

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015**

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 **Cncl. Vice-Pres., Cody Miller** 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. Bart McIlvaine 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. Rich DiLucia	Present	
Cncl. Bob Heffner	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Marvin Dilks		Excused
Mayor Daniel Teefy	Present	(Arrived 7:06 PM)
Business Administrator, Kevin Heydel	Present	(Arrived 7:02 PM)
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Heffner made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of May 6, 2015. The motion was seconded by **Cncl. McIlvaine** and approved by all members of Council in attendance.

C.) PUBLIC PORTION

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

Troy Sterling questioned whether Council had the opportunity to review all the materials he emailed them regarding his request to have chickens as pets in a residential development. Mr. Sterling stated Chapter 175-90 of the Township Code does not pertain to folks like him but Chapter 280 "Animal Control" does so he took the liberty to add language dealing with chickens to that ordinance to make it more feasible for folks like him to have chickens as pets. He explained the chickens will not be free range they will be kept in an enclosure and he questioned what the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

C.) PUBLIC PORTION (cont'd)

next step would be to move this forward. He explained his chicken coop is a child's playhouse that is screened in and located underneath his grapevine trellis, which is eight by eight with four different types of grapes and honeysuckle intertwined in it. The coop is elevated two feet off the ground, it has an access door to a run that is approximately eight by sixteen, it is in the backyard totally covered by bushes and within the coop is pine shavings for easy cleanup. Mr. Sterling noted he is planning on composting the materials that come out of the coop along with some grass shavings and leaves and that material will be used for his fruit trees. **Cncl. Bryson** requested Mr. Sterling explain to Council why he believed having chickens would be a benefit. Mr. Sterling noted he is trying to move towards a more sustainable lifestyle. He has forty-four solar panels on his roof, a compost pile and the chickens will be like his pets, which will provide fresh eggs to eat. He noted everyone is getting caught up in GMOs and he is trying to get away from cancer causing things. Chicken feces is a better fertilizer than Scotts because it is natural and has a high concentration of nitrogen so it is a more sustainable fertilizer. Mr. Sterling added he will not be selling the eggs, any extra will be given to the neighbors. **Cncl. Miller** questioned if there were any other municipalities that allowed this. **Gwenne Baile**, founder of Camden County Chickens, who was in attendance in support of Mr. Sterling's request explained out of thirty-one Camden County municipalities twelve allow chickens in some respect. The problem with looking at what other towns are doing is that those laws were not made for the backyard chicken enthusiast, which generally have six or less hens and no roosters. Ordinances were created so people would not have a dozen chickens and three roosters in their suburban backyard that would wake up all the neighbors and almost all the laws have ridiculous yardage requirements like Deptford, which requires thirty acres to have chickens. This issue needs to be addressed and several towns in Camden County are looking at ordinances and pilot programs because people want to know where their food is coming from. The chickens raised by families are healthier because they are pets and get love and attention so they have a very high resistance to infection compared to factory farming chickens that have a very small area to live in during their entire life. **Solicitor Fiore** noted he has no personal opinion either way but questioned whether the pilot program regulates chickens according to lot size, side yard setback etc. Ms. Baile noted most of the time ordinances do not look at yard size because that has to do with having a lot more chickens than five or six. Haddon Township used a report from the Cleveland Law Review that stated what needed to be looked at was the distance from the chickens to your neighbor's windows or doors and that ballpark number is between 20 and 25 feet because in that distance a neighbor should not notice odors as long as the coops are kept clean and the noise level from chickens is less than a person trying to project their voice across a room. Chickens do not want to attract predators so they are quiet except when they lay an egg and then they go into the coop, which blunts the noise. **Cncl. Miller** questioned whether they require a coop. Ms. Baile replied yes, chickens must be kept in a coop because they need to be protected from predators at night and dogs and cats during the day so even the run must be enclosed. Chickens are our pets and we don't want the neighborhood dog to hurt them so we are as protective of them as we are our other animals. Mr. Fiore noted the concept your organization is using is that chickens are pets and are no longer viewed as poultry or livestock. He referred to one point Mr. Sterling made about chickens falling under the Board of Health Ordinance and noted he wanted to clarify that because chickens clearly fall under Land Management, as that controls whether poultry is allowed and whether they are or are not pets. He questioned whether anyone was aware of the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

C.) PUBLIC PORTION (cont'd)

"Best Practices Management for Chickens" that are model regulations that deal with disposal of feces and those regulations are against keeping it on your property. Mr. Sterling noted he is not aware of that but he does know that dog and cat feces can be thrown in a garbage bag for disposal and that is much worse than chicken feces. Mr. Fiore questioned the size of Mr. Sterling's lot. Mr. Sterling advised it is a little over half an acre and he showed a drawing of the location of the coop and the run and noted it is 65 feet away from his neighbor in the back and 33 feet on one side and 53 feet from the other side. Mr. Fiore noted Mr. Sterling's lot may be conducive to five or six chickens but if an ordinance is adopted it deals with the entire township and he gave the example of chickens being permitted in Holiday City or Hunter Woods. He felt Council would need to come up with a regulation if they decide to do this that would work throughout the entire town. Ordinances from other towns prohibit chickens in residential zones, some allow them on five acres, some have thirty acres and this may be an antiquated law but there are a lot of things that must be taken into consideration when you are moving from chickens being livestock to chickens being pets. He added Mr. Sterling may be the most responsible person on the planet but the question is who is going to regulate this in Monroe Township because we have difficulty with financial issues managing construction and zoning now and this will create an entirely different area that someone will need to regulate. He questioned whether someone was going to go into this gentleman's backyard to see if he has six or seven chickens. In theory this is wonderful but in practicality you will be interjecting more and more into people's lives and unless this is carefully drafted it will be a real enforceability issue. Mr. Sterling explained that has been discussed and we know who has chickens in the community and as far as regulations go he is off in the summertime and he would do it without any pay. Cncl. Heffner advised it doesn't work that way. Solicitor Fiore questioned since this is a movement Statewide has this been addressed by the legislature. Ms. Baile stated they are not looking at it because it is not the same as bees. The State created a policy that says as long as bees are registered no town can say you can't have a beehive because of the demise of the honeybee. Sustainable Jersey which is certifying communities is looking to come up with some guidelines but at this point a town can actually get points by changing an antiquated chicken law because they already feel it is part of sustainability to have backyard chickens. Mr. Fiore questioned how many eggs chickens produce a week. Mr. Sterling explained different types of chickens produce different numbers of eggs. A Black Australorp or a White Leghorn produce about 300 eggs in their lifetime. Andrea Walton, who was also in attendance to support Mr. Sterling explained chickens lay eggs every 25 hours, which amounts to approximately six eggs a week and it's not all year round, they slowdown in the winter. Some people put lights in their coops to make them lay year round but that makes their laying life shorter. Mr. Fiore noted that would require permitting because that involves electric. Mr. Sterling noted he was not considering electric, sunlight is best for the chickens. Mr. Fiore questioned their laying lifespan. Ms. Walton noted about three years but they start to slow down before that and when that happens farmers use the chicken as meat. Cncl. Bryson questioned if a coop is 25 feet from a neighbor's home is there any type of varmints attracted to chickens. Mr. Sterling explained varmints are not really attracted to the chickens they are attracted to the feeders and there are many types of feeders that are designed not to waste food. Ms. Baile noted feeding wild birds is not illegal and seed falling from those feeders is not regulated and that attracts varmints. Cncl. Bryson questioned whether heaters were put into the coops in the winter. Ms. Baile replied chickens are raised all over the world except in the Artic and Antarctica

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

C.) PUBLIC PORTION (cont'd)

and if you build the right size coop you do not have to worry about that. Ms. Walton explained they get used to the cold. If the coop is heated they get use to the heat and if the power goes out and they lose their heat they die. Mr. Sterling added they have down coats to keep them warm. The summer is the time you need to be concerned about but there are different breeds that can handle heat and cold and those are more of the heavy breeds that rarely fly. Cncl. Heffner noted he understands the feed is what attracts the varmints such as squirrels, rats and mice but his concern is that chickens draw predators and may draw coyotes, skunks, possums or foxes into a development where there are small children. We are seeing more and more coyotes in our parks right now so if chickens are in developments they will be drawn to that area and maybe the chicken will not be lunch but the neighbor's little poodle might be. Even though the chicken coop has a roof you will see more hawks and eagles from Wilson's Lake and they may not be able to get into the coop but they will be attracted and that could have an effect on the neighbors. Ms. Walton noted once the hawks realize the chickens are inaccessible to them they will move on; they will not stay. Cncl. Heffner noted that's fine if you have the same two hawks but hawks and other predators are wanderers and they move around. Mr. Sterling noted he hears coyotes all the time but his neighbors all have Rottweilers or Pitbulls that will give them a run for their money.

Domenic Burgess of B & B Auto Repair questioned whether the Towing Committee has made any decision on the size of tow trucks needed as he is interested in purchasing another truck but doesn't want to buy something that can't be used. Solicitor Fiore noted the committee met but there has been no conclusion. Another meeting is planned but has not been scheduled yet. Cncl. McIlvaine (Chairman of the Towing Committee) noted he will set a date for a meeting and invite the towers.

Dan Kozak, 1907 Winslow Road, noted towns like Haddonfield or Cherry Hill do not have areas where chickens or livestock can be raised but we do in Williamstown. He noted when he lived in a development he had an acre of land and could have brought home a goat or his horse but he had good neighbors and maybe it was because he didn't them bring home, he bought a farm where he could have them. He added this is no different than a request to open a repair shop in Twelve Oaks where it is not permitted because we have commercial areas where that could be located.

Cncl. Miller noted the chicken issue is listed on the agenda under matters for discussion but since a lively discussion about it already took place he would like to have more time to review all the information Council received. Samantha Bradshaw (in attendance to support Mr. Sterling) commented that it's great what Dan Kozak said about moving to a farm but everyone can't do that; they just want a few chickens as pets. Mr. Sterling noted his wife would not go for moving to a farm and after paying over \$300,000.00 for this house he doesn't want to pack up and move. He added he has lived in Williamstown a little over ten years and has paid over \$81,000.00 in taxes so he is not going to just pack up and move to a farm. He loves it where he is and he is willing to work with Council to make this happen. He added he is a teacher with a Master Degree in labor relations, a Master in Elementary Education, he worked for the Federal Government National Labor Relations Board and thought he did a good job researching the issue to show Council this information, which falls under sustainability. Cncl. Heffner noted he can see both

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

C.) PUBLIC PORTION (cont'd)

sides of this argument. He referred to the comment made about not wanting to move to a farm and noted you must also remember there are people next door to you that didn't have chickens next to them when they bought their homes and they are entitled to the same rights. Mr. Sterling noted that is why they came up with the 20 to 25 feet away from the other houses. Cncl. Heffner replied they still bought their homes and there were no chickens. He gave the example of Hurffville that for years was nothing but pig farmers but when they started selling their properties and homes were built the new residents complained about the odor so laws were passed to do away with pig farming and the people who had been there forever lost their livelihood when laws were changed for a few individuals. Cncl. Heffner noted he is not saying this to be smart he is just saying it about the comment that was made because those people bought their houses and chickens were not there. Ms. Bradshaw noted chickens are not a problem, they are less noisy then her neighbor's dog and they don't have an odor as long as the coop is clean. Cncl. Miller questioned whether Mr. Sterling could provide a copy of the Barrington Pilot Program for Council to review, as no action will be taken on this issue at this time. Cncl. McIlvaine noted today chickens are your pets, tomorrow the neighbors may have turkeys or goats and he indicated that is why he has a problem with this. Once Council allows this to happen people will have potbelly pigs as pets or goats in their house and that is why he cannot personally justify letting this happen. He added he does not like to step on the freedom of people and he is right there with Mr. Sterling on taxes but we have to stop it somewhere and the neighbors deserve to have a quality of life. Today it's chickens but tomorrow it could be potbelly pigs or horses and how do we tell them no once we say yes to chickens. Mr. Sterling noted when he went around the neighborhood to get signatures he requested people to put a star next to their name if they wanted to have chickens and out of thirty some people there were only three of us so that told him that people like the idea but because it entails a lot of work nobody wants to do it unless they truly love it. He felt that's why New Jersey adopted a law that requires Tractor Supply Stores to sell chicks in lots of six to prevent people from buying one chick at Easter. Having chickens is not like having an inside dog that you just feed and walk this is a lot of work and people don't see a pet as work. Ms. Bradshaw noted unlike potbelly pigs, chickens are more reasonable. Cncl. McIlvaine noted to you they are but to other people they are not. Mr. Sterling noted most people are not interested in growing vegetables and fruits and having chickens like he is and he felt Council would need to go on a case by case basis. Ms. Baile added chickens are a much smaller environmental impact and in most instances people do not have the yards to have bigger animals such as a horse that would need much more space. Cncl. Pres., Caligiuri questioned Mr. Fiore on whether Mr. Sterling could apply for a use variance. Mr. Fiore replied yes. Mr. Sterling noted he looked into that but he couldn't see spending \$2,300.00 for \$12.00 birds. The cost to apply for a use variance is \$2,300.00 and that application could be denied. He added he calls that a shakedown.

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

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

D.) ORDINANCES FOR REVIEW

- South Jersey Gas Agreement/Ordinance

Solicitor Fiore advised for years Chris Rehmann suggested Council review the procedures for road opening permits and this ordinance he (*Chris Rehmann*) prepared is a compilation of ordinances from other municipalities where the requirements are a little stricter so we won't run into problems like we had when Radix Road was repaved by the South Jersey Gas Company. Mr. Fiore indicated this ordinance has much more teeth to it and based upon our experience it was time to introduce this because SJ Gas is trying to extend their agreement with the municipality for the next thousand years. Cncl. Bryson noted he had some questions and he felt Council should spend more time on it as it is an entailed document. He questioned what specifically needed to be changed from the current Chapter 249 as he felt in the proposed document there was too much engineering and oversight and a great many time restrictions imposed. He felt the draft ordinance needed more discussion, as it seems to add unnecessary cost and delay. Solicitor Fiore suggested that Chris Rehmann or someone from his firm be invited to an Ordinance Meeting to discuss what his experiences have been, what the engineer's role in this is, the issues with compaction and having the vendor pay an escrow fee to have the engineer there to make sure the roads are patched right. There has been a rampant problem over the last several years where patches are not being put in properly and the streets are failing. Not necessarily because of SJ Gas but because of the vendors they are hiring and that is something that needs to be addressed due to areas breaking down because there is not proper compaction or supervision when the trenches are being patched. Cncl. Bryson questioned when streets are being patched who does the inspections. Mr. Fiore replied they do and that is the problem. Cncl. Miller questioned how time sensitive is the ordinance. Mr. Fiore suggested Chris Rehmann be invited to the next meeting to discuss this. He noted we have not gotten a response from SJ Gas about passing an ordinance for the agreement. The Deputy Clerk advised the gas company has called the Clerk's Office questioning the status of the ordinance and were told it was under review. Mayor Teefy noted the next time they call to forward the call to his office. Cncl. Miller noted Council would hold off on this and invite Chris Rehmann to the next Ordinance Committee Meeting to discuss it. Cncl. McIlvaine requested that Mr. Calvello also be invited to the Ordinance Meeting to participate in the discussion.

- Chapter 267-42 "Schedule IX Stop Intersections"

Solicitor Fiore explained the stop signs in Amberleigh were included in an ordinance and when that was sent to Sgt. Mark Burton of the Traffic Department for review he had some concerns about the way the ordinance was written in regards to the direction of travel. Sgt. Burton suggested that the direction of travel be eliminated from the ordinance because it just creates complete confusion the way it is written and he also took out Gordon Avenue, as that stop sign is no longer in effect. Cncl. Bryson questioned why this ordinance for stop signs is needed because we don't have one for all traffic lights. Solicitor Fiore advised we do have an ordinance showing all the township traffic signals because under the law that has to be codified by the township in order to be enforceable. Cncl. Miller polled Council and everyone in attendance was in favor of moving the proposed draft ordinance forward for First Reading at the July 27th Regular Council Meeting.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 104 "Abandoned Real Properties"

Solicitor Fiore explained this ordinance deletes our current Chapter 104 and replaces it with the model ordinance from Gloucester County. Business Administrator Kevin Heydel requested that our current fee structure of \$500.00, \$1,000.00 and \$1500.00 be included in the new ordinance as opposed to the County's current fee structure of \$300.00. He referred to language in the ordinance that says "any mortgagee that has a mortgage" and he questioned what happens when a person has no mortgage, they own the home and abandon it. Dan Kozak noted if there are heirs they will take care of it but we have had a couple homes where there were no heirs and those properties went through the tax sale process. Mr. Fiore suggested the ordinance reference the "owner/legal entity". He also suggested the "Community Champions Corporation" be eliminated from the ordinance and replace it with "the entity designated by Gloucester County" because the company handling this for the County could change next year. Cncl. Bryson noted the ordinance requires formal inspections monthly and he suggested calling to see if anyone is there instead of inspecting each month. Cncl. Bryson questioned who will be getting the \$300.00 listed in the ordinance. Mr. Heydel advised this is the model ordinance and that fee structure will be changed to our initial one. Cncl. Bryson noted there is also a State fine but he was not sure whether that was a yearly fine or a onetime fine. Mr. Fiore advised it is for each violation. The idea of the ordinance is to get abandoned/blighted properties moved so the legal owners will not need to keep paying the penalties. Mr. Heydel suggested the penalties be tiered like the fee structure. Cncl. Bryson noted there are some common sense things in the ordinance such as water and irrigation, maintain pools and spas. He felt the ordinance should state pools and spas should be drained and covered to avoid drowning. Cncl. Miller noted we do not have the authority to go onto a property to drain a pool. The county sprays for mosquitoes and they leave the water as long as the property is enclosed and secured by a fence. The property maintenance company will be responsible for maintaining the pool. Mr. Fiore noted we would have no laws in our code if people had common sense. Cncl. Miller spoke of issues with a pool at a home next to Tim Brown and explained now that this language is included in the code the property maintenance company will be responsible to maintain that pool or drain it and cover it so they don't have to maintain it. Cncl. Bryson noted this ordinance specifically says to keep the water clear and clean, it gives no other alternative. Mr. Fiore suggested adding "or drain or cover it" to the ordinance. Cncl. Bryson noted the Ordinance also says Code Enforce Board. Mr. Fiore advised that should say "Code Enforcement Officer". Mr. Fiore noted he would make the changes. Cncl. Miller polled Council and all members in attendance were in favor of moving the ordinance forward for First Reading at the July 27th Regular Council Meeting.

- Chapter 65-14 "Applicability of Health and Leave Benefits"

Cncl. Miller noted Council discussed the proposed amended, which states elected officials that currently have health benefits shall be able to retain those benefits or the opt-out stipend for the remainder of the current term of the office holder. Cncl. DiLucia referred to the first sentence of the ordinance, which stated "Administration has recommended" and noted he didn't believe the Administration had recommended this but if they did he would like to know.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

D.) ORDINANCES FOR REVIEW (cont'd)

Mr. Fiore advised that is just general language taken from another ordinance. Cncl. Miller noted it should state "the Township Council of the Township of Monroe". Cncl. Bryson noted he had quite a few comments and if anyone wanted to leave the room while he made his comments they were welcome to do so but he was going to make his comments perfectly clear and put them on the record. He went on to say as Rich brought up, the introduction seems a bit too theatrical. It has the Township Council or a select membership of that Council or specifically the Office of Administration determined the removal of health insurance benefits is in the best interest of the Township. Really? Cncl. Bryson noted he really wanted to know if that was in the best interest of the township. He felt he would rather say as an introduction to this specific ordinance that it should rather read, "Whereas the Democrats now in power, feel it is in their best interest to punish their opposition in the name of the township's best interest". He went on to say this inflicts the most financial and personal pain on political opposition, opposition even in the same political party. This is the method used by our Mayor and newly elected Council Members to try to payback, intimidate, and try to force their opposition into submission. A little bit of sunshine might work a whole lot better in the future, but do as you wish. It will not change the dedication, free thinking, questioning and sometimes investigative actions that really serve the best interest of the citizens of the Township of Monroe. Actions like providing the motivation and justification to move the Township to a different health insurance provider despite the objections of the Business Administrator and then Councilman Teefy that resulted in at least a million dollar savings. A savings that still goes on. That's working for the best interest of the township. Actions like not taking a pay increase for the last eleven years despite the generous increases given to others particularly in this administration. Payback maybe? Actions like taking an interest in appointments to key committees such as Budget Committee. Having the common sense for the common good to make those appointments with Council members who had budget experience and not rookies. That should have served the township's best interest but again it served a political agenda. The budget is the best recent example of not working together and respecting the input of others to really reduce spending. Instead, it became a trivial compromise to meet the requirements of the Cap law. Much more could have been removed. Rich DiLucia had the resourcefulness to propose a compromise and I had the courage to say and vote against the compromise and the budget because more cuts should have been and could have been made. That is working for the best interest of the township. Actions do speak louder than words and as such we should act as independent individuals with a mind of our own. We should question and then vote on policy we really endorse, not policy someone else endorses. We are not the Mayor's Team. We belong to the people and should act as they expect us to act. Fairly, reasonably and not out of vengeance or political payback one way or the other. Yes, we are only three councilman affirmed by this Ordinance, four is the magic number, as so reminded by our Council President this year. Of all people he should know, we are not frogs on a log that jump when someone bangs on a stick. So again do as you wish. Cncl. Bryson noted he wanted to make his comments clear because he felt this didn't have anything to do with what is in the best interest of the people of the township.

Cncl. Pres., Caligiuri made a motion to move the ordinance forward as is. The motion was seconded by Cncl. Heffner and approved by Council members Caligiuri, Heffner, McIlvaine and Miller. Cncl. Bryson abstained, noting he could not vote on this since it pertains

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

D.) ORDINANCES FOR REVIEW (cont'd)

to him as well as other members of Council. Cncl. Miller replied he thought they had the ability to do what every other member of Council does because that is what was done at the County level. Cncl. DiLucia noted and the County sets policy for us so if the County said it's alright it's got to be alright. Cncl. Miller added other municipalities have done it as well. Mr. Fiore advised if a councilperson chooses to abstain they can do so. Cncl. Bryson noted it doesn't matter so much to him even though he will be affected financially and personally but the one who will be affected the most is the other councilman who is not here this evening. Cncl. DiLucia noted his vote is on the record and there is no need to vote on this again to move it along or not move it along. There can't be a vote on the issue and there was a vote on whether we would agree to the ordinance change and that's on the record so he was not going to vote again today because it is redundant. He will vote in an open session.

E.) MATTERS FOR DISCUSSION

- Chickens in Residential Zones

No further discussion took place on this issue as Council wanted time to review all the information that had been provided to them by Mr. Sterling.

- Growing Bamboo (Hillsdale Borough Sample Ordinance)

Cncl. Bryson noted his neighbor's mother is having an issue with bamboo spreading into her yard from a neighboring yard and her landscaper is complaining because it is damaging his equipment. Cncl. Bryson suggested Council look into laws that impose regulations on how bamboo is maintained or one that requires bamboo to be kept on the property of the person growing it. He indicated his neighbor gave him a copy of the Borough of Hillsdale's ordinance but after reading it he felt it really isn't something we want; it is only an example. Cncl. DiLucia noted one of his constituents called him to look at bamboo growing in an adjacent yard and he commented on how he had never seen bamboo like that before. The only thing he knew about bamboo was that it was used for flooring and baseball bats, which don't break and are very expensive. He noted he was not exaggerating but this bamboo had to be forty to fifty foot high and it invades everything if not planted properly. Unless a metal barrier is put deep into the ground bamboo develops roots and it grows underground and spreads into other yards. You can say it can be mowed but it ruins mowers and in this neighborhood it was growing in all the surrounding yards. Cncl. DiLucia noted from what he understands we can't develop an ordinance because the State allows it. About a year ago there was an assembly bill to modify or to restrict in some degree because no one wants to totally ban the growing of bamboo but if we could get something done on a State level we could then create a local ordinance to require people to plant it properly. There are different types of bamboo. Some of it is not the proper kind to plant in a residential area because it is uncontrollable and it creates major fights between neighbors. Cncl. DiLucia explained the residents he was involved with lived next door to each other for thirty years and while he was there he acted as a mediator but as soon as they left they accelerated the fight and the one person put a for sale sign on his yard so that's the end of trying

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

E.) MATTERS FOR DISCUSSION (cont'd)

to mediate a settlement. Cncl. DiLucia noted he would not want bamboo growing on his property but he questioned whether Council can legally restrict it. Solicitor Fiore thought they could, adding that he didn't know the history of what happened by the Senate to A-452, the bill regarding bamboo that was passed by the Assembly in October 2014. He went on to explain that Council could restrict it but would need to be mindful that anyone who has bamboo in existence would be grandfathered in. Cncl. Heffner noted if we try to regulate bamboo what about Zoysia grass, which is an invasive plant that eventually will take over a yard. He noted if his tree falls into a neighbor's yard he has to compensate his neighbor or he can be sued for damages and made to remove that tree. If that is the case then why can't a neighbor go after the neighbor with the invasive plant damaging his property? Do we really need an ordinance for this issue, why can't it be done legally between the two neighbors. Mr. Fiore explained it could be done legally between the two parties but the reality of it is that people are always relying on local government to intercede for them. Cncl. Miller felt Council could codify something to require the grower to be responsible to remove bamboo invading another individual's property. Cncl. Heffner questioned then how would we enforce that. Why wouldn't it be just a legal matter between two homeowners and why are we getting involved in a matter involving two homeowners that we should not be involved in? He added he understands the problem because once bamboo is there it doesn't go away unless you dig out the soil but he felt this would get the township involved in a matter that should be handled by two property owners. He added there are many invasive plants and are we going to list every single plant. Cncl. Miller questioned whether we had any ordinance dealing with invasive plants. Mr. Fiore replied no, we have nothing right now. Cncl. Heffner noted he would use Cncl. Bryson's words, sometimes people just need to use common sense; we can't fix everyone's problems. Cncl. DiLucia noted he was under the impression that tree branches growing into his yard from a neighbor's tree were his responsibility. Cncl. Heffner explained you have the right to trim that tree straight up but if that tree falls over onto your property you have the right to seek compensation for the damage done to your property. He added being in the nursery business he knows there are many invasive plants and he doesn't know how the township could handle all of them. Mr. Fiore noted Gloucester Township has bamboo listed under their property maintenance code and they name the species of bamboo and the civil penalties. He noted there are quite a few towns that have ordinances so he would review them. Cncl. DiLucia suggested Mr. Fiore check to see if there is anything that would prevent us from developing a local ordinance to deal with bamboo. Mr. Fiore felt that one could be developed and noted he will review the issue.

F.) NEW BUSINESS

Cncl. Heffner spoke of reading newspaper articles about lawsuits regarding drones and how more and more towns are beginning to adopt ordinances regarding them to address the issue of invading private property. There was a case in Modesto, California where a guy shot down a drone because he was tired of it flying over his house. The judge ruled that he had to reimburse the owner of the drone because people do not own air space and people have the right to fly over your house but they never addressed a person's right to privacy. He requested Mr. Fiore to see if any other towns have adopted any regulations because you can't even go to a

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

F.) NEW BUSINESS (cont'd)

graduation without seeing a drone flying around. Mr. Fiore noted if you google it you find that drone regulations are being challenged by the ACU and Governor Christy has refused to sign drone regulations that the New Jersey Senate passed. It's interesting the way this is going to be addressed in regards to free commerce because the air space is free and Amazon is talking about drone delivery services. Cncl. Heffner noted Brick Township and a couple towns further north are looking into this. Cncl. Bryson agreed with Cncl. Heffner that the township should adopt an ordinance regulating drones if possible. He added the FAA just adopted rules regulating drones and one is that if a person has a commercial drone they must have a pilot fly it. He suggested Mr. Fiore look into possible Federal laws as well.

G.) OLD BUSINESS

- Update - Law Committee Meeting - Dealers of Precious Metals Ordinance

Cncl. DiLucia, Chairman of the Law Committee reported the Committee is supporting the Rapid System as opposed to the other system but after a year or so if that doesn't work we can always consider going to the other system. He noted he spoke to the Solicitor the other day because originally the Committee's recommendation was 72 hours and in looking through our notes we realized there had been an agreement with the attorneys so we will go with the 72 hours. Wherever precious metals appears in the ordinance the words "second hand goods" was inserted and we all agreed to a dollar threshold. They were asking for penny weights for silver and gold and we said no. In regards to the issue of checks versus cash, any sales of two hundred dollars within a seven day period will be paid by check. We have agreed to grandfather the provision to pay initially for the system just for those people that initially go on line. Any upgrades or alterations to that will be their responsibility. Cncl. DiLucia noted in the paragraph dealing with the checks it says vendor and it should say purchaser. He felt because the dealers were not in attendance this evening was a sign that they were happy with the proposed ordinance. Cncl. Miller noted we did get an email from Det. Sulzbach requesting the 72 hour time period be changed to 48. Cncl. DiLucia noted his feeling is we did reach an agreement on 72 hours with the dealer's attorney and saying no now would be a question of creditability and he felt that 24 hours would not make that big of a difference. Cncl. Miller polled Council and all in attendance agreed and recommended to move the ordinance forward for First Reading at the July 27th Regular Council Meeting.

- Update - Public Safety Committee - Towing Ordinance

Cncl. McIlvaine felt the Public Safety Committee Meeting went well. Everyone had the opportunity to provide input into the towing ordinance and any changes that were recommended were run by the towers so the committee got their take on that. We are now waiting for Chuck to prepare a draft ordinance for the committee to review and when that meeting is scheduled all the towers will be invited back again so that we can hear their concerns before the ordinance is moved forward.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 1, 2015

• Blighted Properties

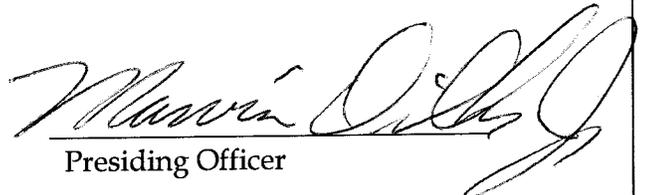
Solicitor Fiore noted over the past several months we have had issues with not only abandoned properties but also with the maintenance of properties and he has been searching the internet to find ordinances from other towns that regulate blighted properties and at the next Ordinance Meeting he will share some of those ordinances with council. He spoke of a client who purchased a teardown house in Wildwood in July, which he was going to tear down during the winter months but he was cited by the city for having an unpainted building and he had to paint a building that he was going to tear down. Mr. Fiore noted that may be over the top but we need to be somewhere in the middle; we don't want to be too restrictive or too lax. Cncl. McIlvaine agreed, noting there is a house on Main Street next to Dr. Hingston's and the old Williams house on Clayton Road that have been boarded up for years and that is just as disgusting as if a property is not maintained.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Heffner made a motion to adjourn the Ordinance Committee Meeting of July 1, 2015. The motion was seconded by Cncl. Bryson 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 July 1, 2015 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 *JW* Date 8/5/15
Approved as corrected _____ Date _____