

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
JULY 6, 2022**

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 Chairwoman, Cncl. Chelsea Valcourt** 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. Falcone led the Assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL

Cncl. Katherine Falcone	Present	
Cncl. Ronald Garbowski		Excused
Cncl. Steven McKinney	Present	
Cncl. Patrick O'Reilly		Excused
Cncl. Chelsea Valcourt	Present	
Cncl. Vice-Pres. Carolann Fox	Present	
Cncl. Pres. Gregory Wolfe	Present	
Solicitor, John Trimble	Present	
Dir. of Finance, Lorraine Boyer	Present	
Dir. of Public Works, Nicholas Mercado	Present	
Deputy Municipal Clerk, Jennifer Harbison	Present	

B.) APPROVAL OF MINUTES

Cncl. Vice-Pres. Fox made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of June 1, 2022. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance.

At this time, **Cncl. Valcourt** advised that she would be moving "Matters for Discussion" next on the Agenda.

C.) MATTERS FOR DISCUSSION

- **Model Statewide Municipal Electric Vehicle (EV) Ordinance**

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C.) MATTERS FOR DISCUSSION (cont'd)

Tim Kernan, Zoning Board of Adjustment Planner, addressed Council to explain the Statewide Model Municipal Electric Vehicle Ordinance, noting as soon as it was published by the DCA, the Statewide Ordinance was put into effect throughout the State. He said, his understanding of the Model Ordinance, is that the Township can choose to do nothing and action only needs to be taken if the Township chooses to “tweak” the Ordinance, and that the State only allows one section to be “tweaked”. The changes can be made to the one section, only if there are some reasonable standards that the Township feels can be made better, otherwise nothing needs to be done. The Model Ordinance is already being enforced at the Zoning Board. Mr. Kernan spoke regarding the various requirements pertaining to the “make ready” spaces relating to new construction. He noted, after reviewing the model Ordinance, he does not feel anything needs to be changed, with none of the requirements seeming unreasonable. A discussion followed regarding the various requirements listed within the model Ordinance, the items that can be changed and those that cannot. **Cncl. Pres. Wolfe** questioned, if Council needs to adopt the Statewide Model Ordinance as is, to which **Solicitor Trimble** advised, there is no reason to adopt anything because it is already in effect throughout the State. He noted, the only thing the Township would want to do, is after reviewing the Ordinance, Council might find areas that need to be “tweaked” and that can be done in the future as needed. **Cncl. Pres. Wolfe** suggested, leaving everything as is and if an issue arises in the future, Council will address the issue at that time. Mr. Kernan said that Council should be aware of the Electric Vehicle Ordinance requirement, so when they are talking to prospective developers and business owners, they can advise them accordingly. **Solicitor Trimble** suggested that the Township look into having some public charging stations where there is a charge for use, to which **Cncl. Pres. Wolfe** noted, it was previously discussed to possibly place a few stations at the municipal building and at Owens Park. Mr. Kernan noted, grants for funding of the stations are available.

- **R:152-2022 Resolution of the Township of Monroe Authorizing a Change Order for a Contract with Command Co., Inc. for the Monroe Township Dog Park**
- **R:153-2022 Resolution Authorizing the Township of Monroe to Enter into A Shared Services Agreement with the Monroe Municipal Utilities Authority**

Cncl. Valcourt spoke in reference to Resolution R:152-2022 and R:153-2022 which are scheduled for approval this evening, noting after receiving a few emails concerning same earlier this afternoon, she asked for a Motion to Table both Resolutions R:152-2022 and R:153-2022. **Cncl. Pres. Wolfe** explained that the Resolutions were requested to be placed on the June 27th Council Meeting Agenda but the MMUA had not sent the contract to their legal department for review, which has since been done. He spoke with the Executive Director of the MMUA, Wendy Mahoney and that review has been done; however, they are still waiting for the details of the shared services agreement. **Solicitor Trimble** noted, it is his understanding that the Township Business Administrator, Jill McCrea and the MMUA Executive Director, Wendy Mahoney were discussing the dollar amounts and what the changes need to be made. **Cncl. Pres. Wolfe** said, it is his understanding that a meeting did take place, however, they have not yet agreed upon the specific language and Ms. Mahoney relayed that they would like Council to hold off on approving Resolution R:153-2022 until they are able to work out the language. **Director of Public Works, Nicholas Mercado** explained, after having a discussion with the MMUA Superintendent, Frank Cossabone, the MMUA is going to proceed with the waterline and whatever language or whatever details need to be worked out, they

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C.) MATTERS FOR DISCUSSION (cont'd)

are leaving that up to the respective administrations. He noted, the MMUA really does not want to perform the work for a monetary price but the Township wants to reimburse them for their expenses. Mr. Cossabone has advised that they do not want to hold up the project and that the work will continue, because if they were to wait, it could bring the project to the point where the contractor could be delayed. **Cncl. Pres. Wolfe** said, Mrs. Mahoney relayed the same information, that the work will continue. Mr. Mercado said, Resolution R:152-2022 pertaining to the Change Order is necessary to have approved, noting the MMUA will not perform the work unless this Change Order is in approved. **Cncl. Pres. Wolfe** noted that at the previous Council Meeting, Mrs. McCrea asked to pull both Resolutions, as they both go together, to which he is in agreeance, noting if for some reason the MMUA “bails” out, where does that leave the Township with the contract. Mr. Mercado said, the contractor cannot perform the line item that exists in the contract because it is proprietary material that only the MMUA can perform and install, per the MMUA’s bylaws. He explained that the Township would have to request a different change order to bring to the vendor, which can increase the cost of the project. **Cncl. Falcone** asked if the project has started or if it is in the process, to which Mr. Mercado stated, the project is underway and the clearing is almost complete, which means that the waterline can be installed at any time. **Solicitor Trimble** asked if the MMUA has considered waiving their bylaws on this “proprietary”, to which Mr. Mercado said, during his meetings with Mr. Cossabone, the answer to that has been no. He explained the proprietary material, noting under the current contract, the Township is obligated to Command, Inc. but because the proprietary material was put in, which the Township and the contractor were unaware that the material was proprietary, that line item can never be used by the contractor. The MMUA is the only entity that can install and tie in the material and the MMUA has indicated that they will perform the service. Mr. Mercado noted, the longer the approval is delayed, the longer he has a potential delay with the project. **Cncl. McKinney** asked what the downside is to voting on Resolution R:152-2022 this evening, as he does not want to impact any potential delays. **Cncl. Pres. Wolfe** said after Mr. Mercado’s explanation this evening he would suggested approving Resolution R:152-2022. **Solicitor Trimble** said, the contractor, Command, Inc. is out of the project at this point, so if this gets pushed back a month, the town should be ready for a possible change order for delay damages, to which Mr. Mercado said is always a possibility. Mr. Mercado explained the current schedule of the project. **Cncl. Pres. Wolfe** said that Mrs. Mahoney indicated earlier today that she had reached out to Mrs. McCrea on June 29th to request a phone conference and there was no return call or return email until this morning, which is the day of the Ordinance Committee Meeting. He said, it sounded like the language needs to be worked out, the MMUA wants specific language, as it is currently very vague and Mrs. McCrea needs to work that out with the MMUA and then it can be placed on the Agenda for approval. **Cncl. Valcourt** suggested, Council vote on Resolution R:152-2022 this evening and Table Resolution R:153-2022, to which **Cncl. Pres. Wolfe** agreed. **Solicitor Trimble** spoke regarding his understanding of the project and the change order as discussed, this evening; however, he noted that he does not understand why a number cannot be placed for the materials and the value of the service to be performed, which is already designated in the contract, as the reduction in the change order far exceeds that number. Mr. Mercado said that the MMUA would like simply to be reimbursed for the pipe supplies, however, the Township feels as though the MMUA should be reimbursed for all of the work as well. **Cncl. Falcone** noted, after this evening’s discussion, she does not feel that Resolution R:152-2022 should be voted on because without knowing the value, Council would be authorizing a change order without knowing what the change is. **Solicitor Trimble** clarified that whether Council votes on the change order or not, the contractor, Command, Inc. can never

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C.) MATTERS FOR DISCUSSION (cont'd)

perform the specific task because it is proprietary to the MMUA, the change order is a reduction of \$48,000.00 from the scope of the contract, to which Command, Inc. is okay with and has already signed. Solicitor Trimble expressed the concern that there is no leverage on the MMUA for the task but there was not any leverage before because Command, Inc. could not perform the task. He said, the leverage is that the town does not have a dog park because the Administration and the MMUA could not come to terms for another month, six months or a year. Cncl. Pres. Wolfe disagreed, noting he believes they can come to an agreement, it is just a matter of documenting it.

D.) RESOLUTIONS

Cncl. Pres. Wolfe made a motion to open the public portion for the Resolutions scheduled. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance. With no one wishing to speak, **Cncl. Pres. Wolfe** made a motion to close the public portion for the Resolution scheduled. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

Cncl. Valcourt explained the reasons she asked for Resolution R:152-2022 to be voted on and for R:153-2022 to be Tabled. Solicitor Trimble said that Command, Inc. has already agreed to the Change Order, asking what the significance of Tabling Resolution R:152-2022 would be at this time. Mr. Mercado explained, the job is not going to be performed by Command, Inc. anyway because of the task being proprietary to the MMUA, it is just the MMUA Superintendent saying that having the Change Order taken care of would eliminate any liability for the MMUA, but Mr. Mercado is unsure what the liability is because they do not have the contract with Command, Inc, the Township does. Solicitor Trimble suggested Tabling both Resolution R:152-2022 and R:153-2022, given the discussion this evening.

R:152-2022 Resolution of the Township of Monroe Authorizing a Change Order for a Contract with Command Co., Inc. for the Monroe Township Dog Park

R:153-2022 Resolution Authorizing the Township of Monroe to Enter into a Shared Services Agreement with the Monroe Municipal Utilities Authority

Cncl. Pres. Wolfe made a motion to Table Resolutions R:152-2022 and R:153-2022. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

E.) ORDINANCES FOR REVIEW

- **Chapter 104-11 “Buildings” – Commercial Certificate of Occupancy and/or Continued Certificate of Occupancy**

Solicitor Trimble advised that this amendment was at the request of the Zoning Officer, Tara Nelms and the Construction Official, Bryan Glaze. **Cncl. Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 104-11 “Buildings” – Commercial Certificate of

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E.) ORDINANCES FOR REVIEW (cont'd)

Occupancy and/or Continued Certificate of Occupancy for First Reading at the Council Meeting of July 25, 2022. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

- **Chapter 74 “Fees” – Various Departments**

Deputy Municipal Clerk, Jennifer Harbison explained, after contacting every Department to see if they needed any changes made to the Code, some title changes were made along with the two (2) Zoning fees were added. She noted that this Draft Ordinance was presented a couple months prior, but it was suggested that it wait until the changes Zoning Officer, Tara Nelms had made were adopted to reflect the appropriate fees. **Cncl. Pres. Wolfe** made a motion to move forward the Draft Ordinance regarding Chapter 74 “Fees” – Various Departments for First Reading at the Council Meeting of July 25, 2022. The motion was seconded by **Cncl. Falcone** and unanimously approved by all members of Council in attendance.

F.) ORDINANCES

- O:15-2022 Bond Ordinance Authorizing the Acquisition of Various Pieces of Equipment and Completion of Various Capital Improvements In and For the Township of Monroe, County of Gloucester, New Jersey; Appropriating the Sum of \$4,824,000 Therefor; Authorizing the Issuance of General Obligation Bonds or Bond Anticipation Notes of the Township of Monroe, County of Gloucester, New Jersey, In the Aggregate Principal Amount of Up to \$4,582,800; Making Certain Determinations and Covenants; and Authorizing Certain Related Actions in Connection with the Foregoing

Director of Finance, Lorraine Boyer explained that Ordinance O:15-2022 is the Bond Ordinance for the capital projects that the various departments requested for their departments. She said, the language is standard and because of the size of the town and the budget, she always has to do a six-year plan, noting it is simply a projection of what they might need in the future.

First Reading: A copy of this Ordinance was posted on the bulletin board at the Municipal Complex. Additional copies were made available to the public.

Cncl. Pres. Wolfe made a motion to approve Ordinance O:15-2022 for First Reading and Publication. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

- O:16-2022 An Ordinance of the Township of Monroe Adopting the Redevelopment Plan for the Orchard Drive Area Pursuant to N.J.S.A. 40A:12A-14

First Reading: A copy of this Ordinance was posted on the bulletin board at the Municipal Complex. Additional copies were made available to the public.

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F.) ORDINANCES (cont'd)

Cncl. Pres. Wolfe made a motion to approve Ordinance O:16-2022 for First Reading and Publication. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

G.) NEW BUSINESS - None

H.) UNFINISHED BUSINESS

Cncl. Falcone said, she recently visited the cannabis facility in Vineland and they did not have armed security, noting it was a beautiful facility but she felt a little uncomfortable without any armed security present. **Cncl. Falcone** reported, there is another large cannabis facility coming to Monroe Township, which is going to be located on the North Black Horse Pike right next to the Pike Inn and the facility is going to be cultivation, manufacturing and a dispensary. She feels the armed security amendments need to be made to the Cannabis Ordinance, to ensure all security requirements are in place for the cannabis facilities coming into the town and those who are already established. **Cncl. Pres. Wolfe** advised that Chief Monahan has asked that the amendments for armed security be discussed at the next scheduled Ordinance Committee Meeting on August 3, 2022, as he is away on vacation this week and is unable to attend this evening's meeting.

I.) PUBLIC PORTION

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

J.) ADJOURNMENT

With nothing further to discuss, **Cncl. Falcone** made a motion to adjourn the Ordinance Committee Meeting of July 6, 2022. The motion was seconded by **Cncl. Vice-Pres. Fox** and unanimously approved by all members of Council in attendance.

Respectfully submitted,



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 July 6, 2022 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 8/3/2022
Approved as corrected _____ Date _____