

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
OCTOBER 2, 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. Miller 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	
Cncl. Cody Miller	Present	
Cncl. Patrick O'Reilly		Excused
Cncl. Gregory Wolfe	Present	
Cncl. Joseph Marino	Present	
Mayor Richard DiLucia	Present	
Solicitor, John Trimble	Present	
Planner, Tim Kernan	Present	(Excused at 8:32pm)
Director of Public Safety, Joseph Kurz	Present	
Police Chief DeHart	Present	
Deputy Municipal Clerk, Jennifer Harbison	Present	

B.) APPROVAL OF MINUTES

Cncl. Pres. Garbowski made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of July 10, 2019 and the Ordinance Committee Meeting of August 7, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance.

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 in attendance.

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C.) PUBLIC PORTION (cont'd)

Marlene McMahan, a resident of Friendly Village, President of MOHA, stated that since she last spoke with Council, she has received a lot more information that she felt needed to be shared with Council. She is speaking for the people who have joined together to let Council know that they object the plans to build the Alternative Treatment Center on the Black Horse Pike between Malaga Road and Whitehall Road. The question most asked has been, what does it mean when Cncl. Miller says "Council does not want to leave it up to chance." She questioned, if the Council who represent the people, believe that this is in the best interest of the town, why was there a closed meeting when the change was voted on. She stated that they have learned that the Mayor has appointed three Council members to be on the Cannabis Committee and asked those members be identified. They have been informed that the Cannabis Committee sought out those who are looking to expand their cannabis market. Ms. McMahan said that the residents of Monroe Township want to be sure that the people they voted to represent them, have looked into the effects this treatment center will have on the town. She stated that they are not fighting Council on accepting applications for a cannabis treatment center, they are objecting to the site that has been chosen to build the center. They feel this site will hurt more residents than help them. Ms. McMahan went over a list of items they feel Council should be aware will happen once the cannabis facility becomes part of Monroe Township. She said, they are in favor of growing businesses in Monroe Township and they look forward to new ideas for the area and they want to work together with Council for the benefit of everyone. Ms. McMahan thanked the Mayor and Council for allowing her to speak and stated that they will continue to gather signatures on their petitions until the matter is resolved. **Cncl. Marino** clarified that the Governing Body has not met with or given any approval to the applicant being referred to and the proposed site does not belong to the Township but is a private site. **Cncl. Miller** explained, Council decided to amend the Zoning Code, to spell out what specific zones Alternative Treatment Centers would be allowed in. **Cncl. Pres. Garbowski** explained that the Mayor did not appoint the Cannabis Committee members and that as Council President he appointed Cncl. Falcone, Cncl. Miller and Cncl. Wolfe. The committee was formed to gather information and provide to both Council and the public their recommendations and findings. **Cncl. Falcone** explained, the Committee is going to reconvene and will reevaluate the different zones. **Mayor DiLucia** clarified that Council has not decided on anything relating to cannabis in private, everything has been open to the public and will continue to be open to the public. He explained why a working committee is formed and appointed and the reason Ordinances are created. Mayor DiLucia is hopeful that by the residents attending the meeting and hearing the factual information that it will dispel the rumors. Cncl. Marino explained why Ordinance O:38-2019 was placed on this evening agenda under Matters for Discussion.

Len Fritz, Chairman of the Open Space Advisory Committee, addressed Council regarding the piece of property on Sykes Lane. He said, the Open Space Advisory Committee has requested this purchase and has been searching for a piece of property that will help enhance and promote the bike trail. He noted, acquiring this piece of property is the first step in expanding the trail. Mr. Fritz stated that they will be working with the Environmental Protection Commission as well as other Township Committees to improve the site and create a starting and stopping point for residents using the bike trail. **Cncl. Marino** thanked Mr. Fritz

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C.) PUBLIC PORTION (cont'd)

and the Open Space Advisory Committee on behalf of Council and the Mayor for all of their hard work on this project.

Elisa Taylor, Director of HARTT Rescue (Humane Animal Rescue Trapping and Transport) addressed Council regarding her proposal for TNR, explaining that TNR means Trap Neuter and Return. She provided a presentation on her proposed TNR and Cat Colony Ordinance and explained the way the program works. She explained, how the program will benefit Monroe Township and help gain control of the community cats. If Monroe Township chooses to accept the TNR Ordinance the County will pay for the cost of TNR. The Ordinance has sponsor options included and Ms. Taylor offered HARTT to be an option as a sponsor to work with the community and to act as a liaison between care takers and animal control. **Kathy (works with Ms. Taylor, did not provide her address)** provided the statistics regarding the community cats within Monroe Township and the volunteer opportunities the TNR Ordinance provides. **Jane Guillaume, Executive Director with People for Animals**, explained why she and People for Animals are involved with TNR programs and the benefits that they provides to the participating townships. **Gina Megay, Board President of Pet Savers, Inc.**, spoke in support of the TNR Ordinance and provided statistics and examples about how this Ordinance has been passed and has helped surrounding municipalities such as Pitman, Clayton, West Deptford, Westville and Woodbury Heights. Ms. Taylor noted the need for a designated cat sanctuary within Monroe Township, if the Ordinance is passed, although it is not necessary, but it is extremely helpful. Discussion ensued with Ms. Taylor, Kathy, Ms. Guillaume, Ms. Megay and the members of Council in attendance. **Cncl. Marino** thanked them for coming to the Ordinance Committee Meeting and presenting the TNR program. He advised that once Council has had a chance to review and discuss everything that was presented this evening, they will reach out to Ms. Taylor.

Anthony Langella, Jr., Antony and Cleopatra Caterers, spoke in regards to his concerns with Cannabis. He noted, what he is continually hearing from Council is to check out Egg Harbor Township with regards to Alternative Treatment Centers. If Monroe Township wants to go in this direction he asked Council to please follow Egg Harbor Township and place it in an industrial area. **Mrs. Langella** voiced her concerns with the potential facility and she does not feel it is appropriate to have the facility next to their business and the neighboring church and school. She feels Council should take into account the businesses and developments that are established and have been for over forty years when making decisions over the potential cannabis allowed zones. **Cncl. Miller** explained, Council was tasked with establishing zones because they knew cannabis might be coming to Monroe Township. **Solicitor John Trimble** stated what Council is doing with regards to zone designation is legal and it was under his direction. He further explained Council's position and why things are being done, in order to be proactive. A discussion ensued with Mr. Langella, Mrs. Langella, Ms. McMahan and Council discussing cannabis and alternative treatment centers. **Mayor DiLucia** noted that it is obvious to him that no one wants cannabis anywhere, no matter where it may eventually be placed. If Administration takes the position to go against the legislators in Trenton, it will be defying the law and will open up the Township to potential lawsuits. He believes that he and Council needs to

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C.) PUBLIC PORTION (cont'd)

find the balance between satisfying the fears of the residents and making sure whatever is done is protected legally. **Cncl. Marino** explained that the Cannabis Committee is going to reconvene and report back with their recommendations by the next scheduled Ordinance Committee Meeting on November 7th.

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 in attendance.

D.) ORDINANCES FOR REVIEW

- **Authorizing the Purchase of Real Property, Block 13901, Lot 15**

Cncl. Pres. Garbowski made a motion to move forward the Draft Ordinance Authorizing the Purchase of Real Property, Block 13901, Lot 15 for First Reading at the Regular Council meeting of October 14, 2019. The motion was seconded by **Cncl. Wolfe** and unanimously approved by all members of Council in attendance. **Solicitor Trimble** noted that this Ordinance does not identify a number, this authorizes the Solicitor to negotiate the sale of the property. The negotiations have been done, however, until the owner signs the contract it not complete. The owner has agreed to an offer of \$6,000.00, he owes \$5,400.00 in back taxes and will net \$600.00. Solicitor Trimble said he did not include the exact price in the Ordinance, because, if it has to be adjusted he will make the corrections prior to the second reading. As part of the deal, the owner is being required to complete a Seller's Disclosure Statement with environmental representations. Solicitor Trimble asked Len Fritz, Chairman of Open Space, who from the town has walked the property to ensure that there is not any environmental condition. **Len Fritz** said, no one that he knows of has walked the property. Solicitor Trimble feels before the Township takes title of the property, someone needs to do a history of the property, similar to a Phase I Environmental Study. **Cncl. Pres. Garbowski** will coordinate with the Township's Special Projects Engineer, Pennoni Associates to perform a brief Phase I Environmental Study on the property.

- **Chapter 74-10 Fees – "Pfeiffer Community Center" / Chapter 74-41 Fees – "Property Maintenance"**

Solicitor Trimble explained, this Draft Ordinance handles the establishment of certain rental fees pertaining to the Pfeiffer Community Center and along with the registration fees pertaining to the Abandoned Properties. With regards to Section 74-41, Acting Zoning Officer, Tara Park has requested that all of these fees be updated to be in line with what the neighboring towns are doing. **Cncl. Miller** asked if the changes to Chapter 74-10, Pfeiffer Community Center was a whole new section to which Solicitor Trimble confirmed. **Cncl. Miller** asked, have the organizations that have been using the Pfeiffer Community Center for free, for the duration of time been notified. **Cncl. Marino** said, according to the new section, non-profit organizations will be charged \$20 for Meeting Room A and B and \$25 for the Multi-Purpose Room per meeting. **Mayor DiLucia** noted, he was under the impression that the non-profits were not going to be charged. A discussion ensued with the members of Council present regarding the charges for profit and non-profit. **Solicitor Trimble** suggested speaking with the Director of Community Affairs, Brandee Derieux prior to First Reading

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D.) ORDINANCES FOR REVIEW (cont'd)

at the next Regular Council Meeting to clarify the charges. **Cncl. Miller** made a motion to move forward the Draft Ordinance for Chapter 74-10 Fees – “Pfeiffer Community Center” / Chapter 74-41 Fees – “Property Maintenance” with modifications as discussed for First Reading at the Regular Council meeting of October 14, 2019. The motion was seconded by **Cncl. Pres. Garbowski** and unanimously approved by all members of Council in attendance.

E.) MATTERS FOR DISCUSSION

- **Trap Neuter Release & Cat Colony**

Cncl. Marino advised that this was discussed at length during the Public Portion.

- **Chapter 175 Land Management – “Cannabis”**

Cncl. Marino advised that after the discussion during the Public Portion, the Cannabis Committee will reconvene and make a recommendation which will possibly be revisited at the November Ordinance Committee Meeting. **Mayor DiLucia** believes no matter what is done regarding Cannabis there will be a group that will be opposed to it. He feels, there needs to a long hard discussion about cannabis and distribution in general because nobody wants it in their backyard. **Cncl. Miller** feels that based on what has been presented by the public and what has been discussed with Planner, Timothy Kernan, there is a way to come up with a reduced scope that he believes everyone can agree with. Mayor DiLucia mentioned, the Administration is going to have to be prepared to take a position because this is not going to go away, no matter what is decided. A discussion followed among the members of Council present regarding the Ordinance pertaining to Cannabis.

- **Sports Advisory Board**

Cncl. Wolfe explained that the Sports Advisory Board was never formed and run properly. There is currently a Sports Advisory Board but it is not recognized anywhere in the Township other than the Sports Advisory Handbook, which only makes mention of it. The Parks and Recreation Commission and the Director are the only ones who can recommend to Council to change the Sports Advisory Handbook, which needs to be updated. The Parks and Recreation Commission has no influence on any sports in the Township, so the first Draft Ordinance will remove them and with that there is another Draft Ordinance creating the Sports Advisory Board. Once the Sports Advisory Board is created, then the new Sports Advisory Handbook can be re-introduced into an Ordinance. **Solicitor Trimble** clarified that the only change that is being made to Chapter 4-93.8 is to remove the footnote language pertaining to the handbook. He stated that the Sports Advisory Board was never formally established or adopted. In reference to Chapter 4-93.9, it is a whole new section that establishes the creation of the Sports Advisory Board and it states the bylaws. **Cncl. Wolfe** explained that each sports organization has two representatives, their president and another board member, and if anything is brought to a vote the two representatives cast one vote for that organization. Solicitor Trimble feels the language on the second page, in Section 4-93.13, Powers and Duties should read “shall make recommendations” instead of make recommendations and “the

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E.) MATTERS FOR DISCUSSION (cont'd)

Director of Parks and Recreation” instead of the Director of Public Safety. He explained that once the two Draft Ordinances are adopted, the Ordinance regarding the Handbook can be adopted with the modifications. **Mayor DiLucia** would like to see some financial accountability from the sports organizations to the Business Administrator. Solicitor Trimble will add language to the Ordinance stating they are required to submit an annual financial report to the Business Administrator within 45 days of the close of their season. **Cncl. Miller** made a motion to move the Draft Ordinance Amending Chapter 4 “Administrative Code” Section 4-93.9 with the noted modifications and the Draft Ordinance Amending Chapter 4 “Administrative Code” Section 4-93-8 for First Reading at the Regular Council Meeting of October 14, 2019. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance.

- **Municipal Alliance Commission Bylaws**

Solicitor Trimble has been requested by the County to clean up the language which has to do with conflicts of interest which he has forwarded to Donna Gaudio, Chairperson of the Municipal Alliance Commission for review. **Cncl. Miller** stated that he has reviewed the modified bylaws as the liaison and he did not find any problems. **Cncl. Wolfe** asked if there are any issues with the memorandum of understanding. **Cncl. Miller** explained there are no financials, it just clearly outlines what needs to be done when there is a conflict of interest. **Cncl. Wolfe** made a motion to move forward the Municipal Alliance Commission Bylaws Draft Ordinance for First Reading at the Regular Council Meeting on October 14, 2019. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

F.) NEW BUSINESS - None

G.) OLD BUSINESS

Cncl. Falcone asked what the cost would be and what would be involved regarding the Main Street Ordinance, which would redesignate Main Street with commercial on the bottom and residential on the top, in order to control what is going on Main Street. **Solicitor Trimble** advised if it is re-zoned to designate commercial only on the bottom and residential on the top, it would down zone existing residential only properties. **Cncl. Falcone** asked if it can be done once a property is sold, not as it currently stands, but as it transfers. **Cncl. Miller** feels, Council would be challenged legally if they were to force a property owner to rezone and possibly down zone their property. **Cncl. Marino** explained the current problems and the challenges that Council faces with the current properties that are for sale and the current landlords. **Solicitor Trimble** advised there are a number of studies that would need to be done which would be at a potentially high cost. **Cncl. Marino** is concerned at how Main Street has gotten to the point that it is, with the majority of the previous single family dwellings now being multi-multi-family dwellings. **Solicitor Trimble** stated after researching this, he has prepared a memo which he will forward to the members of Council, outlining the process and the requirements to rezone. A discussion followed regarding how Main Street is zoned and how the properties are enforced.

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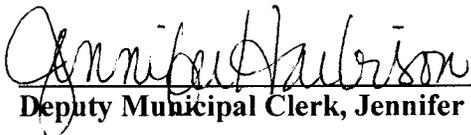
G.) OLD BUSINESS (cont'd)

Cncl. Wolfe spoke regarding the No Knock Ordinance, he has a sample Ordinance from Washington Township. He has spoken with Washington Township's Clerk to confirm that the program is working and she believes that it is. **Cncl. Wolfe** is waiting to hear back from Washington Township's Chief of Police to see if the program has increased any of their call volume. **Cncl. Marino** polled Council and all were in favor of pursuing the No Knock Program. **Cncl. Wolfe** will work with Solicitor Trimble to prepare a Draft Ordinance for the next Ordinance Committee Meeting on November 7, 2019.

H.) ADJOURNMENT

With nothing further to discuss, **Cncl. Pres. Garbowski** made a motion to adjourn the Ordinance Committee Meeting of October 2, 2019. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council in attendance.

Respectfully submitted,



Deputy Municipal Clerk, Jennifer Harbison



Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand-written notes taken during the Ordinance Committee Meeting of October 2, 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 11/7/19
Approved as corrected _____ Date _____