

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
MAY 1, 2013**

**A.) CALL TO ORDER & ROLL CALL**

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

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: Gloucester County Times, the Courier Post and the Sentinel of Gloucester County) and copies were posted on the bulletin board at the Municipal Complex.

**SALUTE TO THE FLAG**

Cncl. Frank Caligiuri led the assembly in the Pledge of Allegiance to Our Flag.

**ROLL CALL OF PUBLIC OFFICIALS**

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Marvin Dilks		Excused
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski	Present	
Cncl. Daniel Teefy	Present	(Arrived 7:10 PM)
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Planner, Tim Kernan	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

Cncl. Rich DiLucia made a motion to approve as submitted the Ordinance Committee minutes of April 3, 2013. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

Cncl. Walter Bryson made a motion to open the Public Portion. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

Claeon Dennis was in attendance regarding the Taxicab Ordinance. He explained Det. Wolfe and Zoning Official Fred Weikel have his taxicab license application, which includes his photo, background check and the lease for his office but the background check is holding things

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C.) PUBLIC PORTION (cont'd)

up because Det. Wolfe said he doesn't know what to check for. Mr. Dennis noted the only reason he is registering in Monroe Township is because he was pulled over and the police officer said he should not be driving though here without being registered with the town. When he went to court the prosecutor told him any commercial vehicle can be pulled over at any time, which is why he wants to register here but it has been weeks since he submitted the application and now his car has been impounded. Cncl. Sebastian questioned who impounded the car. Mr. Dennis advised Blackwood because he drives there as well. He noted he previously registered in Lindenwold but decided to register here this year since he was pulled over when driving through. Solicitor Fiore noted he is the prosecutor for Monroe Township and Mr. Dennis never spoke to him about this; he probably spoke to the Court Liaison, not an attorney. Mr. Dennis noted he spoke to an officer dressed in uniform. Mr. Fiore questioned whether his vehicle was impounded in Blackwood because it is unregistered and in order to get it out of impound Mr. Dennis must get it registered with the State of New Jersey. Mr. Dennis replied, yes, he needs a Livery Letter from Monroe Township so he can go to DMV to register the car. Mr. Fiore questioned whether Mr. Dennis was seeking a letter from Monroe Township so he could get his car out of impound in Blackwood. Mr. Dennis said yes, but the only reason he wants to register here is due to the amount of business he does here, as well as in Sicklerville, and because he was pulled over and told to register here. He submitted the application two months ago and the only holdup is Det. Wolfe doesn't know what to check for. Solicitor Fiore advised he just needs to run a criminal history. Mr. Dennis explained Det. Wolfe said the ordinance is not written clearly and he did not want to be responsible for qualifying or disqualifying him. Cncl. Sebastian explained Council will be discussing the background check issue as well as other issues that have come up about the Taxi Ordinance and Mr. Dennis is welcome to stay and participate in that discussion.

With no one else wishing to speak Cncl. Walter Bryson made a motion to close the Public Portion. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

*Cncl. Sebastian deviated from the agenda in order to hold discussion on the Taxi Cab Ordinance while Mr. Dennis was in attendance.*

E.) ORDINANCES FOR REVIEW

- Chapter 254 Taxicabs

Cncl. Sebastian explained a taxicab owner came to the Clerk's Office to get a taxicab license application because he received a ticket for dropping off a fare in Monroe Township because he didn't have a Monroe Township Taxicab License. The man went to court and received a \$300.00 fine for operating a taxicab without a Monroe Township Taxicab License even though his business was licensed in Washington Township. Cncl. Sebastian questioned how this issue should be dealt with because the ordinance doesn't specify if a taxi has a license anywhere it just says they need to have a license in Monroe. Mr. Fiore advised the Code will need to be changed. He explained when requiring taxicabs to be licensed in Monroe was

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discussed it was because other towns didn't have minimum insurance requirements and we were just trying to create some type of standard that would protect everyone operating a cab in the township. Some towns have no insurance requirements, some have lesser insurance requirements and some have no ordinance at all. Mr. Fiore noted we tried to create a standard insurance to make sure our residents are protected while they are passengers in cabs but he wasn't sure what would be created if the ordinance was amended to say anyone operating within the streets of the township. Cncl. Bryson noted we could keep the minimum insurance and just include language such as "*a valid taxi license in another jurisdiction*". He felt the language should not just say New Jersey because now even a taxi dropping someone off from an airport out of state would technically be in trouble. Cncl. Rich DiLucia recalled how initially a group of taxi drivers came to an Ordinance Meeting because they could not acquire a license from Sicklerville, where they did business out of the Avondale Bus Depot, due to their million dollar restriction on insurance. Council thought that prevented those taxi drivers from providing a taxi service so we tried to find a balance between towns that were unreasonable and prohibitive in terms of their insurance requirements and requiring enough that would protect people. He questioned if the ordinance could be altered to say "*as long as certain requirements included in our ordinance are met*". Cncl. Sebastian questioned how an officer would check that. Mr. Fiore explained that would be a problem if a taxi was pulled over in the middle of the night since the officer would not be able to verify with the Clerk that all requirements were met. Cncl. DiLucia noted the taxi driver would be made to come and prove they have what is required. Claron Dennis suggested the guidelines allow taxicabs to drop off and drive through the town but not pickup fares if they are not registered here. Cncl. DiLucia noted the question is, are we protecting our residents from taxicabs licensed in other towns that may just have the minimum insurance required by the State. He questioned the amount of insurance Mr. Dennis has on his cabs. Mr. Dennis advised he has \$50,000.00. Solicitor Fiore indicated our ordinance requires \$100,000.00/\$300,000.00, a business office and child restraint seats in the taxicab, the cost is \$50.00 for an owner's license and it includes penalties of up to \$500.00. Those requirements may need tweaking but the ordinance allows us to know who is operating a taxi in Monroe Township. Discussion took place regarding the Washington Township taxi owner who was issued a ticket and fined \$300.00 when dropping off a fare even though he showed proof to the judge that his business was registered in Washington Township. The Deputy Clerk explained in order for taxi owners to get a motor vehicle registration with the State they need to register in the municipality in which they live/operate their business. Mr. Fiore noted the Washington Township ordinance is very extensive and requires a minimum of \$500,000.00/\$1,000,000.00 and Council may want to take a look at it since everyone comes here because our insurance requirements are lower. He explained there is nothing across the board in State Statute; it requires taxicabs to be licensed but allows municipalities to regulate them. Mr. Fiore noted he understands what Mr. Dennis's plight is and that can be addressed but the other person from Washington Township is another issue. He did not remember that issue going before the court and felt there must be some history to it because the judge usually does not impose fines that much on a first offense. Cncl. Sebastian requested Mr. Fiore review the issue of cabs dropping off in Monroe and noted Council must establish rules for background checks. The ordinance does not give any specifics on what is or is not acceptable and according

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

to State Statute the police cannot tell anyone or release any information regarding a background check. Det. Greg Wolfe is looking for some direction because there is nothing that says the police chief or his designee can make a decision. Cncl. Bryson questioned whether they could tell council if a felony was committed. Solicitor Fiore replied no, they can only recommend. Cncl. Sebastian noted Council needs to establish rules for getting/denying a license and language should be included in the ordinance regarding the chief or his designee having authority to approve or deny the license based on the results of the background check. Cncl. Pres., Teefy recommended establishing background check regulations similar to those utilized for the youth sports organizations. The Chief or his designee reviews it and determines who should be approved or not approved. People have been turned down but since everything is confidential no one knows why they were turned down. Cncl. Sebastian explained only police officers have access to background checks and the information is not for general publication. Solicitor Fiore noted Washington Township's ordinance defines it as "if he or she has not been convicted of any indictable offense or of reckless driving". Cncl. Sebastian suggested that language be included in our ordinance to give the Police Department some direction. Mr. Dennis questioned if there was a possibility that he could get a letter from the township tomorrow. Cncl. Sebastian indicated he would talk to Det. Greg Wolfe about it but Mr. Dennis may have to wait until Council changes the ordinance.

**D.) MATTERS FOR DISCUSSION**

• **Expansion of Redevelopment Area**

Cncl. Bryson, Chairman of the Redevelopment Committee explained the redeveloper of Williamstown Square had asked to extend the Redevelopment Zone corridor to Malaga Road on only his side of the pike because that might provide a better opportunity for that area to attract people and grow. Cncl. Sebastian noted the Redevelopment Zone currently extends to Corkery Lane on the CVS side of the pike and the redeveloper requested the zone be extended on both sides down to Malaga Road. Cncl. Bryson noted we previously attempted to move it as far south as Cedar Creek but that never went through. Cncl. Frank Caligiuri noted Cncl. Bryson directed Stuart Wainberg to call him and today they spoke extensively. Cncl. Caligiuri questioned what Mr. Wainberg wanted to put in that area and his response was he thought that having the entire area as a redevelopment zone would create some interest in the area. Cncl. Caligiuri explained to him that the original Master Plan called for an anchor at one end of the corridor and a Redevelopment Zone at the other end and filling in between with commercial. One thing that concerned Cncl. Caligiuri about making the entire area a Redevelopment Zone is there is already some talk about making it fully taxable, not extending the privileges of a Redevelopment Zone and calling it a redevelopment overlay. His fear, which he expressed to Stuart, is that if the redevelopment zone is extended it is etched in stone whereas at the moment, there are options for selling the entire Redevelopment Zone. Once he does that he could come back to the town to say what anchor stores he is putting in and at that point request specific areas for the Redevelopment Zone and tax incentives. Right now if Council makes that

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area a Redevelopment Zone it will carry the same tax liability as the non-redevelopment zone so there is actually no advantage at the moment to put a zoning overlay in there. Cncl. Caligiuri suggested Council talk to Stuart about this because at this point it offers him an advantage to see if he can find some tenants, come to the town with a proposal and then we can see the big picture and offer him some incentives. Cncl. Sebastian noted in 2010 the Planning Board had a study done to extend the Redevelopment Zone all the way to the Cedar Creek Project on both sides of the pike. It was extended on the CVS side of the pike all the way to Whitehall but it was brought back to Corkery Lane. The other side of the pike was never extended. Cncl. Caligiuri explained the extent of the study was to look at available property to extend the Redevelopment Zone. Nothing was ever done because of Pinelands restrictions and if Cedar Creek was not going through to carry the water down there, there was no advantage in bringing it all the way down in that direction. Cncl. Sebastian noted the problem with the current redevelopment corridor is that it is only two blocks long on one side of the street and four/five blocks on the other side. He felt a corridor should be both sides of the street for a specific stretch of the road because right now there is nothing to connect the Wal-Mart to Stuart's property. Cncl. Caligiuri recommended the issue be tabled until Cncl. Sebastian can talk to Stuart. Cncl. Ronald Garbowski felt a development corridor is needed because it will be a stretch for us to get that whole corridor designated as a Redevelopment Zone, as it is getting tougher and tougher for areas to get that classification. Cncl. Sebastian noted the Redevelopment Committee should take Cncl. Caligiuri's suggestion and sit down with Tim Kernan and Stuart Wainberg to discuss this issue. Cncl. Caligiuri also recommended the Committee review the architectural standards. Cncl. Pres., Teefy noted everyone was hoping the properties between the redevelopment area and Wal-Mart, that don't have a tax incentive, would be stimulated and the township would get nice tax benefits from them. He felt if the Redevelopment Zone, which was given a tax incentive, is extended Stuart will want the same tax break and the township will be twenty years without getting taxes on those properties. He noted Collingswood did a great job of improving their downtown with tax incentives and now the town is in debt so we need to watch that what we do is right for the town. Cncl. Bryson noted the Redevelopment Committee will meet with Stuart again but should have Mr. Kernan there as well to see what is salvageable in the plans that a lot of money was spent on. Cncl. Garbowski felt Council should not just classify everything as a redevelopment zone and that the Committee should meet with Stuart to see what his ideas are and then we can do whatever needs to be done to get the area developed. Cncl. Sebastian requested Cncl. Bryson set up a Redevelopment Committee meeting when both Stuart and Tim Kernan are available to discuss this matter and then it can be discussed again at the next Ordinance Committee Meeting.

- **Reimbursement - Fire and Rescue Services**

Cncl. Sebastian noted "for the record" that during the Work Session Meeting of April 22<sup>nd</sup> Council made a recommendation not to go forward with the ordinance for fire and rescue service reimbursement.

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D.) MATTERS FOR DISCUSSION (cont'd)

- COAH - Update

Cncl. Ronald Garbowski questioned the status of the township COAH properties. Planner, Tim Kernan explained the list maintained by the Gloucester County Tax Assessor does not match his list, which is the list that COAH maintains in their electronic monitoring system. The County Tax Assessor, Robin Glocker-Hammond was shown where the discrepancies are and we are trying to work through those right now. It is not off by much but it is off and we cannot figure out how some of their classifications were derived but we are trying to get to the bottom of it. Cncl. Garbowski questioned how checks and balances could be put in place to make sure COAH properties are recorded properly on the County level so the township does not have to refund tax money again. Mr. Kernan didn't have an answer to that question. He spoke of finding an out-parcel located on Blue Bell Road at Mimosa Estates, which the County has classified as a COAH lot but that is not included in COAH's monitoring system. He noted Mimosa Estates was built back in the 1980's so it could have been that way in the County system for the last 30 years. Solicitor Fiore spoke of the Burkeholder family owning that original mother lot, which was sold and subdivided. Mr. Kernan noted their original home should not have been classified as an affordable home. Cncl. Bryson questioned whether they have been getting a tax break on that property for all those years. Cncl. Pres., Teefy questioned whether Mr. Kernan knew of any other COAH properties that might have been reassessed incorrectly in 2008. Mr. Kernan noted right now he does not have an answer for that but nothing he saw alarmed him. The County has some homes assessed at \$300,000 to \$400,000 on their list and they were never in the COAH system or included in the numerous plans prepared when Round III was changing. The County system has half a dozen homes in the Arbors that were built by Fieldstone in the early 2000's listed and we know they are not COAH homes. The only COAH units are the condo's in Amberleigh Garden Villa's. He noted when he saw that he knew the County had made a mistake and that may account for most of the discrepancies so far. Business Administrator, Kevin Heydel questioned whether Mr. Kernan has checked to see if the deeds are deed restricted as COAH because that is where it is derived from. Mr. Kernan noted he does not have access to deeds; he only has deeds for four homes on Oak Street and some information on the condos in Amberleigh. He noted he is not concerned about the homes in the Arbors because he knows they are not affordable homes. We just need the County to tell us how they were coded in their system that way in the first place. The list the County sent was an Excel spreadsheet that didn't even have headings to tell you what the list was. Cncl. Teefy noted he went to the County website and downloaded all township properties and looked for a special code on the Oak Street properties but there is nothing that stands out. He felt there should be some type of class like the Monroe Towne apartments had. Cncl. Rich DiLucia referred to the reimbursement that was just granted for a COAH home and questioned how we established the appropriate tax or assessed value of what those COAH homes should be. Mr. Kernan explained that is established by the State according to the COAH region and there are maximum sale prices for COAH units. Cncl. DiLucia noted when that COAH home was purchased ten years ago they were given an assessed value and he questioned whether there was an escalator in there that raises those taxes or is the assessed value the same forever. Mr. Kernan explained whenever there is a re-evaluation that would be factored in. Cncl. DiLucia questioned whether the County had the right to re-evaluate a COAH property and

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place an additional assessment on it. Mr. Kernan noted during a re-evaluation but outside of that no. **Dan Kozak** added the County has a COAH calculator they use during a re-evaluation to increase COAH property taxes. Cncl. DiLucia noted then since we had a re-evaluation X number of years ago and it was not raised then we really overpaid those people by reimbursing them under the old COAH assessment. Mr. Kozak replied yes, they should have been raised up but they were not. The COAH calculator is only minimal. Mr. Kernan explained if a new home is built now it would be under the 2013 rate but in the case of a COAH home built in 1985 nothing is increased until that house sells or a re-evaluation is done. Cncl. DiLucia noted when the Oak Street house was re-assessed it was treated as a regular house not a COAH property and he questioned when we reimbursed them how did we determine what the proper evaluation on that property was. **Business Administrator, Kevin Heydel** advised the proper evaluation was done by the County after they found out it was a COAH home. They re-evaluated what the COAH value was for that home and hopefully they used the COAH calculator to determine back to 2008 what that property value was. Cncl. DiLucia noted we need to look into that to ensure that assessment is correct. **Mr. Kozak** explained they went all the way back to what the house sold for. The County told Mr. Kozak that they will not use the COAH calculator and will not raise the assessed value. The house will stay at the original value until it is sold. Cncl. DiLucia noted he has no problem with programs that help the needy but he cannot reconcile the fact that someone could buy a COAH home and if their income triples the next year they will still pay half the taxes that their neighbors are paying. This issue cannot be resolved by Council but someone should look into this because their taxes are frozen in infinity regardless of their salary. Cncl. Bryson spoke of sending emails to Senator Madden, Assemblyman Moriarty and Assemblywoman Mosquera spelling out specifically two issues that were of concern to Council, compliance and a review process on the income tax of COAH homeowners, and to date, he has received no response from them.

- **Council Benefits**

Cncl. **Frank Caligiuri** noted early in the year around budget time he recommended the issue of council benefits be reviewed but he heard nothing back from the Budget Committee on whether they did in fact take a look to see if there was any merit in taking action on it. He noted as far as he is concerned at this juncture let the Lord lead you to do what you want, as it is a matter of many different opinions.

E.) ORDINANCES FOR REVIEW

- **Sign Ordinance**

Cncl. **William Sebastian** noted the sign ordinance was initiated by Mr. Kernan, reviewed, tweaked and sent back to the Planning Board by Council. The Planning Board sent their recommendations to Council but they never addressed the issue of a sign corridor. Mr. Kernan explained the changes the Planning Board made deals with the amount of time between a sign's message changing and the LED area versus the total sign area. The corridor was discussed but not in great detail. Cncl. Sebastian noted the way the ordinance is written any

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zone that is not residential can install an LED sign. Cncl. Pres., Teefy noted he got the idea for a sign corridor from Kwan Hui (*Alternate member to the Planning Board*). He spoke of the Boston Marathon bombing and how technology was used throughout the country to catch the bombers and how electronic signs could be used throughout the town to make people aware of issues here. Council discussed changing the ordinance to require LED signs to be located in just commercial zones, creating a sign corridor and whether the ordinance should prohibit real estate directional and open house signs. **Dan Kozak** noted he requested the directional real estate signs be prohibited because developers competing with each other were putting hundreds of them up from one end of the town to the other. The open house signs are not a concern since the township does not have enough enforcement to stop someone from putting them up during an open house. Cncl. Sebastian took a consensus of Council to see if the ordinance should be moved forward as it is or if Council should continue to work on it. Cncl. DiLucia, Cncl. Garbowski, Cncl. Caligiuri and Cncl. Sebastian felt additional time should be spent deciding whether a corridor should be created. Cncl. Pres., Teefy felt it should be moved forward and then go back and include the sign corridor later, as he felt there should be some guidelines in place. Cncl. Bryson felt the ordinance could move forward but Council should come up with a separate ordinance for electronic billboards. It was noted there are no variance applications before the Zoning Board for signs at this time so the ordinance could be reviewed further by Council. Mr. Kozak stated people are putting up the signs without going to the Board. Cncl. Sebastian questioned why Council is doing all this if no one is going to enforce the ordinance. Solicitor Fiore explained every action that is taken needs zoning and if someone doesn't get a zoning permit the Zoning Officer can issue a cease and desist and it must be removed. Cncl. Sebastian noted Council will continue their review of the sign ordinance at a future meeting.

- **Dealers In Precious Metals, Gems And Secondhand Goods**

**Solicitor Fiore** reported he exchanged emails with Det. Gene Sulzbach to come up with the draft ordinance. The Police Department was OK with the ordinance but did have three questions. The first was whether Council wanted the Police Department to administer the license. They would rather have the Township Clerk's Office do that and they will do the background checks. The second was whether the \$300.00 licensing fee was an appropriate amount since that is in addition to the \$250.00 the dealer will have to pay for the software program. The third was whether the five day public view aspect should be removed, which they indicated, they would not have a problem with. Mr. Fiore noted it will be Council's decision on whether the Clerk's Office should issue the license and what the licensing fee will be. **Cncl. Bryson** noted we already have a Precious Metals ordinance and he felt we should stay with that ordinance. He expressed his concerns that the definitions in the new ordinance, has the public as being individuals and retail sellers and second hand goods as any article previously sold including gift cards furniture, clothing or other valuable items and that would prohibit a senior citizen from selling everything in his house to an online dealer. The ordinance specifies a dealer in town must be utilized restricting a person's ability to get fair prices

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elsewhere and it requires a person to justify all items are theirs. **Solicitor Fiore** referred to the language on page 2 that states "No person shall use, exercise or carry on the business, trade or occupation", which means the ordinance deals with businesses only it does not deal with individuals. He spoke of how in court most people are charged with stealing iPads, video games and iPhones not jewelry and this ordinance addresses those types of things. Five or six years ago it was just gems and precious metals but now people steal everything to sell it and this is an attempt to regulate that. Cncl. Bryson noted under this ordinance before he moves he could not call an out of town dealer to purchase his items unless he would follow all these rules. Mr. Fiore noted they would have to be registered. He explained anytime an ordinance is drafted we are doing a balancing act on the issue we are trying to address. Council is empowered by State Statute to allow them to do that. In this instance we are trying to deal with issues of people selling stolen property and the police cannot do their job unless they have the proper tools to do it. Cncl. Bryson noted the police do their job now finding stolen property and he does not want to restrict his civil rights just to make their job easier. **Cncl. DiLucia** felt the licensing fee could be hefty because gold and silver dealers are making a lot of money due to the tremendous markup between what they pay people and what they sell for. He spoke of the wild swings in the gold market and felt the five day period for keeping items should not be extended. Cncl. Bryson felt the ordinance should not specify a particular vender for the database because that vendor will raise his price if he knows he is the only one who will have access to all jewelers. Many databases are interchangeable and if not, the important information in it is so to spell out just one vendor is restrictive. **Det. Greg Wolfe** explained Fera's works with the Police Department by taking pictures of all items and putting them on his website for the police to review but the other jewelers are not doing that. Creating a database of photographs and the sellers name will allow the police to punch in a person's name and it will bring up every jeweler in our area that person sold to, which saves a lot of man hours from officers thumbing through thousands of receipts. Cncl. Sebastian questioned if the Police Department could have a database that all jewelers could download to. Det. Wolfe said yes if a database was built. He explained this is more data entry on the jeweler's side of it and hopefully they will all be honest and put the correct information in. Many times officers have run into jewelers from other towns that say a kid has never been in the store when that kid actually confessed and stated he sold to that store. The database would greatly help the Police Department and ultimately save taxpayer money because it will cut down on the time spent researching where items were sold and speed up the process of recovering stolen property. Right now, items are melted down if officers do not get to it within the five day holding period but with the database, a name is plugged in and items could be found much quicker than searching through receipts for three weeks. This is huge for the detectives because more property will be recovered and it will cut down on man hours spent trying to track these people down. He explained there is one company in Cherry Hill that has gotten a few police departments involved with this and hopefully it will go statewide in the future. He spoke of how officers must go to Atlantic City, Camden, Washington Township and various other locations because once it's known officers are going to local jewelers the items are taken to the next town and when we go there they go to the next town. Right now we go to jewelers and request them to email their receipts. A couple of businesses from Winslow Township do it but

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we have to click on each receipt and each place is doing hundreds of receipts a day. Cncl. DiLucia suggested requiring dealers to only pay in check such as reputable coin dealers do. Det. Wolfe noted Camden Iron only pays in check and the people get mad and will keep going to places until they find one that pays cash. He noted right now they have to produce a photo ID, which the jeweler copies along with the jewelry but the database just makes it so much easier to research. Cncl. DiLucia noted it's easy to get a phony driver's license but if jewelers are required to pay in check it is difficult to take a check with that ID to a bank to cash. Solicitor Fiore suggested this ordinance be circulated to all the businesses in town to get their input before it goes for first reading rather than needing to go back and revisit it six months from now because maybe the jeweler didn't know about the change. Det. Wolfe has a list of all the businesses in town. The detectives talked to each of the owners about this and as far as he knew they were all on board. Solicitor Fiore noted if Council wants to move it forward for first reading they can but it should still be sent to the jewelers. Cncl. Sebastian questioned whether Council wanted to make the change regarding paying by check. Cncl. Bryson indicated paying by check is already included in the ordinance. He noted he would also like to see something included that would allow residents to get vendors from other areas to sell their antiques and furniture because these requirements restrict the rights of vendors in other parts of the country and that deals with commerce. Cncl. Sebastian felt the ordinance did not restrict that. Cncl. Bryson noted he is not a lawyer but he felt the definition portion of the ordinance did that. Solicitor Fiore noted page 7 of the ordinance allows two transactions during a seven day period to be paid in cash, more than that would be paid by check. Cncl. DiLucia noted that does not restrict a criminal. He explained people have emotional attachments to family jewelry and once that is melted they may catch the thief but that item is gone. Paying by check will keep thieves from selling items in our town and if people are selling their own items they just have to take the check to the bank and cash it. Cncl. Sebastian polled Council and all were in favor of moving the ordinance forward for first reading. Solicitor Fiore noted he would prepare the ordinance with the change for the May 13<sup>th</sup> Regular Council Meeting.

• **Bond Ordinance Appropriating Funds For Emergency Services**

**Business Administrator, Kevin Heydel** explained the ordinance is needed to purchase air packs and gear for Cecil Fire Company. The Administration did not put forth a Capital Improvement Plan this year due to the pressures on the budget so the Cecil Fire Chief met with the Public Safety Committee regarding their equipment needs. They have a pressing need, as their bottles are aging and their masks and equipment are outdated. They requested a set of five, which would cost \$40,000.00 but after reviewing the budget Mr. Heydel indicated he was comfortable with giving them \$25,000.00 to purchase three sets. Next year this can be revisited again when we see what the budget is. Cncl. DiLucia noted he was part of the Public Safety Committee that visited Cecil and what he wants done is the mold removed from their building. Mr. Heydel advised mold was on the insulation and that has all been removed. The insulation must be replaced but before that can be done the ventilation system needs to be replaced. Cncl. DiLucia questioned the origin of the water. Mr. Heydel explained condensation was being trapped between the insulation and the roof. Three walls have windows and for some reason

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the windows were sweating, which is actually where the condensation was accumulating and dripping down onto the insulation. He noted we have to figure out how to repair that with some type of ventilation system. **Cncl. Pres., Teefy** questioned if they would be pulling some money from their budget to pay for some of the equipment. **Mr. Heydel** advised \$1,000 to \$2,000 would be taken from their budget to purchase three sets and their old equipment will be traded in. **Cncl. Sebastian** polled Council and all were in favor of moving the ordinance forward at the May 13<sup>th</sup> Regular Council Meeting. **Mr. Heydel** requested the 20 day approval period in the ordinance be changed since the ordinance is fully funded. He explained the \$25,000 is coming from money placed in the budget to cover the 5% down payment when we go out to bond. There is \$102,000.00 in that account, which includes the \$52,000.00 we put in this year so we will have a balance of \$82,000.00 in that account if an emergency should arise. **Solicitor Fiore** questioned whether **Mr. Heydel** checked with the auditor and CFO to see if removing that language from the ordinance was OK. **Mr. Heydel** indicated that he did.

- **Chapter 254 Taxicabs**

**Det. Greg Wolfe** explained no one in the Police Department has ever done background checks for taxicab drivers and in researching the ordinance nothing in it mandates that the Police Department ever be involved with it. The ordinance basically states the qualifications are for them to submit a driver's abstract, valid driver's license and a certified criminal history. The problem is the Police Department received three criminal history background checks; two were ok with no criminal history and the third has one. The problem is the Police Department cannot release criminal histories to anyone and once reviewed, it must be shredded. The Police Department cannot make a recommendation regarding whether a person should or should not be a taxicab driver or owner in our town since the ordinance does not stipulate how someone is approved or disapproved. He explained the ordinance for coaches requires them to voluntarily come in and sign a waiver turning their background checks over to us, there is criteria, which includes 20 to 25 offenses they can be rejected for and it gives the Chief of Police authority to overturn any decision. Because taxicab driver background checks come directly to the Police Department information cannot be release. **Det. Wolfe** contacted the State and was advised that they cannot set it up like the Megan Law registry, as that is a whole different format. They did recommend if the ordinance stays as is, taxicab owners/drivers go directly to MorphoTrak. They are currently going through there but have been using the township's Originating Agency Number of NJ0811, which directs the background check to the police department. If they use the ORI number of NJPRR for public records request the State mails their criminal history directly to them and then they can submit their criminal history with their taxicab application. Doing it that way Council will make the decision on whether to issue the license but in order to do that there should be some type of criteria established in the ordinance to approve and reject applications. **Solicitor Fiore** noted language could be included that it is incumbent upon the applicant to produce the certified criminal history to whoever the issuing agency is. **Det. Wolfe** noted the ordinance says that now but somehow the criminal histories began coming to the Police Department instead of going directly to the applicant. **Cncl. Pres., Teefy** questioned how the cut list should be developed. **Solicitor Fiore** suggested using Megan's

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

Law regulations and expanding upon that a little. Det. Wolfe advised unfortunately the governor cut out all the Megan Kanka Foundation funding but he does have a list of the crimes/offenses included in their background checks. The background checks done by the foundation automatically red flags offenders and Parks and Rec is notified of the red flag but are not told why they were flagged. The Police Department sends a letter when we know they are red flagged and the applicant comes in, signs a waiver, we fax it to the State and the State sends them their criminal history. They come back in and we interview them and the Chief of Police makes the decision on whether or not to override that red flag based on how long ago the offenses were, what the offenses were for and things of that nature. Det. Wolfe noted in this case Council will not see a red flag they will see their whole criminal history because they will bring it in. Solicitor Fiore noted that could be dangerous and he felt Council may want the Chief to review it and make a recommendation based upon the nature of the crime. He questioned whether this Council or one in the future want to see a person's criminal history because there could be open public debate about it and Council may not want to do that. He felt the burden should be placed upon the applicant to produce the document and then it can be processed and turned over to the Police Department. Det. Wolfe noted if the Chief of Police agrees that he can handle it then it might as well just come to the Police Department. Mr. Fiore noted Council needs to decide how to handle this. Cncl. Pres., Teefy suggested language be included in the ordinance that the background check be sent to the Chief of Police or his designee for them to approve or disapprove. Cncl. Teefy suggested using the criteria used by Parks and Rec for coaches and Cncl. Sebastian requested Solicitor Fiore tweak the taxicab ordinance with the assistance of Det. Wolfe.

Solicitor Fiore referred to the amendment to the Precious Metals Ordinance and questioned who is going to be the issuing authority for the license, the Police Department or the Clerk's Office. Cncl. Sebastian took a consensus of Council and all were in favor of the Clerk's Office issuing the licenses.

- **Chapter 175-90 Agriculture (Livestock or Poultry)**

Cncl. Sebastian noted an individual attended an Ordinance Meeting and requested the ordinance be changed to allow people in residential developments to have up to six hens, no roosters. He spoke about a newspaper article regarding another community dealing with the same issue and a woman there having a group come to speak in favor of allowing chickens. Cncl. Sebastian noted personally he does not like the idea of having livestock or poultry in a residential development and he has no problem with the way the ordinance is currently written. He noted if they wanted to have hens to produce eggs for their own use they should just start a co-op, which is done for vegetables. Someone with more than three acres could have all their chickens and they could pick up the eggs once a week. Cncl. Sebastian polled Council and Cncl. Pres., Teefy, Cncl. DiLucia and Cncl. Garbowski were against chickens in developments. Cncl. Caligiuri noted this ordinance was challenged in other townships because chickens are given antibiotics and growth hormones that are known carcinogens. He felt keeping residential areas residential is a good idea but this should be discussed with people who have chickens. He

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

noted he hates to make laws for things that he does not have firsthand experience with. He spoke of knowing people who have had chickens in the past and they are not intrusive like swine or goats and they make no noise unless there is a rooster around. **Dan Kozak** noted if Council remembers that gentleman stated he was not going to keep the chickens in a coop, he was going to let them free range in his backyard to eat bugs and chickens fly so even if there is a four foot fence around the yard, a chicken can fly and go into the neighbor's yard. He felt the ordinance should be left alone because next goats, which are less of a problem than dogs, could be requested. He spoke of living in a development where he couldn't have horses so he moved to a farm where he could. He spoke of how this could cause enforcement issues if they decided to get a rooster so the kids could have chicks. Cncl. Caligiuri noted they could always apply for a use variance. Mr. Kozak noted they could do that but there may be a problem getting that approved by the board. It might be approved if a person had two acres and the ordinance required three but in a development is another issue. The Deputy Clerk noted a neighbor has already called the Clerk's Office to report the man has no fence around his yard or around the chicken coop he already built and she was afraid the chickens will come into her yard. Cncl. Sebastian polled Council and it was decided that Chapter 175-90 would not be amended.

**F.) NEW BUSINESS -None**

**G.) OLD BUSINESS**

Cncl. Bryson referred to his previous request to amend Chapter 272 "Water" due to the concerns of approximately twenty-five residents in his development. He explained the way the ordinance is written it mandates those people to tie into the water system after three years or when they sell their property. He explained the State mandates wells to be tested prior to a home being sold and even if that test comes back OK the ordinance requires the home tie into municipal water. The connection fee is over \$3,000.00 and that does not include the meter or the plumbing to the house. The total cost to connect to municipal water could be in the range of \$10,000 to \$12,000 and that is not fair when residents are already mandated to test the well. If the well is fine they should be OK to sell their house and the new owner should be able to use it until something goes wrong with it or they choose to connect at their expense. Those residents received letters from the State EPA stating they would be covered under the SPILL Fund whenever their wells become contaminated. The initial fee to install municipal water for those covered under the SPILL Fund is approximately \$2,700 as opposed to \$10,000 to \$12,000. Cncl. Bryson requested Council review this ordinance again to ensure that it is fair and equitable for all residents. Cncl. Sebastian noted Council can review it again and he requested Cncl. Pres., Dan Teefy to bring the issue up to the MMUA. He noted originally the SPILL Fund waterline took a different route but for the convenience of the MMUA they looped it around to tie into the water at Corkery Lane. Now, everybody on the extended part of the loop is being required to tie in. Solicitor Fiore explained the charter for the MMUA says they cannot extend a waterline anywhere unless there is a mandatory tie-in ordinance, which is what Chapter 272 is and that was done in conjunction with what the MMUA had requested a long time ago. Ed Knorr was a big opponent to it so Council added language to the ordinance requiring day care centers or

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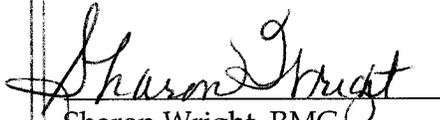
**G.) OLD BUSINESS (cont'd)**

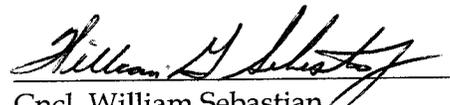
new developments of more than three homes to tie into the MMUA system. He explained he knows what Cncl. Bryson is saying but there are arguments on both sides of the issue. Cncl. Garbowski added under the Plumbing Code if a well goes bad it cannot be replaced when city water is running within 200 feet of the property. Cncl. Bryson noted a key point of the twenty-five residents is when the changes to the original plan accommodated certain vacant properties for the future use but it does not accommodate any of the twenty-five existing homes. The MMUA only ran the pipe down the street and he felt prior to the street being repaved they should at least install connections to the homes. The residents involved are not at just one side of the development, there are some at the Corkery end and four at the pike end. If common sense was used the MMUA would have at least installed the connections in the street because once it gets repaved it cannot be torn up again for five years and there is no way they could burrow under the street to install the connection. Solicitor Fiore questioned whether the wells are being regularly tested for contamination. Cncl. Bryson explained he tests his every year but the ordinance requires them to be tested every three years and if anything goes wrong within that three years of course the homeowner would want to hook into municipal water. Right now if those residents want to pay to tie in to municipal water they could convert their well into an agricultural well. Cncl. Sebastian noted the ordinance requires wells to be sealed. Solicitor Fiore explained the ordinance requires contaminated wells to be sealed but in non-contaminated areas the homeowner can tie in and still maintain his well. Cncl. Pres., Teefy noted he would bring this issue up to the MMUA but the ordinance was done for the safety of the residents. Wells may not be contaminated now, but water travels and they could be in the future, which is why residents should take advantage of municipal water if it is available on their street.

**H.) ADJOURNMENT**

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of May 1, 2013. The motion was seconded by Cncl. Ronald Garbowski and unanimously approved by all members of Council in attendance.

Respectfully submitted,

  
Sharon Wright, RMC  
Deputy Clerk

  
Cncl. William Sebastian  
Presiding Officer

*These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of May 1, 2013 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 6/6/13  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_