

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
FEBRUARY 3, 2016**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:02 PM by **Ordinance Chairman, Cncl. Bob Heffner** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: South Jersey Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

SALUTE TO THE FLAG

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

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walt Bryson	Present	
Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Bob Heffner	Present	
Mayor Daniel Teefy	Present	
Business Administrator, Kevin Heydel		Excused
Solicitor, Charles Fiore	Present	
Dir. Code Enforcement	Present	
Dir. Public Works, Mike Calvello	Present	(Arrived 7:16 PM)
Deputy Mayor, Andy Potopchuk	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Pres., Miller made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of January 6, 2016. The motion was seconded by **Cncl. Dilks** and approved by all members of Council in attendance.

C.) PUBLIC PORTION

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

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D.) ORDINANCES FOR REVIEW

- Cap Bank Ordinance

Mayor Teefy explained during his twelve years as Councilman the township adopted a CAP Bank ordinance each year prior to the introduction of the municipal budget. Cncl. Bryson expressed his concerns that every year the township is permitted to raise taxes by 2%, which after ten years amounts to 20% and the taxpayers in New Jersey cannot afford to do that anymore. For the last two years it has been 3.5%, which amounts to a 7% increase over a two year period. He suggested the CAP ordinance be ignored or lowered to 2.1%, which is .1% above what the State mandates. He noted he is tired of taxes automatically going up. Solicitor Fiore suggested to address the time frame of the ordinance the amount be left blank until the business administrator has the opportunity to provide additional details during the Work Session Meeting Monday night. Once Council receives the additional information the ordinance could then be moved forward for First Reading at the Regular Council Meeting. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward as recommended by Mr. Fiore.

- Chapter 26 "Economic Development Commission"

Ernie Carbone, member of the EDC, explained the commission would like to amend the structure of the Economic Development Commission to include a minimum of one and possibly two alternate members in order to provide flexibility for a realtor to be appointed to focus on bringing new business to the town. Cncl. Pres., Miller commented that the Municipal Alliance Commission votes on their alternate members, who have no voting powers and he questioned whether this alternate position would have voting power. Mr. Carbone explained the alternate members would attend the meetings but only vote when there was not a quorum of regular members. Cncl. DiLucia noted when this commission was initially formed spots were designated for certain occupations, one of which was a realtor so one should have already been appointed. He felt if we adhere to our own rules by appointing the appropriate people the ordinance would not need to be amended and if the appropriate people are not volunteering then we should go out and look for them so we don't wind up with committees that are bigger than what we need. Mr. Carbone noted that argument is good but what happens in the meantime; do we have to wait one, three or five years to pick up that person. Cncl. DiLucia noted the commission can get input from a realtor that is not a member and if that person wants to become a member they can make a request to be appointed next year. He noted he has a problem with increasing the size of committees when the specific purpose of the committee could have been fulfilled had it been done right in the first place. Cncl. Pres., Miller questioned whether the EDC had any alternates like the other boards have. Mr. Carbone replied no. Solicitor Fiore explained an alternate member just fills in when the quorum requirement needs to be satisfied. Cncl. Heffner questioned how many members there are right now on the EDC and whether any of them were realtors. Mr. Carbone replied there are seven members and no one is a realtor. Cncl. Heffner noted then we would need to demote someone to the alternate position in order to appoint the realtor to the board. Cncl. DiLucia suggested auditing the committee to see which positions are matched up in terms of titles to what they were created to accomplish and then we can address it. Mr. Carbone noted we have a member from every category except the realtor and the board's position is since we are functioning at 110% there is no reason to make any

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D.) ORDINANCES FOR REVIEW (cont'd)

changes to committee members but it could be enhanced by bringing in an alternate. The alternates could be capped to prevent the board from growing and that would compromise with what Cncl. DiLucia is saying while still attaining our goal to have someone on board such as a realtor bringing his business to this community. Cncl. DiLucia noted his concern was that there was more than one member that didn't line up to what the original intent was but now that he has heard there is a lawyer on the commission he has no problem with this. Cncl. Bryson suggested limiting the alternate's term to one year like alternates on most other committees, as that would allow changes to be made more quickly if needed. Mayor Teefy noted in the future maybe one of the regular members would take an alternate position so the realtor could take the voting member position. Cncl. Heffner questioned what the term is for the seven people currently on the commission. Solicitor Fiore explained when the commission was created terms were for one, two and three years so all terms would not expire at the same time and after that all appointments were for five years. Cncl. Heffner questioned the language stating the two alternates should be a representative from both political parties. Mr. Fiore explained the Statute clearly deals with political parties so the commission would not be political. Language dealing with that is in the body of the regular ordinance so he carried it to the alternates as well so the EDC will be non-partisan. Cncl. Pres., Miller felt that it would be questionable to ask a person what their party affiliation is. Mr. Fiore replied then you would be choosing to violate the State Statute. He added the Statute is antiquated since it only recognizes two parties and now there are more. Cncl. Heffner questioned if one of the alternate positions would be held for a realtor. Mr. Carbone replied yes. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the February 8th Regular Council Meeting.

- Chapter 31 "Environmental Commission/Open Space Advisory"
- Deleting Chapter 62 "Open Space Advisory Committee"

Cncl. Heffner requested these issues be tabled at this time as appointments have already been made to these commissions. He requested Cncl. DiLucia and Cncl. Caligiuri, as liaisons to these commissions, to see if they really want to combine or not. Cncl. Pres., Miller explained he was under the impression the members wanted to combine the commissions because we were told by a member that was discussed but then another member said it was never addressed. Rather than push it forward we felt it would be best for everyone to meet to discuss this rather than Council forcing this on them. Cncl. Heffner noted it seems like after these commissions get through a couple of months they don't have enough people attending to hold their meetings so it makes no sense to have a commission if no meetings are held.

E.) MATTERS FOR DISCUSSION

- Amendment to Chapter 226 Parks and Recreation

Jim Bonder, Parks and Recreation Department Head was in attendance to explain his request to include in Chapter 226 a process to address individuals banned from township parks/facilities. Mr. Bonder spoke of a problem he encountered at the Pfeiffer Center with three kids and when he asked them to leave they used disrespectful language towards him and refused

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saying he couldn't tell them what to do because their parents were taxpayers so they could stay. The kids refused to give their names so with no way of identifying who they were he started to take a picture of them with his phone but they called him a pedophile and said he couldn't do that. Mr. Bonder noted he contacted the Chief of Police to question whether he could have taken their picture. The Chief said to the best of his knowledge the picture could have been taken as long as it was only being used to identify an individual but he said to check with the Solicitor to be sure. Mr. Bonder explained the ordinance currently in place expels people from the park or facility for a day but often individuals should be banned until further notice but there is no official process in place to do that. The unofficial process being used at his discretion is the individual or parent of a minor must contact the Parks and Rec Office to set up a meeting with him (*Jim Bonder*) to discuss the rules and regulations of the parks. Mr. Bonder requested the following language be included in Chapter 26 to establish a process:

- 1) The banned person or if it is a minor his/her guardian shall contact the Parks and Recreation Office to set up a meeting to review the reason for dismissal and the policy for return.
- 2) Failure to follow Step 1 will continue the individual(s) time being banned from the parks until this step has been done. (time line is infinite)
- 3) If a person that is being banned refuses to identify his or her self a designate is permitted to take a picture of the individual for use of identification.
- 4) If a person refuses to leave the park premises a police officer will be called to enforce the town's ordinance and charges may be added.

Mr. Bonder explained teenagers can be disrespectful to the point where your hair raises and your veins pop so what can we do about that. We owe it to the rest of the people to enforce our ordinances so people have a good experience in our parks that we take a lot of pride in. We want people to use our facilities but they need to respect and honor them. He referred to a book about Williamstown, which had rules and regulations from 1900 that said no spitting on the floor or smoking "Segars" in church and noted 116 years ago rules were put in place to manage the town and we need to do the same thing today. He suggested having something printable to hand to individuals causing problems in the park. He spoke of how he escorted the kids from the Pfeiffer Center, watched them walk home and then he went to the house and gave the mother his card, told her what had happened and asked that she contact him to discuss this. She stated her children wouldn't do that and still there has been no contact. On Saturday the three kids were there again and he told them they had to leave until the parents met with him. Those kids and their seven friends swore at him and went home and told their mom. She came into the baseball clubhouse and asked how her kids could get back into the park. Again he explained the process to her but still there has been no further contact from mom. **Solicitor Fiore** noted he was not comfortable taking pictures of minors because unfortunately we are overshadowed with liability. Under the first scenario described the police should have been contacted when it escalated to the first "F" bomb. He explained as a township employee things that were said or done could have been misconstrued since the action of the mom was "*not my kids*". He added he knows that Mr. Bonder was trying to do the right thing but everyone within the Parks and Rec Department should be instructed when someone is unruly and they won't leave after the first request the police should be contacted and they can file trespass charges or do whatever is necessary. Mr. Fiore noted the process to eject someone needs to be discussed because Council is aware of

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the words "*arbitrary and capricious*" from other lawsuits and under Federal law we have to have a standard that is written and posted. What Mr. Bonder is talking about doing is legislating parenthood by trying to be parents to kids that have no guidance but that is very, very difficult to do. We can try to accomplish some of the things Mr. Bonder wants but we are somewhat limited because we are dealing with minors so this issue has to be handled with kid gloves. The first line of defense should be contacting the police who will give a warning or file a complaint. When sent to juvenile court the judge will place restrictions on the kids, which is unfortunate but that is what may be needed. We also need to establish a procedure for contacting them and a form should be created to advise them in writing the reasons they were banned from the park. Mr. Fiore noted Mr. Bonder provided the concept but it does need work. In regards to taking pictures Mr. Fiore noted he was dead set against that from a liability standpoint unless everyone in the department is trained in law enforcement and how to handle pictures or confidential type things. **Cncl. Bryson** questioned whether there were security cameras at the Pfeiffer Center. Mr. Bonder stated there are none and when he spoke to the Chief of Police about taking the picture the Chief stated what is the difference between taking a picture with a phone as opposed to taking it with a security camera. Mr. Fiore suggested language be included in the ordinance that would allow the Parks and Rec Department Head the ability to sign a complaint against someone, as the ordinance is currently silent about that and the police department could provide input to park employees on how to handle issues. **Mayor Teefy** questioned who would make the call on an individual being banned from the park; the Department Head or the judge? Mr. Fiore explained if a complaint is filed under the criminal statute 2C the case would go to Juvenile Court in Woodbury. If they are cited under a local ordinance it would come before our court and our judge would give them the ban. Language dealing with community service could also be included in the ordinance, as that would have more sting than if the case was sent to Woodbury where a first time offender would be put on six months of probation and if they behave everything is dismissed. Mr. Bonder noted the biggest problem is at Owens and he has instructed his employees to stay out of confrontations and to call the police but the problem is by the time the police get there the people are gone. **Mayor Teefy** noted this is separate from the Code of Conduct that deals with games. Mr. Bonder noted seventy-five signs will be installed in the three parks. Every dugout will have the facility and town rules and staggered about every fifty yards apart will be the park rules along with signs thanking people for their help in maintaining our parks. Council recommended when this policy is put in place that it be placed on the township website as well as posted in the parks. **Mayor Teefy** noted we are looking into a new storage barn for the Duffy Park and will need to use some of the Parks and Rec funds for that. Right now we are using the Rotary barn and they need that back. Mr. Bonder explained he is looking into adding a 40 by 20 foot addition to the existing pole barn by removing one exterior wall to make one large building. The best number he received so far for the installation of the new pole barn and the removal of the exterior wall is \$12,900.00. Irrigation will have to be relocated because a main is running under where the new pole barn will be and the best quote for that is \$2,800.00 and the quote for an 800 square foot concrete slab is \$5,080.00. The total investment would be \$20,790.00. This additional storage is needed for the new tractor and lawn mower equipment that was purchased. We didn't forecast the purchase of this equipment so to quickly protect our \$50,000.00 investment we used the Rotary building to store the equipment. The Rotary wants to build a playground at the Duffy Park but will not do that until their building is restored so that

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is why this is needed. Cncl. Heffner questioned if this would need to go before the Pinelands. Mr. Bonder explained Tim Kernan has advised as long as it doesn't encroach more than 1,000 square feet it would be okay and it is under that at 800 square feet. Cncl. Dilks noted along with the irrigation there is also a lot of conduit there. Mr. Bonder explained we need to get three quotes on this project, which will be under the sealed bid threshold of \$23,000.00. Cncl. Heffner commented we need to spend \$21,000.00 to get an \$85,000.00 playground. Mayor Teefy questioned the balance in the Parks and Rec account. It was noted there is \$300,000.00 plus in the account. Mr. Bonder commented that the Rotary's investment in the playground would be \$25,000.00 to \$30,000.00, which does buy a large playground. He added two years ago as a contribution from Toni Neri and Associates we removed a playground from a school in Pennsauken so we do have a significant amount of hardware that the playground company looked at and said could be added to the new equipment as long as we have a certified installer to install the entire project. Deputy Mayor Potopchuck questioned (*as a taxpayer*) whether there were trailers that could transport the tractor between parks, as it seems a lot of money will be spent moving pipes and constructing this building. Mr. Bonder explained the parks are cut every day so by transporting all of this equipment back and forth a lot of man hours are lost. Cncl. Heffner added only twenty feet is being added to the building so they might not need to move as much as they think they will. Cncl. Bryson noted the Rotary needs all the contributions they can get to purchase the playground equipment so it would be nice if everyone could make a donation. Mr. Fiore and Mr. Bonder will get together to draft the Parks and Rec Ordinance.

• Director of Community Development/Zoning Officer

Mayor Teefy explained the Zoning Officer position falls under Civil Service and that must go through its own progression. What we need to do is establish a Community Development Department, which consists of Planning, Zoning and Economic Development. In doing that zoning will be taken out of the Construction Office and Planning and Zoning will be put together. The Mayor explained he would like to create a Director of Community Development to supervise that department. The director would be appointed by the Mayor at the advice and consent of Council and would head up and supervise the employees in the Planning and Zoning Office. She will also work with the Economic Development Commission in pursuit of new business and retention of current businesses. The compensation for the director position would be \$6,000.00. The Construction Office is doing a lot more with abandoned properties so taking the zoning portion out of that department helps. Funds are being brought in from abandoned properties but the people doing that work are not being compensated so the union did approve adding an Abandoned Properties Coordinator position that will be paid through those funds. Cncl. Bryson questioned if there was someone else coming on board to work on the community development project. The Mayor noted there is a person coming in from the EDC that is working with us putting together a new marketing program that will coincide with the video we did last year and they will be creating a new logo to market us in 2016. Cncl. Pres., Miller added EDC is using their budget from last year and for the next fiscal year to fund that project. Cncl. Bryson questioned how much money the Mayor was planning on putting into the EDC budget. Mayor Teefy replied last year they received \$25,000.00 and that is what they will be given again this year. Solicitor Fiore noted currently in the Township Code engineering falls under Public Works while

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in many other towns the Division of Engineering falls under Community Development and he suggested Mayor Teefy discuss that with the Director of Public Works. Mr. Fiore noted some towns have ordinances for Community Development that are one paragraph while others have ordinances that are volumes. Cncl. Pres., Miller noted Woodbury has a Director of Community Development and he questioned whether theirs was simplified. Mr. Fiore replied theirs is more simplistic; ours is much more complicated. He added there is a lot of work product out there and he has begun working on drafting the ordinance so he will get it prepared and circulate it to everyone as soon as possible. Cncl. Heffner questioned whether everyone was okay with moving the draft ordinance forward. Cncl. Bryson replied no he was not in favor of it as he felt there were too many people making decisions in that area.

- Chapter 162 "Housing Standards"

Construction Official Jim Morrison explained a move was made by the legislature this past January to authorize municipalities to license rental units past 175 days of occupancy but that ended up being a pocket veto so until it completely goes through the legislature and the governor there is nothing we can do at this point. Cncl. Miller noted other municipalities are still doing this. Our concern is if the township does away with the inspections the condition of rental properties will be in dire need of repair. When there is a change in occupancy units can be inspected again but the problem is the landlord is not going to notify the municipality when tenants change so the conditions of these properties will go into further disrepair while the State is in limbo with this. Mr. Morrison explained multi-family units of three or more are inspected by the State every five years so we don't have to worry about the apartment complexes. Landlords who want their units inspected can request that through the Uniform Construction Code but the tenant must also agree because if they won't let us in there is no action we can take because it is a voluntary type inspection. Cncl. Pres., Miller questioned how many rental units were in the municipality. Mr. Morrison said approximately 1200 and the majority are the complexes. Cncl. Pres., Miller noted as a fireman he has seen how some rental units are in disrepair and he is also concerned that if inspections are not done landlords could make changes that would make units unsafe. Mr. Morrison agreed that is a concern and he felt eventually the State will approve the law because it passed easily in the assembly and the senate. Cncl. Bryson noted when private homes are sold a certificate of occupancy is required and basically a change in rentals is a certificate of occupancy so is there any why we could use that law. Cncl. Pres., Miller explained we can do that but the problem is the landlords may not notify the township because they don't want their rental units inspected. Cncl. Bryson questioned whether it could be mandated. Mr. Fiore replied no, and the bill that would have allowed it was vetoed. Mayor Teefy questioned whether it was because of the fee. Mr. Morrison explained it is not because of the fee. The fee is what brought the suit against Hamilton Township because the people thought the fees were outrageous. The reason for the legislation in 1998 was for the shore properties because decks were falling down so properties rented for 175 days or less can be annually inspected and all others are done for a certificate of occupancy. We have to rely on the honor system and the landlord requesting an inspection prior to a new tenant moving in. Cncl. Bryson questioned whether it could be done under another code, such as the fire code because inspections are really worthwhile not only for the township but for the tenant moving in to a

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rental unit. Mr. Fiore felt that was an interesting point and he questioned why can't we look into doing it under the fire code. Cncl. Heffner questioned if yearly fire inspections were done on rental units. Mr. Morrison noted we check for a smoke detector and Fire Inspectors Skip Tomarchio or Frank Regmann go out every year to inspect the common areas of apartment units. Cncl. Heffner questioned if we follow the law do we really need to change the ordinance. Solicitor Fiore replied no, leave it as it exists right now. Mayor Teefy questioned whether we could ask for a voluntary inspection. Mr. Morrison explained the landlords can under the Uniform Construction Code. Tara Park of the Construction Office noted in 2016 quite a few landlords requested to register but they were not given that option. Lately a hand full did register but no inspections were done. Cncl. McIlvaine felt this is a serious issue, not just for the residents but for the fireman going into those houses so something needs to be done. Cncl. Heffner questioned if it could fall under public safety. Mr. Fiore replied the lawsuit was filed over fees so he felt we could try that, but would risk violating the law. Mayor Teefy noted we don't care about fees we just want those properties to be up to code and to do that they need to be inspected. Mr. Fiore agreed but questioned under what scenario are you going to do that because that legislation was not signed into law and if we attempt to do a local ordinance it could be challenged. He noted landlords will still be required to register because if they want to evict someone the units have to be registered with the municipality. If it is not registered a tenant could owe \$20,000.00 in rent and the court would allow them to stay in the unit. Director of Code Enforcement, George Reitz explained for a CO fire extinguishers in the kitchen, smoke and carbon monoxide detectors on each floor or by each bedroom and the railings and steps are inspected. Tara Park noted just because landlords register their rentals to go to court to evict someone doesn't mean they schedule an inspection. Mayor Teefy felt that should be changed and at that time when a new or an existing unit is registered an inspection is scheduled. Mr. Morrison explained units are registered when there is a change in occupancy and units should be scheduled for an inspection at that time. Landlords have thirty days to register when they get a new tenant so that could be used as leverage and a procedure could be established between our office and the Clerk's Office so nothing needs to be included in the code. At the conclusion of this discussion it was decided that no change would be made to Chapter 162 at this time.

- Bus Stop - Justin Way

Solicitor Fiore explained the resolution approving the Justin Way bus stop was sent to the Department of Transportation and we just received their approval. An ordinance now needs to be adopted to include the bus stop in our Code Book. Cncl. Heffner polled Council and all were in favor of moving this forward for First Reading at the February 8th Regular Council Meeting.

- Chapter 175-133 "Sidewalks"

Mayor Teefy explained the Planning Board would like to include a waiver fee for areas on the Black Horse Pike that they feel do not need sidewalks. Cncl. Heffner added right now the Board cannot legally decrease the amount required for a waiver. Dawn Farrell, Secretary to the Planning Board explained this only deals with site plan waiver applications; this does not include

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major site plan applications. This would give the Board the option of having the applicant pay \$5.00 per linear foot instead of the \$20.00 required in Sidewalk Area 1. Cncl. Heffner questioned what the waiver criteria would be for someone building a house in Cecil. Right now they would pay \$3,000.00 if they didn't want sidewalks. Mrs. Farrell explained for a residential home if a person wants sidewalks waived the requirement is \$3,000.00 must be posted. For a commercial site depending on the sidewalk area it is \$20.00, \$15.00, \$10.00 and \$5.00 per linear foot. When a sidewalk waiver application comes in on a property with an existing building no one knows whether sidewalks were discussed at the time it was initially constructed so this amendment would give the Board the ability to accept \$5.00 per linear foot instead of \$20.00. Cncl. Heffner noted that is great but what is the criteria. Mrs. Farrell explained the ordinance will specifically say for a site plan waiver application it will be \$5.00 per linear foot and it will not matter what type of business it is or in what area. Cncl. Bryson noted Section D requires a ten-foot-wide pedestrian easement and he questioned whether an applicant would either have to go for the sidewalk waiver or the specified easement. Zoning Official Rosemary Flaherty explained even when the waiver is granted an easement to the township should still be required in the event the township makes a decision to install sidewalks in the future. Mrs. Farrell added that deals with township roads; County and State roads have their own requirements. Discussion then took place regarding areas where developers would be encouraged to install sidewalks. Mr. Fiore noted the proposed amendment gives a developer the opportunity to develop an existing property that may not have been developed because it may be cost prohibitive at \$20.00 per linear foot verses \$5.00. He noted this is a Chapter 175 ordinance so the Planning Board must review the amendment and make a recommendation to Council. Mayor Teefy questioned if we could work in a partnership with the Planning Board by having first reading of this amendment at the February 8th Council Meeting and the Planning Board could hear it at their meeting on Thursday night and send the recommendation to Council prior to the Second Reading. Cncl. Heffner polled Council and all were in favor of moving the ordinance forward for First Reading at the February 8th Regular Council Meeting.

- Chapter 175-54 "Site Plan"

Dawn Farrell explained currently the ordinance states if they do not change the parking requirements an applicant would be able to apply for a site plan waiver so the Planning Board Solicitor wanted to give the ordinance a little more teeth. The proposed amendment tweaks the ordinance by including language for the board to consider and conditionally approve any site plan waiver during a site plan review including but not limited to, issues related to landscaping, lighting, vegetation, signage, utility services and buffering. The additional language would also specifically allow the board to condition the approval of any site plan waiver upon the applicant furnishing an additional escrow with the reviewing board of not more than \$1,000.00 in connection with the review and involvement by the board's planner with any conditions of approval such as, but not limited to, conditions related to landscaping. Mrs. Farrell noted right now our site plan waiver application fees include a \$350.00 filing fee and a \$500.00 escrow fee. The \$500.00 is basically taken by the board solicitor and many times we require additional landscaping and ask our planner to review the landscaping plan so we are asking for the opportunity to increase that escrow fee from \$500.00 to \$1,000.00; it would not be taken in

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automatically. Mr. Fiore explained when an applicant goes for a site plan to change from a Chinese restaurant to an Italian restaurant they will pay the reviewing board attorney, engineer, planner, traffic engineer and the environmental person to review the plan for parking, landscaping, dumpster location etc. to bring the property up to code. Twenty years from now someone could review that plan and see if everything is in the proper location so this gives us a guide without beating people up for escrow fees. We have been fighting for this for a long time but that mechanism was never in place. Mayor Teefy noted the key thing is this gives them the opportunity to come to us and discuss what they want to do. Cncl. Heffner noted this amendment would be forwarded for First Reading at the February 8th Regular Council Meeting and the Planning Board will address it and send their recommendation prior to Second Reading.

- Public and Private Land Sales

Solicitor Fiore explained he requested this draft ordinance to be placed on the agenda for informational purposes, no action needs to be taken on it at this time. It was anticipated that a land sale will be held the end of February but that will be somewhat delayed as we are waiting for some additional numbers from the Director of Real Estate on our in-rem foreclosures. He explained when a general public land sale is held it can be done by resolution but this will be a public and private land sale and a private sale is to be done by way of ordinance. A private land sale is when a particular property is being offered to a contiguous property owner. Many township owned properties are undersized lots such as those in the lake area and those properties only have value to the properties on the right or left of them. Rather than having two separate land sales we are doing one by way of ordinance. Exhibit A will be properties being sold by way of a general sale which does not require individual notice to the general public. Exhibit B will deal with the properties that we will legally by certified mail contact the contiguous property owners to advise them the property is up for sale for an amount set by the Director of Real Estate. Mr. Fiore explained he wanted to introduce this ordinance to Council so that when the list of properties is available the Council President can place the ordinance on a Regular Council Meeting agenda without deviating from the ordinance process. Cncl. Heffner referred to the language in the ordinance dealing with the Township Clerk handling the land sale and he questioned whether the Clerk or the Tax Collector should handle the sale. Mr. Fiore explained State Statute does not say who does it and in other township it is handled by the Township Clerk. It has always been done here by the Tax Collector so the language in the ordinance will be changed to reflect that. Mayor Teefy questioned the target date for the sale. Mr. Fiore replied the end of March. Cncl. Dilks questioned whether the Economic Development Commission or the Open Space Committee could look at the list before the properties go up for sale. Mr. Fiore noted he could give them the list.

F.) NEW BUSINESS

- Animal Control Ordinance

Cncl. Pres., Miller noted he was contacted regarding other municipalities changing their pet ordinances to include language requiring pets to be brought inside during freezing

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temperatures and also an anti-tethering portion so animals are not chained up. People have been discussing this because animals in the area were left outside and froze to death. The police department does have the authority to check a property and would have the potential to enforce the ordinance if they found an issue like that. Some municipalities have certified inspectors but we have the Gloucester County Animal Control as our certified inspector. **Cncl. Heffner** questioned if we really need an ordinance for this because if the police are called they can cite people. **Cncl. Heffner** questioned what the definition of cruelty to animals is. **Tara Park** noted she spoke to a Gloucester County Animal Control Officer who came into her office and he advised the County cannot enforce. They are only investigators and they rely on the State SPCA to enforce. **Cncl. Pres., Miller** noted some municipalities do have enforcement agents that are appointed or are volunteer positions and they have proper certifications. **Cncl. McIlvaine** noted as a police officer he responded to animal cruelty complaints and when he called Animal Control was told that as long as the animal has food, water and shelter the temperature does not matter. **Cncl. Bryson** felt animals should be protected and he suggested putting that under the Board of Health. **Mr. Fiore** noted the SPCA is permitted to enforce the State Statute but they are actually a private agency that generates civil penalties and they keep a percentage of those penalties. **Mayor Teefy** questioned if we created a local ordinance with fees would those fees come to us. **Mr. Fiore** noted that is correct and he suggested amending our ordinance to address code blue conditions.

- Main Street Committee

Cncl. Pres., Miller noted Council previously discussed incorporating the Main Street Committee into Monroe Township but there were concerns about doing that. He questioned if that was done would there be a way for the committee to establish their own by-laws and procedures regarding the operation of that board or entity. The issue we are facing is we cannot allocate them a budget since they are not technically an established entity of the township so they rely on EDC all the time. **Cncl. Bryson** felt since they deal with economic development the EDC can give them money for their projects. **Cncl. McIlvaine** explained he attends both committee meetings and the problem is the boards have two totally different dynamics and energy levels. The EDC is very particular about the money they release to the Main Street Committee, which has good members doing a lot of good work and they should not be restrained by the EDC bosses. **Cncl. Bryson** noted the Main Street Committee consists of volunteers who should be working with the EDC members appointed by the Mayor and Council to drive the development of this township. **Cncl. McIlvaine** noted we have two volunteer fire companies and an ambulance squad that we give over half a million dollars a year to. Those members are not appointed by the Mayor or Council and they do a fine job. He added he feels strongly that the Main Street Committee like the fire companies or rescue squad should be given the authority to do what they want to get Main Street rolling. **Cncl. Bryson** noted he sees the Main Street Committee as helping the EDC and he felt it should remain that way because when there are fifteen or more members it is really difficult to make decisions and things do not get done. **Cncl. Pres., Miller** explained **Rosemary Flaherty** is working with Main Street New Jersey a subset of the Department of Community Affairs and he asked her to elaborate on what other towns have done. **Mrs. Flaherty** explained she has worked with EDC, Community Development and Main Street Programs and in order for

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Monroe Township to have a designated downtown Main Street they have to be an established committee. She agreed with Cncl. Bryson that at times the EDC and the Main Street Committee will partner together with each group having different rolls and they will work with the Community Development Director, which will be her. Without the designated downtown Main Street we will not be able to apply for funding and grants offered through the DCA Downtown Main Street Program and that is where the problem lies. Mrs. Flaherty noted she is working with both groups right now and both are fantastic but Main Street does need to be designed as its own entity, as they need a separate budget for the events they will be doing. Cncl. Bryson noted the way he sees the Main Street Committee is as a functions committee, which will handle the events on Main Street and he looks at the EDC as a committee that is here to grow the township. Cncl. Bryson questioned what kind of grants was Mrs. Flaherty speaking about and whether the EDC could get those grants. Mrs. Flaherty replied no, those grants are designated for downtown Main Streets only. The grants are for facades, training, they open doors to businesses and we would work directly with the DCA Downtown Main Street Program. We are signed up for training this year so we can figure out what we are doing wrong, how to enhance what we are doing right, how to sustain businesses along Main Street and how to network with businesses that may come to this town. That is where the EDC comes into it. We will overlay districts in different areas of the town that are blighted and need extra help through redevelopment grants and that is all part of the Downtown Main Street Program. The EDC works with development throughout the entire township and although the Main Street Committee does do functions like the Arts Festival they are more than that. Mrs. Flaherty invited Cncl. Bryson to attend a training session with her so he could hear about the program and understand how important this is for the township. She noted about five years ago this program was brought to the township but the ball was dropped and now we want to bring it back to see what we can do to revitalize Main Street, which can't be done without this program. Cncl. Bryson noted about five years ago the township received grants to improve the sidewalks and street lights on Main Street. Cncl. Pres., Miller explained that was through the Gloucester County Community Block Grant. Cncl. Bryson noted the Main Street Committee began as a volunteer organization but after a few events and changes to events it got to be a dictatorial committee. He felt it should be defined a lot better because township committees usually have a specified number of members up to nine and some have five or six and that is a reasonable number because with less people on a committee the more things get done. Cncl. DiLucia expressed concern this would create another avenue/venue to spend money. He noted eighteen months to two years ago the EDC made a presentation to Council regarding a tax-card program that would off set taxes for the residents. The EDC was supposed to be responsible for raising \$10,000.00 from merchants to purchase the cards, which cost \$1.00 per card. These cards would provide taxpayers with the ability to purchase things from local merchants and that in turn would get them a percentage off their taxes but Cncl. Miller said \$5,000.00 was pledged from a bank but we are still short \$5,000.00. Cncl. DiLucia noted when this was discussed he was assured no money would come out of the general fund and people were told this program would not cost them anything. He noted the EDC's budget went from \$10,000.00 to \$25,000.00 in one swoop and when he questioned that he was told part of the money was to work out this program but he has not heard any more about the tax cards and doesn't know if the EDC is doing anything in regards to them. Being a realist he had stated that sometimes conflicts of interest are created so why would a business want to participate in a

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program that could potentially send customers to his competition and because of an issue like that it may be difficult for this program to move forward. He noted he cannot conceive that the EDC cannot raise \$5,000.00 from businesses in this town to purchase those cards and he requested a report on what the EDC did with the \$25,000.00. Cncl. DiLucia went on to say how he feels committees are great because they provide people with the opportunity to participate in government but he has some difficulties in the conception of whether Main Street will ever be a reality. He added he absolutely wants it to happen because in the nostalgic sense it would be wonderful to have a Main Street but when he drives through Berlin, Woodbury and other towns with beautiful Main Streets he sees how they are all going in the other direction. Many reasons for that deal with economics and investors getting the best bang for their buck and because the internet is impacting small businesses. He spoke of how businesses do surveys to compare foot and motor traffic and he felt they will be looking at available sites on the Black Horse Pike. He added as a councilman he will be looking very closely at how much money is being allocated and spent regardless of what committee it falls under. He questioned what the objectives of the EDC and the Main Street Committee are, what realistic goals can be achieved from that and how much of taxpayers money is it worth. Cncl. Pres., Miller explained his concern is that money is being spent that does not need to be spent because if we do not establish this Main Street Committee we will not be eligible to apply for grants and funding opportunities. Cncl. DiLucia noted he will be looking very closely at the \$25,000.00 given to the EDC, as he wants to know why there has been no progress on the tax card program. Cncl. Pres., Miller explained we were waiting for the Director of Community Development position to be able to start administering the program, which twenty businesses have signed up for. Cncl. DiLucia noted twenty businesses signed up but they have not come up with one dollar since the program was announced two years ago. At that time Council went on the record to say the program was going forward so he would like a report from the EDC on what happened to it. Is this a dead issue, if not why not, where are we with the program, when will it happen, what do they need for it to happen and where did the \$25,000.00 go. The 2016 budget will be coming up soon and that is one of the things he will be looking at. He added he does not have a problem budgeting money to committees if they can show they utilized it how it was supposed to be used but if they didn't then he would have a real problem particularly since it was raised 150% when it went from \$10,000.00 to \$25,000.00. Cncl. Pres., Miller questioned legally how can we move forward with this. Mr. Fiore explained it could be done as a township sponsored or township entity known as the Main Street Committee and that can be done by ordinance. Cncl. Heffner spoke of Council authorizing a certain portion of the open space fund to be dedicated to the purchase of open space and he questioned why a certain portion of the EDC budget could not be dedicated to Main Street. Mrs. Flaherty explained the problem with that would be there is not a person from the government overseeing that to say what can be expended so now the Main Street Committee is going to EDC saying "alms for the poor". Cncl. McIlvaine questioned what the down side to doing this was. The EDC budget went from \$10,000.00 to \$25,000.00 because the Main Street Committee was not established yet and that money was to assist the Main Street Committee. Cncl. DiLucia noted he has no problem with having another committee but before he would agree to this he wants to see what the total budgets will be for these two entities. Mayor Teefy noted at the last Council Meeting Ernie Carbone gave a presentation "Main Street Minute", which addressed what the Main Street Committee was doing. The township sanctioning the committee allows them to apply for an

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associate partnership in the New Jersey DCA, then they can move into a full partnership. The committee will be trained on how to become a 501C and once that happens they become their own entity that is no longer funded by the township; they raise money on their own. It takes two or three years of putting money into this before we get to that point. The Mayor noted it was mentioned that currently the Main Street Committee is all volunteer but actually all the people appointed to other boards and commissions are volunteers, no one is paid except for members of the Planning and Zoning Boards. This committee has momentum so let's make it open ended for anyone that wants to join and let them create by-laws to setup the voting members so we keep that momentum. He felt the EDC should be looking at the Black Horse Pike, Rt. 322 and Berlin-Cross Keys Road corridors and the Main Street Committee will focus on Main Street down to Clayton Road where sidewalks were installed but nothing else happened. He agreed some people may not want to put their investment dollars on Main Street and went on to say how RD Management just spent two million dollars on their facility, which is bringing in Rocking Jump and a Comic Book Store that located there instead of Main Street because the owner wanted a bigger store. The Mayor spoke of having a meeting with a man interested in purchasing the Washington Hotel and explained incorporating the Main Street Committee would give the businesses located on Main Street the tools to apply for grants. Money wise the budget would be \$20,000.00 for each committee for a total of \$40,000.00. By spending a little money to improve the quality of life for our people we will be in better shape. Cncl. Miller noted even if we don't spend that money we would still be able to apply for grants. Cncl. DiLucia responded to the Mayor's comments by saying we started out with an Economic Development Committee that had an agenda for the tax cards with a \$10,000.00 budget. That was raised from \$10,000.00 to \$25,000.00 and now that is going to \$40,000.00, which is a problem to him. He added he does not disagree with the Mayor that volunteers are good but his problem is cost, as he represents thousands of taxpayers who didn't even get a penny increase in their income and they have problems with taxes going up so he will be very diligent in how money is spent. He added he will not be unreasonable but he will not agree to \$40,000.00 for another committee to be created. If another committee is created and \$25,000.00 is saved he will look at it because he wanted to know what the EDC did with their money. He added he may not have a problem with giving the Main Street Committee \$20,000.00 but he might have a problem spending \$40,000.00 for what previously cost \$10,000.00. Mayor Teefy questioned what is the biggest thing people want in this town? Cncl. DiLucia noted they want to be able to live in town. The Mayor then stated they want a stable tax base and what gives us that. Cncl. DiLucia replied he would hope that it would be to bring businesses in. Mayor Teefy noted we are still at the point where people are complaining about their taxes so we are trying to spend an extra \$30,000.00 over the previous \$10,000.00 to bring in businesses by marketing. Cncl. Pres., Miller added the EDC is preparing a business package to let potential businesses know what is available. Cncl. DiLucia noted somehow Cncl. Miller is privy to that information but as a councilman who represents Main Street he is not privy to any of that information. Cncl. Pres., Miller noted Cncl. DiLucia could attend any of the Main Street Committee meetings but Cncl. DiLucia responded that you need to know when the meetings are to be able to attend. Mr. Carbone advised the meetings are publicly posted on Facebook and on the third floor of town hall. Cncl. DiLucia noted the first meeting that was called for that committee no one knew about but the invitees. Cncl. Pres., Miller stated that is not true, it was public knowledge. Cncl. DiLucia replied he was not going to argue but for whatever

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reason Cncl. Miller has been able to get more information than he has. Cncl. Pres., Miller explained that is because he works with the people involved. Cncl. DiLucia went on to say that he would not agree at this meeting to \$40,000.00 and before he would agree to a budget number for two committees he wants a report on what was spent last year for economic development and he wants to know what their projected budget is and a projected budget for the new committee. He added he understands that in order to qualify for grants and other things there must be a separate entity and he is not fighting that because if there is money out there to be had to enhance or help Main Street he is all for it. However, he stated for the record that he didn't think it would happen because there are too many things that would stop this from becoming a reality. Cncl. Pres., Miller noted we have businesses setting up shop on Main Street. Dr. Briller is building a restaurant, a micro-brewery is interested in purchasing property so things are happening and it is extending out to the Black Horse Pike at Williamstown Square. Cncl. DiLucia noted there are two elements to business, one is opening and the other is how long they last and if you look at statistics the average mom and pop businesses lasts about one year. Businesses need to get a foothold over a period of time and get the right investors and he wished them luck in doing that but if he were the person making the decision about where to put money and resources it would be exclusively on the Black Horse Pike. Cncl. Pres., Miller questioned are we to forget about the Bearded Guitar Repair Shop, the Thrift Specialist, the Grand Theater, the Coffee Shop, Newfield Bank, Nick's Pizzeria, the Hair Saloon, the Nail Saloon, the Ballet Theatre that just moved in or the Art Studio that will be coming to Main Street. Cncl. DiLucia noted most of those businesses have been here for a few years. Cncl. Pres., Miller requested to make a motion to incorporate the Main Street Committee. Solicitor Fiore explained we need to create a framework of what the structure of the committee will be such as the number of members or whether the members will be designated with various specialties, as he need some direction prior to drafting the ordinance. Mr. Carbone noted the preliminary structure is already in place. The committee is divided into four subcommittees that operate somewhat independently to handle the functions/events, the marketing and the real estate aspect of it. The concept we are trying to do on Main Street is not to make it a retail center but a destination and by working with the DCA Main Street Program we will be shown how to become an entrepreneur. Cncl. Pres., Miller suggested a ten member board appointed by the Mayor and Council and then the board would have the authority to appoint associate members. Solicitor Fiore advised that could be done within their own by-laws but the original structure must be set forth in the ordinance. The initial terms must be staggered. Cncl. McIlvaine questioned whether it would be proper to let the Administrative Committee sit down with Ernie Carbone or members of the Main Street Committee to try to come up with a format that could be brought to the Ordinance Committee. Cncl. Pres., Miller questioned whether we should wait another month to bring it back to the Ordinance Committee or can we agree to move it forward to create the committee while the Admin Committee is discussing the structure. Solicitor Fiore recommended Council be consistent and bring back all issues whether it is towing, land sale etc. Cncl. McIlvaine agreed, noting if it takes a month or another six months this is definitely worth investing the time, as Council has brought up some good points and deserve to have some say in this. Cncl. Bryson expressed concern that this must be done right or nothing will happen.

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Mayor Teefy questioned if we had an ordinance dealing with certain like businesses not being in close proximity to each other because we may want to put some businesses like restaurants close to each other but may not want liquor stores within a mile apart of each other. We do not want bigger businesses coming in and wiping out our small ones that have been established for a long time. Solicitor Fiore explained that would deal with Zoning because if it is a permitted use in a particular zone we could not legally discriminate against the type of business it is such as a chain liquor store coming in near a mom and pop one. He noted he would review the ordinance but he felt that is really a zoning issue.

Mayor Teefy noted the Police Chief is requesting funds be placed in the budget to hire a part time person for 15 to 20 hours a week to help with backlogged paperwork and two police officers to replace the two that will be retiring. Cncl. Heffner noted with all the girls in that department they still need a part time person to handle paperwork. Mayor Teefy replied that is what the Chief is asking for along with the two officers, as the department will be down to 62 by fall. Interviews are scheduled Monday night to select two candidates, as five officers could retire within the next year but right now only two are going. The ultimate goal for the department is to reach 66 officers. Cncl. Pres., Miller added 30% of the police force is eligible for retirement within the next five years. Mayor Teefy stated we need to replace officers every year to maintain the numbers at the current level.

Mayor Teefy reported a new phone system and a 2013 email system was installed so voice mails will now come in on email as wells. Solicitor Fiore spoke of Hamilton Township, Atlantic County having an electronic discovery system, which allows officers to file reports on line and supervisors to sign off on line. That is then put in a database and if discovery is needed for a criminal case it can be electronically paid for and sent. He suggested the township look at something like that to cut down on the paperwork involved. Mr. Fiore noted he would get some information on this system.

Cncl. McIlvaine brought up the issue of parking on Library Street and questioned whether Council was going to move on allowing parking only on one side of that street. Mayor Teefy requested the Deputy Clerk to send Council copies of the minutes from previous meetings where this issue was discussed so everyone could see the history of what was discussed. Cncl. McIlvaine noted the history for the Fire Department is when the old VFW on Library Street burned down there was an issue setting up the fire truck and now there are thirty apartments there so it will be more of an issue. He also stated the parking lot on the street is not being used because it is filled with trash. Solicitor Fiore advised a recommendation is needed from the Traffic Department to change the parking to one side. Cncl. McIlvaine stated he would contact Sgt. Burton for that.

Cncl. Heffner requested that all matters to be placed on the Ordinance Committee Meeting agenda be sent to the Clerk's Office the Thursday before the meeting so that everyone has time to review the information over the weekend prior to the meeting.

G.) OLD BUSINESS - None

