

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
JUNE 6, 2019**

**A.) OPENING CEREMONIES**

**CALL TO ORDER**

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 PM by **Ordinance Chairman, Cncl. Joe Marino** in the First Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the New Jersey Open Public Meetings Act (*N.J.S.A. 10:4-6 thru 10:4-21*). Notices were placed in the official publications for the Township of Monroe (i.e.: South Jersey Times, Courier Post and The Sentinel of Gloucester County). A copy of that notice is posted on the bulletin board at the Municipal Complex and on the Monroe Township website.

**SALUTE TO THE FLAG**

**Cncl. Wolfe** led the Assembly in the Pledge of Allegiance to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Marvin Dilks	Present	
Cncl. Katherine Falcone	Present	
Cncl. Pres. Ronald Garbowski	Present	<i>(arrived @ 7:02pm)</i>
Cncl. Cody Miller	Present	
Cncl. Patrick O'Reilly	Present	
Cncl. Gregory Wolfe	Present	
Cncl. Joseph Marino	Present	
Mayor Richard DiLucia	Present	
Solicitor, John Trimble	Present	
Business Administrator, Jill McCrea	Present	<i>(arrived @ 7:03pm)</i>
Dir. of Code Enf./Comm. Dev., Ralph Manfredi	Present	<i>(excused @ 8:10pm)</i>
Dir. of Public Safety, Joseph Kurz	Present	
Dir. of Real Estate, Angelina Matese	Present	
Deputy Municipal Clerk, Jennifer Harbison	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Wolfe** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of March 6, 2019 and the Closed Executive Session Meeting of March 6, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council with the exemption of Cncl. Dilks, who Abstained.

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**C.) PUBLIC PORTION**

**Cncl. Miller** made a motion to open the Public Portion. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

**Linda Tomarchio, 3546 S. Black Horse Pike**, addressed Council regarding the Outdoor Camera Matter. She and her husband are having a major issue with their neighbor, who has cameras on every angle of his house, which she is not opposed to, however, all of his cameras are pointing directly at her property. Also, the neighbor has recently placed a telephone pole with a camera on it on their own property line facing into her house with another poll waiting to be installed that will be facing into her backyard. She feels this is an invasion of her privacy and would like an Ordinance passed that will help protect their privacy. The cameras on the telephone poles are tilt-pan zoom cameras, which the neighbor controls from his cell phone. Mrs. Tomarchio said, they have not opened up their pool this year because of the cameras. **Cncl. Wolfe** said, in his experience this is not a criminal matter but a civil matter. **Solicitor, John Trimble** said in researching this matter, he found it is all about expectation of privacy and to prepare an Ordinance would be too broad and unenforceable. He feels for her situation and suggested that if her attorney is able to find something that would pass muster, to forward it along to him to see what he can do. **Mrs. Tomarchio** said, the neighbor had applied for permits for a light to be placed on the telephone pole, not for cameras, and that the cameras in question are not only on the neighbor's house but on telephone poles directly pointing into her property. **Acting Zoning Officer, Tara Park** clarified that there were no zoning permits issued for the pole and a violation and summons had been issued and sent out earlier this day. **Cncl. Marino** asked if there would be a way to tighten up some language to state, that cameras can only be placed on houses, garages or a detached structure and not on a property line or a temporary pole. **Mayor DiLucia** said, an Ordinance was created a couple of years ago to stop annoyance from solar panels and he wonders if cameras can also be deemed as an annoyance. He said, there is a difference between protecting yourself with a camera on your immediate property and having a camera projecting further into someone else's property as surveillance. **Cncl. O'Reilly** asked if the pole as it stands with the violation is a permitted use once all appropriate paperwork is filed. Ms. Park believes the pole may exceed the height requirement. She explained that the resident had obtained an electrical permit for three electrical poles for lights only. **Cncl. O'Reilly** is concerned with the height of the pole and he believes without a doubt that the camera goes right into Mrs. Tomarchio's backyard and pool area. Mr. Trimble will do some more research and report back. **Cncl. Marino** stated that since this discussion has taken place during public portion, we will be tabling it under new business.

**Dominic Burgese, owner of B and B Auto Repair**, addressed Council regarding the Towing Applications. He asked if he is required to use EZ-Title or is he able to obtain the titles himself. **Solicitor Trimble** advised that he does not have to use EZ-Title but he can if he chooses to do so. The Township is using EZ-Title to satisfy their obligations. Since the Township is using EZ-Title, the towers will need to cooperate with them in order to receive the junk titles and if they choose to have the titles transferred to them, there will be a minimum charge of \$250. Mr. Burgese asked if there is any way he can have the Police issue an abandoned vehicle violation for the vehicles that he receives from the Police Department. He

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**C.) PUBLIC PORTION (cont'd)**

feels if the owners receive something official, they may respond and he will be able to get the necessary paperwork cleaned up without having to use EZ-Title or having the Township do the work. Mr. Burgese also mentioned that he is getting a lot of pressure from adjusters and without Police release he will not let an adjuster near a vehicle. He asked if this is something he is allowed to do. Mr. Trimble advised to call Sgt. Burton at the Police Department when a car is in question and document the call for his records.

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

**D.) ORDINANCES FOR REVIEW**

- **Cannabis**

**Solicitor Trimble** spoke regarding the sample Ordinance that the Cannabis Committee sent him to review. After his review, he prepared a draft Ordinance which he forwarded to Planner, Tim Kernan for review. He spoke with Mr. Kernan who said that he would like to meet with the Cannabis Committee prior to having this Ordinance moved forward and asked that it be tabled until the July Ordinance Committee Meeting. **Cncl. Wolfe** made a motion to table the Draft Ordinance "Medical Marijuana Alternative Treatment Centers". The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council.

- **Chapter 109-3 Permit fees "DCA Amendment"**

**Acting Zoning Officer, Tara Park** spoke regarding the need of adding the DCA fees to the Ordinance for Circuses and Carnivals permits. She said the Construction Department is currently only charging \$75 and the State requires they charge at least \$1 for the State, depending on the cost they place on their permit. She does not want the Township to be in the hole for money that has to be paid back to the State. **Cncl. Miller** made a motion to move forward Draft Ordinance Chapter 109-3 Permit Fees "Circus and Carnivals" for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Land Sale 2019**

**Solicitor Trimble** explained, this Ordinance allows and explains the process of a Land Sale for the 100 plus properties within the Township that are not developable to be placed back on the tax rolls. There are two different lists that are being created, a general list of the undevelopable properties and a list of contiguous property owners. He explained that if there is a strip of land between two properties that cannot be used for any purpose, there is a process in the statute that allows the two property owners to bid on the property first. He said, **Cncl. Marino**,

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

the Director of Real Estate and his office have been working to finalize the lists, which he will present at the June 24<sup>th</sup> Work Session Meeting to review. **Cncl. Marino** mentioned that they are also working on the minimum bids, to ensure that these properties are in a position to be sold. **Cncl. Dilks** asked, if there is land for sale between two property owners, can the two property owners purchase it together and then subdivide it equally. **Mr. Trimble** advised, that can be done, however, they would have to go through the formal process and any deed upon transfer will say they are not allowed to do anything with the property. **Cncl. O'Reilly** strongly discourages anyone from doing that, as they will have to go before the Planning Board and there will need to be a good reason for subdividing. **Director of Real Estate, Angelina Matese** noted that she is working with the Tax Collector, Joanne Potopchuk, to clean up the lists and will be reaching out to Council to make sure there are no properties that need to come off of the list for possible future Township use. **Cncl. Pres. Garbowski** made a motion to move forward the Draft Ordinance for the 2019 Land Sale, with the corrections noted by Solicitor Trimble, for First Reading at the Regular Council meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Chapter 267 "Vehicles and Traffic" – Chatsford Road**

**Cncl. Wolfe** advised that Cncl. Miller has received the ruling back from the Department of Transportation that they will continue to provide busing for the students on Chatsford Road, whether it goes back to a two-way street or not. Cncl. Wolfe spoke with Sgt. Burton and they do not see any issues with traffic and the roadway is wide enough for it to be a two-way street. He has called and explained the finding to Sandy Boyd, who is extremely happy. He asked if the Township has an obligation to notify the residents on Marion Avenue prior to the street being changed back to a two-way street. **Solicitor Trimble** advised that the First and Second Reading in the newspaper will fulfill the legal obligation to notify the residents, however, he feels it will be a good idea to send them a letter as a courtesy. **Director of Public Safety, Joseph Kurz** and **Sgt. Burton** suggested placing the Police Department's electronic message board on Marion Avenue to help notify the residents as opposed to sending out a mailer. All members of Council felt the electronic message board is an adequate way of notifying the residents as opposed to sending a letter. **Cncl. Pres. Garbowski** made a motion to move forward Draft Ordinance Chapter 267 "Vehicles and Traffic" for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council.

- **Chapter 175-48 Land Development Fees**

**Solicitor Trimble** explained that the Planning Board and Zoning Board of Adjustment Secretary, Dawn Farrell asked that this Ordinance be amended in order to bring the Township's Code up to speed on required application fees, escrow fees along with some other fees. **Cncl. O'Reilly** explained that the Zoning Board and Planning Board met to discuss some of the situations that they are dealing with regarding fees. A lot of the fees were once revised downwards and it has been found that the charges are going over and it is next to impossible to

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

collect the additional fees back from the applicants, and the Zoning and Planning Offices are going in the hole. He advised, this amendment is bringing the fees back to where they once were so we are covered for escrows and if there are any escrow monies to be returned on an application they will be returned. They are finding with the current fees that the escrows are gone and we are not able to recover any money. **Cncl. Miller** made a motion to move forward the Draft Ordinance Chapter 175-48 "Land Development Fees" for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council.

- **2018 Bond Ordinance Amendment**

**Cncl. Marino** explained this amendment is to simply clean up the language per Parker McCay's request as there was a discrepancy in the previous language that was used. **Cncl. Pres. Garbowski** made a motion to move forward the Draft Ordinance for the 2018 Bond Ordinance Amendment for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council.

- **Chapter 175-74 "On-Tract Improvements"**

**Solicitor Trimble** advised that Robert Washburn, Esq., the attorney for the South Jersey Builders League, has been sending letters throughout the years to various towns pointing out some issues with Ordinances that are not meeting code. Mr. Trimble said, the only change that is being made to "On-Tract Improvements" deals with temporary certificates of occupancy, which the Municipal Land Use Law states we can only designate one entity to release for approval. Mr. Trimble recommended that Council approve based on the recommendation of the Township Engineer. **Cncl. Pres. Garbowski** made a motion to move forward Draft Ordinance Chapter 175-74 "On-Tract Improvements" for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Chapter 175-76 "Approval of Performance Guaranty"**

**Solicitor Trimble** explained, the language in the Code indicated that the Township would approve the Performance Guarantes prior to the Planning Board Meeting and that is not the correct process. He advised, that language has been cleaned up in order to mimic the State Statute. **Cncl. Pres. Garbowski** made a motion to move forward Draft Ordinance Chapter 175-76 "Approval of Performance Guaranty" for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Chapter 175-77 "Guaranty Requirements"**

**Solicitor Trimble** explained, the language was cleaned up to correctly state a Performance Guaranty and not a Maintenance Guaranty as it is currently written. **Cncl. Pres. Garbowski** made a motion to move forward Draft Ordinance Chapter 175-77 "Guaranty

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

Requirements” for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Chapter 175-78 “Inspections of Residential Development”**

**Solicitor Trimble** explained, the changes in the Performance Guaranty Act indicated that we cannot bond for improvements to gas, electric and television and the concern was he wanted to make sure on any new developments that the Township could ensure electric and utilities were functioning properly. He said, he removed it from this Ordinance and it will be dealt with at the time of the CO Inspection. **Cncl. Wolfe** made a motion to move forward Draft Ordinance Chapter 175-78 “Inspections of Residential Development” for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council.

- **Chapter 175-78.1 “Inspections of Non-Residential Development”**

**Solicitor Trimble** explained, this also is dealing with the Performance Guaranty Act changes and the language was cleaned up to mimic the State Statute. **Cncl. Pres. Garbowski** made a motion to move forward Draft Ordinance Chapter 175-78.1 “Inspections of Nonresidential Development” for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council.

- **Chapter 162 “Housing Standards – Landlord Registration”**

**Solicitor Trimble** stated, when he compared Chapter 162 regarding landlord registration to the State Statute, he found it to be deficient. He explained that this amendment to the Ordinance is mimicking the State Statute which is required for Landlord Registration. He will have a discussion with the Housing Office to bring them up to speed with the amendments. Mr. Trimble said the Township is not doing anything wrong, but have had some landlords asking the Township to enforce certain obligations on their tenants that are really private contractual issues. **Cncl. Wolfe** made a motion to move forward Draft Ordinance Chapter 162 “Housing Standards” for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council.

**E.) MATTERS FOR DISCUSSION**

- **Personal Privacy – Private Outdoor Cameras**

**Cncl. Marino** noted that since Council discussed this issue under Public Portion, Personal Privacy – Private Outdoor Cameras will be tabled.

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**F.) NEW BUSINESS**

**Business Administrator, Jill McCrea** spoke regarding the Monroe Township Emergency Medical Services Billing and the updated fees, distributing copies for Council's review. She explained that the billing process will remain the same and that this update is simply to increase the revenue to try and sustain the Ambulance Association and keep it in town. **Mayor DiLucia** said it has been a discussion among Council for many years, as to whether we should continue to assume responsibility for the Ambulance Association. Strictly on the basis of economics, we now pay the County our full share of what it is that they provide in terms of ambulance service, but up until this point, our billing was making it such that we could continue to maintain it because it was a benefit to the residents, it was under our control and employed a lot of people. What has happened recently, not only have costs gone up, but the volunteers are no longer what they were and there has been a constant drop off of volunteers. The volunteers were not completing the forms that are necessary for the Township to collect from the insurance companies. The Chief of the volunteers, during a meeting with the Mayor, suggested disbanding the volunteers because there is nothing he can do to make them complete the forms and in fact they have not been showing up for duty. Beginning, June 1, 2019, the volunteers are no longer and we are now running on per-diem employees. The per-diem employees are employees who receive a paycheck and have an incentive to complete the forms. Mayor DiLucia is hopeful that this will address the issue of whether the Township is maximizing the amount of revenue received from insurance companies. He said that the Chief suggested hiring six full-time employees, but after running the numbers, the Mayor realized it would be too high of a cost to the Township that would not be covered in the insurance billing. He hopes now with having the per-diem employees that we will be able to collect on all of the ambulance calls and that it will fill the gap of loss revenue. Mayor DiLucia noted that in six months, we are going to receive a summary which will advise us if this will increase revenue enough to allow us to continue to provide ambulance services within the Township. This is a trial and everyone in the Ambulance Association understands that and he and Ms. McCrea will meet with them monthly to go over the finances to optimize the entitled amount of revenue. **Solicitor Trimble** will prepare a Draft Ordinance updating the fee schedule to have placed for First Reading at the June 24<sup>th</sup> Regular Council Meeting. **Mayor DiLucia** noted that he has appointed four trustees to work with the Solicitor to compile all of the Ambulance Association's records and report back their findings. He wants to make sure that everyone understands that this is in place to attempt to keep the Ambulance Association within the town, without draining us of money. If it gets to the point that after trying everything possible, we are not able to keep it in town, then the next discussion will be about how and when we turn it over to the County. **Cncl. Miller** said, it needs to be looked at from a safety standpoint and not just a financial standpoint. He said, if we find out that with the per-diems we are still within the ten or eleven minute response time, which is not the gold standard of eight or nine minutes, then that has to be a conversation also. Mayor DiLucia said, if we have to go County Ambulance our cost to the County is going to go up, so it behoves us if we can maintain it, to keep the Ambulance Association within the Township. **Cncl. Marino** asked for a motion to move forward the Monroe Township EMS Fee Schedule for First Reading at the Regular Council Meeting of June 24, 2019. **Cncl. Miller** made a motion to move forward the Monroe Township EMS Fee Schedule for First Reading at the Regular Council Meeting of June 24, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council.

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**F.) NEW BUSINESS (cont'd)**

**Cncl. O'Reilly** spoke regarding creating a general Tree Ordinance. He has spoken with the Planning Board and Zoning Board members and they are concerned about the amount of clear cutting the developers are doing in the new developments that are coming in. He feels, by creating an Ordinance, we can limit the amount of clear cutting in the new developments. They also have concerns with the landscaping in the new developments and would like to see plants and trees that are indigenous to our area planted as opposed to the cheapest plants and trees that do not belong in this area. As it stands right now, it is only a recommendation to the new developers because it is not listed in an Ordinance to show what Monroe Township wants. **Solicitor Trimble** said, he will put something together and work with Cncl. O'Reilly.

**G.) OLD BUSINESS**

**Cncl. Falcone** asked about the Main Street Ordinance, saying she is still confused about whether or not it is commercial on the bottom and residential on the top. As far as the existing homes that are there now for sale, how are they going to be sold, can it be mandated as to how we want them sold as. **Solicitor Trimble** said that it is not currently zoned as everything commercial on the first floor and residential on the second. He is meeting with the Mayor and Mrs. McCrea next week, because there is a permit issue on one of the properties. It is his understanding from Lou Cappelli, Esq. and Tim Kernan, that it is not zoned so we can force residents on Main Street to only be commercial on the bottom and residential on the top. **Cncl. Marino** advised that during the Redevelopment Meetings, Mr. Kernan has been working on placing rehabilitation and redevelopment designation along the corridors, Black Horse Pike, Route 322 and Main Street. He feels it is up to the Redevelopment Committee to decide how fast and what direction they want to move and he is under the impression that they were looking towards the Black Horse Pike first because there is some potential development. Mr. Trimble stated that Mr. Kernan is looking to have the entire town designated as a rehabilitation zone, so we can really have some leverage and be liberal in regards to some of the abatements. **Cncl. Marino** said, he is not in favor of designating the whole town as a rehabilitation zone. **Cncl. Miller** mentioned that neighboring towns have done this and it allowed them to have more leverage to have the authority to do what they need to do. It is Mr. Trimble's understanding that Mr. Kernan will be presenting and explaining the plan to Council at a future meeting. **Mayor DiLucia** stated that Main Street is a dream that he does not believe is going to happen. He said, the truth of the matter is the wholesale businesses are where people are going and not to the traditional businesses and the reality is, we are going to have to start looking towards medical type facilities and offices in areas where there is growth. **Cncl. Marino** agreed that Main Street is never going to be the Main Street of previous years. Mayor DiLucia feels the plan should continue to offer people who are interested in business areas along the Black Horse Pike and Route 322.

**Cncl. Wolfe** spoke regarding the Sports Advisory Handbook. The Parks and Recreation Commission and Director Bannister are both recommending the changes that are proposed, most of which is simply a cleanup of the language along with a couple of minor changes. He would like to move the Ordinance regarding this matter forward, taking the Parks and Recreation

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**G.) OLD BUSINESS (cont'd)**

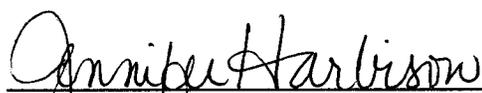
Commission out of the Ordinance and give the authority to the Sports Advisory Board. **Mayor DiLucia** asked who the Sports Advisory Board reports to. **Cncl. Wolfe** explained that the Sports Advisory Board has a set of bylaws that were proposed but never adopted. The Sports Advisory Handbook was created with the presidents of every recognized sports organization in the township. It was designed so that each organization would have two members, the president and another member, but only one vote. He asked if this should continue as it is or should the Mayor make appointments, but then it would be taken out of the hands of the sports organizations. Mayor DiLucia's concern is, the Sports Advisory Board seems to be reportable to no one and he feels that there needs to be some accountability. **Cncl. Wolfe** said, according to the handbook, they are reportable now to the Director of Parks and Recreation. As the Ordinance currently reads, in order to make changes to the handbook, the Director of Parks and Recreation and the Parks and Recreation Commission, both have to recommend the changes. The only control that the Township has, is that we allow the various sports organizations use the Township's facilities, so this handbook provides us certain ways to hold them accountable. **Solicitor Trimble** will research the handbook and make some recommendations at the next meeting.

**Cncl. Wolfe** spoke regarding the traffic light at Route 322 and Corkery Lane. He noted, at the last Regular Council meeting, Council passed a Resolution for the 25% funding and it was sent to Senator Madden's office to move the process forward. **Sgt. Burton** explained, they will be stretching the timing at the intersection an additional 10 seconds during the morning rush hour and they are trying to work out increasing the timing during the afternoon rush hour times. **Mayor DiLucia** mentioned, he was told that they will be redoing the intersection of the Black Horse Pike and Cross Keys Road to include two turning lanes on the Black Horse Pike going each way and installing a turning lane on Cross Keys Road going towards Berlin. He asked **Cncl. Pres. Garbowski**, **Cncl. Dilks** and **Sgt. Burton** to help read and review the blue prints he received from the State, in order for him to provide feedback back to the County regarding the proposed improvements to the intersection.

**H.) ADJOURNMENT**

With nothing further to discuss, **Cncl. Wolfe** made a motion to adjourn the Ordinance Committee Meeting of June 6, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council.

Respectfully submitted,

  
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**Deputy Municipal Clerk, Jennifer Harbison**

  
\_\_\_\_\_  
**Presiding Officer**

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*These minutes were prepared from excerpts of the recorded proceedings and hand-written notes taken during the Ordinance Committee Meeting of June 6, 2019 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 8/7/19  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_