

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
JULY 11, 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. Dilks** 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	Present	
Cncl. Bart McIlvaine		Excused
Cncl. Cody Miller	Present	
Ord. Chairman, Cncl. Joe Marino	Present	
Mayor Daniel Teefy	Present	
Solicitor, Theresa Lentini	Present	
Business Administrator, Kevin Heydel	Present	
Dir. of Comm. Dev./Code Enf., Rosemary Flaherty	Present	
Chief of Police, John McKeown	Present	
Planner, J. Timothy Kernan	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 May 2, 2018. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance, with the exception of **Cncl. Miller** who Abstained.

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**B.) APPROVAL OF MINUTES (cont'd)**

**Cncl. Garbowski** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of June 7, 2018. The motion was seconded by **Cncl. Pres. DiLucia** and unanimously approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

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

**D.) ORDINANCES FOR REVIEW**

- **Chapter 93 “Amusement Devices”**

**Solicitor Theresa Lentini** explained this Draft Ordinance is an update of the current Code, because the previous Ordinance was somewhat antiquated. The updated changes made were for the definition of an “Automatic Amusement Device” and the description of means of payments to operate the device. **Cncl. Garbowski** made a motion to move the Ordinance forward for First Reading at the July 23, 2018 Council Meeting. The motion was seconded by **Cncl. Miller** and unanimously approved by members of Council in attendance.

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

**Solicitor Theresa Lentini** explained the current Code does not permit domestic animals into the Township parks. This Draft Ordinance includes permitting domestic animals who are restrained by a leash no greater than six feet in length, owners are responsible for cleanup of feces, and no pets are allowed on the premises during special events or on ball-playing fields; this Ordinance includes an exception of companion animals for the disabled. **Cncl. Marino** mentioned posting of signs at entrance areas to notify residents of the rules after this Code takes effect. **Cncl. Garbowski** made a motion to move the Ordinance forward for First Reading at the July 23, 2018 Council Meeting. The motion was seconded by **Cncl. Miller** and unanimously approved by members of Council in attendance.

- **Chapter 175 “Land Use and Development” – Affordable Housing; Provision of Affordable Housing pursuant to Cycle Three Growth Share Regulations; RG-RA Regional Growth Residential Age-Restricted District**

**Planner Tim Kernan** spoke in reference to this Draft Ordinance. He introduced Mr. Mayo, who was in attendance to represent the Temple families. Mr. Kernan mentioned the

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

Township was in court earlier in the year, received an approved settlement with the judge deeming it was fair to persons in lower to moderate income households who may choose to reside in Monroe Township. **Planner Tim Kernan** said the order was signed previously in May, with conditions for items that needed to be taken care of by August 31, 2018. There are approximately a half of a dozen items that are prepared or in the process of being prepared. He believes the Market to Affordable Program Guidelines was already acted upon. The Housing Element and Fair Share Plan needs to be adopted by the Planning Board, which is an element of the Township's Master Plan. It will be discussed at the next Planning Board meeting, adopted by the Planning Board later in August to give the Pinelands Commission some time to review it in draft and comment on it. They have to certify the Housing Element and Fair Share Plan, just as they have to certify the Affordable Housing Ordinance. We would like to get the Housing Element and Fair Share Plan and Draft Ordinance to the Pinelands Commission as quickly as possible along with the other items such as the Market to Affordable Program Guidelines, the spending plan and the Rental Rehabilitation Program Guidelines, wait for a response and have everything lined up for adoption for both at the Planning Board and Governing Body in August. Mr. Kernan mentioned there was a question about introducing the Ordinance for 1<sup>st</sup> Reading at the Council Meeting of July 23, 2018. He does not think there is a harm in introducing it, though it reads "...Planning Board has adopted a Housing Element and Fair Share Plan..." He asked Mrs. Lentini if we should withhold introducing the Ordinance until after the Planning Board acts on it. **Mrs. Lentini** said we have to see what the Planning Board does; her concern is the deadline for final adoption of August 31<sup>st</sup>. Mr. Kernan mentioned there are a number of Planning Board Meetings between now and then, further explaining we do not have to wait for the Pineland Commission's review, though we have learned when Ordinances or plans are sent to them after adoption, they comment on it and then Ordinances and Resolutions have to be amended. He said, with this Ordinance, there is a nuance that impacts the Temple families, who are in litigation with the Pinelands for Summerfields West. Mr. Kernan noted a section in this Ordinance is a change to the RG-RA Regional Growth Residential Age-Restricted District, dealing with active adult communities other than mobile home parks. **Cncl. Marino** mentioned there is a Council Meeting on July 23<sup>rd</sup> and a Council Meeting on August 27<sup>th</sup>, so two readings for this Ordinance and the Pineland Commission's review before August 31<sup>st</sup> will be difficult. He asked what the flexibility is and if we have an extension. Mr. Kernan said he thinks there is some flexibility on an extension, explaining the Planning Board has a meeting on July 26<sup>th</sup>, August 9<sup>th</sup> and August 23<sup>rd</sup>, which is before the Council Meeting of August 27<sup>th</sup>, giving three opportunities for the Planning Board to act on the Housing Element and Fair Share Plan and to also recommend the Draft Affordable Housing Ordinance. Mr. Kernan said he will be presenting the plan to the Planning Board the next evening and it could then be scheduled for Public Hearing at the Planning Board Meeting of July 26<sup>th</sup>. **Cncl. Heffner** questioned the section of the Draft Ordinance in reference to "Control Periods For Restricted Rental Units", that reads "...and each restricted rental unit shall remain subject to the controls on affordability for a period of at least 30 years and...", asking if it is a form of rent control. Mr. Kernan explained if that unit wants to participate in the program and the Township would receive credit for that unit, they would have to agree to it and would be eligible for some rehab dollars from the Township trust monies. Cncl. Heffner questioned the section that reads "Rehabilitated renter-occupied housing

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

units that are improved to code standards shall be subject to affordability controls for a period of 10 years”. He questioned Mr. Kernan what the difference is between these two sections, because they are both rental units. It was explained that this section is for renovated units. **Cncl. Heffner** said a lot of these are going to end up in Friendly Village, because they are rental units and he asked if this will have any say over the lot fee, which goes up every year. **Planner Tim Kernan** said the plan that was reached with the Temple family for Friendly Village, was for for-sale units. He explained before COAH went out of operation, we had worked out the mechanism on how the unit would qualify, which was based only on the purchase price of the mobile home unit and not the pad rent; the pad rent was fine to stay the same as everyone else’s. Mr. Kernan noted the 2004 Master Plan needs to be available on the Township Website. **Cncl. Garbowski** made a motion to move the Ordinance forward for First Reading at the July 23, 2018 Council Meeting. The motion was seconded by **Cncl. Miller** and unanimously approved by members of Council in attendance.

**E.) MATTERS FOR DISCUSSION**

- **Chapter 104 “Buildings” – Article V “Abandoned and Vacant Properties”;  
Article VI “Emergency Measures”**

**Solicitor Theresa Lentini** spoke on this matter, explaining it is in litigation with other municipalities. She advised everyone has presented a form of an amended Ordinance to plaintiff’s counsel; Paulsboro is the only municipality who wrote one and had it immediately passed. She said it was discussed and decided to look at the proposals and proposed amendment Ordinances and work through what is there instead of having to go back and continuing to amend. She said at the last case management hearing before the judge, plaintiff’s counsel requested to work with counsel for Paulsboro, Jim Maley, because they had already had their Ordinance passed and narrowed it down a lot. This would be distributed to all of the other counsels for us to see if our Ordinances can work within those guidelines which would then resolve the litigation. Ms. Lentini said the comment made by plaintiff’s counsel to the judge was that it is costing the plaintiff a lot of money to review all of these Ordinances and deal with these attorneys. She said she has been following up with Mr. Maley and it is not yet finalized, but is well aware of the fact that she wants to have it before Council in August. She said the judge has not made anyone file an answer to the complaint, so that none of the attorneys for the municipalities are spending money on litigation, except for having them meet once a month; other than that, he has been very accommodating and conscious of how expensive it can get very quickly and he has been moving the dates back, trying to work with all of the municipalities. Ms. Lentini explained we are still on hold, will keep on following up and hopes to have something by August. This Ordinance will be a lot more pared-down because our current Ordinance has so many other things in it, with extraneous language that is not necessary. Ms. Lentini said she is hoping to be able to provide an amended Draft Ordinance in August that will hopefully also resolve the litigation.

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

- **Chapter 4-93.3.4 “Administrative Code” – Department of Parks and Recreation - Criminal history background checks concerning township-sponsored or cosponsored recreation and sports programs**

**Chief of Police, John McKeown** spoke on this matter and informed Council about an incident of a coach's background that had been flagged at the State level, to which the coach was appealing. The Review Committee, consisting of himself, the Business Administrator Kevin Heydel and Dir. of Parks & Recreation Jim Bonder met and reviewed the person's application and background, and agreed this person should not be a coach. After reviewing the Township Code, Chief McKeown noticed the offense this person had been convicted of, was not included in the Township Code. He further researched, reviewed other Ordinances and found out the State Law lists several offenses that our not in the Township Code. Some of the offenses that were inadvertently left out of the Township Code were theft, embezzlement, child endangerment/neglect, and drug use/sales. Chief McKeown informed Council that Ordinances from other municipalities simply sites the State Statute. If there is ever an amendment to the State Law, we will already be in compliance in the Township Code. He further explained instead of specifically listing the offenses in the Code as it currently does, to instead site the State Statute that contains all up-to-date offenses. **Cncl. Marino** asked if the process for a person seeking to volunteer as a coach with the Township is to go to Mr. Bonder. Chief McKeown explained the process; the coach receives a letter from the State informing them their background check has been flagged, this person files a letter with the State requesting the reason, the criminal history is mailed to them, and they make a decision on whether they want to appeal it or not. If they want to appeal, Mr. Bonder receives the appeal notice and it is then forwarded to the Detective Bureau to review, conduct an investigation and interview the person.

**F.) OLD BUSINESS – None**

At this time, **Cncl. Heffner** mentioned there is a residential property that has been operating a business, which he stated it has been operating illegally, for a long time. This business got caught, so they came to the Township and filed paperwork to operate a commercial business out of this property. Cncl. Heffer said there is a 4-ton weight limit on this road and this business is operating 40-ton trucks on it. He is concerned about the Zoning Board allowing a business to operate and use vehicles over the weight limit of the road. **Cncl. Miller** said we have to enforce it. Cncl. Heffner is concerned with the fact that the Township is allowing it and questioned how the Police Department would be able to enforce this. Cncl. Miller asked if they are aware of the situation, to which Cncl. Heffner said they are, it is always in the minutes. Dir. of Comm. Dev./Code Enf., Rosemary Flaherty clarified the matter with this application is the Township is notified through the Use Variance, so if no one shows up on behalf of the Township to argue that they do not want it on there, she guesses the Zoning Board is taking the position that they are allowed to have jurisdiction. She said NJDOT was reached out to and they said just because there is a weight restriction on a road, does not mean people cannot have trucks that go

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in and out. For example, if a delivery truck is delivering furniture to a home on that road, those trucks would not be allowed on the road. Mrs. Flaherty thinks we need a better understanding of what to restrict on these roads. She said if NJDOT is not notified and does not certify a weight-restricted road, it becomes a problem for the Township. She said somewhere down the line, there is a disconnect creating our Ordinances and going to the State. Mrs. Flaherty said Jim Mentzer from NJDOT said if someone is coming and pulling into their driveway and pull back out onto the nearest highway, that is not actually utilizing a restrictive (*inaudible*). **Cncl. Heffner** said he would understand this if it was one truck, but this business has four trucks. He asked what the use of having an Ordinance is if we are not going to enforce it. Mrs. Flaherty said we need to go back and go through the Ordinances restricting weight on roads and find out if they were actually certified. **Cncl. Miller** said it is the tax payers who will be footing the bill for the repairs and maintenance of the road if the business is being operated by trucks that are excessive and over the weight limit. **Cncl. Garbowski** suggested a surcharge to charge the businesses for conducting in this manner, because it is them who are using the road constantly for their businesses. **Cncl. Marino** said it is possible the Township could end up being in a lawsuit if we deny an applicant. Cncl. Heffner said we will check with Dir. of Public Works, Mike Calvello to find out if the roads in the Ordinances are certified. **Solicitor Lentini** said the Solicitor's office will review the list of streets in the Ordinances that reflect a weight-limit.

**G.) ADJOURNMENT**

With nothing further to discuss **Cncl. Garbowski** made a motion to adjourn the Ordinance Committee Meeting of July 11, 2018. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

**Respectfully submitted,**

*Aileen Chiselko*  
Deputy Municipal Clerk, Aileen Chiselko

*Joe Marino*  
Presiding Officer

*These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of July 11, 2018 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 \_\_\_\_\_ *abc* \_\_\_\_\_ Date 8/1/18  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_