception of **Cncl. DiLucia** who Abstained on the April 6<sup>th</sup> minutes and **Cncl. Teefy** who Abstained on the May 10<sup>th</sup> minutes.

**C.) PUBLIC PORTION**

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

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D.) ORDINANCES FOR REVIEW

- Chapter 254 "Taxicabs"

**Cncl. Sebastian** noted Chapter 254 "Taxicabs" would be removed from this agenda and placed on the July Ordinance Committee Meeting for discussion. He noted a Taxicab Ordinance was adopted but some questions have come up dealing with police background checks, valid driver's licenses and if owners had to apply for another license if they got another cab. **Solicitor Fiore** suggested taxicab drivers produce a valid driver's license and a certified driver's abstract from NJ Motor Vehicles issued within 30 days of issuance of a license. He also suggested the language be changed in the ordinance to require a separate owner's license for each taxicab and a license for each driver. **Cncl. Sebastian** noted this matter will be placed on the July Ordinance Meeting Agenda for further discussion.

- O:17-2011 Peddling & Soliciting

**Cncl. Sebastian** noted Ordinance O:17-2011 includes a fee of \$200.00 for a peddling and soliciting license and that fee under Chapter 74 "Fees" is \$600.00. He questioned which amount Council would like the fee to be. The Deputy Clerk noted Ordinance O:17 has no application fee included like other ordinances dealing with licenses but under Section 230-7 B. it requires a \$50.00 deposit for the issuance of a photo identification badge. Upon return of the badge \$25.00 is refunded and she questioned whether that fee should be changed to a \$25.00 application fee and a \$25.00 badge fee, as that would eliminate the need to refund any money. **Solicitor Fiore** noted the license fee is the application fee and the whole idea of the \$50.00 is so the badge will be returned. He explained people should not be going around town with a peddling and soliciting badge even if it is expired and this will put the burden upon the peddlers/solicitors to return it to the municipality if they want their \$25.00 back. He explained the badge fee is not legally required and Council may want to include that cost as part of the license fee but if that was done the incentive to return the badge may be lost. He also explained how there must be direct correlation between charges imposed and the cost involved with creating the badge. **Mr. Fiore** recommended including language such as "*the license fee shall be paid pursuant to Chapter 74*" because the whole idea of creating Chapter 74 "Fees" was that only one ordinance would need to be amended whenever fees were changed. Peddling and Soliciting fees under Chapter 74 are \$600.00 for the year, \$100.00 per day and a \$50.00 application fee and the fee under the new ordinance is \$200.00. **Mr. Fiore** suggested the fee remain \$600.00. He noted there is no rhyme or reason to that but as long as there is a direct correlation as to why we are charging that kind of money it should be defensible if challenged. **Cncl. DiLucia** questioned whether this ordinance would affect a pizza place delivering pizzas. **Mr. Fiore** replied no, it would not because that is a delivery service within an established taxpaying business while they are transient in nature. He went on to explain that the custard truck is what the spirit of the ordinance is all about while the chicken man as well as other vendors in town have the trailer, the generator along with other equipment that is beyond what the purpose of peddling and soliciting is all about. **Cncl. DiLucia** noted his understanding is, this ordinance is to protect established taxpaying businesses from competition from people who have very little invested and to protect the residents from people who do bad things. **Dan Kozak**, of the Zoning Office, referred to Section 230-7 C. that states "*upon granting of a license a fee shall be paid*" and noted a

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

non-refundable fee should be paid at the time the application is made, not when it is issued. Council agreed and requested that Solicitor Fiore prepare the ordinance amendment for First Reading at the June 28<sup>th</sup> Council Meeting. Mr. Fiore noted he would also make the necessary changes to Chapter 74-26 "Peddling and Soliciting Fees".

- **Williamsburg Village Connection To The Public Water System & Sealing Of Potable Wells**

Cncl. Sebastian explained the proposed ordinance is the same type of ordinance that was done for Timber Lakes and is a boilerplate ordinance the State requires in order for the township to be eligible for aid to install water lines to the specified block and lots. Solicitor Fiore noted Chapter 272 of the township code requires homes to tie in when they are located in a CKE Zone and he would check to see if that language had to be duplicated by another ordinance. Cncl. Sebastian explained Jerry Moore of the MMUA had informed him the State requires a site specific ordinance for the designated properties even though we already have Chapter 272 in place. Cncl. Bryson noted water was supposed to be run water through the entire Williamsburg Village development but that is not how the plan is. It was laid out in a "T", coming in on Constitution Way and going to a portion of Concord, only to the houses with problems. Mr. Fiore spoke of a debate several years ago regarding mandatory water connection when water pipes were installed in front of a residence. He explained the MMUA limits where water lines are run in a CKE area because in order to satisfy their bond holders they would need to have the mandatory tie-in for everyone whether or not they were in a CKE zone. Cncl. Bryson noted it is not an equitable situation. The expense to those in a CKE zone is \$2,400.00 for everything while those outside the CKE zone would pay \$8,000.00 to tie in. The permits alone are \$3,900.00 and that does not include running the line or the connections. He noted he was told if something should happen his property could become part of the CKE Zone but he was not sure how that would happen when the budgeted number was only \$480,000.00 for the project. Cncl. Sebastian explained if additional houses become contaminated an appeal can be made to expand the CKE zone to include those homes. Once the zone is expanded homeowners will be reimbursed the difference between the \$2,400.00 and the \$8,000.00. Cncl. Sebastian polled Council and all members in attendance were in favor of moving this ordinance forward for First Reading at the June 28<sup>th</sup> Regular Council Meeting, with the exception of Cncl. Bryson who indicated he would need to abstain from the poll.

- **Chapter 175-113 "Homeowners' Associations"**

Cncl. Frank Caligiuri explained in the past the Planning Board has encouraged new developers to form homeowner associations but some HOA's have been economically unsound in developments of less than 100 homes so the Board decided that it would be a good idea to only mandate HOA's in developments of 100 homes or more. Cncl. Sebastian noted at his request Dawn Farrell reviewed our developments with HOA's and found that the only one that is having a problem is Deanna Estates, which is the only one with under 100 homes. Cncl. Sebastian noted the Planning Board Solicitor will prepare the proposed amendment to Chapter 175-113 for First Reading at the June 28<sup>th</sup> Regular Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

- **Establishing Protest Zones-Military Funerals**

Solicitor Fiore spoke of previous discussions regarding the Supreme Court decision that permits municipalities to establish a protest zone for military funerals and noted the Pfeiffer Center was considered as a site for a protest zone, as it is away from the Veteran's Cemetery. He noted he looked at the Supreme Court case to see what could and couldn't be done and found that a protest zone can be established a certain distance from where the burial was taking place but to put it at the Pfeiffer Center or so far removed from the burial site was violative to someone's First Amendment rights. He noted this ordinance allows peaceful demonstrations, at least 500 feet from the funeral procession and prohibits blocking another person's entrance to and from funerals. Mr. Fiore suggested the 500 feet regulation be from the property line of the cemetery, because if it was from the burial site in the Veteran's Cemetery that could allow demonstrations to be held on the cemetery property. Cncl. Sebastian noted the township cannot regulate what happens at the Veteran's Cemetery, as it is County owned and only they can regulate it. Mr. Fiore noted but the township can regulate within a certain proximity of the cemetery. He noted this is a boilerplate ordinance that needs additional language but as it is, it will protect those participating in a military funeral as well as protect other people's First Amendment right to protest. Cncl. Caligiuri requested language also be included prohibiting amplified speech, music or other noise during the burial services. Cncl. Sebastian requested Mr. Fiore prepare the final draft for review at the next Ordinance Committee Meeting. He suggested that Mr. Fiore run it by the Mayor since he is the one who brought this issue up.

E.) MATTERS FOR DISCUSSION

- **Digital Signs - Sample Ordinances**

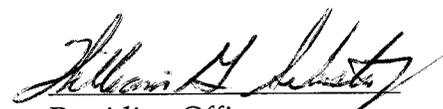
Cncl. Sebastian requested Council review the sample ordinances that were included in their packets and be prepared to discuss this issue at the next Ordinance Committee Meeting. He noted this is an issue that must be addressed as applications for digital signs are now coming before the Zoning Board and regulations should be in place for the board.

F.) ADJOURNMENT

With nothing further to discuss Cncl. Walter Bryson made a motion to adjourn the Ordinance Committee Meeting of June 1, 2011. The motion was seconded by Cncl. Frank Caligiuri and unanimously approved by all members of Council in attendance.

Respectfully submitted,

  
Sharon Wright, RMC  
Deputy Clerk

  
Presiding Officer

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F.) ADJOURNMENT (cont'd)

These minutes were prepared from excerpts of the recorded proceedings and the hand written notes of the Ordinance Committee Meeting of June 1, 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     JW     Date     8/3/11      
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_