

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
NOVEMBER 2, 2016**

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 **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 (NJS 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. DiLucia led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Frank Caligiuri		Excused
Cncl. Marvin Dilks		Excused
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	Present	(Arrived 7:15 PM)
Solicitor, Charles Fiore	Present	
Dir. Public Works, Mike Calvello	Present	
Dir. Community Development, Rosemary Flaherty	Present	
Police Chief John McKeown	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. DiLucia made a motion to approve the minutes as submitted of the September 7, 2016 Ordinance Committee Meeting. The motion was seconded by **Cncl. McIlvaine** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

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

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D.) ORDINANCES FOR REVIEW

- Chapter 4 "Council" (Live Streaming Council Meetings)

Cncl. Pres., Miller demonstrated the equipment that was purchased by the IT Department to live stream Council Meetings. Solicitor Fiore explained there were some other minor revisions made to Chapter 4 entitled "Council" for items that have been unclear over the years. The most relevant change is to 4-9.1 "Regulations for Broadcasting of Regular and Special Council Meetings", as he wanted to put a caveat on the fact that it is not the official record of the township but if it is going to be retained on a device in the township it will be subject to OPRA regulations. If someone submits an OPRA request they will be able to get a copy of the meeting and anyone watching it live can record it and disseminate it anywhere. The danger in live streaming is that people could piecemeal Council's comments from meetings, stream it out to the world and those comments could possibly be misconstrued. He felt the ordinance addresses all of his concerns and of those addressed at a prior Council Meeting.

Cncl. Pres., Miller made a motion to move the live streaming ordinance forward for First Reading at the November 14th Regular Council Meeting. The motion was seconded by Cncl. McIlvaine. Cncl. Pres., Miller and Cncl. McIlvaine were in favor of moving the ordinance forward and Cncl. DiLucia and Cncl. Heffner were opposed to it. Since the vote was a two/two tie the ordinance did not move forward.

- George Ruch Building

Director of Community Development Rosemary Flaherty explained for years the George Ruch Building was maintained and operated by the Victory Lakes Association but when that group fizzled out the building was donated to the township. Now the Friends of Victory Lakes run by Kelly Haines is very active in the community, which recently won "Neighborhood of the Year" award and they would like to have the building back to hold community events. Kelly Haines, of the Friends of Victory Lakes Association, noted the Ruch building has fields for baseball, soccer and basketball but it really needs a lot of loving care and the association feels they could revitalize it and use it for community events and fund raisers. Solicitor Fiore questioned if in fact the property is no longer used for Victory Lakes will it revert back to the township. Mrs. Flaherty believed that would be the case because the building cannot be sold for profit. Mr. Fiore noted another issue is there is a group using it for at least part of the year and he questioned whether they would be accommodated and able to use that building. Mrs. Haines replied yes, she has already reached out to them. Mayor Teefy felt this was a good thing for everyone involved and he was all for it.

Cncl. DiLucia made a motion to move the ordinance forward for first reading at the November 14th Regular Council Meeting. The motion was seconded by Cncl. Pres., Miller and unanimously approved by all Council members in attendance.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Chapter 104 "Buildings" (Abandoned Properties)

Solicitor Fiore explained the Abandoned Property Ordinance in effect for approximately two years was not the perfect ordinance so he reviewed ordinances from other towns and found the proposed ordinance, which gives more teeth, defines more specifically abandoned and vacant properties, sets forth with more specificity the procedure for putting properties on the list and removing them from the list. It also sets forth that liened properties can be sold at special tax sales, sold at an accelerated period of time and allows for entities or individuals that purchase them to foreclose within six months, which will get properties off the abandoned/vacant property list much quicker. It also provides the municipality with a smoother and quicker process to take over properties. Through this ordinance a rehab entity can be appointed to fix up properties. Many times municipalities are doing the tax sales or foreclosures and selling blocks of vacant homes to people in the business of rehabbing properties. This ordinance is a way of cleaning up properties quicker and getting them back on the tax rolls. He requested Tara Park and Rosemary Flaherty review the ordinance and provide feedback to Council. Ms. Park noted from what she read so far she sees that the township is responsible for registrations and maintenance of the list. She noted maintenance of the list is her job but right now registering is done through Community Champions. That company is an amazing asset she uses to contact the banks and she does not want to take that away. She added she will read through the ordinance and give Mr. Fiore any additional recommendations she may have. Mr. Fiore went on to say he borrowed part of this ordinance from a municipality that issued a citation to a bank and brought their representatives from North Jersey to court so hopefully this ordinance will address the problems we have. Ms. Park questioned whether her appointed title of Abandoned Property Administrator should be included in this ordinance. Mr. Fiore noted it should be included and he would make the changes. He added this ordinance cannot be moved forward this evening, as he wants the Code Enforcement Office and Council to review it and make any recommendations they may have. Mayor Teefy questioned if a property was sold at a tax sale would the buyers be required to get a CO before moving someone into the property. Mr. Fiore explained they will need to set forth a rehab schedule within 30 days and they will have a short turnaround period of time within which they must complete the work and get a CO or the property reverts back to the township. Cncl. Heffner requested this be placed on the January 4, 2017 Ordinance Committee Meeting for further discussion.

- Chapter 267-55 "Schedule of Bus Stops"

Cncl. Pres., Miller explained the New Jersey Department of Transportation contacted the Clerk's Office and sent documentation regarding adding additional bus stops along Route 322. Mayor Teefy questioned whether this includes the bus stop on Main Street by the Grand Theater. Cncl. Pres., Miller replied no, if the township wants to move a bus stop on a municipal road we would need to change it by ordinance. He went on to explain what is happening people are parking their cars along Main Street when attending shows at the theatre and they are blocking the bus stop. Buses are stopping in the center of the road, which could cause an accident so we were contemplating moving the bus stop to the corner of Chestnut Street. Solicitor Fiore advised New Jersey Transit would need to approve that because there are certain warrants when establishing locations for bus stops. The Police Department would also need to review the site

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D.) ORDINANCES FOR REVIEW (cont'd)

triangle on the corner of Chestnut Street. **Chief McKeown** added a traffic officer would review the location to make sure we feel it is safe and then it would go to the New Jersey Department of Transportation, which is similar to the process we went through for the Justin Commons bus stop. **Cncl. Heffner** noted that would be for future discussion. This ordinance deals with Route 322 and he does not want to hold this up trying to add other stops. He questioned whether the Chief had a chance to review the proposed stops and if so were there any concerns. **Chief McKeown** noted he saw nothing wrong with the additional stops.

Cncl. Pres., Miller made a motion to move forward for First Reading the additional bus stops requested by NJDOT. The motion was seconded by **Cncl. DiLucia** and unanimously approved by all members of Council in attendance.

- **Chapter 267-13**

Solicitor Fiore noted approximately two years ago a local ordinance was adopted that amended Chapter 267-13 Schedule IV, which deals with left hand turns into Walmart from the Black Horse Pike. With a local ordinance people pay a local fine, they don't get a surcharge on their insurance and they don't get points on their license. The State wants the money from those fines and is now saying we cannot preempt State Statute so we have to rescind/repeal our ordinance. People will still be making left turns but they will be cited under a State Statute and they will get points and surcharges. **Mr. Fiore** noted he will prepare an ordinance to rescind Chapter 267-13 for the next Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- **Chapter 175 Fees**

Director of Community Development, Rosemary Flaherty explained she reviewed the fee schedule and found some errors that should be corrected. The application fees of \$2,000.00 and \$3,000.00 were adopted when development was happening but now the economy has drastically changed and those fees need to be more competitive and comparable to other towns. The fees proposed are developer and residential friendly, which will encourage people to do business here rather than in other adjacent towns and encourages residents to apply for variances they need instead of doing the work and asking for forgiveness afterwards. **Cncl. Pres., Miller** questioned whether the redevelopment section is new or something that was already in the Code. **Mrs. Flaherty** advised it is a new section that is correcting something that should have previously been in place. She explained the township collects \$750.00 for meetings that professionals attend when they are billing \$250.00 per meeting. The fee should be per professional that attends so if five professionals are needed we would collect the necessary money versus the residents incurring those expenses. **Cncl. Heffner** questioned whether this deals with all development or just redevelopment. **Mrs. Flaherty** replied all development. **Solicitor Fiore** questioned whether the \$500.00 application fee would be enough to review the more extensive redevelopment applications. **Mrs. Flaherty** noted most towns require \$250.00 or they don't require a fee at all. Most developers post the escrow to cover the professional's cost because they are not actually

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E.) MATTERS FOR DISCUSSION (cont'd)

considered the redeveloper until the township council appoints them. The township wants to encourage redevelopment so she felt a \$500.00 application fee was sufficient to cover the cost of the office staff handling the application. Mr. Fiore noted many towns use the Site Plan Advisory Committee as a tool but when representing people in other towns he has found their biggest complaint to be the cost is more when applicants must go before that review committee because they are paying the township professionals as well as their professionals to attend more meetings. Mrs. Flaherty explained the only time the Site Plan Advisory Committee would be needed is when you have engineering and planning reviews more than four pages long. Twenty page applications are cumbersome so it is beneficial to have that meeting to take care of all issues and make the application as solid as it can be. The meetings are held during the day when the employees are here so the application fee can be waived. The escrow fee covers the cost for the professionals that must attend the meetings. Cncl. Heffner indicated he was curious to see if the fees are reduced whether we would still be able to cover the costs in the office. Mr. Heydel explained processing an application does not cost \$2,000.00. The \$500.00 fee covers the cost of the clerical/administrative staff processing the applications and forwarding it to the appropriate professionals. Mayor Teefy added the Planning and Zoning Office is funded through the yearly budget it is not like the Construction Office where you are bringing in money that pays for that office to run. The Mayor commended Rosemary and Dawn for doing an excellent job.

Cncl. Heffner polled Council and all were in favor of forwarding the ordinance to the Planning Board for review and recommendation.

- **Chapter 280 "Animal Control"**

Solicitor Fiore explained he spoke to County Counsel Matt Lyons who said Gloucester County Animal Control will enforce the Animal Control Ordinance so the next step is to direct this ordinance back to the Board of Health for them to adopt.

Cncl. DiLucia made a motion to forward the proposed amendment to Chapter 280 to the Board of Health. The motion was seconded by Cncl. Pres., Miller and unanimously approved by all members of Council in attendance.

- **Acme Redevelopment Area**

Solicitor Fiore explained the Pinelands want more residential in the Redevelopment Zone and we have gotten extensions from them over the past three years so we could tweak the Acme Redevelopment Plan. That plan has now died and the recommendation is to remove that redevelopment area and let the area go back to the original zoning. Cncl. Miller noted he was under the impression that Council would be rescinding the ordinance that took the residential from the Acme side to the other side of the pike. Solicitor Fiore noted if that is the case then he misunderstood Tim Kernan and needs to get some clarification on that. Mayor Teefy felt the township doesn't need to do a thing because if nothing is done the Redevelopment Plan will expire. Since 2013 we have tried to move the residential across the pike to the Williamstown Square area but Council never approved that so we are back to the original Acme Redevelopment

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E.) MATTERS FOR DISCUSSION (cont'd)

Plan, which has the residential. Cncl. Pres., Miller explained what happened was Stuart Wainberg was interested in developing his side and in order to entice him we were going to move the residential to his side of the pike so he could have mixed residential/commercial. Mr. Fiore noted the flip side to this is that RD Management was granted the ability to build a high rise building on their site. Mayor Teefy agreed, adding and that is still there. Council agreed that no further action would be taken and the issue will just die.

- **Ace Plumbing**

Solicitor Fiore explained a small piece of property in front of the old Saber and Sons business is going to be conveyed to Ace Plumbing and that must be done by ordinance. We have to legally transfer it by what is called a "Private Sale". It must be advertised to everyone in the surrounding area and they have the ability to bid on it, not that anyone will because it is a 20' by 50' undersized lot with a drainage pipe running through it but that is the legal process for transferring the property. Cncl. McIlvaine questioned whether this had to go out to bid. Mr. Fiore replied no. There is a contiguous property owner that wants to purchase it through a private sale and State Statute requires an ordinance be adopted authorizing a private sale and all contiguous property owners must be notified of the sale so any of them would be able to purchase the property. Conditions can be established such as a 40' easement for the drainpipe on the property so the property is really of no use to anyone else. Cncl. McIlvaine questioned whether we can ask Ace Plumbing to pay all fees associated with adopting the ordinance. Mr. Fiore noted he would ask their attorney but they are giving a \$3,500.00 contribution to the Parks and Rec Fund. They will be using the property for landscaping purposes to give their property a more attractive appearance. Cncl. Heffner polled Council and all were in favor of moving it forward for First Reading at the November 28th Regular Council Meeting.

- **Backyard Chickens**

Cncl. Heffner explained this matter was placed on the agenda because dialogue has been going back and forth on this issue but there was never a consensus on what Council wanted to do with this. Solicitor Fiore noted he forwarded Council a copy of the Woodbury Chicken Ordinance, Troy Sterling submitted his proposed ordinance and Council, the Planning Board and Board of Health have discussed this issue for about a year. He added this issue would fall under the jurisdiction of the Board of Health so if Council is in favor of this they would forward it to that Board, which is the entity to formally adopt the ordinance. Cncl. McIlvaine noted all residents in a development have the right to have "quality of life" and if he spent \$400,000.00 for a home he would not want chickens nearby. He added he hates placing restrictions on people's property but his issue here is, today it's chickens next week, next year or two years from now it could be goats, or a mini horse, or a potbelly pig and how would he tell those people they couldn't have them after he has allowed chickens. Patrick McDevitt commented that was a what-if excuse. He went on to say the volume of human conversation is 60 decibels, chickens is 70, an air conditioner is 75, a hair dryer is 90, a barking dog is 100 and power tools are 110. He stated he is a little confused about the quality of life issue when there are already people in developments that have chickens and there are zero issues at the Zoning Office. He noted if

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someone requests other types of pets that they do their due diligence and get their facts together to present their case to Council just as we are doing. **Cncl. McIlvaine** noted the problem is this is not the future he sees for Monroe Township and if people want certain animals they should live in certain areas of the town where they are permitted. Through the years cats and dogs have been considered indoor pets and he had no control over that. He added he is only one councilperson but wanted to make it clear to everyone why he would never support this. He noted he grew up on a farm that had chickens and ducks and that is why he would never live in a development. He referred to a gentleman that said at a previous council meeting an anonymous complaint was filed about his chickens and as a former police officer he knows people are afraid to complain because they are afraid of retribution. **Mr. Sterling** commented that he could not understand why a person had the right to call the township just because they were afraid of his pets, which were confined and could not be heard. The only way that neighbor could have seen them was if she went in his backyard but since the Township Code is fuzzy on this he had to get rid of his pets. **Cncl. McIlvaine** noted everyone deserves a quality of life and people moving into a development do not expect to see chickens, potbelly pigs, goats or ponies. He added he would love to do this and make the people that want chickens happy but he must take into consideration all 38,000 residents of Monroe Township not just those people who want chickens. **Mr. Sterling** stated his chickens did not bother anyone because no one could see where they were. **Cncl. McIlvaine** commented that may be true, but this is going to be a widespread program, not restricted to Willow Woods so council needs to look at the big picture and the residents need to realize Council must take care of the complaints they receive. **Mr. Sterling** spoke of the Pilot Program specifying how far chickens would be kept from neighboring homes and how this group did research to gain a wealth of knowledge about chickens. **Mr. McDevitt** explained under the Pilot Program the Chicken Advisory Board would address any chicken complaints and he suggested Council approve that program for a one or two year period. After that time the Chicken Advisory Board will report on any complaints that were received and then a decision can be made on the matter. He noted fifteen to twenty-five people have signed up to have chickens so there will not really be an impact on anyone. **Cncl. McIlvaine** noted he is only one vote and wanted to be up front and let everyone know how he feels about the issue. **Cncl. Pres., Miller** noted many communities are doing this Pilot Program and have had nothing but success. The program talks about sustainability and healthy lifestyles and allows Council to have control over things that occur. He felt the people should be given a chance and did not agree with the comment that someone will want a lama or a potbelly pig. **Cncl. Heffner** questioned whether **Cncl. Miller** wanted to deem chickens as pets. **Cncl. Pres., Miller** responded not necessarily because then according to the Animal Ordinance they would have to be brought indoors in the cold weather. **Cncl. Heffner** added pets are supposed to be licensed and get shots. He questioned whether chickens go to a vet, where the chicken manure will be put, is there run off from that and will children be playing in that yard. **Mr. Sterling** stated manure is put in the compost pile or in the garden for fertilizer. **Cncl. Pres., Miller** spoke of chicken manure being sold at stores for fertilizer. **Margie Rennebaum**, a commercial chicken farmer, noted some people that have chickens for pets keep them in their homes, sleep with them and even play ball with them. **Mr. Sterling** went on to say he uses the manure, grass clippings and egg shells as fertilizer on his sixteen fruit trees. It adds nitrogen and other nutrients and is a more sustainable way of fertilizing than using Scotts or other fertilizers that have an impact on the environment.

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E.) MATTERS FOR DISCUSSION (cont'd)

Cncl. DiLucia noted he views this as a threshold issue. As a councilman he wants to be consistent and in all good conscience he cannot vote for this only because it would set a precedent for the next animal coming down the road. He felt he could not justify saying no to a pig, goat or cow if he had agreed to this. **Mr. McDevitt** questioned if everyone understands that there are residents out there with illegal chickens. **Cncl. DiLucia** noted if there are illegal chickens then the law should be enforced. He explained being a councilman is all about being consistent and making decisions that are consistent and just to everyone. **Mr. McDevitt** felt every developer coming to the township does not get the same judgement as there are differences in every situation. **Cncl. DiLucia** explained as far as he is concerned if it is the same generic issue he would come to the same conclusion. He added he did not want to vote without letting everyone know why he was opposed to this and it was not because he is opposed to animals it is because he felt it would create a precedent and does not want to be inconsistent on how he votes. **Mr. McDevitt** noted there is case law in New Jersey and he questioned whether going to court would be an option for the residents who want chickens. **Cncl. Heffner** recommended **Mr. McDevitt** seek legal counsel regarding that question. **Mayor Teefy** questioned whether **Mrs. Flaherty** received any complaints about backyard chickens. **Mrs. Flaherty** answered yes, from **Mr. Sterling's** neighbor and the woman is adamant that she does not want chickens in the neighborhood so a summons was issued to **Mr. Sterling** and his neighbor who also had chickens. Besides salmonella other things Council needs to consider is the dust and what type of animals chickens draw to the neighborhood. She added she did research on this issue and feels this type of use does not belong in residential neighborhoods/developments because there are people that bought their homes prior to chickens being allowed so how will this affect them. **Mayor Teefy** questioned whether this matter needs a council vote. **Solicitor Fiore** explained Council must vote on whether to move the matter forward to the Board of Health. **Cncl. McIlvaine** noted he has known some of these residents forever and it hurts to turn them down but he has to look at the bigger picture. A resident in attendance **Joanne Lucier** requested Council members to state their names since she didn't know them.

Maryellen Muth, 1492 Winslow Road commented that she understands what Council is saying but in response to their comments about the potbelly pig, lama or pony she would think that each one of those animals have different needs and Council would have to do their due diligence in regards to them. She felt this should be on a case by case basis and did not agree with Council's comments. She felt the Pilot Program would be a win-win for everyone since there is a finite time and that there could be a compromise in regard to lot size. She noted chickens are quiet and she would take a chicken over a barking dog any day and she urged Council to consider her comments.

Mr. Sterling explained chickens only require a small space, they need roosting space to sleep and perch on a stick. All the research says ten square feet when exercising so six birds would need sixty square feet or six by ten area. **Cncl. Heffner** questioned if this ordinance would go through what do we do about residents who want chickens in Amberleigh Townhouses where there are common areas or in developments like Holiday City. **Mr. Sterling** felt it should be on a case by case basis, as chickens require a certain square footage and should be a certain distance away from dwellings so people smell no odors.

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E.) MATTERS FOR DISCUSSION (cont'd)

An unidentified resident questioned whether Cncl. Heffner was concerned that children would be going into the chicken coop to play. Cncl. Heffner replied no, but no matter how clean they are there is no way everything will be contained within that pen. Mr. Sterling noted his coop was a child's plastic playhouse with a run connected to it and fence around it to protect them from predators. Chickens do not roam in the backyard because hawks would get them and children do not play in the pen.

Roger Beam, 1406 Endingo Avenue, noted common areas in developments such as Amberleigh or Holiday City are not on the original deed to a property so chickens would not be permitted in shared areas. **Cncl. DiLucia** explained Holiday City does not have common areas, the homes are just close. He added those in attendance came to the meeting advocating chickens but when talking about an animal Council cannot distinguish between a chicken or a rattle snake because it is possible someone might want to raise a rattle snake in their yard. Legislating laws is not always a pleasant thing to do because we always have to think forward on whether a precedent is being created that can't be defended such as this if someone came in requesting another out of the ordinary type animal. Mr. Sterling stated we want the Pilot Program because it gives us the leeway to justify complaints or to make them null and void. **Cncl. DiLucia** explained even if the people complaining are taken out of the equation Council is still concerned about quality of life. He added he can assure Mr. Sterling that if Council agreed to a Pilot Program for a year or two and after that time wanted to get rid of the program Mr. Sterling and his group would be here arguing just as passionately why we shouldn't do that. He added he understands that and hopes Mr. Sterling understands Council's opposition to it. He spoke of researching the issue himself and contrary to what has been said hens do make noise particularly when they are laying eggs. Mr. McDevitt spoke of a lady with six exotic birds living in her house and he questioned where she is covered under legislation, as she can have as many birds as she wants in there. **Cncl. DiLucia** noted Council couldn't do anything about a person keeping six chickens in their house either. Mr. McDevitt went on to say other towns are doing it with zero zoning issues, fines or complaints so why not give it a chance. There is nothing to lose with the Pilot Program and the Chicken Advisory Committee would be taking on all the responsibility. An unidentified resident noted developments with homeowner associations impose certain regulations that other developments such as Willow Woods do not abide by. She indicated she didn't understand the justification that if chickens are allowed goats, rattle snakes etc. must also be allowed, as that is unrealistic. **Cncl. McIlvaine** noted from his experience in dealing with the public it is very realistic and he would guarantee in the future there will be ten times more people coming here putting Council's heads on the chopping block than are here supporting backyard chickens. Mr. McDevitt questioned where are they the agenda is posted on the website so this matter was advertised. **Cncl. McIlvaine** noted very few people pay attention to that but Council tries to be as open as we can, which is why **Cncl. Pres., Miller** is pushing the live streaming. He added as a police officer he responded to complaints when a neighbor put a trash can in front of their house so from his experience this is very realistic.

Chris Tedesco, 1033 Huntington Drive noted all the complaints came from one person who lives across the street from Mr. Sterling and she did not complain about the chickens for three years until her kids played in his yard. She has also complained about neighborhood dogs

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barking and now she has a dog. She also complained a month after we got rid of the chickens so she may be confusing them with the wild turkeys walking through the development. Cncl. Heffner requested Council to make a decision on whether they wanted to move this matter forward to the Board of Health. Cncl. DiLucia, McIlvaine and Heffner voted no and Cncl. Pres., Miller voted yes. With the vote three to one this issue dies.

- Rental Property Inspections

Solicitor Fiore explained the interruption and ruling on the Millville case was that municipalities were not permitted to do inspections on a yearly basis only when there was a change of occupancy. We revised our ordinance to reflect that but now there are some concerns that apartments and rental units will become in disrepair. The Millvillage case is going before the Supreme Court in December so after that decision we will have some guidance on which way we can go. The Millville case was limited to the Millville ordinance which charged substantially higher inspection fees than any other municipality. The Appellate Division ruled that Millville could not charge those high fees and it also found in part of the decision that really did not relate to the facts of the case that they were basically doing two inspections a year so the Court found it to be "de facto licensing". The Supreme Court is looking at that to see whether municipalities can still do yearly inspections and not charge. Inspections must be reasonable, it can't be two or three times a year, it will only be once a year. State Statute gives municipalities the ability to pass ordinances that deal with health and safety issues and rental units in disrepair are health and safety issues. He added after the court decision we may still not be able to charge but we may be able to have the ability to perform yearly inspections in addition to the change in occupancy inspections. Cncl. Pres., Miller noted even though we are waiting for a decision we should still amend the ordinance so inspections can be done even if we are not charging a fee. Woodbury and other communities still perform inspections but don't charge a fee and we should move forward with reinstating the inspection process even if there is no fee associated with it because there will be such a backlog of inspections to do. Mayor Teefy was in total agreement, noting our rental properties are already out of hand and we need to stay on top of this. He added he is not worried about the money he is worried about the public safety issues. Solicitor Fiore noted fees can still be charged for changes in occupancy. Mayor Teefy noted he spoke to the Construction Official and he is fine with inspections being done again. Tara Park questioned whether Council was going to amend the ordinance to require the Construction Office to perform inspections free of charge for continuing occupancy in addition to change of occupancy for a fee and if so would the solicitor draft the letter advising landlords of this change. Cncl. Pres., Miller suggested including language in the letter saying this matter is being reviewed by the New Jersey Supreme Court and the fee may be reinstated. Cncl. Heffner polled Council and all in attendance were in favor of moving this matter forward for First Reading at the November 28th Regular Council Meeting.

F.) NEW BUSINESS

Cncl. Pres., Miller questioned whether Council had to do anything regarding Cncl. Bryson's resignation or just wait for the Democratic Committee to refer individuals to us.

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F.) NEW BUSINESS (cont'd)

Solicitor Fiore explained the process is within a twenty day period three names must be submitted by the Democratic Committee and after that Council would fill the unexpired term with one of those individuals. **Cncl. Pres., Miller** questioned since we have an election coming up would it make sense to have a person fill the vacancy or just wait until the new councilperson comes on. **Mr. Fiore** explained procedurally the resignation letter should be sent to the Democratic Committee and the decision to submit three names will be up to the Committee.

Business Administrator Kevin Heydel requested an ordinance to take \$83,000.00 out of the Parks and Rec/Developer's Fund, as the grant received for the dog park and the other improvements to Owens Park does not cover the design and some of the other engineering functions that are required to put the plan together. There is a balance of approximately \$279,000.00 in the Parks and Rec/Developer's Fund so it would bring that balance down to a little under \$200,000.00. **Cncl. DiLucia** noted it was his understanding that the \$790,000.00 grant was supposed to cover everything. **Mr. Heydel** advised it does not cover everything. He will send Council a copy of ARH's proposal, which explains the projected cost. **Cncl. DiLucia** questioned why they didn't say that in the beginning. **Mr. Heydel** explained Green Acres and CDBG grants are the same. Usually they only cover 15% to 20% of the overall construction cost for engineering fees. **Cncl. Heffner** suggested holding off on this until the first of the year since it will be a budgetary issue that the next Council should have some say in. **Mayor Teefy** noted he is worried this is becoming a million dollar project. He questioned whether budget wise those developer's funds should be depleted and noted we also have to match that grant. **Mr. Heydel** replied no, the grant is a total of \$780,000.00 of which 50% (\$390,000) is the grant and the other 50% (\$390,000) is an interest free loan that is paid back over twenty to twenty-five years. The cost for the design work are the costs that we have to kick in to start the process. **Mr. Heydel** noted he will forward the proposal to Council and it is up to them if they want to wait to the first of the year. This ordinance would be a funding mechanism that requires five members of Council to vote in favor of it. **Cncl. Pres., Miller** noted this was approved under the previous administration and we have agreed to accept the money and start the process so isn't the project already approved. **Mr. Heydel** felt that it was since Council approved the application for the grant and the signing of the grant loan program. **Cncl. Pres., Miller** felt Council should move forward with the process because the sooner we do this the sooner they will be able to start the project. **Mayor Teefy** questioned whether this bill for \$83,000.00 would be the last. **Mr. Heydel** noted as far as he knows it is; adding the design for the Mary Duffy Park was within the same ballpark. **Mayor Teefy** added \$1.2 million was spent at the Duffy Park and these improvements to Owens Park will be passive recreation not ball fields. **Cncl. McIlvaine** questioned whether there was a completion date set for this in the event we do wait on it. **Mr. Heydel** replied no there is no time line on it and he only brought it up because we have signed contracts from Green Acres and **Cncl. DiLucia** has been asking about it. He added he wanted to put it on by October 10th but it got sidetracked by the gas lights. **Cncl. McIlvaine** noted regardless of when this happens he will vote in favor of it. **Cncl. DiLucia** noted if everyone feels they want to wait until the new council is in place he would agree to that. **Cncl. Heffner** polled Council and all were in favor of placing this matter on the January Ordinance Committee Meeting agenda.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
NOVEMBER 2, 2016

F.) NEW BUSINESS (cont'd)

Margie Rennebaum questioned the status of the dog tethering ordinance since the weather will be getting cold. Solicitor Fiore advised that will go before the Board of Health and if they adopt the ordinance it will be law by mid-December. Cncl. Pres., Miller suggested those interested in this ordinance go to the Board of Health Meeting on November 9th at 7:00 PM. Mrs. Rennebaum referred to the problem of abandoned properties and expressed concern that some residents are losing their homes because of the State law that requires cesspools to be replaced by \$30,000.00 septic systems prior to a home being sold. She noted Council is trying to put an end to vacant houses but if they give only 30 days to rehab one of those homes that deadline will not be met because of the permitting process from the Pinelands, township and the County to upgrade those systems. She spoke of her neighbor with three children, whose husband had died of cancer losing her home when she could not sell it because she didn't have the money to replace the cesspool. That property was bought but the new owner can't live there because he is having trouble getting permits for the septic system. Cncl. Heffner questioned whether she turned that in to the Construction Office. Mrs. Rennebaum indicated she did but there should be something the township can do so that hard working people do not lose their homes if they cannot afford to upgrade the cesspool. Cncl. Heffner informed her that unfortunately is a State law. Tara Park explained when a transfer of ownership occurs an inspection is done and all health issues need to be in place to qualify for the home to be occupied within 30 days. If there is a cesspool they are given 180 days to correct any issues. Cncl. McIlvaine explained estates are exempt from the State Law and they just have to go through the County and purchasers will be required to replace the septic system before they sell the home. Mrs. Rennebaum noted she just wanted to make Council aware of this problem.

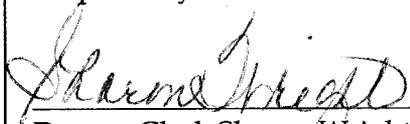
Chief John McKowen noted he would be requesting Solicitor Fiore to draft a resolution appointing Rich Miraglia as the Alternate Custodian of Records with the upcoming retirement of Deputy Chief Rumpf, as the Police Department is required to have two Police Officers assigned as records custodian. Patrol Commander, Steve Boyd will remain our primary records custodian.

G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Pres., Miller made a motion to adjourn the Ordinance Committee Meeting of November 2, 2016. The motion was seconded by Cncl. DiLucia and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Deputy Clerk Sharon Wright, RMC


Presiding Officer

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
NOVEMBER 2, 2016

H.) ADJOURNMENT (cont'd)

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of November 2, 2016 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 *DW* Date 12/7/16
Approved as corrected _____ Date _____