

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 3, 2011**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** 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.: Gloucester County 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. Frank Caligiuri led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present
Cncl. Frank Caligiuri	Present
Cncl. Marvin Dilks	Present
Cncl. Rich DiLucia	Present
Cncl. Ron Garbowski	Present
Cncl. Daniel Teefy	Present
Ord. Chairman, William Sebastian	Present
Business Administrator, Kevin Heydel	Present
Solicitor, Charles Fiore	Present
Deputy Clerk, Sharon Wright	Present

B.) APPROVAL OF MINUTES

Cncl. Daniel Teefy made a motion to approve the minutes as submitted of the June 1, 2011 Ordinance Committee Meetings. The motion was seconded by **Cncl. Pres., Marvin Dilks** and approved by all members of Council in attendance with the exception of **Cncl. Ronald Garbowski** who Abstained.

C.) PUBLIC PORTION

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

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D.) ORDINANCES FOR REVIEW

- **Establishing Protest Zones-Military Funerals**

Solicitor Fiore indicated the ordinance establishing protest zones for funerals is in its final form, as the draft was previously given to Council for review, comments, questions and changes. Cncl. Rich DiLucia questioned whether Mr. Fiore was confident that this ordinance would not infringe upon anyone's constitutional rights. Mr. Fiore replied that someone may raise a challenge to the ordinance but he was confident that it is constitutional. Cncl. Dan Teefy questioned whether this type of ordinance is being adopted throughout the State. Mr. Fiore indicated approximately a dozen similar ordinances have been adopted and none of them have been challenged at this point in time; but that does not mean there will be none in the future. Cncl. Frank Caligiuri referred to the language in Section 2. Item 1 "*engage in demonstration at any public location during a funeral or within two hours following the completion of a funeral*" and questioned whether it is legal to require people to wait two hours. Mr. Fiore explained that language was taken from another municipality's ordinance and to his knowledge has not been challenged. He explained the ordinance allows people to demonstrate as long as they remain 1,000 feet from the cemetery property line and not any closer for two hours because at times family members remain in the cemetery following the funeral service. Cncl. Caligiuri referred to Item 4 "*Display any visual images that convey fighting words...*" and recommended defining the images as "*negative images*". Solicitor Fiore felt the current language of "*visual images*" is enough. Cncl. Sebastian noted the requirements under Section 2 "*Prohibited conduct with regard to speech of public concern*" and Section 3 "*Prohibited conduct with regard to speech of private concern*" is the same and he questioned whether the sections could be combine to read "*Prohibited conduct with regard to speech of public/private concern*". Mr. Fiore indicated that the two sections could be condensed. Cncl. Sebastian polled Council and all were in favor of moving this ordinance forward for First Reading at the August 23rd Regular Council Meeting.

- **Chapter 254 "Taxicabs"**

Cncl. Walter Bryson expressed concern that the taxicabs traveling on our streets are not being properly maintained and are unsafe for our residents and he questioned whether the Police Department can perform inspections. Cncl. Sebastian explained the ordinance requires taxicabs to meet NJ Department of Motor Vehicle standards for inspections and registrations however, since the ordinance was adopted laws have changed and NJDMV only inspects emissions now. The police department cannot inspect taxicabs but can cite one if it has damage, such as a crushed fender. Mr. Fiore noted he would not recommend the police department perform inspections due to manpower issues and the fact that it is beyond what Motor Vehicle requires. Under the township's previous taxi ordinance the police inspected cabs and requested the ordinance be repealed because they did not want to be burdened with inspecting cabs that were already inspected by the DMV. After some discussion on this issue Council felt it would be difficult for the Police Department to perform vehicle inspection and that customers can refuse to ride in vehicles not properly maintained. The Deputy Clerk noted the Police Department requested a copy of the Taxi Ordinance and questioned whether it would be

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D.) ORDINANCES FOR REVIEW (cont'd)

discussed again as they would like language included that would require all cab companies to have their names on the doors of the cab. They were told it would be discussed at this meeting and she was under the impression someone from the Police Department would be in attendance to participate in this discussion. Cncl. DiLucia noted according to the ordinance cabs are also supposed to have their rates posted on the outside of the cab. The Deputy Clerk noted owners of the various cab companies picked up taxicab applications but only one company submitted a completed application and was issued a license; none of the other companies ever returned their applications. Cncl. **Frank Caligiuri** referred to Section 254-1 and recommended "owner's taxicab license" be changed to "taxicab owner's license", as that is how it appears in the other sections of the ordinance. He also referred to Section 254-3 and suggested that a "valid" original driver's license be presented to the clerk's office. **Solicitor Fiore** suggested that a certified driver's abstract issued by the Department of Motor Vehicles also be submitted along with a copy of the valid driver's license, as that would show that license has not been suspended. Council was in favor of this suggestion. Cncl. Caligiuri referred to Section 254-6 "Posting of fares" and suggested the additional language of "no fuel charges or other supplemental charges shall be imposed", as that would prevent additional charges such as increased fuel costs from being passed on to the passengers. Cncl. **Rich DiLucia** questioned whether taxi fares were regulated in any way. **Solicitor Fiore** noted he thought taxi fares were regulated by the State. Cncl. **Walter Bryson** spoke of taxicab ordinances being different in every town and of how owners register in the town with the least regulations. He noted that is not fair to the riding public because cabs will be unsafe, drivers will be unregulated and eventually something will happen. He suggested Council petition the State to adopt statewide regulations on equipment and licensing of taxicab owners and drivers. Mr. Fiore noted he would prepare the proposed amendments for the next Ordinance Committee Meeting. He suggested the Police Department be invited to attend that meeting to review the changes. The Deputy Clerk advised Council that the State is considering taxicab legislation similar to the limousine legislation.

E.) MATTERS FOR DISCUSSION

- **Duplicate Tax Sale Certificate Fee**

The Deputy Clerk explained the Tax Collector issues duplicate Tax Sale Certificates and is permitted to charge up to \$100.00 for that, however, in order to be able to charge, an ordinance must be adopted establishing that fee. Council requested Solicitor Fiore to draft the Ordinance establishing the \$100.00 fee. Mr. Fiore indicated every time a duplicate Tax Sale Certificate is issued it must be done by resolution and this will allow that cost to be recouped.

- **Digital Signs - Sample Ordinances**

Sample Digital Sign ordinances from Pemberton, New Jersey, Plainfield, Michigan, and Gladstone, Missouri were given to Council for review. Cncl. **William Sebastian** spoke of an

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E.) MATTERS FOR DISCUSSION (cont'd)

article that appeared in the Planner Magazine that suggested municipalities adopt regulations for digital signs since they are the up and coming means of community advertising. He explained his main concern is the safety issue involved with the flashing, scrolling and brightness of these types of signs and those issues could be regulated by an ordinance. Council discussed how the various sample ordinances regulated the number of words permitted and the length of time a message must remain on the sign. Cncl. Sebastian noted he wanted to address the intent of the sign ordinance with the township planner, as the ordinance states signs over a certain size are only permitted in non-residential zones. If you look up the definition of a non-residential zone it lists two zones, commercial and BP; everything else is residential even agricultural zones because a house can be on a property in an agricultural zone. Businesses are located in commercial zones, not residential. He referred to the new water ice sign installed on the corner of Blue Bell Road and Chestnut Street and explained that is located in a town center zone, which also allows residential. Cncl. Sebastian noted his question for the Planner is whether the ordinance should state that a sign of a certain size should only be permitted in a commercial or BP zone. Discussion took place regarding the sign ordinance, the interpretation of zoning laws and whether other townships allow digital signs. Cncl. Caligiuri felt digital signs should display a complete message and he suggested language be included in the ordinance that reserves the right for Emergency Management to post emergency messages on digital signs at no cost to the township. Cncl. Sebastian felt Council many not be able to dictate or mandate that. He noted in the past when an applicant has come before the Zoning/Planning Board suggestions have been made for sign owners to volunteer their signs for emergency messages. They have agreed and included that as part of the record. Cncl. Sebastian indicated Council would spend additional time tweaking/reviewing these ordinances before taking any further action on this matter.

- **Solar Energy System Ordinance (sample ordinance from Pemberton Twp)**

Cncl. Walter Bryson referred to the sample ordinance definition for carbon footprint and explained that does not need to be included in the ordinance as it is a European standard not applicable here in the United States. He noted the asphalt plant on Route 322 has a solar operation and suggested prior to adopting this ordinance that someone inspect it to make sure they are in compliance with the ordinance requirements. Cncl. Sebastian explained Scotland Run owns that facility as well as the one at the golf course and approvals for both were granted through the Zoning Board. The golf course facility will send power to the country club and the asphalt plant will use all the energy from the other one. Cncl. Sebastian noted a new ordinance would not affect those facilities but it could affect a future one at the old dump site on Sicklerville Road. He questioned whether Mr. Heydel had the opportunity to review the sample ordinance from Pemberton Township. Mr. Heydel indicated he breezed through it. He went on to explain that the County Tax Assessor had advised that property taxes are only paid on the commercial properties these types of facilities are placed on; nothing is paid on the improvements. He suggested the Planning Board consider a payment in lieu of taxes agreement, as that would allow the township to receive some payment for that type of use on a property. Solicitor Fiore suggested utilizing the income producing approach and

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E.) MATTERS FOR DISCUSSION (cont'd)

questioned whether there was some mechanism under Title 54 to allow pilot programs for this. Mr. Heydel noted the County Assessor had advised that another township established a payment in lieu of taxes agreement and he would contact him to find out additional information about this. Cncl. Bryson noted another question for the tax assessor is whether or not a solar roof, which is an improvement and an asset to a home, is taxable. Cncl. DiLucia felt taxing those solar roof panels would be a disincentive for residents to install them. Cncl. Bryson referred to Section 190-77 G., which prohibits solar panels in/around airports and noted the asphalt plant panels on Route 322 are located in the area of the Cross Keys Airport. Cncl. Sebastian explained solar panels are prohibited around airports, even the small ones like Carter's, in areas designated on the zoning map as the "envelop" because from the air they look like open space where a plane could land in an emergency. The Route 322 panels are not located in that "envelop". No further discussion or action was taken on this matter.

- **Williamstown Square Economic Redevelopment & Growth Program (ERG)**

Cncl. Ronald Garbowski advised he was contacted by a representative from the State to see if the township had any applicable redevelopment projects that would be eligible for a State grant program that provides low interest loans to developers of redevelopment projects. He explained the State has set aside a large pot of money for these grants and as the loans are paid back the money goes directly into that pot so there is always money available for redevelopment zone projects. Cncl. Garbowski noted he put Stuart Wainberg in touch with the State and he did submit a grant application. **Business Administrator, Kevin Heydel** noted Mr. Wainberg is now requesting the township to give him a letter of support and to adopt an ordinance of support for the Williamstown Square Project. Cncl. Sebastian questioned when the work on the Black Horse Pike will begin. Mr. Heydel was not aware of when it would begin but noted that ARH is working on the engineering part of the project. Cncl. Frank Caligiuri recommended this matter be referred to the Redevelopment Committee so they can meet with Stuart Wainberg, analyze it and report back to Council. Cncl. Sebastian questioned whether there was a timeframe associated with this request. Mr. Heydel was not aware of a timeframe only that Mr. Wainberg wants to submit the requested documents to the State as soon as possible. He noted he explained to Mr. Wainberg the ordinance approval process and that it would not be approved until the end of September. Cncl. Sebastian noted since there is no timeframe the Redevelopment Committee would handle this and he requested Cncl. Caligiuri to include Mr. Fiore in the discussion since he would be drafting the ordinance. Cncl. Bryson questioned what the loan would cover. Cncl. Garbowski advised Mr. Wainberg is going to borrow sixty million dollars to cover the cost of the entire shopping center construction. Council questioned whether the road improvements could be included in this grant. Cncl. Garbowski felt that it could be rolled into the loan and noted representatives from the State offered to come here and discuss this with Council. Cncl. Caligiuri questioned whether there were any limitations on how much money could be loaned to each township. Cncl. Garbowski advised there is no limitation and the township may have some future projects that would qualify for the program. Cncl. Sebastian spoke of requesting Senator Madden to look into the feasibility of creating legislation that would allow the State to issue liquor licenses in redevelopment zones such as those they issue for hotels with 100 rooms or more. Cncl.

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E.) MATTERS FOR DISCUSSION (cont'd)

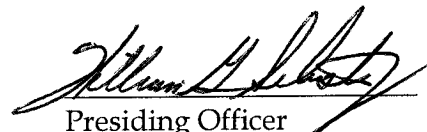
Caligiuri noted he has not verified it but, he heard that in a contiguous shopping center a number of restaurants can share a single liquor license. Cncl. Sebastian noted it depends on whether the license is issued to the developer or to the restaurant. If issued to the developer, it may be able to be utilized throughout the site. Solicitor Fiore explained every Outback and Carrabba's share the same liquor license, as they are located on the same property and have the same owner. He went on to explain how liquor licenses are controlled by the number of people in the town because too many licenses would cause businesses to be unable to sustain themselves. A few years ago legislation was sponsored that involved the concept of issuing liquor licenses to redevelopment areas in order to get new businesses into municipalities. That legislation involved a formula that would partially share the revenue generated from those licenses with existing liquor license owners, the municipality and the State. That pending legislation got tied up in North Jersey and was squashed. Council questioned how much Monroe's population would need to increase to get another liquor license and Mr. Heydel advised by approximately 3,000 people. It was noted that the Redevelopment Committee Meeting will address this issue and a report will be made to Council.

F.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Ordinance Committee Meeting of August 3, 2011. The motion was seconded by Cncl. Daniel Teefy and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and the hand written notes of the Ordinance Committee Meeting of August 3, 2011 and serve as only a synopsis of the proceedings. That 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 SW _____ Date 9/7/11 _____
Approved as corrected _____ Date _____