

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 2, 2020**

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. Greg Wolfe** in the Courtroom 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. Vice-Pres. O'Reilly 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. Ronald Garbowski | | Excused |
| Cncl. Pres. Joseph Marino | Present | |
| Cncl. Vice-Pres. Patrick O'Reilly | Present | |
| Cncl. Gregory Wolfe | Present | |
| | | |
| Mayor Richard DiLucia | Present | |
| Solicitor, John Trimble | Present | |
| Dir. of Public Safety, Joseph Kurz | Present | |
| Police Chief David Dailey | Present | |
| Municipal Clerk, Aileen Chiselko | Present | <i>(excused at 7:24pm)</i> |
| Deputy Municipal Clerk, Jennifer Harbison | Present | |

B.) APPROVAL OF MINUTES

Cncl. Pres. Marino made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of August 5, 2020. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council in attendance.

At this time, Cncl. Wolfe asked Council for approval to move "Matters for Discussion" next on the Agenda.

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C.) MATTERS FOR DISCUSSION

- Environmental Protection Commission – Model Tree Ordinance

Solicitor Trimble reported that prior to Cody Miller resigning from Council, he had forwarded a copy of the Model Tree Ordinance to the Township Planner, Tim Kernan and Solicitor Trimble. After review of the Ordinance, Mr. Kernan has expressed his concerns with the effects the Model Tree Ordinance may have on the Land Management Ordinances of the Township's Code. Mr. Kernan does not feel that the Ordinance is ready for introduction, and he needs more time to dive into how it may affect other areas of the Township Code. **Cncl. Vice-Pres. O'Reilly** noted, Cody Miller had turned over the Model Tree Ordinance to him upon his departure, as he had initiated the Ordinance while serving as liaison to the Environmental Protection Commission last year. **Cncl. Vice-Pres. O'Reilly** advised that he and Mr. Kernan are going to look at the existing Land Management Ordinances to determine which ones may address parts of the Model Tree Ordinance and possibly make amendments to include the Model Tree Ordinance. **Cncl. Falcone** spoke regarding her concerns with Section 10 of the Model Tree Ordinance, which references single family homes landscape plans and requirements. She mentioned that the Township does not want to deter developers from coming in or make it more difficult for them, with regards to what to plant and where. **Cncl. O'Reilly** advised, the Ordinance was never intended for single family home properties. The intent of the Ordinance is to deal with the clustering of developments and full lot clearing.

- Chapter 280-18 "Backyard Chicken Pilot Program"

Cncl. Wolfe spoke regarding the recommended changes to the Backyard Chicken Pilot Program that Zoning Officer, Tara Park had submitted to Council. **Cncl. Wolfe** suggested that Council wait until the Pilot Program has run its course before making any changes. **Municipal Clerk, Aileen Chiselko** spoke in reference to her concerns regarding the Backyard Chicken Pilot Program Ordinance. She feels it should be mentioned in the Ordinance who the Pilot Program affects in the town, areas that are not zoned to have chickens or if it is for everyone in town. Ms. Chiselko noted the licenses expire December 31st of each year, so the licenses that have been issued this year have an expiration date of December 31, 2020. She asked for guidance on how to handle the licenses at the end of December 2020, will all of the applicants have to re-apply for another license to be issued through the end of the Pilot Program or through December 2021. Ms. Chiselko noted, by her calculations, since the expiration date of the program is not clearly stated in the Ordinance, the end date for the Pilot Program will be June 23, 2021. **Cncl. Wolfe** suggested possibly amending the Ordinance from a full two years to a year and a half to cover the end of the pilot program. **Cncl. Pres. Marino** suggested, extending the expiration date of current licenses to June 23, 2021, which will allow the Township to stay within the two year pilot and provide time to make any revisions that are needed. Ms. Chiselko asked, instead of having the applicants come in to renew their current license, should she issue everyone an amended license extending it until June 23, 2021. **Solicitor Trimble** will research and report back if Council can extend the expiration date to reflect that of June 23, 2021 by Resolution instead of amending the Ordinance before the end of the Pilot Program. A discussion followed regarding how to handle any new applicants who apply to the program in January 2021 and

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C.) MATTERS FOR DISCUSSION (cont'd)

possibly increasing the number of available licenses. **Patrick McDevitt** advised, there is a new applicant who lives in a new development and did not realize that the development is part of an HOA, so they are holding onto the application until the applicant receives the proper approvals from the HOA allowing them to participate in the Pilot Program. **Cncl. Pres. Marino** mentioned, there is an older development that does not have an HOA but is deed restricted. He would like to have language added to the Ordinance when amendments are made referencing HOA and deed restricted properties. A discussion ensued regarding deed restricted areas within the Township and the property owners' responsibility to receive the proper approvals when applying for a license. **Cncl. Vice-Pres. O'Reilly** explained, the Pilot Ordinance was drafted with the concept of backyard chickens being pets and the eggs being an added sustainable benefit. He agrees, once the Pilot expires that the Ordinance does need to be cleaned up to address the Zoning Officer and Municipal Clerk's concerns and recommendations. He noted, in residential areas, he will only support six chickens. **Municipal Clerk, Aileen Chiselko** spoke in reference to Section J of the Ordinance which references the Chicken Advisory Board. She questioned if this Board will be considered a Township Board where the Mayor and Council appoints members and asked if they will be following the Open Public Meetings Act. **Cncl. Wolfe** confirmed that they are an advisory board similar to that of the Sports Advisory Board and they are not considered a Township Board. **Cncl. Vice-Pres. O'Reilly** noted, currently the Chicken Advisory Board only meets when there is an application or a complaint, otherwise they are considered the inspectors.

D.) ORDINANCES FOR REVIEW

- Chapter 205 "Parades"

Solicitor Trimble advised, himself, **Cncl. Wolfe**, **Cody Miller** and **Chief Dailey** met to discuss the parade Ordinance, which combines language from both Glassboro and Atlantic City's Parade Ordinances. He noted that certain portions of the Township's current code, Chapter 226.7 through Chapter 226.9 which deal with unlawful demonstrations and permits for public demonstrations under Parks and Recreation conflict with this new Ordinance. **Solicitor Trimble** recommended that the Parade Ordinance on this evening's agenda be cleaned up to repeal and replace Township Code Sections 226-7 through 226-9. He believes this is a solid Ordinance because it gives the Police Chief plenty of time to determine scheduling and it will not interfere with any contractual obligations. He explained that throughout the Draft Ordinance there are a lot of TBD, meaning "to be determined" which stands for who will receive, review and approve the parade applications. In some of the neighboring town's Ordinance, the TBD is the Chief of Police followed by a Committee, while other towns' have it listed as the Business Administrator or the Municipal Clerk. **Solicitor Trimble** believes, much of the decision making will be by the Chief of Police in conjunction with the Business Administrator when dealing with instances of requiring overtime. **Police Chief Dailey** noted, when dealing with contractual issues, he would like to have the Business Administrator's input and when dealing with diagrams of potential parade route, the Traffic Unit would provide their input. **Cncl. Wolfe** noted, since Section 226-7

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D.) ORDINANCES FOR REVIEW (cont'd)

through 226-9 are going to be repealed, the Ordinance will be amended to reflect Section 226-7 instead of being titled Section 205. **Cncl. Wolfe** along with the Solicitor went over the Ordinance line by line with the members of Council present to determine who shall serve as each TBD. It was suggested that all applications be submitted to the Municipal Clerk who will forward them to the Business Administrator for review for approval in consultation with the Chief of Police. **Mayor DiLucia** expressed his concerns with the Business Administrator being involved with the approval of each parade permit as the permits should be reviewed by the Chief of Police in terms of safety and location. The only time the Business Administrator should be involved is when the application for permit will affect the Chief's budget and there is the need to address a financial aspect. **Solicitor Trimble** suggested having it stated that all applications should be submitted to the Municipal Clerk, who will forward them to the Chief of Police for review in consultation with the Business Administrator. **Cncl. Falcone** questioned why the organization hosting a parade is not consulted with how much they are responsible for paying towards the police presence. A discussion ensued regarding possible reimbursement for any overtime fees incurred and the handling of possible impromptu gatherings. **Solicitor Trimble** stated, he will add a paragraph in the Ordinance which will clearly identify the application procedure. Mayor DiLucia spoke in reference to the denial and appeal process of the parade application. He feels that some communication of any action taken by Council needs to be delivered to the applicant to ensure proper closure of the process. Solicitor Trimble suggested, it be stated that the Municipal Clerk shall notify the applicant of the decision of Council. **Cncl. Wolfe** explained, the need for a forty-five day timeline, as the Police Chief needs at least thirty days contractually to schedule any needed manpower. A discussion followed to determine the proper timelines for review, approval and / or denial of an application. Cncl. Falcone questioned the need for indemnity insurance. Solicitor Trimble noted that most parades and marches are social movements and by requiring the need to have indemnity insurance it may impose the argument that the Township is trying to over regulate. Solicitor Trimble will research the various types of insurance and place some indemnification language in the Ordinance. **Cncl. Pres. Marino** made a motion to move forward the Draft Ordinance for Chapter 205 "Parades" for First Reading at the Regular Council Meeting of September 14, 2020. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council in attendance.

- Amend Chapter 4 "Administrative Code" – Article XIA. Department of Parks and Recreation §4-93.3.4 Criminal history background checks concerning Township-sponsored or cosponsored recreation and sports programs.

Cncl. Wolfe advised, the Committee which was created at the August Ordinance Committee Meeting has met and discussed a few changes to the Draft Ordinance. Cncl. Wolfe noted, in the new Section 4 on page 3 of the Draft Ordinance it should read "all flagged results" and not "all results", along with in Section 5, it should read "flagged criminal history" and not "criminal history". **Solicitor Trimble** noted, in new Section 3, it should read "Fees will be collected from each organization each year and placed in a Township trust account to assist with the costs of such background checks. **Cncl. Pres. Marino** made a motion to move forward the Draft Ordinance to Amend Chapter 4 "Administrative Code" – Article XIA. Department of Parks

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D.) ORDINANCES FOR REVIEW (cont'd)

and Recreation §4-93.3.4 Criminal history background checks concerning Township-sponsored or cosponsored recreation and sports programs for First Reading at the Regular Council Meeting of September 14, 2020. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council in attendance.

E.) NEW BUSINESS - None

F.) OLD BUSINESS - None

G.) PUBLIC PORTION

Cncl. Dilks made a motion to open the Public Portion. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance. With no one wishing to speak, **Cncl. Falcone** made a motion to close the Public Portion. The motion was seconded by **Cncl. Dilks** and unanimously approved by all members of Council in attendance.

H.) ADJOURNMENT

With nothing further to discuss, **Cncl. Vice-Pres. O'Reilly** made a motion to adjourn the Ordinance Committee Meeting of September 2, 2020. The motion was seconded by **Cncl. Falcone** 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 September 2, 2020 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 10/7/2020
Approved as corrected _____ Date _____