

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
OCTOBER 7, 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. Fox 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. Carolann Fox | Present |
| Cncl. Ronald Garbowski | Present |
| Cncl. Pres. Joseph Marino | Present |
| Cncl. Vice-Pres. Patrick O'Reilly | Present |
| Cncl. Gregory Wolfe | Present |
| | |
| Mayor Richard DiLucia | Present |
| Solicitor, John Trimble | Present |
| Zoning Officer, Tara Park | Present |
| Dir. of Parks & Recreation, Brent Salvadori | Present |
| Dir. of Public Safety, Joseph Kurz | Present |
| Planner, Tim Kernan | Present |
| Police Chief David Dailey | Present |
| 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 September 2, 2020. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council with the exception of **Cncl. Garbowski**, who Abstained.

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C.) ORDINANCES FOR REVIEW – None

D.) MATTERS FOR DISCUSSION

- **Williamstown Square Redevelopment Plan Amendment #2**

Township Planner, Tim Kernan addressed Council to provide a brief history of the Redevelopment Plan, which was originally adopted in October 2010. The Redevelopment Plan was originally adopted as all commercial and at the request of the developer during last year's revision, it had been changed to mixed use. Mr. Kernan explained that this current amendment is a result of many discussions over the better part of last year. In the past, there was a minimum density of 350 units, which has been increased in this amendment to a minimum of 425 units with the additional 75 units to offset a 100% affordable project that the Township is going to do with the Catholic Charities. The Pinelands would like to certify this plan amendment at the same time as the St. Mary's Redevelopment Plan as both plans are related by PDC's and density. He explained, the other changes listed in this new amendment from that of the previous plan, with one of the major changes being that of mixed use with the option of having fast casual food. **Solicitor Trimble** advised that this amendment is part of the affordable housing compliance and settlement agreement which was reached in 2017. He noted, there will be a series of different issues relating to the compliance that will come before Council for approval. **Cncl. Pres. Marino** questioned, when the concept plan for the Catholic Charities will be presented. Mr. Kernan explained, they are planning to present to Council shortly. A discussion ensued regarding the concept plan and the pre-development costs. **Cncl. Vice-Pres. O'Reilly** asked, where the location of the Catholic Charities would be and the projected timeline. Mr. Kernan advised, it will be located at the corner of Main Street and Virginia Avenue, however, he could not provide a timeline at this time. Mr. Kernan noted, the comments from the Pineland have been incorporated in the amendment and it is ready to be moved forward for First Reading at the next Regular Council Meeting. **Cncl. Wolfe** polled Council and all were in favor of moving the amendment to an Ordinance for First Reading at the Regular Council Meeting of October 12, 2020. Mr. Kernan will refer the amendment to the Planning Board for their approval once it is approved for First Reading.

- **Chapter 175 "Land Management" - Article XIII Design, Performance and Evaluation Standards §175-145 Swimming Pools**

Zoning Officer, Tara Park spoke regarding a contradiction in the Township Code 175-145C which states that a pool, not at a one or two family dwelling is subject to the requirements of a single family attached dwelling and Code 175-146J(9)b where it states that fence requirements are 6 feet in height minimum. After some discussions and research, she has found that this Code contradicts the International Pool and Spa Code, which permits a pool barrier to be at least 48 inches with a 54 inch latch to open the gates. Ms. Park noted, she would like to have the Code amended to be in compliance with the International Pool and Spa Code and noted that she will also be

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D.) MATTERS FOR DISCUSSION (cont'd)

presenting this to the Planning Board for consideration. **Stu Gerstein, 116 Castlebay Drive** addressed Council to express his concerns with what he feels are safety violations at the Sterling Glenn Community Pool, the contradictions to the Township Code with regards to Single Family and Community Pools and the lack of enforcement. **Solicitor Trimble** advised, the Township takes life safety issues very seriously. In regards to Code 175-146J(9)b, this falls under other single family attached dwelling units and not a clubhouse, that is why the Code falls silent and when it is silent, the Township defers to the State regulations. A discussion ensued regarding the fencing height around the other community pools within the Township and the safety requirements stated within the Code concerning same. **Ms. Park** asked, when amending the Code, possibly including subsections to clearly state, residential and community pools. **Cncl. Wolfe** suggested researching the height of all of the existing community pools within the Township to possibly "grandfather" them in prior to amending the Code. **Solicitor Trimble** will research grandfathering in the existing community pools. **Cncl. Wolfe** polled Council and all were in agreement to have **Solicitor Trimble** research the code and move forward with preparing the Ordinance for First Reading at the October 12, 2020 Regular Council Meeting.

- **Chapter 74 "Fees" §74-53 Park Permits for Special Events - Adult League Fees**

Director of Parks and Recreation, Brent Salvadori spoke regarding the request from a softball team to waive the adult league fees. After some research, he found that the Township's fees are substantially lower than the neighboring municipalities. **Mr. Salvadori** stated that at this time, he does not feel that the fees should be waived. He suggested, next year revisiting the fees and possibly raising them.

- **Chapter 4 "Administrative Code" – Article II Council §4-11 Powers and Duties of President**

Cncl. Pres. Marino spoke regarding the powers and duties of the Council President, asking if the appointment of the Council chambers falls under those duties. **Solicitor Trimble** read aloud Statute 40:69A-32 and 40:69A-37.1, noting his interpretation is that the Municipal Building is part of municipal services which the Mayor has authority over. **Cncl. Pres. Marino** questioned Mayor DiLucia, if going forward, will he be appointing Council chambers or will it be left to the Council President like it has been in years past. **Mayor DiLucia** explained his actions and the background of the situation. A discussion followed between Mayor DiLucia and **Cncl. Pres. Marino** regarding the assignment of Council Chambers. **Cncl. Falcone** explained the process of what took place when she requested to change offices, noting that after she researched the Code, she followed the law as it was stated to make her request.

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E.) NEW BUSINESS

Mayor DiLucia spoke regarding numerous noise complaints that he continuously receives from residents concerning the outside music events at The Estates at Monroe and Racks Pub & Grill. After researching the Code, he learned that the decibel levels cannot exceed 65. He also learned that the Township does not have a Decibel Meter or have anyone certified to use a Decibel Meter. The Mayor noted that he has authorized the Police Chief to purchase a Decibel Meter and to have someone(s) trained and certified to operate and read the Decibel Meter. With the help of the Zoning Officer, Ms. Park, they have been trying to mediate between the residents and The Estates regarding their complaints of excessive noise, however there is no mediation at this point. He explained, the County is now involved and they informed him that according to the Township Code, if noise causes a disturbance, it is in violation. The Mayor expressed his concerns regarding how the Police Department will handle the enforcement of an annoyance of noise complaints. He has asked Solicitor Trimble to research the matter and believes that the Township needs to find a decibel level which is reasonable and amend the Ordinance to state that an annoyance needs to be more than just in the eyes of the beholder. **Cncl. Wolfe** agrees with the Mayor's concerns and suggested placing this item on the next Ordinance Committee Agenda under Matters for Discussion for further discussion. **Solicitor Trimble** stated that Code 2-13 Noise, dealing with noise control officers and decibels is quite extensive. He asked if the Mayor meant to reference Code 2-95 which deals with Nuisance. **Zoning Officer, Tara Park** advised that Matt from the County sighted Code 2:13-6B, 6 through 8 referencing the plainly audible violation. Ms. Park explained, the resident complaints with regards to both facilities and the steps the County has taken to monitor the complaints. Solicitor Trimble will reach out to the County to further research and report back at the next Ordinance Committee Meeting. A discussion ensued regarding the complaints received.

F.) OLD BUSINESS - None

G.) PUBLIC PORTION

Cncl. Garbowski made a motion to open the Public Portion. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council.

Michael Mellace, 313 Aberdeen Road spoke regarding what he feels is the ridiculous divide in politics and he encouraged everyone to try and get along.

Michael Mellace, 313 Aberdeen Road addressed Council in reference to Chapter 230 of the Township Code regarding Peddling and Soliciting. He believes that parts of this Code are in violation of his 1st Amendment rights. He believes, hanging a door hanger on someone's door is simply advertising and not intrusive as stated in the Ordinance. Mr. Mellace stated that with the Ordinance in place, the Township is making it hard for small businesses to succeed. He would like the Code to be amended. **Cncl. Wolfe** advised that earlier this year, the Committee had discussed amending sections of this Code and Solicitor Trimble is working on revamping the

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G.) PUBLIC PORTION (cont'd)

entire Code as there are a lot of changes that need to be made. **Solicitor Trimble** stated, the Code is not unconstitutional. **Cncl. Wolfe** noted, he will have Chapter 230 Peddling and Soliciting placed on the next Ordinance Committee Meeting under Matters for Discussion.

Michael Mellace, 313 Aberdeen Road spoke regarding the Economic Development Commission. He does not feel that the Economic Development Commission is a good variety of representation. He would like to see members on the Commission who have a good business acumen and experience in various areas. Mr. Mellace presented a Citizen Leadership Form to apply to hold a position on the Economic Development Commission to the Deputy Municipal Clerk to distribute to Council.

With no one else wishing to speak, **Cncl. Falcone** made a motion to close the Public Portion. The motion was seconded by **Cncl. Vice-Pres. O'Reilly** and unanimously approved by all members of Council.

Cncl. Pres. Marino stated, the Economic Development Commission has not held any meetings since 2019. **Cncl. Falcone** stated that Council should be abolishing the Committee because the actual members themselves were in agreeance of wanting an EDC Representative and they were happy to have Shannon Morgan-Leonen hired as the EDC Representative. **Cncl. Falcone** explained, it was the consensus of the Committee members that Shannon Morgan-Leonen would take the lead on performing the work of the Committee. **Cncl. Pres. Marino** would like to see the Township have both an Economic Development Consultant and an Economic Development Commission to work together to help with redevelopment. He spoke regarding the previous Main Street Committee and the Economic Development Commission and how now there are many new tools in place to better help the members and prospective businesses.

Kristin Solgado, 1301 Heidelberg Drive, addressed Council to find out how she can be more involved with Economic Development. She noted that she, as a business owner in town along with many other business owners are interested in doing what is best for the businesses and the residents in Monroe Township. Ms. Solgado spoke regarding her experience with opening a business and working with the Township. She also expressed what she feels needs to be done to help the town businesses. Ms. Solgado noted, she would like to apply for a position on the Economic Development Committee. **Cncl. Pres. Marino** said, Ms. Solgado and her business are one of the examples of the rehabilitation that was put into place on Main Street. He believes it would be a good idea to revamp the Economic Development Committee. A discussion followed regarding possibly revamping the Committee to work alongside the Economic Development Consultant to entice new businesses. **Cncl. Wolfe** suggested, moving this matter to the next Regular Council Meeting under New Business for further discussion.

Michael Mellace, 313 Aberdeen Road addressed Council and **Cncl. Falcone** regarding his membership and his reasons for resigning from the Chamber of Commerce. He expressed why he feels the Economic Development Commission needs to be revamped and how it will benefit the Township.

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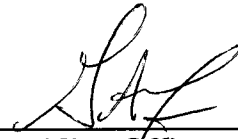
H.) ADJOURNMENT

With nothing further to discuss, **Cncl. Pres. Marino** made a motion to adjourn the Ordinance Committee Meeting of October 7, 2020. The motion was seconded by **Cncl. Garbowski** and unanimously approved by all members of Council.

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 7, 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 2-3-2021
Approved as corrected _____ Date _____