

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
SEPTEMBER 3, 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 Second Floor Meeting 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. Walter Bryson 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	Present	
Cncl. Rich DiLucia	Present	
Cncl. Ron Garbowski		Excused
Cncl. Daniel Teefy	Present	
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Rich DiLucia made a motion to approve as submitted the minutes of the August 6, 2013 Ordinance Committee Meeting. The motion was seconded by **Cncl. Marvin Dilks** and unanimously approved by all members of Council in attendance. **Cncl. Sebastian** noted for the record he would like to thank the Deputy Clerk for preparing such concise minutes of the comments made by the speaker that evening.

C.) PUBLIC PORTION

Cncl. Rich DiLucia made a motion to open the Public Portion. The motion was seconded by **Cncl. Pres., Daniel Teefy** and unanimously approved by all members of Council in attendance.

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C.) PUBLIC PORTION (cont'd)

Tom Atack from Cecil Collision questioned whether the Towing Ordinance would remain the same this year. Solicitor Fiore explained at the last Ordinance Committee Meeting revisions to the ordinance were discussed and rather than rushing into it the consensus of Council was to entertain a resolution that would suspend a new towing list for a period of 90 days. If Council passes it, it will suspend any action on this year's towing list and the 2013 towing list will continue in to 2014 until the changes are made. Once the changes are made new applications will be accepted. Mr. Atack questioned whether applications would need to be submitted sometime in February. Mr. Fiore noted that date will need to be set. One of the things that will be discussed is the number of towers on the list. Mr. Atack questioned when this discussion will take place. Mr. Fiore advised between now and January or February and if further action is taken it will be about two months to entertain whatever changes will be made to that ordinance. Cncl. Sebastian noted a speaker was in attendance at the last Ordinance Committee Meeting to discuss the rules and regulations that are required by the State under Title 39 and that is one of the reasons Council wanted to review our ordinance to ensure we are in accordance with State Statutes under the first responder rules. Mr. Atack questioned whether an ordinance can be suspended for 90 days. Mr. Fiore replied, yes by resolution. Mr. Atack noted he knows the person who spoke at the meeting and was stunned at the comments he made about being a gentleman because he (*Mr. Atack*) had probably one of the worst experiences with him in the way he handled the public. The speaker knows the towing business but is trying to elevate it to a point where it doesn't need to be. Cncl. Sebastian explained council will be looking at what elevation we need to be per State Statute because the speaker mentioned Title 39, how towers are first responders and how there are certain requirements we must have in our ordinance. Mr. Atack questioned whether Title 39 refers to towers as first responders. Mr. Fiore replied no, it doesn't but one of the things that were brought to light was the amount of equipment towers should have. He noted in Collingswood, which is a small boro, towers are required to have four pieces of equipment according to their ordinance. The things the Council Committee will look at is speed and safety; getting the vehicles off the roadway as quickly as possible but also as safely as possible and the way to do that is having the correct equipment. Cncl. Sebastian noted towers also clean the road to make sure it's safe so requirements for that need to be in our ordinance as well. Mr. Atack noted in the past everyone worked together but it's a shame those days are past. Cncl. Sebastian explained due to our history with towing Council is making sure all our t's are crossed and i's are dotted. Mr. Atack noted his fear is that they are trying to raise this to a level that will preclude most towers and it is his belief that is intentional. Cncl. Sebastian noted we are looking at State Statute requirements because first and foremost we are responsible for the safety of our residents and those traveling through the municipality. Mr. Atack noted in response to that he would look at past history to see if we had a problem with safety, people being injured or with the public being in danger and to his knowledge there hasn't been. He noted his one concern is that he would like to see the towers being included in the discussion, as he was a little disconcerted last time to find that two towers were here while other towers with 200 years of experience between them were sitting home not knowing what was going on. He felt the guys that have faithfully served the township for 30 years should have a voice. Cncl. Sebastian noted in defense of the Ordinance Committee the towers that were here show up at

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C.) PUBLIC PORTION (cont'd)

every meeting even when towing is not discussed; they were not invited. He noted with that in mind the Ordinance Committee will consider through the Solicitor the input of the towers as we are tweaking the ordinance.

With no one else wishing to address the Ordinance Committee **Cncl. Rich DiLucia** made a motion to close the Public Portion. The motion was seconded by **Cncl. Pres., Daniel Teefy** and unanimously approved by all members of Council in attendance.

D.) ORDINANCES FOR REVIEW

- **Salary Ordinance**

Business Administrator Kevin Heydel explained the proposed ordinance is our annual Salary Ordinance that increases the end salaries by 2% and a couple by 3% because the figures were rounded. For the most part everything is within the 2% range except the title of Assistant to the Mayor, which was increased by 6% due to the additional duties placed on that person from the loss of personal in the office. Everything else is in accordance with the contracts. Last week Mr. Heydel reviewed the ordinance with **Cncl. Sebastian** who had some concerns over salary increases in unfilled positions and those salaries were either reduced to the 2% or were removed from the list. Mr. Heydel explained the OEM Assistant's salary has been \$17.10 for approximately ten years so he increased the top of the range to \$18.00 and left the \$17.10 for the lower end of the range. The bailiff salary was also increased from \$65.00 to \$75.00, as that has been the same for a long time as well. **Cncl. Sebastian** noted a couple ranges were increased by \$1.00 but because it was going from \$10.00 to \$11.00 it showed as a larger percentage increase. Mr. Heydel noted that is the camp workers salary. The top of the range for the Municipal Judge was also increased from \$25,000.00 to \$28,500.00, as it has not increased since 2001 and the judge went to Mr. Heydel and requested an increase. Mr. Heydel noted he has not addressed that with the Mayor yet but did include the increase in the ordinance because the court case load has increased and other municipal judges are getting around \$40,000.00. **Cncl. Rich DiLucia** noted it is his understanding that the collective bargaining agreements have in them a minimum and maximum salary and longevity schedule that is identified with step increases and he questioned whether that was correct. Mr. Heydel replied no, the supervisors do not have salary information in their contract. The Local 1360 Contract has steps one through five but the rates are higher than step five because in 2003/2004 when the contract was negotiated the steps were frozen so there are people above step five. **Cncl. DiLucia** questioned whether that met the top never went up. Mr. Heydel replied that's right, step five is no longer the top because the steps were frozen for the four year period of the contract. Mr. Heydel explained the steps between one and two gave people a 4½% to 5% increase. The steps did not increase 2% each year, as that would have given those people 7% increases. The people in step five got 2% and the people in the other steps just got the step increase, not the 2% raise. **Cncl. DiLucia** noted in that case the top rate is higher than what the contract indicates it is. Mr. Heydel replied that is correct. **Cncl. DiLucia** noted that is wrong. He expressed his concerns that the township could have a problem due to the collective bargaining agreement identifying pay rates while people are being paid more than those negotiated rates so the union could say people were given increases

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that were not under the collective bargaining agreement. Mr. Heydel replied no because the collective bargaining agreement identifies the percentage increase in those raises. Cncl. DiLucia noted the collective bargaining agreement identifies the pay scale parameters and that should not be over written by an ordinance, as Council does not have the authority to pay somebody higher or lower than what the collective bargaining agreement says we can pay. Step five is the highest a person can be paid unless there is some language in the contract that says people will be red circled above the rate of the job. Mr. Heydel was not sure of the exact language that was negotiated when the steps were frozen. Cncl. DiLucia suggested Council take a look at this to see how out of kilter our ordinance is with the collective bargaining agreement. Mr. Heydel noted the top is off about 9.8%. Cncl. DiLucia noted the collective bargaining agreement supersedes any other document and he does not want to see issues coming up in the future that we owe people money, that we have been under paying people or that somehow the administration raised people above the collective bargaining agreement because that is illegal. You cannot give somebody something more than what the collective bargaining representatives have negotiated on their behalf. What may have happened is that levels were frozen to eliminate the jumps in the steps but the ordinances surpassed those contractual rates. Language needs to be included in the contract that says certain people will be making above the contractual rates as identified by the ordinance based on grandfathering, realignment or freezing the rates. Mr. Heydel noted he was not sure of the contract language because this has not been an issue for the municipality or the union. Cncl. DiLucia expressed his concerns that there could be issues in the future if a person under the collective bargaining agreement that has lower seniority was given a pay increase. He suggested Mr. Heydel review the contract to see if there is language that memorializes a point in time when the ordinance rate was above the contractual rate. Mr. Heydel noted it's not memorialized in the current contract but it is in the 2003 to 2006 contract, which says the steps are frozen but those at the top steps will continue to get the 2% increase. Cncl. DiLucia felt there should have been language that said all incumbents will be grandfathered above the contractual rates and that would have clarified it. Cncl. Sebastian questioned whether it was critical to have this ordinance moved forward tonight. Mr. Heydel noted that has no effect on the ordinance part of it; that is a contractual language issue. Cncl. DiLucia noted there are two issues. Council authorized the 2% increase plus a little more because of the signing bonus and as long as each employee received a 2% increase without a job re-evaluation there is not a problem but if some people got higher than 2% we do have a problem because there is no vehicle to do that. No one is authorized to give more than 2% unless there is a job description re-evaluation like the one that was done on the third floor when someone assumed additional responsibilities and we authorized an increase. You cannot give a person in an existing job a 5% increase so that ordinance cannot represent 5% above what they were making last year. Another problem is that some employees are guaranteed the highest percentage increases given in the municipality so if 14% is given to somebody there are four other people entitled to that 14% and we never intended to do that. He cautioned that Council needs to be very careful that there is justification for whatever we give above 2%. Justification is things such as a change in job and a re-evaluation of a job from increased responsibilities. Other than that it should not happen. Solicitor Fiore questioned whether this ordinance is time sensitive or could Mr. Heydel address

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this issue with Labor Counsel and confer with Sue Michelli from Local 1360. Cncl. Sebastian suggested Mr. Heydel get the information and if Cncl. Pres., Teefy agrees this issue could be discussed at the September 9th Work Session Meeting and if everyone agrees it could then be moved to the Regular Council Meeting for First Reading. Mr. Heydel questioned exactly what does Council want him to get. Cncl. DiLucia noted we need language to protect us from the ordinance conflicting with the collective bargaining agreement and we need the numbers calculated to ensure nobody received more than 2% and for those that did, Kevin needs to justify why they received more. Mr. Heydel explained no one received more than 2% other than the Assistant to the Mayor and if anyone else got more it was because of a title change. Cncl. Sebastian advised the Heavy Laborer title was changed to Laborer and because the Heavy Laborer salary cannot be reduced the top of that range was included as the maximum salary for the Laborer plus 2%. Mr. Heydel explained Civil Service had a Laborer and a Heavy Laborer position and in order to consolidate titles they eliminated the Heavy Laborer title and created Laborer 1, Laborer 2 and Laborer 3. The township only uses the title of Laborer so we eliminated Heavy Laborer and reclassified everyone into the Laborer title with the Heavy Laborer pay scale. Cncl. DiLucia noted that is a reclassification and there is no problem with that because reclassification is a justification as opposed to a general increase in salary. Mr. Heydel noted he would discuss the language with Labor Counsel and Sue Michelli from Local 1360. Cncl. Pres., Teefy indicated this matter could be addressed at the September 9th Work Session Meeting.

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

Cncl. Sebastian explained Council previously discussed the proposed ordinance but due to the meeting date being changed and the people involved not being present during the discussion the issue was placed on this meeting for further discussion. In attendance to discuss the proposed ordinance were Det. Gene Sulzbach and Det. Anthony Canonica on behalf of the Police Department, Mark Fera of Fera's Jewlers, Grace Meranshian of Williamstown Jewelers and Joe Sykes a coin dealer in the Amish Market. Det. Sulzbach indicated the Police Department had no concerns and were fine with the way the ordinance is written. Mark Fera spoke of attending various Ordinance Committee Meetings to address his concerns regarding the proposed ordinance but no changes have been made to it. The ordinance requires items to be placed on public view, which he has never done as that is basically a violation of due process and is an unwarranted search of his goods by the general public. Pictures of the items he purchases are emailed to the Police Department on a daily basis and in his opinion that is public view. Crime victims can go to the police station to view everything he purchases and that is the proper place to handle it; not in the store in front of customers. Jewelry is mass produced so a person who believes in good faith that something is their stolen item could cause a scene in the store when the item could just be one of the millions made. Mr. Fera noted the police told him it would be no problem to strike the public view language but it is still included. He also expressed his concerns that the Electronic Data Entry System will make him an unpaid data entry person for the Police Department, as it will take hours to upload the information into a database, plus he has to pay to lease the equipment. Mr. Fera noted in his opinion this is a

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violation of the Privacy Act upon his customers because the system searches all transactions to give the police information of everyone that sells items, every item they sell and a complete description of what they sell when 99.99% of transactions are legal. He noted it will take him two to three hours a day logging 99.99% of legitimate business for the police to catch one thief when they already have colored photographs of the items purchased and the ID of the seller if they need it. He felt Council has no authority to do this when the constitution guaranties certain civil liberties. The ordinance is ripe with possible abuses and went on to point out various sections of the ordinance he objected to. He questioned where his civil liberties are here, as this ordinance allows unwarranted searches and seizure of his goods. The general trend of the ordinance is good in trying to know what is being sold and to convict criminals but when it tramples his and his customer's civil liberties it needs to be re-written to guarantee his customer's privacy as well as his civil liberties. He noted when people are robbed they give a list of their stolen items to the police department so every item is probable cause for them to look for specific items from a specific case. This electronic data entry is basically saying give us everything, which Mr. Fera felt was unconstitutional and a form of public spying. Mr. Fera spoke of an incident involving the data entry system in Cherry Hill. A man there had been selling off his goods to a jeweler and when he was stopped by a police officer for a traffic violation the officer asked why he was selling all the jewelry. The man questioned if there was a problem with him selling his jewelry and the officer said not if it's yours there's not. The man went back to the Cherry Hill jeweler and said he would never deal with him again even though the jeweler tried to explain he entered the transactions into the data entry system as required by law. Mr. Fera questioned whether that is the kind of society we want here, as that information is supposed to be kept confidential. The Cherry Hill police officer was not working on any cases, that information just came up when he checked the man's driver's license number and it is available to any police officer from here to Florida. Mr. Fera noted he has been sending pictures along with invoice numbers to the police, as they are entitled to look for stolen goods and if they find something that matches a stolen item they get the receipt and go question the person to make an arrest. Mr. Fera noted he wants to cooperate 100% but this ordinance is wrong, as his civil liberties and those of his customers must be protected.

Cncl. Walter Bryson noted when this ordinance was first discussed he mentioned civil liberties and also the restrictive way the ordinance is written. The ordinance states the police chief is authorized to say who a designated vendor is and limits people from selling their items to out of town vendors. Cncl. Bryson noted after reading this ordinance over more than once in his opinion it is unconstitutional and should not be approved and the Precious Metals ordinance currently in place should be left, as that is workable.

Grace Meranshian noted she was in complete agreement with her competitor. She voiced her objections to items being placed on public view and explained how their businesses turn people away when they feel they are not legitimate. She noted she has pictures of every item purchased and lets every person selling an item know that the information will be forwarded to the police department. Mrs. Meranshian explained every week she gives the police department a picture of the item, the receipt and a copy of the driver's license of the person who sold the items.

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Joe Sykes, stated he owns a store in the Amish Market that is open only three days a week and there is no place to put a computer or camera and the only phone is his cell phone, which he can't get a signal in the building. He referred to the \$300.00 license fee, which he felt was unfair to charge a pre-existing business. He noted \$25.00 or \$50.00 would be feasible. He spoke of his friend in Egg Harbor Township who has a collectable business and of how the police department there gave him a computer and a camera at no cost so he could comply with the law. Mr. Sykes noted his business has been in the Amish Market four years and he can count on two hands the number of items he purchased. He does not buy jewelry, only coins and they are all on public view. He noted all coins look alike so how could anyone tell if one of his was one that was stolen. He felt this law should not be for pre-existing businesses and that Council should change it to be for new businesses. Mr. Sykes spoke of detectives going to a jeweler that previously had a store in the Amish Market every week but since that business moved he has seen no detectives in the market. He felt thieves are going to Front Street in Philadelphia or to the Berlin Farmers Market to sell their stolen items because they get more money there, they are not dealing locally. Mr. Sykes noted personally he feels the ordinance is BS.

Mark Fera distributed a copy of a letter protesting the ordinance that he had signed by various local business people. He noted his attorney Rich Kaiser contacted Mr. Fiore on two occasions to try to schedule a meeting to see if something could be worked out that is fair to everyone. Mr. Fiore explained that is not the procedure unless Council authorizes him to do that. He then referred to Mr. Fera's comments that the ordinance was unconstitutional in a couple of areas and he urged Council not to scrap the entire ordinance, but to take a look at certain things. He spoke of Cncl. DiLucia making a recommendation at the last meeting that jewelers pay by check when purchasing gold. Mr. Fera disagreed with that and questioned how Council could say he cannot pay customers in cash. Cncl. DiLucia noted he is willing to listen to the other things but he feels strongly about that because one of the obligations Council has is to protect the public. Whether we want to acknowledge it or not, there is a potential for illegal things to happen when items can be sold. One of the things that could minimize that is for people to be paid by check because if they are legitimate, they will take the check and cash it. Those that are not legitimate want legal tender because they cannot cash a check without proper ID. Mr. Fera noted the way the ordinance is now written says that he could pay cash not more than twice a week. Cncl. DiLucia noted that is wrong and he was going to bring that up. Mr. Fera explained if he feels something is stolen he will offer to pay by check and tell them to hold it seven days but 99% of merchandise is not stolen it's sold by 65 or 70 year old people and they don't want a check for \$50.00, they are old timers and just want spending money. He has problems even taking pictures of the old timer's license because they always did business by cash and carry but he can understand the concern about paying cash so he would agree to paying by check twice a week. Cncl. DiLucia was not sure how that language got in the ordinance because it was supposed to be payment would be made by check. He was going to bring that issue up because he feels paying by check will minimize theft, it will not completely eliminate it, but it will minimize it. Mr. Fera noted there is competition all over the place and paying by check could lose legitimate business for him. Cncl. DiLucia noted other towns don't

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ask for a driver's license or even ask your name so it will never be stopped there unless they have greater enforcement. We are dealing with Williamstown and are trying to address protecting our citizens. This ordinance may be somewhat uncomfortable with both the customer and the merchant but the spirit of Council's wishes is to protect the merchant and the citizen. He felt it's good that Council is listening to the merchants as well as the Police Department so that in the end we will come out with an ordinance that works for everybody. Mr. Fera questioned whether there could be a compromise and suggested having a limit that would allow him to pay cash for items under \$100.00 or \$200.00 and then write a check for the balance because some people come in just for pocket money. Cncl. DiLucia noted a small transaction like that is different than someone coming in selling a \$500.00 pendent. He felt the frequency would not work but the amount of the transactions could work. Mr. Fera noted gold is down and most transactions are now one time and run between \$25.00 and \$150.00. He felt if the ordinance could include language of over \$150.00 even if they have a \$500.00 pendent they could be given \$150.00 in cash and a check for the balance because then they would still need to go to the bank and show ID to cash the check.

The owner of Treasure Chest a business located in Traders Lane stated he has another store in Cherry Hill and already deals with the Rapid Data Entry System there. His business deals with coins, cell phones, gift cards and other items, not just jewelry. He explained in Cherry Hill when the items are entered into the system forty-eight hours later they can do whatever they want with the merchandize. He felt the five days included in this ordinance is a little long but will go along with it. He noted the Rapid Data Entry System is horrible and it cost him \$250.00 for the license and another \$300.00 for the system. Each individual item he purchases must be entered into the system. Each piece of jewelry must be weighed, described and at the end of the transaction when he hits submit the Rapid System sometimes says error and he must spend another hour inputting the information again. He noted the system needs to be addressed if it is going to be used.

Detective Gene Sulzbach responded to the issues that were brought up. He noted public view is in the current ordinance but the police department has never enforced it so there is no problem striking it from this ordinance. The Police Department does not have a problem with any dealer here, as everyone works very well together. What we are trying to do is create a data base that makes it easier to search for stolen items and to arrest people. We tested the Rapid Program through a test license. The entire state of Delaware uses this system and one day we checked to see if anyone from Williamstown sold in Delaware and ten people popped up, which makes a police officer automatically think why they are going to Delaware to sell their items, it just doesn't seem right. He noted it is amazing how many more arrests we could generate by having this system in effect and how many more victims will get their stuff back. **Cncl. Bryson** noted people have a constitutional right to sell wherever they want. Mr. Fiore noted people can sell wherever they want but that is not in the constitution and within reason, the government can regulate it, which is part of the debate. Cncl. Bryson noted if you find someone from Williamstown sold in Delaware you better have probable cause before you knock on a door. Det. Sulzbach noted we would, we would not just go knock on their door arbitrarily

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but we are going to look to see if something they sold was stolen from Williamstown. We were just surprised when we did the test that people from Williamstown were selling in Delaware. It seemed a little odd so they could have been leaving the area because they don't want to sell stolen stuff here.

Mark Fera spoke of researching the electronic data entry system, which has never been challenged in Delaware or Maryland but a coin dealer he knows in Maryland says the system is a nightmare. It may be easier for the police but by facilitating their job it is costing dealers a lot of time and money. A man in Florida was arrested under this but the District Court threw it out so one county in Florida no longer utilizes the system. Mr. Fera noted he corresponds with the dealer in Maryland and he has a friend in Florida and he intends to not just stop here but he wants to get this law thrown out in Florida, Maryland, Delaware and everywhere else because it is unconstitutional and is an invasion of our civil liberties. He noted he understands where the township is coming from and he cooperates with the police by sending pictures but this electronic data entry system is too time consuming for dealers. Mr. Fera noted his friend in Maryland had to hire two people just to log things in so a 15 minute transaction ends up being a 45 minute transaction. This ordinance should limit anything over \$500.00 from being entered into the system because then you are getting the Rolex watches, diamond rings etc. but you are not getting things that are worth fifty cents or a dollar. There needs to be some give and take here to make it fair to the businesses so an undue burden is not placed on us.

Cncl. Sebastian questioned whether Det. Sulzbach would be willing to sit with these business people to discuss changes to the ordinance. Det. Sulzbach noted we already had an hour and a half meeting with Mr. Fera to discuss it and I thought most of the issues were hashed out but apparently he still has issues with it. One of the things we discussed was the public viewing and we said we don't need that and the charge of \$300.00 we have no interest in so that can be stricken as well. The Police Department wants a data base to make it easier to get property back to our citizens. Det. Sulzbach noted that is the major concern and he didn't know how the ordinance could be modified much more than it already was but he is willing to sit down and talk to them again about it. Cncl. Sebastian noted one issue is the monetary cost to these individuals as far as inputting the information into the Rapid System. Det. Sulzbach noted the Rapid software is \$250.00 per year to have the license and that is something that we do not control. That is the program we are leaning towards because it is the only one out there right now. Cncl. Sebastian questioned whether the police department could purchase the system and put the information these people send to them on the site. Det. Sulzbach explained Rapid requires the dealer/merchant to purchase the license and as soon as it's purchased the police department is given access to our jurisdiction. Mr. Fera noted this seems to be a money making thing for Rapid Systems. When they sold it to Florida they got about 8,000 dealers on board spending \$500.00 to lease the system for a year. Then they got Maryland's 6,000 dealers and took all their money and went to Delaware to lobby county prosecutors and police departments because this is a money making deal it has nothing to do with recovering goods. Mr. Fera felt common sense should be used if the system is going to be utilized so that only jewelry valued at \$500.00 or more should be logged in. When a thief steals jewelry and sells it there will be good stuff along with junk. The good jewelry will be logged in and the thief will

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get snagged on that and in the meantime you have all the junk jewelry he sold with it when the police come in. There is no reason to log every single item into the data entry system not even from a law enforcement standpoint. Mr. Fera noted the value of the items that must be logged in can be debated but there should be some type of balance here. He felt this system should not be passed but if it is it should be passed with respect to local businesses, as our time is valuable also.

Mr. Sykes questioned what happens when there is no jewelry involved, only coins because most of his customers are repeat customers that he knows are not selling stolen items because 65 and 70 year olds are not breaking into houses. He noted as far as antiques are concerned he is not going to spend money to buy a computer and camera just to give the police department information because people don't steal those types of items. He noted he understands the precious metals but he only deals with coins and he felt he is totally out of this. He has records from the last four years of what he purchased, what he paid for the items and the check number. He explained he does not go to other suppliers to sell his coins, he keeps them in his store, he only sells them to coin collectors and he never melts the coins.

Cncl. Sebastian noted further discussion needs to take place on this ordinance and he polled Council as to whether the police department and the vendors should discuss this further or whether Council wanted to move it forward as is. All members of Council were in favor of the police department meeting with the vendors with the exception of Cncl. Walter Bryson who felt this ordinance should not be considered any further and that the ordinance already in place should be amended to include some of the points that were discussed. The current ordinance is a much simpler law and it doesn't do the things that the proposed ordinance does to either the vendors or to the people. Cncl. Sebastian noted the consensus of Council is that the police department and vendors set up a meeting to tweak the items of concern and then get them back to the Solicitor to bring back to the Ordinance Committee. Det. Schzbach and the vendors agreed to that.

- **Chapter 272 "Mandatory Water Connection"**

Solicitor Fiore explained the language in Section C of the current ordinance that requires connection to the public water system within 90 days has been deleted in its entirety and Section D has become the new Section C. Cncl. Caligiuri suggested the language allow the owners the option to connect but not require them to connect because in some cases connecting to water increases property values, which may be an incentive to someone selling a property. The way the MMUA is structured they are not allowed to go after any new business so if someone wants to connect they may not be able to unless there is a provision that enables them to at their option. Cncl. Sebastian noted people always have the option to connect but Cncl. Caligiuri noted that may not be the case and that should be checked with Jerry Moore because when water went through the lakes some people were not allowed to hookup even though the water passed right in front of their home. Cncl. Sebastian questioned even if they were willing to pay for the hookup. Cncl. Caligiuri replied yes, so that issue should be checked

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D.) ORDINANCES FOR REVIEW (cont'd)

with the Jerry Moore. **Cncl. Pres., Teefy** felt that **Cncl. Caligiuri** was right on that and noted he will check on it. **Cncl. Caligiuri** noted they pay a hefty permit fee enough to warrant expansion of their production capacity and right now they are under contract to buy a minimum number of gallons of water from American Water Works. According to the contract they have to pay for those gallons whether they take it or not so they take it and operate their own wells at 65% capacity. **Cncl. Sebastian** noted a requirement for a new development is that the MMUA certify enough water will be available so by being under contract it will always be available because they can just buy more. **Cncl. Walter Bryson** explained he requested to change the current mandatory water connection ordinance because it wasn't fair to residents in his development or any other development in town. The proposed changes protect residents from mandatory connection but do not prevent anyone from connecting if their wells become contaminated. The MMUA is also protected because everyone's well must be tested every three years. **Cncl. Bryson** noted there are residents in his development that would like to connect but the MMUA never installed the connection in front of each home during the water line installation. If those connections were put in it would have been less expensive for those residents to connect to municipal water. **Cncl. Bryson** also noted in regards to real estate a person should be able to sell their property without installing municipal water if their well is good. It should be an option for the property owner to connect, as he could offer the buyer an irrigation well. **Solicitor Fiore** explained in the past residents went to the MMUA questioning why they didn't have municipal water and the MMUA referred back to their original charter and bonding that indicates they cannot run pipes from point A to point B if they are not guaranteed tie-in fees and that is where the mandatory connection language came from. **Cncl. Sebastian** spoke of how Builder's Square paid to install a forced main to their building because they did not want the MMUA to make more money from the line they paid for. **Solicitor Fiore** noted the MMUA could have paid for a different type of line that could have spurred commercial development. **Cncl. Sebastian** spoke of how the MMUA would have benefited from the water line the Cedar Creek Development was going to pay to install down the pike. **Cncl. Pres., Teefy** noted the history of this ordinance goes back to the first contamination found on Lillian Drive and Ed Knorr saying how water contamination moves and the safer the town would be if more people connected to municipal water. He noted there were no problems anywhere else back then but now other areas have also become contaminated. Some people lived far off the road and they fought the mandatory connection so a provision was included for those types of properties. **Solicitor Fiore** noted Section E should also be stricken because that is not applicable, as it addresses new and existing buildings in non-spill fund areas and Section F should be stricken because they only apply if the old Section C, which dealt with rental/non-owner occupied properties were in place. **Cncl. Bryson** explained properties within 100 feet of a Spill Fund area are covered by the Spill Fund and a vacant lot on Malaga Road was included without any testing being done on the water. He questioned the MMUA on how they determined that lot should be included and whether the MMUA would provide residents the same \$2,400.00 connection fee if their wells became contaminated. The answer was no because you are not in the Spill Fund. **Cncl. Bryson** noted so he contacted the EPA and got a letter in writing that all the other houses not included in the original plan, which was changed when the line was run down the street, would be included in the Spill Fund area even though we did not have any option from the MMUA. If the wells

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D.) ORDINANCES FOR REVIEW (cont'd)

become contaminated the EPA could require the homes to connect to municipal water or put a POET System on the wells if the street is repaved because it cannot be opened again for five years after paving. If the MMUA had installed at least the connection in the street those homes could have hooked up. Cncl. Pres., Teefy questioned could we require the MMUA to install the street connections at the time they are installing the water lines in the street. Mr. Fiore noted they will not do it in the non-spill fund area because then they will want a mandatory tie in. In Spill Fund areas they will do it because they get some of the money reimbursed. Cncl. Sebastian questioned whether the loop the MMUA installed in the Williamsburg Village was paid for by the Spill Fund or the MMUA. Cncl. Bryson advised the MMUA paid for that because they wanted to install the lines for the Wal-Mart. Cncl. Dilks explained it would have been easy for them to put the corporation in, run over to the curb stop and plug it in then they could have given the property owners the option to connect and if they did that they could have made money from running the copper from the cooperation to the curb stop. Cncl. Sebastian requested Solicitor Fiore and Cncl. Bryson get together to make the changes to the ordinance so they could give them to Cncl. Pres., Teefy to take to the MMUA for their input. Cncl. Dilks suggested inviting Jerry Moore, Ralph Manfredi or one of their engineers to attend the next Ordinance Meeting to get their input on this. Cncl. Sebastian indicated he could work on that but in the meantime Mr. Fiore could get the other stuff together for discussion and then regardless of what they tell us at the next meeting we could still move forward with it or Cncl. Pres., Teefy could bring it up to them at their next meeting.

E.) MATTERS FOR DISCUSSION

- **Blaze Mill Ordinance**

Cncl. Pres., Teefy noted the committee held two meetings so far, everyone read the judge's order and we used a lot of what Tim Kernan had originally done. The Blaze Mill lawyers looked at it and included some things they wanted but at the last committee meeting we threw them out and didn't take a lot of their suggestions. We tried to stick towards the ordinances we have in place already but in a way it is becoming its own section/specific area of town that will have its own rules and regulations to it. One of the things just removed was tot lots, which they wanted to build instead of contributing to Parks and Recreation. There is 61.7 acres on the property, 15 acres is commercial on the front of the property and the buffer by Hunter Woods is 15 acres and we debated about leaving that because 31.7 acres is left for 250 units. We are asking for a minimum of 20% open space on the property so we are gaining by making them keep the 15 acre buffer. What we might miss and we have to look at their design is whether we want some left on the inside too. Stipulations were put in that they can't run it straight, we want to see staggered fronts. The municipality will have to reimburse them for the trash pickup and they will have an HOA that will do the snow plowing and maintenance of the area. Cncl. Sebastian added Tim Kernan also touched upon some of the requirements for the 15 acre commercial where he referred to stuff, such as lighting, that can be changed by the Planning Board. There are minimum requirements in the existing ordinances so Tim made sure

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it was in this as well because in effect by the court order we are creating a mixed use district specific to the 61.7 acre Blaze Mill Property similar to what took place at Justin Commons when that became an affordable district. Cncl. Sebastian noted he went through the draft ordinance again and felt everything was covered regarding the changes the committee requested and that it is in compliance with the settlement agreement. At the same time we were able to put into the ordinance the requirements that are included within other Chapter 175 ordinances and it also mentions the fact that it must go through the Planning Board for final approvals. Cncl. Sebastian noted he questioned Tim as to whether the ordinance was so restrictive that they can't build the 250 homes on the allowable lot but Tim has not yet responded. Cncl. Pres., Teefy noted there are enough spots according to their math. Cncl. Sebastian noted with the staggered homes it might not fit the way it did before and that is what he is checking out. Cncl. Pres., Teefy noted if you take 7.9 dwelling units per acre and divide that by 31.7 it amounts to a little over 250 units but he wasn't sure about the open space and how they are going to work that. Solicitor Fiore noted it's going to take some tweaking but what's important is that it is consistent with the settlement agreement and with the court order. It is going to require them to be a little creative rather than the final product ending up not esthetically pleasing or functional to the town. They may come back and say they are only able to build 240 units so it's incumbent upon them to be a little creative. No one wants to think about going into that 15 acre buffer but there is the ability to make it creative and ultimately the Planning Board will vote upon it. We want to make an ordinance that is favorable to the municipality and let the developer be creative rather than the developer having an open ended ordinance that we end up with a product that is undesirable. Cncl. Sebastian added the Planning Board also has the option to deviate somewhat from the ordinance and could reduce the 20% open space option if it was increased someplace else. Mr. Fiore noted one of the things the committee talked about was Tim had drafted the ordinance originally and the attorney for the developer got hold of it and basically wanted the commercial to be a cookie cutter type thing. We left the architectural design in there because we want it to be something different, as that is what we originally talked about so it will be incumbent upon the developer and if they disagree with our interpretation that is why they make judges; we are not creating something that was not part of the deliberations. There are some loose ended items out there but if they have an issue with the ordinance they can go back to the judge for interpretation. She is not going to change it to give them more units if anything the settlement agreement is silent regarding some things but we need to look at the intent. We had a debate back and forth and we are going to look at other parts of our ordinances dealing with lighting, landscaping, flow of traffic and those types of things if it is not mentioned here. They are also going to have to conform with storm water management. In theory their plan may work but it may not because of stormwater or traffic design and that is not our fault. One thing we discussed was no parking on the curves so when they design it they may not get 250 units but that is not our fault. We did a lot of work from point A to now and we are back to what we believe this ordinance is in the spirit of the agreement and the court order. Cncl. Pres., Teefy noted this was huge in the COAH responsibility. We feel the way it is written if you hit 250 homes, 56 COAH homes must be provided for off-site and that could be a Catholic Charities type thing. If they come at 240 that number drops down and it is still stipulated that the commercial will have to pay towards the

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E.) MATTERS FOR DISCUSSION (cont'd)

COAH and that is outside of the 56. Cncl. Pres., Teefy noted this is a very aggressive plan and once that COAH money starts to come in we have to decide about a third party administrator. They are looking at \$110,000.00 to continue but they need to have a plan by the COAH Master Marybeth Lonergan by three months and if \$256,000.00 comes in we are looking to have ten homes in the pipeline within three months. This is an aggressive plan. Tim did a nice job putting a format together outlining twenty-two items that need to be covered, the date when it must be done and the person responsible for it. Solicitor Fiore explained procedurally the ordinance should be sent to the Planning Board attorney and the Blaze Mill attorney once Marybeth reviews it and makes her recommendations so they can start their review process. Mr. Fiore explained if we contact the attorney in the court and indicate we are in the process of first and second reading there should not be any difficulty with the 90 day time period. The only thing the judge will say is pass the ordinance and she will not force us to pass an ordinance that we did not review or create. If we didn't do anything she could force an ordinance down our throats but we are in the process of doing it. Cncl. Sebastian requested Mr. Fiore to call Marybeth to move her along with her review of the ordinance because she is within that 90 day time period too. **Dan Kozak** questioned whether the 2½% commercial for COAH had to be included. Solicitor Fiore replied no, that does not apply to this because it is not in the agreement or court order. Cncl. Pres., Teefy noted it is in there. When permits are pulled we will get the additional 2½% for commercial. It doesn't say 2½% it just says according to statute and they are obligated to that. Cncl. Sebastian noted if Marybeth sends back any changes Council will need to discuss them as well and then the ordinance will go to the Blaze Mill attorney for review. The Planning Board can be given the ordinance now.

• **Sign Ordinance**

Cncl. Sebastian noted we tweaked the sign ordinance in regards to where those signs are allowed and kept them to the Black Horse Pike corridor. Cncl. Pres., Teefy noted there is nothing in the draft that pertains to those signs being utilized by the municipality in an emergency situation. Council discussed what language should be included and Mr. Fiore explained language could be included that all future signs as well as existing signs shall be required to register with the municipality with contact information. The question will be, are you going to penalize an existing business if they don't comply. Cncl. Sebastian noted they don't have to, we are not making it mandatory for them to put a message on their sign we just want the contact information to ask them to put emergency information on it such as an Amber Alert or something of that nature. Mr. Fiore noted he would call Len Schwartz and request that he add that language so the ordinance can go for First Reading on September 9th.

F.) NEW BUSINESS - None

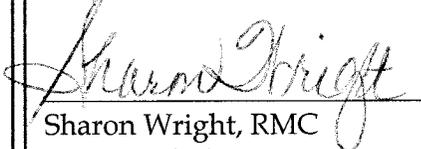
G.) OLD BUSINESS - None

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H.) ADJOURNMENT

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of September 3, 2013. The motion was seconded by Cncl. Marvin Dilks 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 September 3, 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 AW Date 10/2/13
Approved as corrected _____ Date _____