

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
NOVEMBER 8, 2012

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. Walter Bryson 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		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Solicitor, Charles Fiore	Present	
Planner, Tim Kernan	Present	
Deputy Clerk, Sharon Wright	Present	

Ordinance Chairman, Cncl. Sebastian deviated from the agenda to allow Planner Tim Kernan to address the issues listed under Matters For Discussion first so he could leave and attend the Planning Board Meeting also scheduled this evening.

B.) MATTERS FOR DISCUSSION

• **Acme Shopping Center Redevelopment Plan**

Planner, Tim Kernan explained approximately a month ago the Redevelopment Committee reviewed the proposed amendment to the Acme Shopping Center Redevelopment Plan and recommended that it go forward. The Planning Board also discussed it at their last meeting and made the recommendation that it be forwarded to Council for adoption. This amendment finally separates the new Williamstown Square Redevelopment Plan created for the Benderson Project from the original Acme Redevelopment Plan. Until the original plan is amended there are actually two plans governing the east side of the pike that Benderson wants to develop. This gets rid of any mention of the area across the pike and brings the plan current

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B.) MATTERS FOR DISCUSSION (cont'd)

to the Williamstown Square Plan that proposes a new traffic signal at Charm Road as opposed to next to CVS. It also shows a newly improved intersection at Main Street and the pike, which would provide better stacking if the Acme Shopping Center were to be developed. Mr. Kernan spoke of a couple alternate routes being proposed to extend Main Street through the shopping center. One would be the same general alignment behind CVS where the service road currently is and the other would swing the road further into the property and cut in on the other side of the old Acme. These are just concepts, nothing is set in stone. Mr. Kernan noted the allowance in the old plan for 250 residential units that was to be located in the wooded area has been removed. The new plan shows that area as "future" so the owner will need to negotiate the use and density for that area. The amendment has been pared down from the previous version, which had many detailed bulk standards as far as setbacks from the street to buildings and the buildings having residential above storefronts. This is a simpler concept that allows for commercial development in accordance with our commercial standards and only a townhouse development in accordance with our townhouse standards in a very small area. There will be a transition from the pike into the commercial, a small number of townhouses and then the single family existing residential area. While looking over the maps of the proposed plan Cncl. Sebastian questioned why the residential zone boundary line in the concept plan didn't follow the pike and come down the other side of Main Street because when Main Street is developed, a portion of that area will be cut out and if the entire process is within the redevelopment zone, it may open up grants for the township to take care of the intersection. Mr. Kernan noted that is an excellent concept and a great suggestion and he will mention it to the Planning Board. Mr. Fiore explained in 2005 a resolution was done initiating the entire redevelopment process in which the Planning Board identified the lots involved. If they want to include lots that were not previously identified in that resolution Council will need to adopt a new resolution recommending that the Planning Board not only undertake a study of the existing lots, but any new lots they want included in the redevelopment plan. In looking at the map Mr. Kernan noted the portion they are looking at is part of the DOT right-a-way and it looks like four additional lots in that area would qualify for redevelopment. He explained the road is not studied just private property/individual blocks and lots so if Council would want to add additional lots that is a possibility. Mr. Kernan explained if council does not want to add any additional properties the amendment could be moved for First Reading. Cncl. Sebastian polled Council and all in attendance were in favor of moving the ordinance forward. Mr. Kernan noted he would request the Planning Board solicitor to draft the ordinance.

- **Zoning - Summerfields West**

Mr. Kernan explained the developer of Summerfields West applied to the Pinelands for an expansion of the development onto what is called the Monroe Katz tract. The Pinelands flagged the application because the line between the RG-RA and the RG-MR under the current plan goes through the middle of the lot and it should be going through the strangely configured Lot 31, which has a skinny finger going up to Corkery Lane. The Pinelands flagged the application even though they approved the Summerfields West Project currently under construction with the same zoning lines and they will not allow a minor correction to be made to the zoning map without a formal process including an ordinance adoption. Mr. Kernan

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B.) MATTERS FOR DISCUSSION (cont'd)

noted in his opinion the Pinelands flagged it one project too late and when it was suggested that the line be moved over to encompass the entire lot they requested the formal process be followed to do that. The Planning Board has reviewed this and is recommending Council revise the zoning map to include the entire lot. Cncl. Sebastian polled Council and all were in favor of adopting the revised zoning map by ordinance.

- **Age-Restricted Zones**

Cncl. Sebastian noted he received a copy of a letter from the executor of the McTeague property requesting age-restricted zones be changed back to what they previously were in light of the Conversion Law and due to the fact that no one is buying land zoned for age-restricted homes. Mr. Kernan explained the Conversion Law has already expired but for a short period of time that did allow developers to convert age-restricted approvals. Discussion ensued regarding how developers tried to convince legislators age-restricted homes could not be sold because for years there has been an excess of senior housing on the market. Solicitor Fiore noted Council can change the zone but he recommended it be done through a Master Plan study since the age-restricted zone was created during a Master Plan review. Mr. Kernan noted most of those age-restricted areas have already had applications approved by either the Zoning or Planning Boards. Cncl. Sebastian explained the McTeague property was approved for an age-restricted project but that project fell through and now the executor, who is from out of state and has been trying to sell the land for nine years, cannot sell it. Mr. Kernan noted that issue deserves some discussion. Solicitor Fiore questioned whether that property had a General Development Plan (GDP) that basically locks in the zoning for twenty years. Cncl. Sebastian noted this matter can be discussed again but at this time Mr. Kernan should be excused to attend the Planning Board meeting.

C.) APPROVAL OF MINUTES

Cncl. Walter Bryson made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of October 3, 2012. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

D.) PUBLIC PORTION

Cncl. Walter Bryson 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. Rich DiLucia made a motion to close the Public Portion. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

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E.) ORDINANCES FOR REVIEW

- Ordinance O:27-2012 - Chapter 69 "Police, Division of"

Solicitor Fiore explained Ordinance O:27-2012 was sent to General Code for codification and during the codification process it was found that Section 69-21 and 69-22 both stated "Compensation of officers" when actually 69-21 should state "Compensation of township. The language in Section 69-21 A. must also be changed to "The party requesting the service of the member of the Monroe Township Police Department provided for in 69-20 shall be charged and pay for such service as follows", etc. Cncl. Sebastian polled Council and all were in favor of changing the language as recommended. General Code will be advised of the language correction.

- Correspondence from Officer Pease

Cncl. Pres., Caligiuri requested that Cncl. Sebastian respond to the correspondence Officer Andy Pease sent to Council. Cncl. Sebastian noted he sent a request to Chief Smart and Lt. Stephen Farrell in regards to Officer Pease's letter, which basically said he didn't understand why Council was eliminating the rank of Corporal because, in the past, that rank was used as a rung in the ladder for police officers to move up. Cncl. Sebastian explained the Police Department is going through the Accreditation Process and they hired a company to review all ordinances and get things in order so that process goes smoothly. To be accredited the Police Department must be in line and in accordance with State guidelines. Monroe Township is a Civil Service Community and it was found during the process that the rank of Corporal is not recognized according to Civil Service. In accordance with the Police collective bargaining agreement the Corporal rank was eliminated and additional patrol positions were established and language was included in the contract that after a certain number of years, officers would earn additional money to offset the difference in pay. Cncl. Sebastian noted what he is getting verbally is that Corporals have no authority and it's like a patrolman talking to another patrolman only with additional stripes. Solicitor Fiore explained Corporals are looked at as senior officers but patrolmen with years of service can also be considered a senior officer. Mr. Fiore noted this issue is taking on a life of its own. He noted he will report on this more at the November 13th Council Meeting after he receives a copy of the transcript from one of the litigations, as a couple of officers testified, under oath, that the reason the corporal position was eliminated was because Council did not want to promote them. Cncl. Sebastian noted Council does not promote. The point here is the Police Department is in the process of State accreditation and Civil Service does not recognize the rank of Corporal. The problem is in the past our Police Department made their own rules and didn't follow Civil Service regulations of going through testing procedures for promotions; they just promoted by badge number. Chief Pontano began looking into this and Chief Smart is following up even further by getting the department accredited to be in line with other towns such as Washington Township and some people within the Police Department are questioning why the department is trying to be accredited. Solicitor Fiore explained it is being done, as there are liability issues and procedures must be put in place that are consistent and more importantly, followed. Council discussed the contents of Officer Pease's letter, the position of Corporal being eliminated from the police contract, the Corporal title not being recognized by Civil Service and the increase in the number

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E.) ORDINANCES FOR REVIEW (cont')

of patrolmen as corporals are eliminated. Cncl. Sebastian noted he is waiting for a written response from the Chief, which he will bring to Council, but the bottom line is the title of Corporal was eliminated from the police contract through collective bargaining and from the ordinance because it is not a recognized Civil Service title and cannot fit into the system to be accredited. Cncl. DiLucia questioned if the stripes of the remaining Corporals would be removed or would they be eliminated through attrition. Cncl. Sebastian noted it would be done through attrition and once all are gone, promotions to sergeant would be made from patrolman.

F.) NEW BUSINESS

• Amendment to Chapter 272 "Water"

Cncl. Walter Bryson requested Chapter 272 "Water" be amended, as there are fifteen properties in Williamsburg Village, including his own being affected by this ordinance. He explained when the MMUA installed the waterlines in Williamsburg Village they were supposed to stop before they got to those fifteen properties, however, they didn't and the lines were installed all the way to Corkery Lane. People in the development that had problems with their wells received \$2,400.00 in Spill Fund money from the DEP to connect to municipal water but it will cost the other fifteen property owners \$9,000.00 to connect to that waterline because the plan did not cover the entire development only a certain part. Cncl. Sebastian questioned the original plan that was approved by Council. Cncl. Garbowski explained the waterline came in from the pike at Concord Drive and goes to Constitution Drive where it connects at Malaga and then it goes down Concord Drive all the way to Corkery Lane and connects in there as well to form a loop. Cncl. Bryson noted the original plan only had a T going out to Malaga. He checked that with the DEP and received an e-mail from them that if the other fifteen wells became contaminated in the future those homes would become part of the Spill Fund as well. Cncl. Bryson requested Chapter 272 be amended by the following (*italicized/underlined language*):

Section C - The owners of any rental or non-occupied building or structure adjoining, abutting, facing or contiguous with a public street within the Township of Monroe in which a water pipeline is now or may be hereinafter constructed shall connect such building and all water facilities therein to said waterline only and after the existing well fails to meet acceptable New Jersey potable water standards. The owner then shall be required to connect within 90 days of notice therein or length of time required to receive acceptance by the State of New Jersey for Spill Fund assistance.

Section D - combine this language into Section C

Section G - Any of the exceptions contained herein shall expire upon the sale of an owner-occupied residence upon failure of a mandatory private well test or failure of a private well.

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F.) NEW BUSINESS (cont'd)

Section H - Any of the exceptions set forth herein shall only be issued and recertified only upon the testing and retesting of a well every three years at no cost to the property owner by the State or County Department of Environmental Protection.

Solicitor Fiore noted there was considerable debate about this issue a few years ago when people questioned why the MMUA was not running water in front of their property. The current language was a compromise, as the MMUA would only run the lines in areas where the wells were not contaminated if we had a mandatory water tie in ordinance. Cncl. Sebastian noted the point he was trying to make is that the original plan did not require the water to be put down Concord Drive to Corkery Lane but now that it's there, the property owners must tie in. Cncl. Ron Garbowski noted according to the plumbing code if a person's well is not contaminated but fails, the DEP is not allowed to issue a new boring permit for a new well since there is a municipal waterline within 200 feet of the property. Cncl. Bryson noted his neighbor is included in the Spill Fund area and that house is within 100 feet of his but he was not included within that area. He noted he went to the MMUA and the engineers and mentioned that to them. There were two solutions; one was POET Systems would be installed in all the houses and the other was a proposal to hook up the residents to municipal water. At that time they gave a cost justification \$370,000.00 for maintaining the POET Systems over a period of ten years and \$300,000.00 to install the water and sewer lines. The DEP decided to install the water lines and established a plan. Construction began this year but when it started, the residents found the construction of the lines went from one end of the street to the other. Cncl. Bryson noted he knew something was wrong because he had the original drawings from the MMUA but by then it was too late. Solicitor Fiore questioned whether that \$370,000.00 paid for the entire construction or did the MMUA supplement it with their money. Cncl. Bryson replied it paid for the entire construction. Solicitor Fiore noted then why would those fifteen people be excluded from tying in at that rate because State money was being utilized to tie everyone in due to the area being contaminated. Cncl. Garbowski noted that's why it should not be mandatory for those people to tie in. Mr. Fiore felt the argument should go back to the MMUA because they used grant money to run the pipe. The whole idea of requiring people to tie in was to recoup the cost of running the pipe in front on homes that were not contaminated. In this instance the MMUA didn't pay for it; they installed the lines with grant money. Cncl. Bryson noted vacant lots on Corkery Lane are covered by the Spill Fund while these fifteen homes are not. He spoke of how he requested the MMUA to install meter boxes in those fifteen houses so if they were connected in the future it wouldn't cost \$9,000.00, but they didn't do that. He noted \$2,400.00 is not a lot of money but \$9,000.00 is and this is the second time this has happened to this development. The first time the residents had to put sewers in that cost them \$10,000.00. Cncl. Sebastian recommended Cncl. Bryson give his recommendations to the Solicitor for him to include in the Code and Council can discuss those changes at the next Ordinance Committee meeting. The Deputy Clerk pointed out that Section C deals with mandatory water connection for rental properties and day-care centers etc.; owner-occupied properties are exempt from the ordinance unless the property is being sold. Cncl. Pres. Caligiuri agreed and Solicitor Fiore questioned whether the MMUA was requiring the fifteen residents to tie in now. Cncl. Bryson replied no, the MMUA is not requiring them to tie in right now; but, if they would sell or rent, they would be required to even though originally the

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F.) NEW BUSINESS (cont'd)

waterlines were not supposed to be in front of those homes. From Cncl. Bryson's request Council noted they were all under the impression the MMUA was requiring everyone to tie in right now. Cncl. Bryson explained he was requesting the ordinance changes, as he is trying to protect everyone from these requirements in the future.

- Resolution Requesting the Governor and Legislators to Regulate Contractor Practices in Hurricane Sandy Areas

Cncl. Walter Bryson requested Council consider adopting a resolution requesting the governor and legislators to create legislation that would provide preferences towards hiring New Jersey trade workers and only United States citizens for reconstruction in the areas destroyed by Hurricane Sandy. He also requested that all State, Federal and local repairs of roads, beaches, piers and all other major construction projects be awarded to only companies incorporated in the United States and where possible, preference be given to New Jersey companies. This resolution would also request that all current labor laws be enforced, that all Federal, State and local governing bodies provide resources to enforce compliance of mandates and fair labor practices include the payment of living wages on all construction projects government and non-government and that serious penalties be enforced for all contractors who violate the existing and newly created rules and regulations protecting workers in these devastated areas of New Jersey. Cncl. Bryson noted he is recommending this to put some New Jersey construction workers back to work because when he was in New Orleans after Hurricane Katrina he didn't hear very much English spoken in all those construction projects. He noted the housing project where he owns a home in South Carolina is still under construction and that has the same situation and he is becoming annoyed with that especially when he sees his neighbors in the construction trade being laid off. He felt it is very important to protect the people in New Jersey, which is why he is recommending this resolution. Cncl. DiLucia agreed Council should make some statement that jobs should be funneled to New Jersey residents and companies and they should comply with New Jersey Fair Standards for wages. He noted there is a law that says a person who has a Green Card cannot take an American's job but that is not being enforced and what is happening is that these contractors are bringing in illegal aliens, not putting them on the books and paying them substandard wages/benefits while we have construction workers out of work. Cncl. DiLucia noted this unfortunate devastation will create many jobs that will improve the economy. Cncl. Pres., Caligiuri requested the Deputy Clerk prepare the resolution for discussion at the November 13th Work Session Meeting.

G.) OLD BUSINESS - None

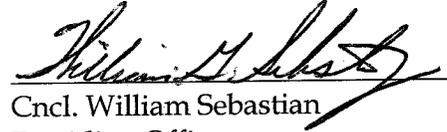
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H.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Ordinance Committee Meeting of November 8, 2012. The motion was seconded by Cncl. Walter Bryson and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Sharon Wright, RMC
Deputy Clerk


Cncl. William Sebastian
Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of November 8, 2012 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 AW Date 12/5/12
Approved as corrected _____ Date _____