

MINUTES
ORDINANCE COMMITTEE
TOWNSHIP OF MONROE
APRIL 3, 2013

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 Court 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		Excused
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. Ronald Garbowski made a motion to approve the minutes as submitted. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Rich DiLucia made a motion to open the Public Portion. The motion was seconded by **Cncl. Pres., Daniel Teefy** and unanimously approved by all members of Council in attendance.

Mike Jacobi, Williamstown Fire Company Chief approached Council on behalf of the fire company regarding billing for fire company services. Chief Jacobi requested Council table discussion of this issue until they have the opportunity to meet with a committee from the fire department to address some major concerns. **Cncl. Sebastian** explained the ordinance proposed at the March 25th Work Session was a general ordinance modeled after one from

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C.) PUBLIC PORTION (cont'd)

Glassboro; it is not definitive in nature. It is just the first step to allow the municipality to go out to bid for a third party billing agency; it does not include rates, billing purposes or who it goes through. The ambulance billing company cannot be utilized because they only handle medical billing. This evening we are just looking to be more finite in the title of the ordinance and who it will include. This is not a mandate from either the Administration or Council for anyone to bill at this time; it only gives us the opportunity to seek a third party billing company, how it would take place and what would be needed to put it into the proper perspective. **Solicitor Fiore** added ambulance services are billed to the insurance company; individuals are never required to pay for those services. Fire billing needs to be modeled after the ambulance revenue retrieval ordinance so if the insurance company doesn't pay, the township will not seek payment directly against the homeowner and we need to find out whether insurance companies will seek any type of deductible because that would impact upon donations our organizations receive and survive by. Cncl. Sebastian noted he also had a concern about fund drives so he checked with members of the ambulance squad, Chief Tom Accoglio, Warren Stuart and Anna Smart, President of the Association. They informed him their third party billing has never impacted donations and even considering economics this year the squad collected over \$25,000.00. Chief Jacobi noted he understands that but the fire company still has some concerns they would like to address with Council, as they are 100% volunteer and do not want to be associated with billing. The ambulance has paid personnel and Glassboro has a paid fire chief and two firemen so they can justify billing. Our volunteer firemen take a lot of pride in what they do for free and they have concerns they want to discuss before this moves any further. Chief Jacobi noted he gets calls from people inquiring how much the fire department charges to come out to see whether a fire is totally out or to check a CO detector. He noted he explains to those residents they will get no bill for fire company services. Cncl. Sebastian spoke of the budget, how Council is concerned where money is coming from to support organizations such as the fire company and ambulance squads and how they are looking at all types of revenue in this economy. Cncl. Pres., **Teefy** suggested a sub-committee of Council meet with members of the fire department before Council moves on with this. Cncl. **Frank Caligiuri** questioned whether Chief Jacobi heard anything about what is happening in Glassboro. Chief Jacobi replied no, he heard nothing and Glassboro's chief didn't even have the courtesy to call him to say he was coming here to discuss billing with a past chief who is not in attendance this evening. He noted members of the fire company are very upset with how this was handled. **Business Administrator, Kevin Heydel** advised this discussion can be tabled but that will also delay billing for rescue. Cncl. Sebastian noted defining the ordinance better is what was going to be discussed this evening because Monroe Township Ambulance and Rescue is not included in the proposed ordinance. Mr. Heydel explained it doesn't need to be because we already have third party billing for the ambulance. Cncl. Sebastian explained but that does not include rescue. Chief Jacobi questioned if this all came about for rescue billing and not for the fire. Cncl. DiLucia explained this came about because the Budget Committee saw tremendous problems due to a drop in revenue much of which was caused by properties being reassessed and that will happen again next year. This year the tax increase is going to be monumental even though the budget was not increased one cent over last year's budget. The Budget Committee looked at towing, third party billing for fire and rescue and a dog park as ways to increase revenue. Cncl. Sebastian polled Council and all members in attendance were

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C.) PUBLIC PORTION (cont'd)

in favor of tabling discussion of third party billing for fire and rescue until they had an opportunity to meet with the fire company. He requested Chief Accoglio get as much information as possible during motor vehicle rescue calls because if this ever moves forward the township can go back two years to third party bill. Chief Jacobi requested in the future all issues that involve the fire department be brought to his attention. Cncl. Sebastian requested Mr. Heydel give Chief Jacobi any third party billing information he has.

Rich Jacobi, advised a member of the fire department committee does third party billing for a living and she explained fire billing is not working out. He noted Council should be aware that Senators Sweeney and Tom Kean, Jr. have sponsored two bills that would require this to be included in the budget cap. He noted when revenues and profits drop in business, they make cuts, they don't raise prices and he suggested Council do that by cutting the budget 5% instead of raising taxes.

Tom Accoglio, Chief Monroe Township Ambulance and Rescue Association noted he wanted the record made clear that he said nothing about Fire Company billing. When discussion took place regarding purchasing a rescue truck and finding money to pay for it he found a way to fund the vehicles and equipment. It was never his attention to open any doors for the fire company and he felt this issue should be tabled until the fire company can be heard.

Troy Sterling, 1032 Huntingdon Drive, explained he and his neighbor, Christopher Tedesco would like to have four to six chickens in their organic garden but the township code prohibits that despite the fact their houses are on half acre/plus lots. **Dan Kozak** of the Zoning Office noted the ordinance was adopted because many people in developments do not want animals, such as chickens that draw rodents, living next to them. **Cncl. Sebastian** noted the Board of Health adopted that ordinance so Council would need to check with them before taking any action on this issue. Mr. Sterling questioned whether they could apply for any type of variance. **Solicitor Fiore** advised they could apply for a variance with the Board. He explained the Municipal Land Use Law gives each municipality the ability to regulate certain things that deal with health, safety, welfare and overall planning and zoning of the town. General laws passed across the board affect people either positively or negatively. The general laws that prevent agricultural uses in residential zones can be unfair to individuals but overall, from the planning, health and safety standpoint for the township, they work. In other parts of the township in larger areas chickens are permitted. The overall concept of these types of ordinances is to maintain an orderly society by regulating certain things in residential zones so people know what they can and cannot do when they move into a neighborhood. Organic farming sounds like a wonderful thing but unfortunately to obtain a variance for chickens the legal obstacle Mr. Sterling is going to face is demonstrating to the Board it's OK to deviate from the law that says no chickens are permitted and that will be a difficult burden. Mr. Sterling noted five or six chickens would have less of an impact than a medium size dog when it comes to waste. **Cncl. Sebastian** noted that may be true but there is also the issue of drawing rats and mice because of the feed on the ground. **Cncl. Frank Caligiuri** questioned whether Mr. Sterling was proposing layers for the eggs. Mr. Sterling replied yes for his family, he is not planning on

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selling eggs. He also wants them as pets for his children; but, the main reason is because they will eat insects in his organic garden. Cncl. Sebastian noted he will address this issue with the Board of Health, have an answer by the May 1st Ordinance Committee Meeting and advise Mr. Sterling of his findings.

With no one else wishing to speak Cncl. **Ronald Garbowski** made a motion to close the public portion. The motion was seconded by Cncl. **Marvin Dilks** and unanimously approved by all members of Council in attendance.

D.) ORDINANCES FOR REVIEW

- Chapter 237 Precious Metals

Lt. **Stephen Farrell** recommended the Precious Metals Ordinance be amended to make it more efficient for the Police Department to recover stolen property. He explained currently police officers go to individual dealers, pull slips, bring them back to the department and manually review them to determine if something might be the by-product of a crime. Other agencies are now utilizing a system where everything is downloaded into a software program and electronically sent to the police department which then has the information at their fingertips all the time. Monroe Police Department would like to move to that system but needs permission and the ordinance amended to do that. Lt. Farrell provided Council with a copy of Cherry Hill's ordinance that the Police Department would like implemented here. Cncl. **Sebastian** noted Mr. **Fera** from **Fera's Jewelers** had indicated that he could not meet some of the requirements of our current Precious Metals Ordinance. Lt. Farrell explained Mr. **Fera** has problems displaying items that are not sell worthy and after discussing those issues with the Police Chief it was felt that requirement in our current ordinance could be removed. **Solicitor Fiore** added Mr. **Fera** had much input into our current ordinance but is now having issues with the three/four day period items must be publically displayed due to limited space in his store. The program the Police Department would like to implement is like the one Maryland and Delaware have, which requires everyone to buy into a database. Mr. **Fiore** noted actually county and state officials are considering such a statewide system that police departments throughout the state could utilize. Lt. Farrell noted that would be extremely helpful because items are not just taken to local establishments, they are taken everywhere and the police department does not have the ability or time to go to each one. Mr. **Fiore** noted this issue was first brought to the forefront by counsel on behalf of **Fera**. We advised him we were looking into a database system similar to the Maryland/Delaware one and he responded back stating that if the township proceeded with that avenue it would be cost prohibitive and they would challenge our ordinance. Mr. **Fiore** questioned from the Police Department's point of view is our current ordinance working. **Det. Gene Sulzbach** explained it works for the businesses we currently have but it will not work for ones that buy and sell electronics such as **P & R Store** that just opened across the border in Washington Township. He requested second hand goods be added to our ordinance, as stolen items from Monroe were sold at **P & R** and it is just a matter of time before we get one of those stores or a game store that buys used items.

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D.) ORDINANCES FOR REVIEW (cont'd)

Det. Sulzbach indicated he would like the database, as it is user friendly and police can reach out much further to find stores buying from suspect people. Solicitor Fiore noted Cherry Hill's is a good ordinance but he would like to meet with Lt. Farrell and Det. Sulzbach to tweak it to make it even better. Lt. Farrell noted it is not a matter of money for the victims of these crimes, they want items back due to the personal attachment they have to them. Unfortunately, police cannot get to stolen items fast enough because there's not enough time in the day to go to each establishment and pull slips but if we could just click a mouse the potential is so much better. The database includes pictures of items sold and of the person selling them. That is done now but received by the police at a much slower rate. He explained our police officers visit dealers at least once a week but dealers are being inundated with police on a daily basis because it's not just our department visiting them it's departments throughout the area as well. If the new system was in place dealers would not be visited as often unless a stolen piece of property was found there. The system is pretty basic. The only difference in the process would be that dealers would need to type and send the information instead of writing it out and making copies. Cncl. Sebastian questioned how dealers such as Fera handle it now. Det. Sulzbach explained currently he requests some form of ID and writes what he purchases on a slip, the items are priced, put in a pile, pictures are taken and uploaded to a yahoo email account, which he gave the Detective Bureau access to. Fera's process is a little more cumbersome than the system we want but it is better than the other dealers. The other two dealers take pictures and the police stop in once a week and get receipts. The new system would be completely electronic, it is internet based. The dealer would take the picture, enter the information and it is then automatically available to police and linked to NCIC, which flags stolen items immediately. In those instances the dealer knows not to buy the item and to call the police. Lt. Farrell explained some dealers do not agree with this system because some towns require them to pay a license fee to register to do this plus they must pay an annual fee for the software program. Det. Sulzbach added Cherry Hill charges dealers \$300.00 just to be a dealer in that jurisdiction and then they have to purchase the software for \$250.00 a year. Our Police Department is not looking for that; we just want the software instituted. Cncl. Sebastian requested Lt. Farrell and Det. Sulzbach meet with the solicitor to fine tune the ordinance.

- Amendment to Chapter 74 "Fees"
(Board of Health Administrative Fee, Towing Application Fees, Court Discovery Fees)

Solicitor Fiore explained the amendment to Chapter 74 deals with a change in the cost for municipal court discovery due to litigation. The Supreme Court ruled \$.05 can be charged for a letter size page, \$.07 charged for a legal size page and an in-car video of an arrest can only be the cost to burn a CD. Previously we charged \$75.00 for those videos but now the cost must be associated with the effort utilized to generate that discovery. In the past a photo done by a police expert at the site of an accident scene cost \$50.00. Now, the fee for a photo is \$2.00 and \$4.00 for a disk because fees must be only what it cost the municipality to replicate a document for discovery. Postage can be charged when mailing documents. Mr. Fiore advised the Board of Health established a Property Maintenance Administrative fee and has requested that fee be included in Chapter 74 so one fee ordinance can be done for both amendments. Mr. Fiore will prepare the ordinance for First Reading at the April 8th Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

Mr. Fiore also referred to his memo dated March 26, 2013 regarding the township's ability to charge a medallion to towers on the list. He explained State Statute does not deal with the number of towers or the process involved in selecting towers; it only creates a minimum standard that is required for all towers. A medallion is a little different than the concept of licensing, which is a situation where a municipality charges an amount for the issuance of a license. Gloucester Township has a \$500.00 license fee and Washington Township has a \$300.00 license fee, they do not charge a medallion. Fees need to be directly related to the amount of labor involved in issuing a license so the \$500.00 fee probably encompasses the hourly rate for the work done in the Clerk's Office and Police Department. The law is pretty clear that you have to establish "a rational nexus requirement", which is a connection between what the fee is and what it cost the municipality to implement or issue that license. Mr. Fiore noted when first looking at this issue a medallion seemed to be very attractive but in researching this it appears there is no city in New Jersey that charges that type of fee. The law is clear, a municipality can create an ordinance to regulate taxicabs, tow trucks, etc. and charge a fee associated with that, so long as it can satisfy the rational nexus between the two. He noted the township is seeking to increase revenue but this fee cannot be revenue based or called a tax. The fee must be connected to the effort put forth by the municipality to issue that license. Another way of doing it would be to go out to bid for those services and if it is given out to one or two bidders the township could charge for that. Mr. Fiore noted he believes charging a fee to be on the list would be challenged in court and we would be overturned. The concept of bidding it out is a different concept altogether and is something that Council may want to consider. Cncl. Rich DiLucia noted at one point Council was talking about that and in fact about dividing it into a fraction of 1/52nd or so much per week so if two people got it for 26 weeks they would each bid so much per week rather than paying a fee or a medallion. He questioned whether it would be in the township's legal right to do that as opposed to assessing them a fee for allowing them to tow. Mr. Fiore noted that is correct, it can be bid out or subcontracted out but it cannot be called a licensing fee or all ten towers cannot be required to pay \$25,000.00 to be on the towing list. Mr. Fiore noted when looking at case law he could find nothing that deals with this issue. He noted the billing process does not work but the ability to regulate does work. He felt our current ordinance is not far off from State Statute and the only thing that needs to be adjusted is the application process, the notice and follow up requirement. Cncl. Sebastian suggested the Public Safety Committee continue working on this. Cncl. DiLucia noted the committee is cognoscente to the fact that there are ten potential bidders so this should be broken down to 52 separate offerings so that if three people bid it would be divided between three people at 1/52nd of the total or so much a week so it's clear. Council agreed this matter should go back to the committee for further discussion.

• Reimbursement - Fire and Rescue Services

Discussion regarding fire and rescue service reimbursement was postponed until the Public Safety Committee has an opportunity to discuss the Williamstown Fire Company's concerns with this issue.

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E.) MATTERS FOR DISCUSSION

- Cost Recovery For Emergency Services
- Cost Recovery For Hazardous Substances

The above listed matters will be discussed along with the fire and rescue service reimbursement.

- Reappropriation of Funds

Business Administrator, Kevin Heydel explained George Reitz is currently doing a final review on whether new ambulances or remounts should be purchased and money needs to be in place to make the purchase as that decision will be made shortly. **Cncl. Sebastian** questioned whether anyone from the ambulance association was included on that review. **Mr. Heydel** noted Tom Accoglio spoke to VCI regarding both remounts and new ambulances but the decision will rely upon Bob Avis' knowledge from working on the vehicles. **Cncl. Sebastian** agreed with that for remounts but he felt the ambulance association should be involved with the purchase of a new ambulance since the fire department is not aware of what equipment is needed on an ambulance. **Mr. Heydel** noted once he hears from George Reitz he will contact Tom Accoglio to discuss it. He explained the 2012 bond ordinance has \$90,000 remaining from the acquisition of fire apparatus, \$29,656 from the acquisition of dump trucks, \$5.60 from the acquisition of pickup trucks and \$112,420 from the acquisition of two one-armed trash trucks and that money can be reappropriated to purchase the ambulances. **Cncl. Sebastian** questioned if the \$80,000 was still in the bond ordinance for the bucket truck. **Mr. Heydel** advised there is actually \$94,000 appropriated for the bucket truck and that will remain in the ordinance, as he is still trying to get specs to go out to bid for a used truck. The alternative to a used truck would be a portable bucket pulled by a trailer for \$25,000. That cost could be split with the school because they could use one as well, however there is a concern that people feel unsafe in the portable ones. **Cncl. Sebastian** noted his concern is with the lights on the baseball fields because he doesn't want a \$900,000.00 ladder truck used to change lights. **Mr. Heydel** noted he needs to discuss this with Jim Bonder again because in the specs he was preparing the bucket truck and portable are approximately the same height. **Cncl. Sebastian** noted we sold our bucket truck to the MMUA for \$1.00. They fixed it and now Parks and Rec and the ambulance association borrows it. **Mr. Heydel** advised we also borrow one from Washington Township. **Cncl. Pres., Teefy** questioned the cost of a new bucket truck. **Mr. Heydel** replied \$94,000 under state contract and that amount is still available in the bond. Money was also included in the bond for a phone system for the municipal building and \$20,000 will be reappropriated from that. **Cncl. Sebastian** polled Council and all were in favor of moving the reappropriation ordinance forward for 1st Reading at the April 8th Council Meeting.

- Vacation of Paper Street - Monroe Avenue

Cncl. William Sebastian explained Council received a letter from an attorney on behalf of Advanced Auto Parts requesting that Monroe Avenue, a paper street off Washington Avenue, be vacated. Advanced Auto Parts already received approval from the Zoning Board of Adjustment for a use on that corner and their plan shows the paper street. Dawn Farrell

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E.) MATTERS FOR DISCUSSION (cont'd)

researched the issue of vacating streets and found streets can only be vacated by Council. The law reads Council will hold meetings to review the issue, hear those opposed or in favor of it and send notices to everyone located within 200 feet of the paper street. The problem is an ordinance or resolution is not in place allowing us to request escrow money to cover the cost associated with vacating a street from the person requesting it. In the past when streets were vacated it has either come from the Planning or Zoning Board because it was part of an application. Cncl. Sebastian recommended Council hold off on discussing the request to vacate Monroe Avenue at this time because Advanced Auto Body must go back to the Zoning Board for site plan approval. The Board can make the vacation of Monroe Avenue by the governing body part of their resolution of approval and once Council receives the Board's resolution of approval we can make the decision on whether to vacate it or not. Solicitor Fiore questioned what would preclude the owner of this particular lot from coming before Council even if they did not go before the Zoning Board. Cncl. Sebastian replied they can but this particular lot is before the Zoning Board and the Board will make the recommendation to vacate or not vacate the street. Cncl. Sebastian noted Maple Avenue (*located off Winslow Road*) is another paper street that may be brought before Council to vacate. He explained a woman whose grandfather built his house in the middle of that paper street came to the Planning Board to see what the process was for vacating the street up to a certain point and giving it to adjoining property owners. During the meeting the mayor made a motion that no action be taken by the Planning Board and that the issue be sent to Council to make the decision whether to vacate the street or not. The woman making the request is talking to her neighbors now but at some point she will be coming to Council to request a portion of Maple Avenue be vacated. There is some contention among the neighbors with this, plus one elderly woman has Alzheimer's and no power of attorney. Dan Kozak added one neighbor with a vault business has utilized that paper street to get in and out of his property for over twenty years and he does not want it vacated. He noted the neighbors were talking outside the Planning Board meeting room for approximately forty minutes and hopefully they will work things out. Cncl. Sebastian suggested Solicitor Fiore review the law as this issue may come to Council in the future.

- Expansion of Redevelopment Area

Cncl. Rich DiLucia noted the Redevelopment Committee met with the Williamstown Square Redeveloper and he would like Council to expand the redevelopment area. He had explained to the committee that bigger box stores will not be expanding in the foreseeable future due to the economy so he would like to expand the redevelopment area to try and fill that corridor with things other than retail, such as healthcare and rehabilitation facilities. Cncl. DiLucia noted he didn't see any downside to expanding the redevelopment area because Council would still be in control over tax abatements but, if any other members of Council knew of any downsides he would be happy to hear them. Cncl. Ronald Garbowski questioned whether the committee contacted the redeveloper regarding cleaning up the dilapidated buildings on his properties along the pike. Cncl. Sebastian noted he didn't speak to the developer personally but would be willing to do that. Cncl. Frank Caligiuri questioned what he proposes to put there that requires a zoning overlay because declaring a redevelopment zone

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requires the township to pay the planner to do research, create maps, propose and seek approval for the redevelopment zone from the State and that is an expensive process. Cncl. Caligiuri noted he would be interested in knowing what advantages the expansion of the redevelopment zone would have for the developer in regards to loans because when the PILOT Program was created for Williamstown Square, the redeveloper sought reimbursement from the township for 65% of everything we collect under the PILOT, with an 8½% interest rate. Cncl. Caligiuri noted in his estimation that is usury and he questioned why Wainberg would charge the township 8½% interest if he is getting such a beneficial interest rate as a result of being located in a redevelopment zone. He noted when he put together the Redevelopment Committee they prepared a plan that would create redevelopment zones sparingly and use them as a method of seeding commercial development. We planned to locate a Wal-Mart at one end of the commercial zone and locate a redevelopment zone at the other end and the hope was the big box store located in one redevelopment zone and Wal-Mart located in the other would create interest in the rest of the commercial zone. Cncl. Caligiuri noted the redeveloper had the opportunity to become the redeveloper for the other side of the pike and didn't choose to do that. He noted he doesn't understand the advantage of incurring the expense and creating an overlay if the only thing the redeveloper wants to put there are things already allowed and if there is a minor variance in what he proposes to put there, he can seek a variance through the Zoning Board. Cncl. Caligiuri again questioned what he is proposing to put there. Cncl. Sebastian replied who cares because if he puts anything there it's better than the weeds that are growing now. Cncl. Pres., Teefy questioned why would we give the redeveloper any more when he hasn't done anything with what he already has. Cncl. Sebastian noted he can't do anything with a sixty acre site. He wants to reach out to other commercial businesses to go onto the smaller sites that are located within the corridor that was laid out and get loan advantages from the State because those areas are in a redevelopment zone. Cncl. Caligiuri noted he would like to see what the loan advantages are because if there is loan advantages the township just got "had" big time. Cncl. DiLucia noted he was going on the premise that we had nothing to lose and he questioned what the cost would be to expand the redevelopment zone. Cncl. Caligiuri explained the cost is all incurred in billable labor hours associated with the planner submitting redevelopment zone applications through all State channels. If the redeveloper has a plan with a viable advantage than it would be worth incurring the expense but if he just wants control over the zone he should buy the property. The only thing the redevelopment zone has done for Wainco is cost him a whole lot of money. The three parcels owned by DeHart were on the market for \$30,000 but when they came off the market and Mr. DeHart found out they were located in a redevelopment zone he raised the price to \$450,000. The concept of redevelopment zones so far have worked against Wainberg. Cncl. Sebastian noted the mapping was already done on half the pike because originally the redevelopment zone extended on the right hand side of the pike all the way to Whitehall Road. Cncl. Caligiuri explained there was nothing submitted and the reason the brakes were put on that is because nobody really consulted with all the work the Redevelopment Committee did up to that point. Usually people stand on other people's shoulders to learn from what was previously done and continue on; but, that didn't happen. He noted if there is a cost advantage in obtaining loans he wants documentation to prove that so he can renegotiate the loan we have with Wainberg because he charged us way too much money. Another question is what he proposes to put there that the zone does not

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E.) MATTERS FOR DISCUSSION (cont'd)

allow because why should the township arbitrarily and capriciously change an overlay in a zone if what he proposes is already allowed. Cncl. DiLucia felt Cncl. Caligiuri's questions were valid and he recommended inviting Stuart Wainberg to a council meeting. Council would then have the opportunity to ask him questions and he could give to the full council his rationale for expanding the redevelopment zone. Cncl. DiLucia noted he approached the owner of ShopRite to see if he would be interested in discussing opening a new store within the redevelopment corridor and he is willing to meet with Council to explore it. Cncl. DiLucia noted this is a positive step in getting something moving. He felt Mr. Wainberg was sincere but if members of Council know a reason why we should not expand the zone, he will certainly change his mind on this issue. Cncl. Sebastian noted he will contact Mr. Wainberg to invite him to the next Ordinance Committee Meeting and during that conversation he will bring up the issue of him cleaning up the properties along the pike.

F.) NEW BUSINESS

• Master Plan Review

Solicitor Fiore referred to questions raised at the last Ordinance Meeting about when the law requires review of the Master Plan. He explained the Municipal Land Use Law requires the Master Plan to be reviewed every ten years and recommends it be done every six years, as a starting point. The last amendment that took place should be the period when arguably the ten years start running. We need to be mindful as to what the purpose for re-examination of the Master Plan is. Many times it comes about when a particular developer comes to town and the re-examination is site specific. He requested Council Google *New Jersey Master Plan Re-examination* and it will come up with hundreds of articles regarding what the concept for a Master Plan Re-examination is all about. We are supposed to look at and assess what has happened over the past ten years, look how everything was zoned, how the Master Plan was adopted before and what has and has not been successful. It also touches on redevelopment and one thing that needs to be looked at is drawing medical facilities in. A great example of that is Woodbury, which has been trying to redevelop the Woodbury Country Club. Everyone from Woodbury wanted it to remain a country club like it was for the last 100 years but that is not going to happen. They had developers come in that wanted to subdivide the clubhouse and put a restaurant in the front and houses in the back. One plan was for 180 townhouses and the residents there went absolutely nuts. Woodbury thought outside of the box and their Redevelopment Committee just approved a plan for a medical urgent care facility in the front of the property where the country club was, assisted living in the back and twenty luxury homes and a park associated with it. The Morristown man doing that project is interested in building those types of projects and if Council reviews the Master Plan again they need to look out of the box because the big box stores are no longer there. Cncl. Sebastian noted a few years ago when changes were still being made to the 2004 Master Plan Mr. Fiore stated, at some point review of the 2004 Master Plan must end and a new review begin. Mr. Fiore explained it must end when the last re-examination was done and at that time the ten year period starts again. The only

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F.) NEW BUSINESS (cont'd)

reason we were successful in doing it the way it was done the last time was because no one was adversely affected, no zones were changed, we just did little things that landowners wanted done and we got it in under the 2004 re-examination. If properties would be affected it could become an issue such as the one a couple of years ago on the Morgan Road property. Cncl. Sebastian questioned if a certain property needed a Master Plan review and it can't be done under the old review, would we need to say it is a full blown Master Plan review. Solicitor Fiore replied yes, at this point in time Council would have the right to say that. Cncl. Sebastian noted during the Budget Committee Meeting it came up because no money was budgeted for a Master Plan Review in 2014 if we are required to follow the ten year period from 2004, when the last review first started. But, now Mr. Fiore is saying that time period begins when the last review took place and that was around 2007. Mr. Fiore noted an interesting concept under the law is that it presumes after ten years ordinances are invalid but prior to the 2004 review, the last time our Master Plan was reviewed was about twenty years ago. The only reason we did one in 2004 was because the State required us to do it. Cncl. Sebastian questioned whether Mr. Fiore felt the township would be breaking the law by not doing a review of the Master Plan. Mr. Fiore replied no, we are good.

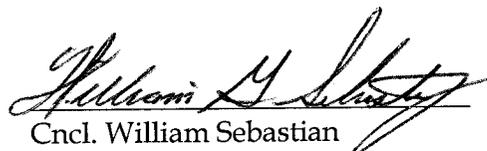
G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Ronald Garbowski made a motion to adjourn the Ordinance Committee Meeting of April 3, 2013. The motion was seconded by Cncl. Pres., Daniel Teefy 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 April 3, 2013 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 _____ Date 5/1/13
Approved as corrected _____ Date _____