

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 7, 2018**

A.) OPENING CEREMONIES

CALL TO ORDER

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Joe Marino** in the First Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*N.J.S.A. 10:4-6 thru 10:4-21*). Notices were placed in the official publications for the Township of Monroe (i.e.: South Jersey Times, Courier Post and The Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex and also on the Monroe Township website.

SALUTE TO THE FLAG

Cncl. Pres. DiLucia led the Assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Marvin Dilks	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Bob Heffner		Excused
Cncl. Bart McIlvaine		Excused
Cncl. Cody Miller		Excused
Ord. Chairman, Cncl. Joe Marino	Present	
Solicitor, Steve Boraske	Present	
Engineer, Ray Jordan	Present	
Dir. of Public Safety, Jim Smart	Present	(<i>approx. 7:15pm</i>)
Dir. of Parks & Recreation, Jim Bonder	Present	
Chief of Police, John McKeown	Present	
Deputy Municipal Clerk, Aileen Chiselko	Present	

B.) APPROVAL OF MINUTES

Cncl. Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of April 4, 2018. The motion was seconded by **Cncl. Pres. DiLucia** and unanimously approved by all members of Council in attendance.

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 7, 2018**

C.) PUBLIC PORTION

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

D.) ORDINANCES FOR REVIEW

- **Chapter 175 “Land Management” – Article XI “Guarantees, Inspections, Acceptance of Improvements” (MLUL Amendments)**

Solicitor Boraske noted this amended Ordinance has gone through a couple of different variations at this point. He said the purpose of this Ordinance is to implement a new Bill that was passed in January, which amended the Municipal Land Use Law. He explained the Township can no longer require Performance Guarantees and Maintenance Guarantees for private improvements, only for public improvements that are to be dedicated to the municipality. He said the only exception to the private property distinction to which a municipality can still require a guarantee for, is for privately-owned perimeter landscape buffering. **Mr. Boraske** explained the most recent discussion on changes to the Ordinance between the offices of the Township Solicitor and Township Engineer, which was to include language for Temporary Certificate of Occupancy Guarantees as well as a Safety and Stabilization Guarantees. These guarantees are discretionary under the Municipal Land Use Law and the language says if the local Ordinance requires it, then these conditions apply. **Mr. Boraske** said he and **Engineer Ray Jordan** felt the Township would be better protected by the Temporary Certificate of Occupancy Guarantee and the Safety and Stabilization Guarantee requirements. He explained the Safety and Stabilization Guarantee essentially protects the municipality if someone commences work, disturbs the land and does not finish the work; this guarantee can be required to ensure they finish the work and the Township is compensated in some way if they do not finish the work. He explained the Temporary Certificate of Occupancy Guarantee can be used when someone is just looking for this TCO when the entire development is not finished. **Engineer Ray Jordan** said if we do not have a TCO or Stabilization bond, we cannot make the developer do it, so it is safer to have the language in the Ordinance. **Mr. Boraske** clarified the rest of the language in the Ordinance is from the State Law, to reflect the most recent Municipal Land Use Law. **Cncl. Dilks** asked about the amount for the Safety and Stabilization Guarantee. **Mr. Jordan** said it is \$5,000 for the first \$100,000 of bonded improvement costs and the amount goes up after \$100,000. **Cncl. Marino** asked if it is based on an estimate the engineers would provide, as normally done. **Mr. Jordan** confirmed it is and also said this bond is not to finish the project, but to make it safe and stabilize what the developer has done so far. **Cncl. Marino** asked if there is a monetary amount in conjunction with the TCO. **Mr. Jordan** said there is and it would be determined by the Township Engineer. **Cncl. Marino** confirmed there is still nothing that can be done with the roads and nothing we can do along those lines. **Mr. Jordan** said no, because it is private. **Cncl. Marino** asked if there is anything else they may be able to add to this Ordinance.

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 7, 2018**

D.) ORDINANCES FOR REVIEW (cont'd)

Mr. Jordan said that he thinks we have added as much as we could and we have more teeth in this Ordinance, to which **Solicitor Boraske** agreed, saying we have added more language to this Ordinance than he has seen with other municipalities. **Cncl. Dilks** gave an example, asking if a developer “goes belly up”, the project is built out, the top paving is not done, the punch list is not done, how do we get the project finished? Mr. Jordan said the developer cannot get TCO’s/CO’s without the project being completed, so in order to get TCO’s/CO’s, they will have to put money up for the uncompleted work. **Cncl. Marino** feels the municipality’s hands are still tied with this new State Law. **Cncl. Dilks** made a motion to move the Ordinance forward for First Reading at the June 25, 2018 Council Meeting. The motion was seconded by **Cncl. Garbowski** and unanimously approved by members of Council in attendance.

E.) MATTERS FOR DISCUSSION

- **Chapter 93 “Amusement Devices”**

Solicitor Boraske explained this matter was brought up due to an inquiry from a business in the municipality who has amusement devices and an Amusement License issued by the Township. This business questioned if the massage chairs and photo booth, that are operated by use of currency, in their facility is considered “amusement devices” and asked for a letter of clarification from the Township Solicitor. Mr. Boraske said the current Ordinance was reviewed and believes these devices are considered “amusement devices”, because it is currency-operated and serves some sort of entertainment purpose as covered by the definition in Chapter 93. The Solicitor’s Office recommends updating the Ordinance to provide more clarity on the specifics of devices. **Deputy Municipal Clerk, Aileen Chiselko** further explained the matter to Council, suggesting our Ordinance is antiquated, due to many devices now not requiring the use of coins/currency to operate a device, instead requiring the use of a credit card, such as the gaming device on each table at Applebee’s Restaurants. She read aloud an Ordinance from another municipality that includes language under Definitions “...whether the machine is coin operated or not...” Mrs. Chiselko suggested this statement may be better language to use, as it is a general description to describe how a device is operated, instead of specifically listing coins, currency, credit card, slugs, etc. Mr. Boraske agreed with this suggestion. Mrs. Chiselko mentioned this local business also has a hurricane machine, which simulates being in the midst of the wind of a hurricane. This device is also not listed in our Ordinance, amongst many other devices that are listed. Mrs. Chiselko also suggested removing some devices specified in the current Ordinance that are not typically in use these days, such as “marble machines”, “skill ball”, etc. and to follow suit as another municipality’s Ordinance lists more current entertainment devices, along with the language “This enumeration is intended to be typical and shall not be construed as exclusive.” **Cncl. Pres. DiLucia** asked if these changes broaden or narrow a business’ ability to operate. Mr. Boraske said he feels it broadens it a little bit, because the current language is older and more restrictive, so these changes would make it less restrictive for a business who holds an Amusement License. **Cncl. Pres. DiLucia** clarified he wanted to make sure these changes will

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 7, 2018

E.) MATTERS FOR DISCUSSION *(cont'd)*

not make it more restrictive for businesses in the Township to be able to continue with their business. **Cncl. Marino** asked what the fee is for the Amusement License. **Deputy Municipal Clerk, Aileen Chiselko** explained the fee is \$100 for each device (under five devices), or if there are five or more devices, the amount is \$500 for all devices for an Arcade Amusement License. The max cost for an Amusement License is \$500. **Cncl. Pres. DiLucia** clarified businesses will not be charged more for this license with the new changes.

At this time, Council members in attendance discussed and approved rescheduling the July Ordinance Committee Meeting from Thursday, July 5, 2018 to Wednesday, July 11, 2018, due to the holiday.

- Chapter 226-4B(2) “Parks and Playgrounds” – Domestic Animals (Dogs in Township Parks)

Dir. of Parks & Recreation, Jim Bonder had previously requested changing the Ordinance in reference to prohibiting domestic animals in public parks and playgrounds, because he gets a lot of dogs at the parks and he bends the rules as long as somebody has them on a leash and is not a threat to others. However, if someone points out the fact the Ordinance does not allow dogs, he would be forced to follow the rule. His request was to allow dogs to be on a leash and if there is reason to be concerned about the threat to a resident, we have the authority to ask them to leave the park. The Township Solicitor reviewed the current Ordinance and provided a memo and sample language from other municipalities. Mr. Bonder said he prefers the language in an Ordinance from the Borough of Red Bank which reads “All animals must be leashed while in the parks and owners are responsible for cleanup after their pets.” as well as “No Pets allowed on ball playing fields at any time...”, due to defecation and discoloring of the ballfield grass, and language stating signs “No Pets Allowed” can be posted at special events. **Solicitor Boraske** agreed with using the language Red Bank uses in their Ordinance, that it is straight-forward and clear, and also addresses special events. **Cncl. Pres. DiLucia** suggested adding language about animals being restrained at all times on adequate leashes not greater than six or seven feet in length. **Cncl. Marino** said he has seen dogs at Mary Mazza Duffy Memorial Park and asked if signs would be posted at the parks indicating dogs must be leashed and asked if we currently have any signs posted at the parks. Mr. Bonder said the only signs he has posted are signs stating if pet owners continue to not cleanup after their pets, the allowance of dogs in the parks will stop. **Cncl. Pres. DiLucia** asked if it would help if dispensers of plastic bags for waste are available for use. Mr. Bonder said there are two dispensers currently available at this park and once the Ordinance is passed, he will add a couple more and also to Owens Park to make it more convenient for pet owners to clean-up after their dogs. He said he was hesitant to put more out than he has, because it was contradictory to what the Ordinance states. He did it for the convenience of the people. **Cncl. Pres. DiLucia** clarified with Mr. Bonder that he wants a rule in the event that he has to enforce something.

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JUNE 7, 2018**

E.) MATTERS FOR DISCUSSION (cont'd)

• **Pinelands Comprehensive Management Plan (CMP) – Model Ordinance**

Solicitor Boraske explained the Pinelands Commission made amendments to the Pinelands Comprehensive Management Plan and forwarded us a model Ordinance that is tailored to our municipality's Land Use Code. He said this model Ordinance will be reviewed to make sure it complies with the rest of our Ordinance. The Commission provided a summary of the amendments, which included changes to definitions, development credits, notifications to Pinelands, etc. Mr. Boraske noted the Ordinance does not need to be adopted until March 5, 2019, so the Draft Ordinance can be put on a later Ordinance Committee Meeting Agenda. **Cncl. Marino** asked if this Ordinance is going to be more restrictive than it currently is. Mr. Boraske said he thinks it will be more restrictive for the municipalities it applies to, though in our case, all the amendments will not apply to us, so it will give us more leeway than some other municipalities. Cncl. Marino asked Mr. Boraske if he could review the topic area "Development exempt from Pinelands Commission review", which refers to installation of wireless antennae on existing structures. He mentioned the Township recently amended the Telecommunications Ordinance and he wants to know if this is going to affect us. Mr. Boraske said he will check to see if the proposed changes will impact us.

F.) OLD BUSINESS – None

At this time, **Chief of Police, John McKeown** spoke to Council about the need for more school security staff and hiring of more police officers. **Cncl. Marino** said discussion has already been made with the Board of Education and can further be addressed with the Public Safety Committee. Chief McKeown explained the salaries, health benefits, and State rules for school resource officers. Cncl. Marino asked Chief McKeown if he could report back to Council about what the schools are planning to do, so that Council can then move forward from there.

G.) ADJOURNMENT

With nothing further to discuss **Cncl. Pres. DiLucia** made a motion to adjourn the Ordinance Committee Meeting of June 7, 2018. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Deputy Municipal Clerk, Aileen Chiselko



Presiding Officer

