

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
NOVEMBER 12, 2014**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Committee Chairman, Cncl. William Sebastian** in the Joe Pace 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.: South Jersey 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

Zoning Official Fred Weikel 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. Ronald Garbowski	Present	
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Zoning Official, Fred Weikel	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Pres., Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of October 1, 2014. The motion was seconded by **Cncl. DiLucia** and unanimously approved by all members of Council in attendance.

C.) PUBLIC PORTION

Cncl. Pres., Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance. At this time the Dealers of Precious Metals ordinance was discussed to address the concerns of Mark Fera and his attorney.

- **Dealers of Precious Metals**

Solicitor Fiore introduced Attorney Salvator Siciliano, who was in attendance to address Mr. Fera's concerns over the Dealers of Precious Metals Ordinance. Mr. Siciliano explained Mr.

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C.) PUBLIC PORTION (cont'd)

Fera retained his services to challenge Ordinance O:11-2014 and on October 16, 2014 he sent a very detailed letter to the township detailing a number of concerns over the passage of Ordinance O:11-2014. Mr. Fiore immediately responded indicating the matter would be placed before the Ordinance Committee. Mr. Siciliano noted as a solicitor in other towns he is familiar with the process and knows the township has a concern and wants to insure there is no illegal activity and wants to regulate any illegal conduct that may be happening and that is a valid purpose for this government. Part of his concern is that there is an area that is already strictly regulated by State law so to a degree what the township is trying to regulate has already been addressed by State law and Mr. Fera complies fully with that law. There is a number of areas of concern in the ordinance just in terms of definitions or lack of definitions and typically in situations like this he brings it to the governing body's attention. Monroe is very unique because there are sub-committees to address these issues and if it is the committee's pleasure he could sit down with Mr. Fiore or even correspond from our offices to go back and forth to address some of the concerns. He felt there is a way to address the concerns of the town, satisfy the concerns of the police chief, which are absolutely valid, and yet allow Mr. Fera to continue his business as he has for the past thirty years. He felt that would be a more appropriate way to work together to work on the ordinance. The other way if we can't sit down and agree would be to go through a court intervention, which would involve a challenge in court to try to strike down the ordinance as unconstitutional. That is the last thing anyone wants because that involves litigation, it is time consuming and Chuck is a good friend who he prefers to see out of court instead of in court even though they have seen each other in court and had battles in the past. Mr. Siciliano noted he hopes they can work together, take a look at all the points, address the points, make sure that the township is satisfied with their concerns and that Mr. Fera is able to conduct his business. He added if Council would like to hear his concerns paragraph by paragraph he is prepared to do that as well. **Solicitor Fiore** noted he brings up some very valid legal points and the process we have used in the past is to turn the matter over to our sub-committee, which would be the Law Committee. Mr. Fiore noted he has no objection to Mr. Siciliano, his client and the other precious metal dealers in town discussing their concerns with the Law Committee because we want to avoid litigation at all cost so that would be the way to proceed. The only thing that may be an impediment is that we are at the end of the year and we will have three new council members and a new mayor at the beginning of next year. He explained the process could be started but the people who are now on the sub-committee may not be on it next year and he questioned whether Mr. Siciliano wanted to wait until next year to begin the process. Mr. Siciliano felt the dialogue could begin now. He noted he understands the time constraints at the end of the year and that it would be impractical to think it could be done by the end of the year but the process can be started and the ordinance can be amended in 2015. Mr. Fiore agreed, noting if we had the same council we could carry the vote into next year but with a new council coming in that cannot be done. **Cncl. Sebastian** questioned whether the new members of council could be invited to these meetings, as that would not create a quorum. Mr. Fiore replied yes they can, because they have no voting power. **Cncl. Sebastian** polled council and all were in favor of inviting the new members of council to the meetings regarding this matter. **Cncl. Teefy** indicated he would reach out to them. Mr. Fiore noted he would try to set up a preliminary meeting with Mr. Siciliano and would advise the new members of council when it is scheduled. Mr. Siciliano suggested a meeting be scheduled during the first week in December due to the next two weeks

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being busy with the League of Municipalities Convention and the Thanksgiving holidays. **Cncl. Caligiuri** questioned whether the ordinance Council adopted was modeled after Cherry Hill. **Mr. Fiore** replied it is, but no one in Cherry Hill has retained **Mr. Siciliano** to challenge their ordinance. **Cncl. Caligiuri** questioned whether **Mr. Siciliano** felt there was anything inherently illegal that he sees in this ordinance as it stands that would conflict with the laws of the higher authorities. **Mr. Siciliano** replied yes, he does, there are a few things that he detailed in his letter to **Mr. Fiore**. Initially there are some provisions that conflict in terms of reporting requirements or having something done within 48 hours, as there is a notification that allows a little more time. There are some inconsistencies in the ordinance and in terms of the unconstitutionality of it there are a few terms, which are undefined and are vague so that could be a basis for challenge. They may be easy to remedy simply by including definitions so **Mr. Fera** and other business owners would know what the terms are. He noted he has advised **Mr. Fera** to register with the township but he is not waiving any rights and will challenge the ordinance if need be. **Mr. Siciliano** added he is happy with this dialogue to address these concerns and hopefully get them worked out. **Cncl. Teefy** noted the ordinance is currently in place and he questioned whether **Mr. Fera** wanted to continue operating his business the way he has been for the past thirty years until the ordinance is amended. **Mr. Fera** stated that **Det. Sulzbach** is giving the dealers until January to get on board with this. He then expressed his concerns that he was not notified the ordinance was being adopted in May and was not made aware of it until three months later when the police officer advised him of it. He noted he never saw the legal notices for the First and Second Readings of the ordinance and was under the impression the Ordinance Committee was going to contact him to discuss it prior to it being adopted. He indicated he would like to keep operating his business as he has been and requested Council put a stay on the ordinance because the police contacted him today questioning when he would be getting fingerprinted. He noted basically they could begin citing him for each day that he was not in compliance since the ordinance was adopted three months ago when he wasn't even aware the ordinance was passed. He noted he will go through the process but would like some kind of affirmation that he can operate the way he has been until his complaints are resolved. **Mr. Siciliano** explained he doesn't want to do this but the only other alternative would be to file an action in the Gloucester County Superior Court asking that a stay be placed on the ordinance but he would prefer not to do that. He felt this should be able to be worked out but there are no guarantees and the ordinance is in effect. He suggested Council advise the Police Department that there are additional discussions going on regarding this ordinance and we could have a "gentlemen's agreement of understanding" that this will be addressed. If not he will file an action at the County but prefers to focus his efforts on trying to fix the ordinance without doing that. **Solicitor Fiore** noted if he can have direction from Council he will contact **Chief McKeown** to advise him that there is ongoing discussion on the ordinance and he would then assume that they would not implement the ordinance at this point in time. **Cncl. Sebastian** added **Det. Sulzbach's** email stated that the Rapid Program has yet to be deployed and was not expected until January 1st if all goes well so even though the ordinance is in place we don't have the agreement with Rapid yet and that will take a while. **Mr. Siciliano** noted with no agreement in place **Mr. Fera** does not have the ability now to comply with the ordinance since the only vendor identified in it is not under contract and there are no RFPs or RFQs so if he was issued a ticket or citation the defense would be how could he comply with no system in place.

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Cncl. Sebastian polled Council and all members in attendance were in favor of delaying the ordinance and sending it to the Law Committee for further discussion. Cncl. Sebastian suggested that Cncl. Caligiuri attend the meetings in his place since he will not be on Council after the first of the year and he prefers that there be continuity. Cncl. Pres., Garbowski requested Mr. Fiore send a letter regarding this matter to the Chief of Police and Mr. Siciliano indicated he will follow up with Mr. Fiore to schedule a meeting.

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

D.) ORDINANCES FOR REVIEW

- Vacant Properties

Zoning Official Fred Weikel was in attendance to participate in discussion of the proposed ordinance. Mr. Weikel questioned whether Council planned on placing this under his department because the ordinance as written has it under Chapter 104 which falls under the Construction Code Office. Solicitor Fiore noted enforcement was not defined in the ordinance and that needs to be done. Council questioned Mr. Weikel on where he felt it should go and who has been taking care of vacant properties up to now. Mr. Weikel noted in the past he has always handled vacant buildings under the Property Maintenance Code and if a building seemed to be structurally unsafe he would get the Construction Code Official involved but he cannot handle much more work without additional help. He referred to page 7 Section E. dealing with violations and penalties and noted if a summons is issued and the matter is taken to court that fine goes to the court system, it does not come back to the township. Solicitor Fiore advised that is usually correct but under State Statute Council now has power to earmark those fines to a specific fund. Mr. Weikel also referred to Section F., which stated "*finer shall be recoverable from the owner and shall be a lien on the property*" and questioned whether we would be placing a lien on the property when we are using their money to make the repairs. They are putting up \$1,500.00 the first year, \$3,000.00 the second and \$5,000.00 the third year. Solicitor Fiore explained if they don't make repairs we would obviously lien the property and if they continue not to abide by the ordinance we have the ability to lien the property but this generally deals with properties that are not registering so we are not collecting anything from them. Mr. Weikel noted he didn't see any mechanism in the ordinance to take money out of the registration fee and also questioned how we would get notification about the vacant properties. We can't go by the foreclosure notifications because sometimes the homeowners remain in the homes for two years living there for free. Solicitor Fiore explained a search of the records in Woodbury would need to be done to find out who the mortgagee is and they will be noticed and held responsible as the foreclosing party. Mr. Weikel noted in the past when he has contacted mortgage companies he was told that they cannot do anything until they take ownership of the property. Mr. Fiore advised State Statute now allows municipalities to go after the mortgage companies even if they don't own the property yet, as they have a more equitable interest in the property than the homeowners and will pay the municipal taxes. Mortgage companies would be notified and the individual

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homeowner would continue to be fined and that would be a priority lien over the mortgage, which may give the mortgage company an incentive to move more quickly on the foreclosure. Right now they are sitting on the properties, they have no motivation to move forward. Mr. Weikel questioned if a mortgage company says they have no legal right because they don't own it yet should that matter then be forwarded to Mr. Fiore. Mr. Fiore explained the homeowner will be sent a citation and we are only required to send that to their last known address. Mr. Weikel explained it ends up being a burden on him when the homeowner is cited because usually they are losing their home, have no job and are just walking away from everything. Mr. Fiore noted the matter will go to court and they will be tried in abstention, a bench warrant will be issued for them and whatever penalties are assessed will in the form of a priority lien. This will not work in all circumstances but what it is doing is requiring mortgage companies to register properties in foreclosure and pay a licensing fee. It is putting banks on notice to do something with the properties rather than letting them sit forever. Mr. Weikel explained we don't know properties are vacant unless we get a call from the Police Department or from a neighbor. Mr. Fiore agreed that we won't know unless the property becomes a problem and there is no way to legislate that. He explained the township receives notice of "Intent to Foreclose" and a few years ago a person could be in a house for up to thirty-six months without paying their mortgage before they legally had to leave but now, that window is thirty to thirty-two months. Cncl. Teefy questioned where the foreclosure information is stored and is it put into a data base. Mr. Weikel explained the Clerk's Office receives notification of the intent to foreclose and forwards it to his department where it is put into a database however for three years we don't know if they are actually going to foreclose because some people catch up on their mortgage payments and the property is never foreclosed on. Cncl. Teefy felt that when a notice of intent to foreclose is received if it were placed in a database two years from that time we could look back into that database to see what notices were received and then ride by those houses to see if they are vacant. Notices that were just received six months ago no one would need to check because we know it takes longer than that time to foreclose on a property. Mr. Weikel explained when the notice was given it is not dated so he has to physically go in to the Fortis System to look through approximately 765 properties that we currently have listed. Cncl. Teefy noted we need to look at that database and make some changes. Mr. Fiore stated a percentage of people are probably filing for bankruptcy in order to file for Chapter 13 and they plan to pay it back over a period of time but most people are not and if one out of 765 came in and paid the mortgage up to date he would be shocked. Mr. Fiore questioned when that notice comes to the Clerk's Office where is it sent. The Deputy Clerk advised it is sent to Zoning and the Tax Office. Mr. Fiore questioned whether the Tax Collector flags that account and whether she could generate some type of list from her database. **Business Administrator, Kevin Heydel** explained the Tax Office puts the information in to a note section and there is no field to draw from in that system. He added at times the bank has foreclosed on a property, sold it to someone else and the foreclosure information is still sitting in our database. Mr. Fiore added the new deed is filed in the County and our tax collector is not made aware of the change until six months later. Cncl. Teefy felt this ordinance involves a lot of leg work and it would be tough to put in Mr. Weikel's office right now. Mr. Fiore noted we need to come up with a mechanism to identify the properties that exists right now and then when we adopt the ordinance notices will need to be sent out advising people they must register with the township and if they don't they will get a notice of violation from the

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department designated to enforce the ordinance. Mr. Weikel noted page 4 Section B requires that the owner or company responsible for the property maintain an office or reside in the State of New Jersey and he explained many times when they call about properties the companies are located in other states. Mr. Fiore explained mortgage companies usually have maintenance companies in New Jersey perform the maintenance but he will review that section. Mr. Weikel questioned if the registration would expire December 31st of each year so that the property owner would need to pay the fee at that time each year. Mr. Fiore explained State Statute allows Council to adopt an ordinance that allows the registration fee to be paid on a yearly basis because the idea is that it will motivate the banks to move the property. He explained if the ordinance is adopted in the middle of the year we could give them to January 1st of the next year to comply. **Cncl. DiLucia** noted the idea of adopting this ordinance was because the banks have no financial incentive to do anything with these properties. But, if we can get on top of this and can quickly get to the stage where we are a primary lien holder the banks will realize they may not get a penny from these foreclosures due to the additional financial obligations and they may begin moving these properties. He felt the notice the Clerk's Office receives is probably the banks starting the foreclosure process that begins after a mortgage is delinquent 90 days. He recommended creating a central place where residents could call to report abandoned houses as there are a number of frustrated people that don't know where to call. He suggested letting people know by our website and the televised Council meetings and Mr. Fiore suggested including a message in next year's tax bills advising residents where they can call to report a vacant home. Mr. Weikel noted several years ago residents were calling about dilapidated houses and the township was tearing them down but that is very costly and we ran out of money and we get no type of funding for that. Council questioned who owns those properties and Mr. Weikel explained there are still properties throughout town in very poor condition that no one is paying taxes on and letters sent to the listed owners are returned. No one wants to purchase them at a land sale because of the cost to demolish the house and clean up the property. **Cncl. DiLucia** questioned if taxes are not paid doesn't the township then own the land. Mr. Fiore explained when taxes are not paid the township must do what is called an "In Rem Foreclosure". If we sell it at a tax sale and a third party buys it, after two years of them paying all the taxes they have the right to sell the property for tax sale. If a property does not get sold to a third party lien holder the township usually puts a lien on it, takes title to it after six months and then sells it at a future land sale. Mr. Weikel explained the problem is many of these houses are located in Pineland areas and a house must rebuilt within a five year period or you cannot rebuild according to Pineland regulations because the lots are not big enough and if the Township takes the property we won't get taxes from anyone. Solicitor Fiore questioned whether there was a current list of properties that need to be torn down. Mr. Weikel noted the Construction Office may have a list for that. **Cncl. Sebastian** questioned if it was the consensus of Council to have the Zoning Office as the enforcing agent or the Construction Office. **Cncl. Pres., Garbowski** felt it should fall under the Construction Code Office because if they find a home structurally unsound then they can take action to tear it down. **Cncl. Sebastian** questioned whether the Construction Office would also handle the registration. **Cncl. Pres., Garbowski** replied no, how would they do that. Mr. Weikel felt whoever is handling it should also handle the registration, it should not be farmed out to other offices, as that would create a nightmare. **Cncl. Sebastian** felt the Zoning Official should handle this just as he has done in the past and his resource would be the Construction

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Office if he needed to see if a building was structurally sound. Cncl. DiLucia felt this ordinance should not be done piece meal. Council needs to sit down and find out which department would be the best to handle it and what resources they need to do it. Council needs to tell them what we want done because if we just say here this is your job a year from now we will be hearing they couldn't do it because they didn't have the manpower. There should be thought going behind this, some expectations and some accountability because this involves revenue, cleaning the town up and there needs to be some process put in place. Mr. Fiore noted no one has discussed this with the Construction Official and he may be involved in this as well. Cncl. Sebastian questioned how Council wants to handle this. Cncl. Teefy suggested creating a new position either in the Zoning Office or Construction Office. A person could be designated to do the work and we could share services with Franklin Township, Clayton and Glassboro because all four towns are having the same problems with vacant homes. Franklin Township has already talked about this and they are excited about it. The person would work out of an office in one of the municipalities but would be paid by all four towns. Mr. Weikel questioned whether they would need to go out to bid for contractors to board up properties, as the township no longer does it. Mr. Fiore explained it could be bid out every year. Cncl. Caligiuri noted he has to assume that there is a finite number of vacant properties in town and it is not something that is an ongoing problem that happens every single day. He added he only sees a couple foreclosures a week. Mr. Weikel stated on his computer he currently has over 765 properties, some may be occupied and some may have been sold but unless we physically do the resale we don't know that. The way the Certificate of Occupancy Program is set up is that we can stop the occupancy but we cannot stop the sale so they don't have to tell us a property was sold until someone tries to occupy it. Cncl. Caligiuri questioned if the Tax Office is notified of a new owner and what happens when a deed is transferred. Mr. Weikel indicated to his knowledge there is not a notification process and when a deed is transferred it goes to Woodbury and at some point it does come to the township but they do not notify us to say the property is under a new name. Sometimes we come across properties accidentally that have been sold or occupied illegally and then we go after them. Dan Kozak felt the program could begin here in town with a clerk and an inspector and then it could be expanded to the other townships. If the inspector feels the building might not be sound then they would go to Jim Morrison who would say whether it should or shouldn't be torn down and 99% of the time it will not because it takes a lot for a building to be torn down instead of being rehabbed. He felt the program could begin with the 765 we have listed but if we started doing all townships at one time there could be a problem since registering these properties is what is going to be the hardest part. Inspections are relatively easier than the registration and the clerk would be the one that would contact the banks and follow up on the registrations. Cncl. Sebastian questioned whether the township had the money to hire two additional people. Mr. Heydel noted we would need to make it a priority and do it and money will need to be placed in the budget for 2015 for the new positions. We are already thinking about putting about \$50,000.00 into the budget specifically for hiring companies to cleanup properties and then we would try to get the money back. He added Council will need to make a decision on the numbers for next year's budget. Mr. Fiore noted assuming properties are registered and fees are paid the program would pay for itself. Cncl. Sebastian questioned whether a dedicated line item can legally be created for this. Mr. Fiore explained State Statute designates what can be dedicated line items and that is one that can be according to the legislation. Mr. Weikel questioned whether there

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will be any fines or penalties if they don't pay. Mr. Fiore advised the fine is \$500.00 to \$1,500.00 for each offense and each offense means each day they are not registered. Council again discussed who would oversee the ordinance and Mr. Fiore explained it would be a position that falls under the Director of Code Enforcement but the process and the chain of command under the director needs to be figured out. Cncl. Sebastian polled Council and all in attendance were in favor of the Solicitor's suggestion.

E.) MATTERS FOR DISCUSSION

- O:17-2014 Sign Ordinance Vetoed by Mayor

Cncl. Sebastian noted at the last Council Meeting Council voted to agree with the Mayor's veto and to readdress the ordinance so Planner Tim Kernan was invited to this meeting to explain the ordinance. Cncl. Sebastian felt the Mayor and the Planning Board were not aware of how far down the pike signs could be put up if this ordinance was adopted because when he spoke to the Mayor about it he said he would need to see a map. Mr. Kernan noted he thought it was because of the language in the ordinance that current signs had to be removed. Cncl. Teefy and Caligiuri agreed that was the reason the Planning Board shot it down. Mr. Kernan explained that language was in the original ordinance that has been in place for over thirty years. When the CMP was created that provision was included and flashing and blinking signs had to be removed immediately when the CMP and Monroe's Land Use Code was adopted. Billboards were permitted to stay until 1996 and then they all had to be removed within Pineland areas. That language was included in our code book for thirty plus years so there was really no reason to veto this ordinance. Mr. Kernan noted he spoke to Sue Grogan of the Pinelands and she stated they have no enforcement power and cannot compel someone to remove their sign. The only power they have is if someone is making an application on a property where there is a billboard or a blinking sign and at that point they can say it must be removed or they will not grant approval on the application. The Pinelands will not actually go out and tell property owners that they have to remove their signs. Cncl. Sebastian explained the Pinelands will permit signs in the Regional Growth Area within the Pinelands and Mr. Kernan pointed out on the map how far down the Black Horse Pike signs would be permitted by the Pinelands if the proposed amendment was adopted. He noted billboards would still have to come down but that is an entirely separate matter that we are not addressing. Signs would not be permitted in the Rural Development-Commercial and the Forest District-10 Zone, which is past Whitehall Road. Mr. Kernan noted in Sue Grogan's personal opinion she doesn't think the Pinelands should be in the business of regulating signs, that should be up to each municipality but the commission feels differently and it has been that way for thirty plus years. Mr. Weikel questioned what kind of signs are they trying to prohibit. Mr. Kernan advised LED signs and billboards but they will allow them in the Regional Growth Area and will certify the ordinance with the condition that they not be permitted in the RD-C or FD-10 areas. Mr. Weikel questioned what should we tell a business that wants to open in that area. Mr. Kernan noted they cannot have a sign but perhaps they could go to the Pinelands Commission to get an inconsistent certificate of filing and then come here and get a variance. Mr. Weikel questioned whether that was discrimination. Mr. Fiore noted that is

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zoning and zoning is discriminatory in itself but municipalities are empowered to do that. Cncl. Sebastian explained he wanted the Ordinance Committee to know what the range of the ordinance is and then Mr. Kernan can explain to the Mayor where the end of the permitted area is. Mr. Kernan indicated he would bring it up at the next Planning Board Meeting (November 13th). Cncl. Teefy noted the real fear is that someone will say existing signs need to be removed. Mr. Kernan felt that is not going to happen because it could have been occurring all along and it never did. Cncl. Caligiuri commented that the way the ordinance is written it calls for removal of existing signs and he questioned whether the Pinelands would call upon the municipality to enforce that at this time. Mr. Kernan replied no, the ordinance has called for that ever since the Land Use Code was adopted and the Pinelands has no enforcement powers and would require signs be removed if someone was applying to them for some type of development application. The issue would come up and they would look at the plans, look at the site and say you have a non-conforming sign and if you want your approval you'll have to remove it. Cncl. Sebastian added this is only in the RD-C or RD-10 areas that Mr. Kernan pointed out on the map. Mr. Kernan agreed that it would be only along the two corridors being discussed, along the Black Horse Pike and Glassboro Road. Outside of those corridors signs are not permitted. If the ordinance is adopted we are legalizing non-conforming signs along a portion of the Black Horse Pike and that provides a better position for the property owners than it is today because while this ordinance is not in place no LED signs are permitted anywhere in the Pinelands. Cncl. Sebastian added or anywhere in town without this ordinance. Cncl. Teefy questioned then how were those signs put in. Mr. Fiore noted the property owners got variances for them. Cncl. Teefy questioned why the Board didn't turn them down. Mr. Kernan explained before they come to this Board they have to go to the Pinelands for a Certificate of Filing so the Pinelands would have had the same opportunity to say no. Mr. Weikel added not everyone puts their sign on their application when they come in for development; they come in after the fact for the sign. Cncl. Sebastian added not everyone came in for a variance after Walgreens and the car wash went through the variance process and got their signs businesses along the pike just started putting them up too and if this ordinance is approved all those signs would then be legal. Mr. Kernan explained the reason the Pinelands doesn't want LED signs in the rural and preservation areas is because they interfere with the night sky. Solicitor Fiore questioned if any statistics have been collected regarding businesses improving because of digital signs or does everyone want one because the next guy has one. Mr. Weikel said people have told him that their business has picked up because of their digital signs and Devone's even said their business picked up when they blacktopped their parking lot. Cncl. Sebastian noted Len Schwartz said he didn't want to take his down because it doubled his business and there are individuals, such as Rich Jacobi who want to install signs and were waiting until the ordinance was approved so they wouldn't need to go before the Zoning Board. Deputy Clerk, Sharon Wright noted the sign ordinance was approved in 2013 and the only thing that is changing in O:17-2014 is the areas that are bolded and underlined. The ordinance went into effect last year in non-Pineland areas so Mr. Jacobi could put in his sign because his business is not located in the Pinelands. Solicitor Fiore questioned whether the Pinelands certified that ordinance last year. Mrs. Wright stated the language being requested is what they want included in order to certify the ordinance for Pineland areas. Solicitor Fiore noted he thought the Pinelands had to certify the entire ordinance and Mr. Kernan noted that is right, even if there is no portion in the Pinelands they have to review it and say it

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E.) MATTERS FOR DISCUSSION (cont'd)

raises no issues. Mrs. Wright questioned then the ordinance is not in effect? Mr. Kernan explained we would need something from the Pinelands so the entire ordinance is off the table until O:17-2014 gets approved. Cncl. Teefy noted the Planning Board rejected the ordinance because of the thirty year old language and he questioned whether that could be changed. Mr. Kernan answered no, the Pinelands would never certify that change because it would violate their CMP. Cncl. Teefy noted it violates their CMP that they do not enforce. Mr. Kernan replied correct. Cncl. Sebastian added the only way the Pinelands would have a problem with it is if a person that has a sign would go for a Certificate of Filing to improve the property. They don't care if a billboard or sign that has been up for thirty years remains but if that individual improves upon or tries to sell that property they would have to take it down. Mr. Fiore noted only if they improve upon it; not if they transfer the property. Cncl. Sebastian noted it still would not be enforced by the township they would just not get approval from the Pinelands to move forward with their improvement to the land. Cncl. Sebastian requested Cncl. Caligiuri bring this matter up at the Planning Board Meeting as the Council Liaison and then Tim can explain it to them. Mr. Kernan noted he would ask for a formal vote from the Planning Board. Solicitor Fiore advised Council can do first reading at the next Council Meeting of November 24th. Cncl. Sebastian questioned whether the Planning Board would have to give notice. Solicitor Fiore replied no, the Clerk will place a notice after first reading of the ordinance but the Planning Board does not need to give notice. Cncl. Sebastian polled Council and all were in favor of Tim Kernan explaining the ordinance to the Planning Board. Mrs. Wright questioned whether Council wanted to place the ordinance on the November 24th Council Meeting agenda for First Reading or wait until after it went before the Planning Board. Solicitor Fiore noted it can be put on the agenda. Cncl. Sebastian added it can be put on even if the Planning Board says no and we can either pull it or make a comment that the Board still has not approved it. Mrs. Wright questioned whether we definitely need approval from the Planning Board to do it. Cncl. Teefy commented that they did not approve it last time and we still moved it forward. Solicitor Fiore agreed, adding it at least needs to be brought up again because this is basically a second round since the Mayor vetoed the first ordinance. We need action from the Planning Board even if Council does not agree with them. Cncl. Sebastian requested that Mr. Fiore contact the Planning Board Solicitor Len Schwartz in the morning regarding this ordinance. Mr. Fiore noted since it sounds like the consensus is to move it forward the Clerk can notice it. Mrs. Wright noted the ordinance will be put on the agenda for First Reading and once that is approved it will be advertised. Cncl. Sebastian asked Mr. Fiore to explain to Len Schwartz that the language in the ordinance regarding removing the signs has been in the ordinance for a number of years and has not been enforced and the additional paragraphs the Pinelands is requesting will allow signs all the way down the pike past Whitehall Road.

F.) NEW BUSINESS

Cncl. Teefy spoke of a person wanting to open an art studio on Main Street similar to the ones opening throughout the State. These studios allow people to BYOB and he questioned if we can allow that. Mr. Fiore noted there is nothing that prohibits that. BYOB cannot be advertised outwardly but if there are private parties going on they can BYOB. Cncl. Teefy noted in researching this he found the Statute says no advertising BYOB but it links restaurants to that.

