

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
OCTOBER 2, 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 (NJS 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. Pres., Daniel Teefy led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

| | | |
|--------------------------------------|---------|---------|
| Cncl. Walter Bryson | Present | |
| Cncl. Frank Caligiuri | | Excused |
| Cncl. Marvin Dilks | Present | |
| Cncl. Rich DiLucia | Present | |
| Cncl. Ron Garbowski | Present | |
| Cncl. Daniel Teefy | Present | |
| Ord. Chairman, William Sebastian | Present | |
| Business Administrator, Kevin Heydel | Present | |
| Solicitor, Charles Fiore | Present | |
| Det. Gene Sulzbach | Present | |
| Deputy Clerk, Sharon Wright | Present | |

B.) APPROVAL OF MINUTES

Cncl. Walter Bryson made a motion to approve the minutes of the September 3, 2013 Ordinance Committee Meeting. The motion was seconded by **Cncl. Marvin Dilks** and approved by all members of Council in attendance with the exception of **Cncl. Ronald Garbowski** who **Abstained**.

C.) PUBLIC PORTION

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

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D.) ORDINANCES FOR REVIEW

- **Ordinance Appropriating Funds To Purchase A Municipal Bus**

Business Administrator, Kevin Heydel explained the buses that service our residents are getting old so an application was submitted to the Gloucester County Capital Transit Investment Program last spring to purchase a new bus. Our existing buses were previously purchased through this program in 2003/2004 and 2001. It consists of a 50/50 match with the County paying \$40,000.00 and the Township paying \$40,000.00. The County has already gone out to bid and has awarded a contract and the money needs to be available for payment probably sometime in January or February. The bus is a seventeen passenger handicap accessible bus similar to the one we have now. Mr. Heydel explained each year he budgets \$50,000.00 to be utilized as a down payment for capital improvement bonding and since we are not bonding this year that money will be utilized to purchase the bus. Mr. Heydel noted hopefully the County will have the same program next year so we can purchase another bus by the 50/50 match. **Cncl. Bryson** questioned whether we have any buses with wheelchair assist. Mr. Heydel replied yes, but there are some concerns with it as we have a resident that is near its weight limit capacity. **Cncl. Marvin Dilks** questioned whether one of the older buses will be taken off the road once the new one is delivered. Mr. Heydel replied yes, the big 523, the oldest. That bus is a 2001 and was out of services for more than three weeks due to difficulty in finding parts. We were down to only one bus and we cannot operate that way anymore. **Cncl. Sebastian** polled Council and all were in favor of moving the ordinance forward for First Reading at the October 14th Regular Council Meeting.

- **Sign Ordinance**

Cncl. Sebastian noted Council tweaked the sign ordinance to limit the use of electronic signs to a corridor along the Black Horse Pike and sent it back to the Planning Board for their review and recommendation. The Planning Board denied that change and sent it back with a recommendation that the ordinance be approved as it originally was allowing those signs anywhere in the township except in an R2 Zone (Residential Zone). **Cncl. Sebastian** noted Council does not have to accept the recommendation of the Planning Board and can adopt the ordinance the way they want and personally, he would like to leave it as the corridor along the Black Horse Pike plus add the additional language **Cncl. Pres., Teefy** suggested regarding the township utilizing electronic signs in emergency situations. **Cncl. Sebastian** noted he was confused with the reason for denial in the Planning Board's Resolution. It stated "*the Municipal Land Use Law Act would not be advanced by the adoption of the proposed amendments thereby, the public health, safety and welfare would not be protected and the general welfare would not be promoted. The Planning Board determined that such signs should also be permitted in other parts of the Township and should not be allowed on the entire Black Horse Pike*". **Cncl. Sebastian** felt that language is ambiguous. He questioned why the Board didn't use the same analogy when billboards were limited to a certain section of the Black Horse Pike. He felt the Board may not have thought about how it could be used in other areas such as agricultural zones where LED signs could be put up every twelve feet down the road advertising fruits and vegetables. They could not advertise someone else's goods because that is prohibited in the ordinance but they could advertise their own crops. The Board could want other commercial entities to have access to

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those signs but they didn't say just commercial zones; they said all zones except in residential. Cncl. Sebastian noted the first thing Council must do is to include verbiage regarding emergency use of the signs since that language was never included. **Solicitor Fiore** advised that language can be prospectively applied through Emergency Management. He explained it would be okay to include that language for future signs but not for existing signs. **Cncl. Pres., Teefy** questioned whether sign owners can be contacted and asked to participate. **Solicitor Fiore** replied yes and Cncl. Sebastian noted it would not be mandatory but he felt most people would be willing to help in an emergency situation. Cncl. Sebastian polled Council and all were in favor of adding the language Cncl. Pres., Teefy requested. He questioned whether Council wanted to present the ordinance for first reading the way Council changed it or the way it was originally drafted. **Cncl. Pres., Teefy** noted Council had requested Route 322 to Glassboro also be included in the sign corridor, as that is also a commercial route. **Solicitor Fiore** noted that should be considered since some businesses are interested in locating on the corners of Route 322 and Fries Mill Road, but if necessary, they could request a use variance for a sign. Cncl. Sebastian noted when those corners are developed they will go before the Planning Board and the request for an LED sign could be addressed at that time. **Solicitor Fiore** questioned whether that area was zoned BP (Business Park). Cncl. Sebastian noted he was going to bring up the issue of BP zones because he wanted to ask permission from the Ordinance Committee to send a letter to the Planning Board requesting a review of the BP and Age Restricted Zones. The reason for reviewing the Age-Restricted Zone is because of the State's Conversion Law that allows age-restricted homes to be converted to market ratable homes due to developers being unable to sell the age restricted homes. The review of the BP Zones is because we have not had a BP use since 1980 and everything going in those zones are going before the Zoning Board. **Cncl. Walter Bryson** noted the Conversion Law has expired; that law was only temporary. Cncl. Sebastian noted Trenton is considering extending it because age-restricted homes are still not selling. He noted developers are filing for age-restricted housing and then through the new extension, converting to market ratable homes on those smaller lots. If the Planning Board changed the age-restricted to an R2 Zone they could build single family homes but on larger lots. If they want a smaller lot they would have to go for a variance requiring the density. Cncl. Sebastian felt that with the Conversion Law being passed by the State there was a need to look at the age-restricted zones and while doing that, due to the cost of review, the Board might as well review the BP Zones to see if the number we have is needed or whether it could be decreased since there hasn't been an entity in a BP Zone since 1980. **Cncl. Bryson** suggested the Planning Board consider restricting lot size to a minimum of one acre as that helps to control growth. Cncl. Sebastian went on to explain that much of Route 322 going into Glassboro is in a BP Zone and those people are going to the Zoning Board looking for relief because they want to build single family homes or a business that does not qualify under a BP Zone. **Solicitor Fiore** questioned how many variances have been issued for the BP Zones since 1980. Cncl. Sebastian noted he could get the exact number from Dawn but he felt it was over a dozen. Glassboro Cross Keys Road and Fries Mill in the area of Scotland Run Country Club is zoned BP. Within the last three or four years applications have been submitted for single family homes in that area and K. Hovnanian sought relief through the Zoning Board to build an age-restricted development there. **Cncl. Pres., Teefy** questioned whether variances were given. Cncl. Sebastian replied yes, because no BP entities were coming in. He spoke of how Guzzo's

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property on Berlin Cross Keys Road was originally part of an R2 Zone and was converted to a BP Zone in 2005 when the AC Moore warehouse was discussed. Cncl. Sebastian requested permission from Council to send a letter to the Planning Board asking them to review BP Zones. All Council members in attendance agreed with sending a letter to the Planning Board with the exception of Cncl. Pres., Teefy who felt the zone should remain the same until a total Master Plan review is done, which should be soon since the last one was almost ten years ago and because nothing has been stopped, whatever applications came in were approved. Mr. Fiore explained it is recommended Master Plans be reviewed every ten years because around that time they become out of balance but the review becomes a budgetary issue since it cost approximately \$150,000.00. Cncl. Sebastian explained every year the Zoning Board of Adjustment recommends changes to the Planning Board from the number of variances that were requested in particular areas. The Planning Board reviews the list and when they find something is obviously wrong they will make a recommendation to Council; however, the Zoning Board has given that information to the Planning Board every year and they have never acted upon any of the changes in the BP Zone. He noted the age-restricted issue is reasonably new because of the Conversion Law. Cncl. Pres., Teefy noted in age-restricted zones developers can build more homes within the area so what happens when it is flipped to market rate. Cncl. Sebastian explained the house size and lot remain the same as the original age-restricted approvals. Solicitor Fiore added it is no longer grandmom and grandpop, it is now a father, mother and five children on the small lot. Years ago when the housing market was good developers felt grandmom and grandpop would sell their larger home for half a million dollars and buy in an age-restricted community for \$250,000.00 and pocket the rest of the money. Now, there are fifteen years worth of age-restricted developments on the books so the governor and legislature decided to stimulate the economy they would allow builders with approvals for age-restricted homes to convert to single family homes. Country Walk on Whitehall Road and K. Hovnanian converted their age-restricted developments to single family, as long as they applied during the period of the Conversion Law. The State is now considering extending that in hopes it will stimulate the building economy. Mr. Fiore noted the only leverage the municipality has is that the Conversion Law requires COAH to be on site and allows a donation to centralized recreation since they are not required to build a clubhouse. Cncl. Pres., Teefy questioned whether the suggestion was to change the Age-Restricted Zone to an R-2 Zone. Solicitor Fiore noted we have a lot of cluster developments with 12,000 to 15,000 square foot lots so 75% of a fifty acre tract in a cluster development can be built. The remaining 25% open space is not necessarily quality land, it's usually unusable so maybe the ordinance should be tweaked to increase lot sizes not so much where it would become exclusionary but increased enough where people will have big enough yards so the density is decreased somewhat. It must not be exclusionary because that is originally how COAH started when Mt. Laurel created local zoning requiring houses to be a minimum of 5,000 square feet and built on 3.5 acre lots. That was exclusionary by law and that is what started the Mt. Laurel litigation. The way to attack this is by tying in the minimum lot size, not having the clustering as intense and making the open space usable rather than a percentage being the basin that is rarely ever usable. Mr. Fiore noted the influx of applications in the BP areas were because they were the only remaining large buildable lots in town, as all the others were built out. Cncl. Sebastian noted he would send a letter to the Planning Board requesting review of those zones. He questioned whether Council

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wanted to move the sign ordinance forward for First Reading with the restriction to the Black Horse Pike, do they want to add Route 322 to Glassboro or take it all out in accordance with the Planning Board recommendation. **Cncl. DiLucia** noted he was under the impression Route 322 was going to be included in the ordinance and he assumed the Planning Board rejected all of Council's recommendations. **Cncl. Garbowski** recommended action on the ordinance be held until **Cncl. Pres., Teefy, Liaison** to the Planning Board can get clarification on their recommendation. Council agreed the ordinance should be held until the language in the ordinance and Planning Board recommendation could be clarified.

E.) MATTERS FOR DISCUSSION

- Towing

Cncl. Sebastian explained towing was scheduled on the agenda only because Council indicated they would be reviewing the Towing Ordinance due to the previous discussions regarding towers being first responders under Title 39. **Solicitor Fiore** indicated he wanted to review that issue and questioned whether Council wanted that incorporated into the ordinance. **Cncl. Sebastian** replied we don't know if towers are first responders and that's what needs to be determined from State Statute. **Al King**, from the Garden State Tower's Association brought that up at a previous Ordinance Meeting and at the last Work Session Meeting **Jack Simmermon** spoke of a specific Statute. **Jack Simmermon** explained that particular Statute says firemen, police officers, first responders and tow trucks were in the same category for the Move Over Law. **Cncl. Sebastian** noted if that's the case, he wants the Solicitor to look into it to see if our ordinance needs to reference towers as first responders. **Mr. Fiore** noted many general as well as specific comments were made throughout last year so maybe Council should come up with a list of the issues they feel need to be addressed. **Cncl. Sebastian** noted Council is not going to reinvent the wheel because for the most part, this is a good ordinance. It just needs to be tweaked to include a checklist, as there were some issues regarding advanced notice on whether applications were complete or not and if towers are considered first responders, we need to find out what is required of them so that can be included in the ordinance. **Mr. Fiore** noted **Patrolman Burton** delivered the checklist, a copy of the Hold Harmless Agreement, a copy of the certification and a copy of the ordinance to all the towers to ensure everyone received those documents by October 1st. **Mr. Fiore** received a couple of phone calls from towers regarding the complexity of the Hold Harmless Agreement so it will be modified down to a paragraph and a half. **Mr. Fiore** explained the original one was a lengthy document and he didn't want the towers to have to go to an attorney to interpret it. **Cncl. Sebastian** noted an insurance agent called the Clerk's Office questioning the 15 day period and that call was transferred to the Police Department. **Mr. Fiore** explained that requirement is included in the ordinance but last year there were issues with that when some of the licensed insurance agents represented that was illegal while other carriers wrote policies adhering to our Ordinance. **Mr. Fiore** noted hopefully the process is clear cut, as the packet contains everything required according to the ordinance. It also includes a certification from the towers stating that when their applications are submitted they are in compliance with the ordinance, as it is their responsibility to supply the documentation, not the Clerk's Office, Zoning or Construction. **Cncl. Sebastian** suggested

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including Officer Burton's checklist in the ordinance. Cncl. Bryson questioned when the packet was sent out did those who got it acknowledge that they received it. Mr. Fiore noted Patrolman Burton went to each tow company and called dispatch and reported the time he delivered each one. Cncl. Pres., Teefy questioned whether changes to the ordinance would be made for this year since we are already into October. Cncl. Sebastian replied no, the current ordinance would be utilized for this year, as that will allow Council time to tweak it. Mr. Fiore advised the changes to the ordinance will become effective prospectively; not retroactively. He noted only two towers qualified last year so Council may be getting calls from towers that were formerly on the list and may have been grandfathered because they will now be considered new applicants that must comply with the ordinance. Previously, as long as they remained on the towing list they were grandfathered but once removed, the ability to grandfather has been waived and they are now considered as a new applicant. Cncl. Sebastian added one individual will never make the list because he cannot expand his yard. Mr. Fiore explained the reasons for the certain size yards are expediency of removing vehicles and the ability to store vehicles. Cncl. Pres., Teefy noted he did not have the opportunity to review State Statute defining first responders and even though he knows it is important for a tower to remove the vehicle and get the road back open his interpretation is that when an accident occurs, 911 is called and the dispatcher calls either police, ambulance or fire. The police call the tow truck so that would be a second or third responder; it is at the end of the process, not the first. Cncl. Sebastian noted he wants the definition of first responders clarified because if in fact they are first responders under Statute there is another section that says what they are obligated to do and things they are to have such as identification. The police and ambulance squad have their uniforms and towers should have a vest with the name of their business to notify people who the person is walking around the accident scene. Mr. Fiore noted that designation may not change anything in the ordinance. Cncl. Sebastian noted no action will be taken on the Towing Ordinance this evening except for direction to the Solicitor to look up Title 39.2 of State Statute. Cncl. Bryson questioned when the towing list would come before Council for approval. Solicitor Fiore advised the first meeting in December.

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

Cncl. Sebastian noted Det. Sulzbach met with all the dealers except the coin collector at the Amish Market to address their concerns regarding the proposed ordinance. He questioned Mr. Fiore on whether coin collectors could be excluded from the ordinance since their profit is not in melting coins but in selling them to collectors. Mr. Fiore replied yes. Det. Gene Sulzbach noted in the Police Department's point of view coin collectors should not be excluded from the ordinance because stolen coins have been recovered; not at this particular business but in other numerous locations. The Police Department's focus is to get purchased items into a data base so they can be more easily tracked and so if coin collectors are excluded and stolen coins are purchased they will not be in the data base. Cncl. Bryson noted he was shopping in the Amish Market and ran into Mr. Sykes, the owner of the coin store, and he is vehemently opposed to the ordinance and if it is adopted, he will close his store. Det. Sulzbach noted from what he understands Mr. Sykes rarely purchases off the street so if he doesn't do that he could continue his selling business. Cncl. DiLucia noted that business owner does not buy coins to

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melt; he only buys coins for collectors. He explained there are different markets for coins. Some only for smoldering may be worth \$25.00 while collectable coins may be worth \$10,000.00. Det. Sulzbach noted the general thief doesn't know the difference between smoldering and collecting; he just says will you buy this and how much will you give me for it. Cncl. DiLucia felt a thief will not go to a coin collector because in most instances the coins are worth more to melt than they are to collect due to the value of silver and gold. He referred to the Deptford Township ordinance, which requires vendors to not only purchase computer equipment but also a camera system, which is an additional expense for dealers. Cncl. Bryson spoke of researching the corporation providing the service and questioned whether the software requires people selling items to provide their fingerprints. Det. Sulzbach explained what the merchant is required to do depends upon the jurisdiction. Philadelphia requires fingerprints and Atlantic City may still do that but Monroe has not required fingerprints for years. Cncl. Bryson noted usually hi-tech companies (*computer, software, controlling units, controllers, etc*) never want to hide how well they are doing or how good their product is but with this company, he could find no positive or negative recommendations. The company has been in business since 1999 and should have a positive or negative track record but there is none, which means that information could have been purged. He pointed out the company claims to handle large cities like Atlantic City and Detroit as well as a few others but it only employees eleven to fifty people depending upon the time and its revenues are \$750,000.00 a year, which does not reflect the size or support that a company handling large cities should have. Cncl. Sebastian requested Cncl. Bryson explain how the software falls under precious metals. Cncl. Bryson explained the Rapid System software is used to collect the information of people selling precious metals/used items. He noted Council was given information about the cost to dealers but nothing about the cost to the township. Det. Sulzbach explained there is no cost to the township. Cncl. Sebastian noted at the last meeting he questioned whether the police department could purchase the equipment but he was told it must be purchased by the dealer. Det. Sulzbach explained that is not necessarily true, as there is a jurisdiction down south where the police department purchases the units and pays the yearly \$250.00 fee for their pawn shops. No matter who buys the equipment, the township or the dealer, the police department is given a password and a user log and gets free access to the web based program. Cncl. DiLucia noted the Deptford ordinance says the cost of the system will be paid from the application fees, which indicates the Township will pay for it. Cncl. Bryson noted there are two other pieces of software that goes along with Rapid, one regulates pawn shops because certain states have laws governing pawn shop operations and require that information to be confidential. The other software is called "Home Watch", which is traveling around the country like a flash fire. Not many people actually join this but there is a lot of press on it because those that buy this software must register all the items they own with the police department or their insurance company. Cncl. Bryson expressed concern that if you have the first piece of software in the future you will be required to purchase the next part and homeowners who never registered their items into the system will not be paid by the insurance company if those items are stolen. He noted we cannot just accept this law because it helps the police find stolen items when they are already finding them through the system in place now. Cncl. Bryson noted what he found while researching the company is that protection is granted to dealers and police departments for personal information but nowhere did he find the information obtained by the dealer to be protected. The company's selling point

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is that the program is net based but Cncl. Bryson expressed his concerns that anything out on the net is subject to being broken into. Cncl. Sebastian noted the only information required is the sellers name and driver's license and anyone can go on line and pull up a driver's license. Cncl. Bryson noted too many laws are being created that violate personal information.

Mark Fera, owner of Fera's Jewelers felt the comments made regarding coins being the same can also apply to mass produced jewelry, which all looks alike. He noted he could understand specific pieces of jewelry being entered into the data system, such as a high school ring that has a year of graduation, jewelry with engravings or jewelry that is very expensive and has had an appraisal identifying its characteristics. However, 90% of his business is buying generic junk jewelry and for him to itemize items like that will not help the police recover stolen goods any better. This law council is considering would be more just to the dealers while not cutting in on the police department's ability if it had a provision requiring only jewelry that is identifiable, engraved or valued at \$500.00 to be put into the system. Pictures and records for the miscellaneous junk jewelry would be in the store so the police could still make a full recovery without him making a full data entry on every single piece he buys. Mr. Fera noted in regards to the coin dealer there are coins that are very rare such as the 1933 No Motto High Relief \$20.00 gold piece, which is worth about \$18,000.00 and up. If that coin is stolen and sold to the coin dealer in the Amish Market it wouldn't be fair for him not to be required to input that into the system while a jeweler must input everything he purchases. Mr. Fera noted he was against the ordinance but if it passes everyone should be included and generic cheap jewelry and generic coins such as silver quarters should not be included. Mr. Fera noted the Rapid System violates due process of law because it searches everyone's transactions. Americans have individual liberties protected by the constitution so do we really want it mandated that a person cannot sell a high school ring without his name, address, driver's license number, description of item being sent to the police so anyone with access to the system can get their information. He felt there should be some amount of privacy in business transactions as that is guaranteed under the constitution. Mr. Fera noted he has always cooperated with the police during their investigations into stolen merchandise but voluntary cooperation is different than mandatory reporting of people's private information into a database that goes to all the states that have the system. He pointed out the name of the company is International Business Watch Incorporated. It is a Canadian company that is international, which means the British police could see who sold something in Williamstown and that is not where America should be heading. The current system is not perfect but it safeguards privacy rights and individual freedoms, which is just as important as recovering stolen goods. Mr. Fera suggested to make this constitutional it should be voluntary to join the system, the equipment should be supplied to the dealer and he should be paid 50¢ for every upload of data. In July this system was introduced at the State level and is currently pending and it includes a \$10,000.00 fine per item not entered. Mr. Fera noted if a 25¢ silver bracelet is not entered he would be subject to that fine so he is planning on fighting that legislation as well. If the citizens of New Jersey think this is pertinent then it is quid pro quo, nothing is free and dealers should be paid for their time, provided the equipment and it should be voluntary. He spoke of winning the Civilian Service Award in the 1990's for recovering stolen goods voluntarily. He expressed his concerns that the system has no safeguards and information could be hacked by domestic spying and noted

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people should be warned that their information will be shared with anyone involved in this system. Cncl. Bryson expressed his concern that a little old lady selling her jewelry, a few pieces at a time, could be under suspicion according to this law. Det. Sulzbach indicated that is wrong, it would not happen. Cncl. Bryson disagreed, noting according to what he read about the software it could happen. Cncl. DiLucia spoke of the Deptford ordinance prohibiting cash from being paid when there are more than two transactions within a seven day period and more than five within thirty days. He noted that creates prevention, enforcement and protection for people and that is what he suggested months ago when he recommended payment be made by check. People who steal and sell items do not want to be paid by check because they don't have bank accounts to cash checks and they don't want to go to the bank the check is drawn on, as they will need to show proper identification. Cncl. DiLucia noted he heard arguments against that, but he felt it would be a much easier fix to decrease the amount of fraudulent transactions more than putting it in this database. He noted he was not going to argue the merits of this company since he is not familiar with it or the number of municipalities that subscribe to it. Ordinances from other towns do not dictate what system to use, the Chief of Police makes that decision, not the ordinance. He noted he is always hesitant to push somebody into an exclusive provider situation because the market dictates they will pay more when there is only one vendor. Cncl. DiLucia noted he has a lot of questions regarding this and since the ordinance in place is apparently working he would like to get a little more information on it before he makes a decision. Cncl. Sebastian questioned Det. Sulzbach on what the input was from the other dealers. Det. Sulzbach replied the consensus was what Mr. Fera stated this evening; they were unhappy with displaying items for a certain length of time, unhappy with the fee and the database itself. Det. Sulzbach spoke with the manager of the Trader's Lane store, who said she had no problem with the system and that she has a friend that uses it and is happy with it. The owner of the store uses the system in Cherry Hill and he stated at the last Ordinance Meeting he has problems with it. Williamstown Jewelers knew this matter would be discussed this evening and didn't attend, as they were not that unhappy with the system once he met and explained it to them. Cncl. DiLucia noted to the contrary, just to clarify that, when he went to the store to purchase an anniversary gift they were very unhappy with the ordinance. Det. Sulzbach felt he may have cleared some things up when he met with them as they were told by one of their competitors some things that were not necessarily true. They would rather not do it, but are not as vehemently unhappy as they may have been. Mr. Fera noted he spoke with Grace and Greg today and they could not attend the meeting tonight but stated they are strongly opposed to it and spoke to one of the councilmen to let him know how they felt about it and their ideas have not changed. He noted there are no other programs on the market like this and he was concerned that with all the domestic spying going on that this system may be subcontracted by the Federal Government, CIA or NSA to collect information. Cncl. Bryson noted his major concern about this is personal liberties and personal information. He agreed with Mr. Fera that there are no other programs like this one run by a Canadian company. The company has an office in Florida but has no track record or plus or minus comments. He questioned how this system is getting accepted in the United States because if it is so good why isn't anyone else capable of supplying this type of software. He felt there is no guaranty personal information will be secure and urged Council to go to the company's website and click on each section of the software. The company is international and in some countries

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E.) MATTERS FOR DISCUSSION (cont'd)

this system is mandated by the government. Cncl. Bryson noted he does not want our government mandating things like this; he wants to have a free choice of what he does, where he goes and what he sells. Cncl. Sebastian noted the reason there could be only one system like this could be because this company invented it. The ambulance squad has the same situation with EMS Charts. That software program is the only game in town because that company developed the system and no one else found the need to compete with it once EMS Charts got the majority of EMS locations under their wing. Det. Sulzbach noted there is another business that has this type of system but it is not nearly as expansive as this one. Cncl. Pres. Teefy questioned whether Mr. Fera was sending pictures of items over \$500.00 or of everything and what information he is emailing to the police department. Mr. Fera explained he lays all the items out and takes pictures of them so the police can visually see each one and emails that along with a copy of the seller's photo driver's license and the receipt they sign stating the item is theirs to sell. Cncl. Pres., Teefy noted and this system would require doing the same thing. Lorna Fera explained the way it is set up now it takes three to five minutes while this new system will take an hour for one invoice of fifty pieces of jewelry. Cncl. Pres., Teefy questioned whether Det. Sulzbach was looking at a minimum amount to be input into the system. Det. Sulzbach noted that has not been discussed yet but Mr. Fera was told that we will work with him. The Police Department is happy with what he does now but this system will be so much better. Essentially Mr. Fera is doing everything the new ordinance requires, he is just doing it in a different way; he is writing instead of typing. He takes pictures and gets the driver's license now and will be doing that with the new ordinance as well. Mr. Fera explained he takes a picture of ten items at a time but if he had to input each one into a data entry system that is very time consuming. He explained currently if someone comes in with fifty pieces of jewelry he separates it into 10 karat, 14 karat and sterling silver, lays the items out and takes a digital picture of what was purchased. The items are not itemized because they are scrap gold. Det. Sulzbach noted most dealers itemize and years ago we wanted Mr. Fera to do that but by taking pictures he accomplished itemizing. Cncl. Pres., Teefy noted technology is a good thing if used right and this is the way everyone is going, as it helps protect people. Information on anyone's computer, even the Police Departments can be hacked, so we are all susceptible but if the internet was not safe, you wouldn't put your credit card out there. Cncl. Bryson referred to the email sent by the police department that stated the main reason an ordinance change was requested was because they wanted the Rapid Software from Business Watch to be part of the ordinance. He questioned why the ordinance would be changed if council does not want to specify the software. Det. Sulzbach noted the ordinance stated "*software designated by the Chief of Police*" because next year another program could come out that is better and Rapid may not be used anymore. Cncl. Bryson questioned who would this come back to if a person's civil rights are affected by it. Solicitor Fiore explained every ordinance that we adopt infringes upon someone's civil rights and the law allows that. According to the constitution there are compelling reasons why local governing bodies and the State legislature can create laws that oppose upon someone's rights. Mr. Fiore explained people operate motor vehicles, it is a privilege. New Jersey law states law enforcement can force a person to blow into a machine if they feel they are drinking and driving. That is infringing upon someone's rights and is an invasion of 4th Amendment rights but there is compelling legal reasons for it. A reason can be placed on the record why Council is doing this and that reason is that law enforcement feels as

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E.) MATTERS FOR DISCUSSION (cont'd)

though it assists them, not in hurting the good guys, but in catching the bad ones. Unfortunately, when doing a balancing act the good people are sometimes affected. Mr. Fiore noted Federal Income Taxes are unconstitutional but legally we have to pay them and if not, we go to jail. Cncl. DiLucia noted on one side we want to protect people who have had items stolen and on the other side we have the issue of whether it is going to change the way people do business. He questioned what the cost will be for dealers, how much actual time is involved and again recommended payment be made by check as he felt that would deter criminals from selling to dealers. Mr. Fera noted he has been paying cash since 1979 and carries an insurance policy insuring his store for \$50,000.00 in cash. It is not illegal to use cash and his clientele expects it. Cncl. DiLucia noted he is trying to look at all sides of this but he felt one way to minimize theft is to pay in check. Solicitor Fiore questioned whether Cncl. DiLucia was suggesting keeping the ordinance the way it is and just including language requiring payment by check. Cncl. DiLucia replied he does not know enough about this system and is concerned about the cost, how much time is involved and the burden it will place upon the dealers, as it affects small jewelry shops that employ one or two clerks and places financial responsibility on at least five businesses in town. Mr. Fera questioned if he could assist Council in writing the ordinance. He noted the police should be able to make suggestions but should not dictate what they want in the ordinance, as Council has the ultimate decision. He suggested the three day public view period be stricken since the police do not enforce that and have told him on a number of occasions that they don't care about that. Mr. Fera noted it is dangerous to put jewelry out for three days. The State is increasing that period to an 18 day holding limit and Mr. Fera noted having jewelry in a store that long is really a security hazard. He is against the three day period and got a lawyer to make his concerns known to County Prosecutor Dalton, who said sending pictures to the police is just as good as putting items on public view. Cncl. DiLucia noted it is impossible for Council to decide tonight because it is a disservice to legislate laws without knowing all the answers to questions. This issue is not on a fast track so it can be investigated by a subcommittee or another process to get it done. Mr. Fera noted he wants thieves put away because if he purchases stolen items they get confiscated and then he is a victim but we must go about it in a way to protect personal liberties. Cncl. Sebastian agreed a committee should address this and questioned what committee would handle it. Solicitor Fiore felt the Law Committee, (Cncl. Sebastian, Cncl. Pres., Teefy and Cncl. Dilks) should handle it. Cncl. Pres., Teefy felt a software program should be used, there should be a minimum for what is imputed, payment should be by check and the public view requirements should be deleted. Cncl. Sebastian advised the Law Committee will schedule a meeting to discuss the ordinance and make a report at the November Ordinance Committee Meeting.

F.) NEW BUSINESS

Solicitor Fiore reported that the Supreme Court struck down the COAH third round regulations and requested COAH draft new regulations within five months. He also reported COAH has not responded to our request for a hearing for them to forgo our COAH obligations.

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G.) OLD BUSINESS

Cncl. Walter Bryson noted Council should discuss what the State said regarding the Petro Kyrik property exchange. **Solicitor Fiore** noted he met with the engineer last week and is in the process of preparing a certification from the clerk and the Planning Board indicating that they searched the records and that property was not part of our ROSI, as there was never any official action taken to dedicate it as open space. It was discussed many times but there is a legal process to dedicate open space and that never officially happened.

Cncl. Pres., Teefy brought up the issue of the Pinelands wanting the township to add residential to the Redevelopment Zone. **Solicitor Fiore** explained the original Redevelopment Plan included residential on the Jamesway site but that plan was modified to remove the residential. The Pinelands is not approving the modified plan and want high density housing on that Jamesway site because they want to collect Pinelands Development Credit monies. **Cncl. Sebastian** added that has been delayed until January now. The Pinelands not only wants a residential component on the Acme Redevelopment side but they want a residential component on the Benderson side as well. **Tim Kernan** said that can't be done because the additional properties in the rear are all wetlands. The Pinelands wants to take the 120 units that we were giving up on the Acme side and put that together with what they thought our obligation was on the Benderson side and move it to the same type zone somewhere else in the municipality to qualify for Pineland expansion. It does not necessarily have to be on site, it could be further down the road so that issue must be discussed. **Solicitor Fiore** noted unfortunately mixed messages are being sent from COAH and the Pinelands. The head of the Pinelands Commission is a former State executive director of the Builder's League and the direction they are going is to make money off the PDC's rather than preserving open space and limiting density and COAH still has not figured out what they are going to do after being in existence since 1983. **Mr. Fiore** read the following excerpt from the State Supreme Court that summarizes everything going on: *"New Jersey in 2013 quite simply is not the same New Jersey that it was in 1983. Changing circumstances may merit reassessing how to approach the provision of affordable housing in this State."* **Mr. Fiore** noted the court has acknowledged the climate changed completely in the last 30 years but said *"may need"* to change rather than saying we *"need"* to change it. The whole idea of COAH was to have affordable and moderate income housing to be inclusionary in developments and if you look at COAH it is totally contrary to that. Years ago when **Joe Roberts** was a senator in Runnemede they accepted the COAH money from all the other towns and **Cherry Hill** transferred their money to **Camden City** but now you can't do that. COAH is now requiring municipalities like **Monroe** to build nine million units to comply and that is not going to happen. **Cncl. Pres., Teefy** noted the law was developed for the right reasons to provide less affluent people the ability to live in nice communities but loopholes were created and many towns took advantage of them. **Mr. Fiore** explained the idea of COAH was that all homes in subdivisions were to look alike on the outside but the COAH homes could be a little smaller, have Formica countertops instead of granite and builder's grade cabinets and carpeting. **Mr. Heydel** noted that is how **Amberleigh** is, you cannot tell the difference from the outside. **Cncl. Bryson** noted when they rewrite the COAH laws he hopes they include compliance for the people who get COAH housing. **Mr. Fiore** noted the problem is the enforcing agency will be larger than the Division of Motor Vehicles and in this economy municipalities cannot afford it. Way back legislators had a great idea to include everybody in

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G.) OLD BUSINESS (cont'd)

the American dream; now, they are fighting over what to call COAH. They don't want to call it that anymore because it is the four letter word no one wants to mention. Cncl. Sebastian questioned who is being charged with coming up with the new rules. Mr. Fiore replied COAH is.

Cncl. Rich DiLucia brought up the issue of towing and questioned whether it would make financial sense and be in our best interest for the township to do it and if not, should we sub it out. **Business Administrator, Kevin Heydel** noted according to what the township was given during the lawsuit, his guess is that towers gross approximately half a million dollars. Cncl. DiLucia recommended looking at the legal approach we can take, if there are any restrictions and what those restrictions are. Once we find that avenue Council needs to discuss how and what should be charged. Mr. Heydel noted his preference would be to collect a fee but whether or not legally we are allowed to do that needs to be researched in case law. Cncl. Sebastian requested Mr. Heydel to look into what it would cost the township to do the towing and Mr. Fiore to look into the legality of the township charging a fee. If it turns out there are issues those two items can be taken off the table but if there are no issues we can go that route. Cncl. Pres., Teefy felt the start up cost to purchase four trucks would be about a million dollars. Mr. Heydel noted that would not include employees. Cncl. Pres., Teefy noted the way to look at it is the cost could be \$300,000.00 a year but we could be making \$500,000.00 and since we learned that we are responsible for Title 39, why are we not getting the benefit from it. Cncl. DiLucia noted if it makes financial sense, we would be employing more people, we would have greater control over it and have no worries about the legal aspect of it so if the numbers add up, that's the way to go. Cncl. Pres., Teefy added employees with CDL licenses could perform other functions in the township and be included on a rotating schedule for towing. There could be some overtime during the weekends but this is something that should definitely be considered. Cncl. DiLucia noted Mr. King also said towers make money on abandoned cars they sell so that is something else to look at. If we take the bare bones cost, a conservative income is about half a million dollars. Mr. Heydel cautioned that information was produced as part of a lawsuit but the tower did not have all that business to really qualify that number. When we had ten towers they said they made \$30,000.00 a year, which amounts to \$300,000.00 so it is worth looking into. Cncl. DiLucia noted another way to get that information is to amend the ordinance to require towers to report their revenue when submitting their applications. Mr. Heydel expressed his concerns regarding towers saying they represent Monroe Township when people involved in an accident on Friday night cannot get their car on Saturday or Sunday due to the tower's facility being closed. In those instances they are not representing the township; they are representing their business, as storage is where they make their money. He noted people should have access to their cars because storage fees are not covered by insurance and the people must pay for that out of pocket. Cncl. Sebastian questioned whether language could be included in the ordinance that storage fees could not be charged for days they are not open. Cncl. DiLucia noted based on what Council is looking at in terms of next year's budget we are certainly looking to bring some new revenue in. He noted if the county does more reassessments that will amount to 4½% off the budget right away. Mr. Heydel noted we are better prepared for next year's budget than we have been in the last five years due to the surplus being \$1.3 million, construction revenue being higher because of

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G.) OLD BUSINESS (cont'd)

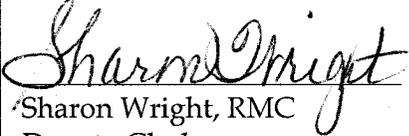
the \$300,000.00 from the Guzzo site and the third party ambulance billing, which is estimated to be \$930,000.00 this year. Cncl. Sebastian noted at the last Work Session Meeting the fire chief came as a member of the public complaining that the paid crew was used to cover instead of going to mutual aid when the volunteers went to the Firemen's Convention in Wildwood. Cncl. Sebastian noted if we went to mutual aid we could not bill. Mr. Heydel explained the paid crew covered about 168 hours of time at an average of \$30.00 per hour, which came to \$5,500.00. He noted there were seventeen calls at \$500.00 a call so that would make it about even. Cncl. Pres., Teefy questioned whether the fire company went down to the convention, and if so, did EMS cover the fires for them. Mr. Heydel explained the volunteers asked if they could have the paid crew cover for them on the weekend so that they could go down to the firemen's parade. He noted the volunteer firemen were complaining but if you look at the hours the volunteer firemen put in compared to the volunteers in the ambulance association it is at least three to one in favor of the EMS. A volunteer in EMS averages about 800 hours a year while the average firefighter puts in 300. Cncl. Sebastian noted EMS schedules their teams so there is always someone on but firemen respond when the whistle blows. Mr. Heydel added EMS schedules twelve hour shifts once a week and that amounts to over 700 hours a year so you can't compare the two. Cncl. Sebastian pointed out that by the paid crew filling in for the volunteers it didn't cost the township anything and in fact, we might have made some money from billing. Cncl. DiLucia noted the complaint was that all the volunteers were permitted to go as opposed to requiring some to stay. The amount paid was offset by income but if nothing was paid there would have been a plus in income. What the Chief was saying was that the firemen do not take off they stay so the township pays nothing. Cncl. Sebastian noted the fire company had thirty people out of two hundred go to Wildwood; the ambulance association had six out of twenty-five. Cncl. DiLucia noted that should have been said on the record when he was here. Cncl. Pres., Teefy noted more firemen went down than EMS has in volunteers; hopefully EMS will pickup volunteers to be in better shape. Mr. Heydel noted he has been looking at the numbers for volunteers and found that Jim Smart, Director of Public Safety went to 82 calls in the fire department last year. He was the highest responder and there were some in the 70's and 60's while the ambulance association members have 300, 200, 166 for the first nine months of this year. The calls are about the same from year to year so there is a big difference in those two departments. Cncl. DiLucia noted this is all about Council agreeing to spend more money in the budget for the requests that each chief makes. Mr. Heydel explained the budgets over the last few years have been held flat but next year, there will be some bumps; how much he didn't know because he does not have all the numbers yet. Cncl. Sebastian noted in years past when Monroe Township Ambulance held their annual banquet Cecil Ambulance covered and we covered Cecil when they held theirs, but now, there is no more Cecil so with no one to cover the volunteers asked the paid crew to cover. Cncl. DiLucia noted let the county do it then. Cncl. Sebastian noted the county would do it but then we can't bill so we would lose that income. Mr. Heydel noted and it was not \$50.00 per hour it averaged out to \$30.00 per hour. Cncl. **Marvin Dilks** questioned how many years the ambulance association has been going to the convention without anyone bringing this up. Cncl. Sebastian noted he has been doing it for thirty-four years and no one has brought it up before.

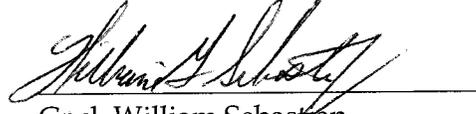
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H.) ADJOURNMENT

With nothing further to discuss Cncl. Walter Bryson made a motion to adjourn the Ordinance Committee Meeting of October 2, 2013. The motion was seconded by Cncl. Rich DiLucia 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 October 2, 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 sw _____ Date 11/8/13 _____
Approved as corrected _____ Date _____