

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 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. Rich DiLucia 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. Walter Bryson made a motion to approve as submitted the minutes of the June 6, 2013 Ordinance Committee Meeting. The motion was seconded by **Cncl. Rich DiLucia** and was approved by all members of Council in attendance with the exception of **Cncl. Marvin Dilks** who **Abstained**.

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.

Vera Hilsher, Trustee and Treasurer of the Holiday City Homeowner's Association approached Council to address the association's concerns regarding foreclosed properties. Ms. Hilsher explained the association cannot get in touch with anyone to find out who owns the foreclosed properties in the development and are particularly concerned that there could be

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

C.) PUBLIC PORTION (cont'd)

mold in some of the twin homes that have been empty for three years, as that could affect the neighboring home. When the association tried to contact the name posted on the front of the house they got a lot of attitude, were questioned on why we called and told it was none of our business. It is the business of the association because this is an over 55 community and we want to make sure it is solid, private and maintained. Cherry Hill and Paulsboro have addressed this problem and the association wondered if Council is doing anything with respect to the foreclosures in Monroe Township. **Solicitor Fiore** explained Council did discuss the Cherry Hill ordinance last month. That ordinance requires banks to register with the township and pay a fee once they take over ownership of the property and the upkeep is monitored in that fashion. The difficulty is that based upon the state of foreclosures right now because there is such a backlog it takes up to three years before that property goes from the name of the homeowner to the bank or they sell it through a foreclosure sale. The Holiday City Homeowner's Association cuts the grass and should have a procedure in place to lien the property so once it is sold they get their money back. The difficulty, and there is no distinction between Holiday City and just a single family house anywhere, is that once it is in the foreclosure process, unless there is something that is outwardly causing a public health and safety issue, the municipality generally cannot get involved because it is owned by someone else. He explained during the foreclosure process banks will winterize properties and will make sure the inside of the house is secure. They may not keep it perfect but they do try to protect their asset. From the municipal standpoint Cherry Hill adopted the ordinance but that is only once a property is foreclosed and it is in the banks name and that process runs about three years. The newspaper article about that ordinance seemed like it would provide immediate relief for individuals with a foreclosed house next door but it does not immediately provide the assistance people in Holiday City or any other single family house, condo or townhouse is looking for. Ms. Hilsher indicated they do have liens on all the properties but some of them are three and four years old. Mr. Fiore questioned whether any of the homes were outwardly in bad condition. Ms. Hilsher replied no because we keep them up but we are concerned with the inside. Mr. Fiore explained even if we did have that ordinance in place it only deals with outside blight such as broken windows, weeds growing etc. The Cherry Hill ordinance does not deal with the municipality going inside to deal or enforce anything. The only time they would is if there is an outward problem such as doors being kicked in or stray animals living inside the residence. Ms. Hilsher questioned how the municipality collects the taxes on those properties. Mr. Fiore explained many times the banks pay the taxes but the owners could still be on record in the township. Ms. Hilsher noted we go into the township's records for all the properties we have and it still shows the previous owners; not a bank. Mr. Fiore explained for about \$100.00 the association's attorney can run title on any property to find out who the mortgage companies are. It will not be a full title search because that would cost approximately \$400.00 but they can run the title to see who the last mortgage company was on a property. **Cncl. Frank Caligiuri** questioned what Cherry Hill did. Ms. Hilsher explained their ordinance requires banks to pay them a fee of \$3,000 to \$5,000 so the banks want to sell the property as soon as possible. **Cncl. Sebastian** spoke of Millville passing a stricter ordinance so that if the banks do not get a property straightened out they can tear the house down. **Cncl. Walter Bryson** felt Council should look at this issue because the banks are getting off scott free and it is affecting the property values in the entire township. We should be able to fine the bank

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

C.) PUBLIC PORTION (cont'd)

or the owner of record. Mr. Fiore explained a summons would need to be issued for municipal court first and there must be adjudication that they violated the ordinance and then the fine would be given. **Cncl. Rich DiLucia** spoke of questioning Mr. Fiore on this issue some time ago and he had explained but now Ms. Hilsher has raised the issue of the condition of the interior of the home. He noted there are at least two real estate agents in Holiday City and he suggested those agents schedule a tour of those homes for the trustees. He went on to explain how real estate agents can show homes being sold through a short sale and the process they must go through when selling a home that way. **Cncl. Bryson** questioned whether there was anything in the association's covenant that gives them the ability to go inside the house if it was abandoned. **Cncl. DiLucia** replied no, it is private property. Ms. Hilsher thanked Council for hearing her concerns. **Solicitor Fiore** pulled up the Millville ordinance on line and explained it requires banks to register with the municipality once they foreclose on a property and it gives the municipality the ability to go in and do an inspection on the property. He noted this seems to be a very good ordinance that Council may want to consider.

With no one else from the public 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.

D.) CORRESPONDENCE

- **Blue Cab Taxi Driver's License - Barbara Dietterick**

Cncl. Sebastian explained this application is for a taxicab driver going to work for Blue Cab, a company that already has a Taxi Cab License with the township.

Cncl. Marvin Dilks made a motion to approve the Taxi Driver License for Barbara Dietterick. The motion was seconded by **Cncl. Rich DiLucia** and unanimously approved by all members of Council in attendance.

- **Use Car Dealership - Nicholas Pannone, Applicant**
Ace Scooter Rentals Sales & Service LLC

Solicitor Fiore noted he called to speak to Fred Weikel about this but he was out of the office and has not returned his call. He questioned whether this was the property located on the pike that sells four-wheelers because if it is, he does not remember Council voting on it last year. The application says it is an existing license but he didn't realize four-wheelers came with motor vehicle titles that would require the business to have a Used Car License. **Cncl. Sebastian** noted they also sell scooters. Mr. Fiore replied yes, but he expressed his concerns that by approving a Used Car License Council could be approving a Used Car lot. However, it may be the license is needed to sell four-wheelers if they are titled by motor vehicles. It was noted the business has an existing license and is just changing from a corporation to an LLC. Mr. Fiore recommended holding this until more information could be obtained.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION

- Towing - Application Submission Date

Solicitor Fiore noted last year Council talked about changing the November 1st application submission deadline to an earlier date, as there were some concerns about the applicants not having time to cure any deficiencies. He noted he defended the ordinance because he thought it was a good however some towers that were unsuccessful in getting on the list were concerned that there wasn't time to respond to any deficiencies. He noted today, he had the opportunity to speak with Officer Mark Burton, who performed the inspections last year and he indicated that he and Officer Andy Pease would like to address some other items with Council to make this a better ordinance. They would also like to present their feeling about how it went this year with a limited number of towers versus the larger number. The ordinance is an evolving product, it is not perfect. One of the major complaints last year was the timing of the application. The one thing we need to include in both the ordinance and the application is that the applicant must certify that they are in compliance with all local, State and Federal regulations so that if there is an oversight on their part it is the applicant's obligation. It should not be the obligation of the municipality. Cncl. Sebastian felt it should be handled tonight because the next Ordinance Meeting is not until September and two readings are needed on the amendment. Solicitor Fiore noted the police officers involved in the inspections are going to take the position that they believe it is a more efficient process with lesser towers. He explained the date can be moved tonight but if we don't go out to bid there may be recommendations to have fewer towers. Cncl. Sebastian noted at the last ordinance meeting Council discussed going out to bid and Jack Simmermon, who was in attendance suggested we contact one of the major tower associations such as Garden State Tower's Association. Cncl. Sebastian noted he contacted the Garden State Tower's Association and a representative from that organization was in attendance to speak to Council later this evening. He noted in the event we do not have time to go through the bidding process for the upcoming year now, is the time to discuss changing the application date or number of towers so it is in place for next year. Solicitor Fiore referred to the language in Chapter 262-3 that says *"all completed applications and information required shall be forward to the Division of Police no later than November 1st of each year. If an application is deemed insufficient by that November 1st date the application shall not be considered for the upcoming year."* Mr. Fiore noted we discussed a submission date of October 1st, a month ahead of time but we need to clarify the language regarding the application being deemed insufficient. He questioned who will do the review. He noted there is a checklist and the application is to be submitted conforming to that checklist. The question is, is it incumbent upon the municipality to review that, who is going to review it and go back to the applicant to say what is not included. That is where we ran into great difficulty over the past few years since this ordinance has been evolving. The number is a different issue and the police can provide testimony about that regarding safety, response time and equipment. Mr. Fiore suggested October 1st be the deadline to submit an application, as that will give the Police Department the opportunity to review it and prepare their recommendations by November 1st for Council to vote upon. He noted suggesting they go back to professional towers to tell them to do certain things is where we create legal difficulties, as it should be incumbent upon them to submit applications with all the documents required. Cncl. Pres., Daniel Teefy questioned the difference between a submission date of October 1st and November 1st if no letter stating what was missing from the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

application would be sent. Mr. Fiore explained it gives the Police Department more time to review the application so that it can be voted upon November 1st. **Cncl. Bryson** noted the ordinance does not require towers to be advised of any deficiencies in their applications. Mr. Fiore noted the municipality should not have to advise professional towers bidding on a contract servicing the public of deficiencies, as that is where we get into trouble because it creates issues. **Cncl. Rich DiLucia** agreed that we should not be the keeper of the tower but he suggested that the application include a disclaimer that compliance depends and is the responsibility of the tower, as that will let the applicant know it is on them to make sure they fill out the application properly. **Cncl. Bryson** added if they are found to be deficient then a fine should be imposed because the police department has spent time reviewing the applications. **Cncl. DiLucia** noted the fine is they do not get included in the towing list. **Jack Simmermon** noted nothing has to be changed. The ordinance already states the application shall be in by November 1st so if it's not completed by that date they are not eligible for the tow year. **Cncl. DiLucia** noted he is concerned that we could put ourselves into a legal situation with our written ordinance so if a disclaimer is included on the application it is the responsibility of the applicant to do it complete and precise. Solicitor Fiore noted people picking up bid packages sign something that says they are picking up and understand what their obligation is so that gets us away from any issues what-so-ever. **Jack Simmermon** noted if you give them a grace period you would have to tell everybody who comes for a contract with the township what is missing from their bid. **Business Administrator, Kevin Heydel** questioned if you take the onus off the township about whether they are in compliance with zoning permits etc. what is the township's obligation to investigate a complaint that comes in about that specific person and then who will make a determination as to whether or not they are eligible. Mr. Fiore noted he is certain if there is an issue with one of the towers on the list we will somehow find out about it. Mr. Heydel also noted if there is not enough time to get the bid out to be effective for January is there something that could be done to extend the current list because why should we go through the whole process if we just need another month or two. Mr. Fiore replied yes, that is an option.

Al King, Presidential Appointment of the Garden State Tower's Association and owner of Helmrich Towing was in attendance on behalf of the Garden State Tower's Association to address Council's questions regarding towing. Mr. King noted he was born and raised in this business and still will not have all the answers, as it is a unique business that is not understood by many people, municipalities and police departments. Towers are part of the emergency service providers/first responders per federal and state legislation but many towns do not take that into consideration. Towing must be fine tuned for every town because every town is different. Some only need one tower others like Paramus have four due to the large number of cars towed each week. Solicitor Fiore questioned the size and number of people in Paramus. Mr. King replied it is the mall capital of New Jersey and the only town that still has the Blue Law where stores are closed on Sundays. The four towers tow four to five hundred cars a week and are only on call one month at a time so hopefully by the time his next turn comes up some cars will be gone so there is room for more. Mr. King suggested Council advise the current towers they will be extended for 90 days or until they get back to them. He referred to legal issues with the wording and explained contractors for emergency services are responsible to get

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

their paperwork in order and submitted at the proper time. If the bid time is 10:00 AM on the 15th of next month he should be there at that time with a sealed envelope. If there is a deficiency in that bid the township has no legal responsibility what-so-ever to any tower, vendor or contractor to give them a second chance to complete anything, it is not the township's problem, it is their problem. Good business people have an accountant and an attorney on retainer but most towers don't and only get an attorney when there is a problem. The first thing a good tower does when he gets a contract is give it to his attorney to review. Mr. King explained the township could do this in different ways and could do it by way of a Request for Proposals, an ordinance or go through the bidding process. Cncl. Sebastian noted if the municipality is trying to make money on the tow list why does it go to the lowest bidder why can't it go to the highest bidder. Mr. King explained contract law says the lowest successful bidder but the problem is towns do not want to take due diligence and say what is a responsible bidder. He noted he was the first tower to win a contract while being the highest bidder because that town did their due diligence by investigating and finding some bidders had criminal records and other had cars missing while under previous contractors. He noted the township must do their homework to have nothing to worry about but if they don't, you could wind up in court involved in lawsuits because cars or items left in cars are missing. A complete background check should be done on every employee at the contractor's expense. Any contractor that has an employee with a "C Code" (criminal conviction) should be disqualified unless he gets rid of that person and everyone else is OK. Cars are the second largest expense people have and towers are taking custody of that vehicle as the originator of that tow for the police department. Mr. King noted he heard Council say the police department reviews the applications and performs the inspections and suggested that Council do the inspections as everything reflects upon them. He explained a towing company should be just like a fire department with the equipment all lined up, the building should be clean and all tools should be in order and labeled. He suggested Council come up with a checklist using 1 to 5 with 1 being excellent and 5 being poor so when the tower puts in his application Council will have all the information to make the decision on who is best for the town as well as the consumer. Mr. King noted Cncl. Sebastian had asked him during their phone conversation what is the best way for the township to make money from the towing business. He explained there is no making money from the towing business due to Ocean Township vs. Colonial Auto Body, a case that involved high franchise bidding. Cncl. Sebastian questioned whether the township could establish rates. Mr. King replied no, as no arbitrary taxes are allowed to be imposed on anybody in the State unless it is passed by both houses of the legislation and signed by the governor. There are towns charging administration fees. You can put up anything you want and call it any name you want but anytime a town attaches something to a service as an administration cost or some other type of fee that is a retaliatory tax. Cncl. Bryson questioned whether the township could charge licensing fees. Mr. King replied yes, the township would need to adopt an ordinance that included a base license fee that would cost "X" number of dollars per year for the tower's establishments and then so much per truck. Solicitor Fiore added it must be rationally related to the cost of what licensing would be. Cncl. Bryson suggested a licensing fee and on top of that a bid proposal. He gave the example of licensing certain vendors and then only those licensed vendors would be permitted to bid and that bid would be at a certain level. Mr. King felt before that is done it should be researched further. Cncl. Sebastian noted basically if we go out to bid

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

any of the towers could bid zero get all the towing for the whole year rather than weeks when there were ten towers but there is no generating income for the municipality so why should we go to bid. Mr. King explained whatever Council does they should put their feet in the shoes of a tower, how would they want to be treated as a businessman. It's not just dollars, towers should also give back to the community by getting involved for instance by donating cars to the high school during prom season when they have mock crashes. Mr. King explained under Title 39 the town has a legal obligation to notify the last registered owner and the lien holder by certified mail within 72 hours when a car is towed or the 4th amendment of due process has been violated because you took someone's property. The Police Department is the originator of the tow, the contract is the emergency service provider and under the law the township has the obligation to tow cars, store and release but has elected to go outside the law to have it done by outside services. It would cost the township approximately \$2,000,000.00 a year to perform towing services in-house and that would be for four trucks. **Cncl. Marvin Dilks** questioned if the township went out to bid would that open the door for outside towers. Mr. King replied no, stipulations could be included in the bid such as the successful bidder must be within five miles from the center of town. Anyone five miles in any direction whether he is located within Monroe Township or right outside the township could legally apply to be on the towing list. Solicitor Fiore noted today not only safety but speed in removing vehicles is needed. Mr. King explained the tow truck operator is important. A person could have a \$500,000.00 piece of equipment but he must be trained to operate it correctly. He spoke of sending his employees to training, the cost associated with the training plus the cost of paying others to cover while those employees are in training. Mr. Fiore questioned whether people would be grandfathered if they have been driving a tow truck for years. Mr. King replied no, they are not grandfathered; CDL was grandfathered, but that has now been rescinded. Towers should also have a USDOT Number, be OSHA qualified and toolboxes should include everything and be labeled. Anything that is overhead lifting is OSHA and equipment should be tagged OSHA certified and hung just like firemen hang their equipment. **Cncl. Sebastian** noted the chains have to also be inspected for strength. Mr. King noted that is done by the manufacture, which goes by the OSHA requirements. Mr. King noted the tower should also wear uniforms just like police officers or fireman because he is representing the township and according to OSHA requirements they need hardhats, safety goggles and vests. The vests are categorized. Nancy 1 and Nancy 2 would be utilized on back roads and Nancy 3 would be utilized on the Black Horse because of the speed limit. Mr. Heydel questioned how Council would inspect something like that because they are not qualified. Mr. King replied you have the tower explain it and if he knows what he is talking about and is a good businessman he is going to answer your questions. **Dan Kozak** asked how would Council know what questions to ask. Mr. King explained all this can be put in the ordinance. He noted he admired Council for taking the lead on this issue because there are many towns that have their solicitor at the eleventh hour call other towns for their towing ordinances and they adopt an ordinance quickly and then have nightmares for the next three years. He suggested Council keep what they have, extend the current towers for 90 to 120 days until they have the opportunity to amend the ordinance correctly. He indicated he would come back to help create an ordinance, as he has nothing to gain only to help them get it right because if Monroe does it right the ordinance could be given to Bill Dreschler from the League of Municipalities or other associations to distribute to other

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

municipalities. Cncl. Sebastian noted the Police Department could still inspect the DOT numbers, the weights and other things that Council is not privy to. Al is recommending Council just not leave it up to them but that we take the opportunity to check the place for ourselves to see if the bathrooms are clean or if there are any complaints from the population about the towing company. He is not suggesting that we physically hit the tires to see if they have enough air because that is something that must be left up to the professionals. Al is trying to say don't hand off something of this importance to somebody else within the municipality, as we should be doing some investigating ourselves even if it is just a drive by like Planning and Zoning Board members do when applications are submitted. Mr. King noted if you want to find out how good your tower is, set him up by having a car break down and have the police department tow it. Have somebody from your family go in there to see how they get treated, as that all reflects upon the town and they should not have an attitude. Police Officers or other township employees do not have attitudes towards the public and neither should the tower. Cncl. Pres., Teefy questioned why are we responsible for towing. Mr. King replied because it falls under Title 39. Cncl. Pres., Teefy referred to the 72 hour period in which the Police Department must send out paperwork after an accident and noted that requires more responsibility to township employees, cost to the township but we cannot recoup that cost. Mr. King noted it is a necessary evil required in Title 39. Mr. King distributed information and a list of attorneys that deal with towing issues everyday and urged Council to call him if they had any questions after reading the information. He noted Police Departments usually have a staff meeting at least once a month and suggested bringing in the towers to those meetings every quarter to address issues, as communication leads to coordination, cooperation and everybody working together on the same page. It is up to an individual tower how he builds his business and no tower just does police work, most do commercial and police. Some do 60 - 40, some might be 50 - 50 or 80 - 20. Mr. King noted he is a big police tower plus he has 1500 commercial accounts so his business keeps moving. Towers and municipalities need to have a dialogue because it is all communication. Mr. Fiore questioned whether Mr. King towed in Paramus. Mr. King replied no, that he tows in South Jersey and does about nine or ten federal agencies including the FBI, DEA, Homeland Security, ICE, the Attorney-General's Office for New Jersey and approximately 84 police departments for high crime type vehicles. Mr. Fiore questioned what the highest volume town or city is that he deals with. Mr. King noted there is no set one that is real big. He questioned how many cars are towed in Monroe a day. Mr. Heydel replied 25 a week. Mr. King noted some towers tow 25 a day so 25 a week is not a lot of cars. The key to a towing business is not how many cars come in; it is how many go out because towers do not get paid until they go out. If a car sits more than 72 hours the owner is not coming back for it unless it was involved in an accident where the people were injured, taken to the hospital and the claim was not put in right away. But, in the case of a DWI or driving under the influence of drugs, unregistered, uninsured or on the revoke list the owner of an older car is not coming back if that car is not out of the yard within 72 hours. He noted he eats 40% of the cars he tows so the other 60% must pay 100% of the bills. Cncl. Pres., Teefy questioned what he does with that car and if he makes any money on it. Mr. King explained the car gets processed but the tower still takes a loss if his average tow is \$225.00 and he only gets \$100 to junk the car. He's out \$125.00 plus he loses the storage fees for the period the car was in his yard. Jack Simmermon added and a second tow is involved because the tower must take the car to the

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

scrape yard. Cncl. Pres., Teefy noted that's a part of business. Mr. King gave a scenario of a fatal accident and noted the EMS workers, the police officers, the hospital, the coroner and the funeral director were all paid but the car that no one comes after is still sitting in the towers yard and he is the only guy that does not get paid. Is that right, no but can it be corrected yes, it is very simple because the town has an enforceable law under Title 39 "Willful Abandonment". Towns can make money by selling abandoned cars on government.gov. He just had a town sell a car for \$7,900.00 so there are ways of making money you just need the initiative to do it and many towns don't want to do that. He went on to explain that if the township does not send letters out within the specific time period due process has been violated and the lien holder could file suit against the township for not notifying them of the tower's bill. The bad part about that is towers are capped; if the township does not give the tower the information about a car and send a certified letter out to the last registered owner or lien holder the tower and storage is capped at \$750.00 regardless of how long that car sat there and that is not right. He noted there is also a proper way to release a repossessed car. The bank sends documents to the repossessor and he takes it to the Police Department and they release the car to him. That is the worst way to release a car because the finance company does not own that car. Most people think they own it but they don't, they have a financial interest in the car, which is why the title says AL King but at the bottom it has the name of the lien holder. Items such as golf clubs, laptops, computers, kid's toys etc. could be in that car and the lien holder has no right to those items. That is called "Conversion" and it cost one chief of police \$100,000.00 and two police officer \$20,000.00 each because they released a car that way. Mr. King explained to get a car out of his facility they need a copy of the loan agreement, a copy of the title and a Hold Harmless made out to him and the Police Department. The Hold Harmless is for the conversion of the contents in the car. Those documents are emailed or faxed to him and after he reviews it and finds it okay he will advise them they can go to the police station to pick up the release. Doing it this way everyone is off the hook because of the Hold Harmless. Solicitor Fiore questioned whether Mr. King knew of any municipalities that do their own towing. Mr. King advised Jersey City does it but they are not successful and are losing money so they are looking to get out of it this year. Solicitor Fiore questioned whether there is a special act from the legislature to allow the parkway to go out to bid for towing services. Mr. King replied no, it can be done by a request for proposal, low bid or by ordinance. Cncl. Pres., Teefy questioned what the dollar value would be in a request for proposal and who would they pay. Mr. King explained the dollar value would be whatever the tower puts in it and they pay no one. They are telling the township what they will charge consumers for towing vehicles in your town. If you want to charge an Administrative Fee that could be included in the ordinance. He explained when a car is towed the owner of that car must take a valid driver's license, registration and insurance card to the police department where copies are made and the release is given. At the window the police department can charge an Administration Fee of \$25.00, \$50.00 or whatever figure you want. Riverton charges \$25.00 and another town south of here charges either \$25.00 or \$35.00. He noted when a person goes to get the release they get a copy of the towers rates and they have to pay the Administration Fee to get that release. Mr. King noted he was not saying that was legal and the problem he has with it is, that it is a retaliatory tax because that service has already been taken care of in your police budget. He gave the example of a shore town being overwhelmed with the number of accidents that were occurring so they decided to charge for

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

accidents. They charged for the entire time the police officer was at the accident scene and they were sending people bills in the mail for \$500.00, \$600.00 and \$700.00 until it went to the wrong person who got a lawyer and it was rescinded. Mr. King noted every town is up against the 2.5% cap on tax increases but towers are facing the same issues because taxes and health care expenses are not going down. Times are tough and towns are looking at making money somewhere and one way is by abandoned cars. He explained when a town processes cars there needs to be certain procedures in place such as a certified letter must be sent out, notices must be placed in the largest newspaper for the township and then the auction can take place. The starting bid must be what is owed to the tower for towing and storage, as the township is obligated to pay him according to Title 39 and the Gormley Bill, which resulted from the Little John's Towing vs. Egg Harbor Township case. The tower won \$50,000,000.00 and the towns insurance company did not cover it. They settled for \$25,000,000.00 and the town paid \$5,000,000.00 a year for five years. After that Gormley capped what the towns are liable for so now, each town is liable to towers for \$400.00 for each car that is not picked up. Many towers will walk away and just request the title because they have a good relationship with the town or maybe they just don't have the guts to ask for it but they are entitled to it by law. He noted he tells his towns that if they get \$1,000.00 for a car they need to give him \$400.00 and they give him a purchase order for that amount. He added he doesn't want the entire towing and storage because that could amount to thousands of dollars, but if they get \$1,000.00 he wants the \$400.00 and they keep \$600.00. He felt that money should be deposited into a special fund that could be used for the police department to purchase vests for the guys, K-9 training etc. and the money made by this varies depending upon the number of abandoned cars. Business Administrator Kevin Heydel noted we came in here thinking we could make money on towing and now Mr. King is saying conceptually we could have more expenses. Mr. King responded no, it's more of an expense legally. Right now, if you are not sending the letters, processing cars in a timely fashion and giving your two towers the names of the last registered owner and lien holder within three business days of the date of tow, you are in violation of Title 39. Mr. Heydel questioned Jack Simmermon on the process. Jack explained a tow sheet is given to the towers and it is their responsibility to contact the customer. That is why at every accident most of the police officer's have a stack of our business cards with all our information on it so at least they have something and then we try to follow up with them within 72 hours of the accident if we have the correct information. Mr. King questioned what happens if A-Jack's tows a car that has fictitious tags on it because who would he contact, the owner is unknown. Mr. Heydel noted Council is the legislators but he is the money guy thinking about what this could really cost us. He noted if we were to go out to bid could we write in the bid specs that they would waive those types of fees; would that be legal. Mr. King felt that it would not be legal and that issue would have to go before State legislators to waive those fees. He noted there is something in Title 40 that allows the municipality to go to the State for an exemption from it but the question is, is that fair to the tower. He noted towns cannot have their cake and eat it too. They want good service, the best equipment and certified trained drivers. He noted he does not know Jack Simmermon but has seen him at association meetings and he has been at his garage to pick up cars and he can tell by his trucks that he (*Jack*) is a good operator. Towing companies must pay good money for good people and must send them to training just like the fire department and police department. Years ago towers could pickup cars with a chain but not

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

anymore because now there is stuff you can't pick up, it has to go on a flatbed. Everything has changed and the legal system has not helped because people want to sue all the time. Mr. King distributed a sample ordinance drafted by his attorney and explained that originally it included language that the towing company will hold harmless the municipality and all of its employees and will identify them and defend them in court. He went on to give the scenario of the police department having the wrong car towed and the tower being served with papers for that. He noted why should he have to turn that into to his insurance company to defend when it was the police departments fault so that language was removed from the ordinance. Solicitor Fiore noted if we are considering doing legislation to extend the time for 60 or 90 days do we even need to amend the ordinance for the submission date. Cncl. Sebastian questioned whether Council agreed that they should just deal with an extension of the current towers for 90 days. Cncl. DiLucia noted there were towers that were excluded from the list because they did not complete the application and he questioned whether extending the time period will that create a problem since they will be shut out. Solicitor Fiore replied no, if we do it by ordinance and have a first and second reading with a public hearing we will be fine. He noted the two things he jotted down during tonight's conversation is speed and efficiency in getting vehicles off the road and getting the roadways cleared in a safe and an efficient manner. Mr. King suggested when the amendments are completed and everything has been advertised let the towers look at it for 30 days, establish a date for a pre-bid meeting, request that all questions be in writing in duplicate so that they have one and the other is handed into Council. All questions should be addressed at that time and once the questions are answered they know that within X number of days it is going out and they will have to conform to what's in it. Mr. Heydel noted so even if we go with one or ten it should still be a bid that is advertised with the package or just an application. Mr. King explained you can do an ordinance or a request for proposal. If you do an ordinance all it does is go into the paper and then it's up to the tower to check the paper. It is not your obligation to send him a copy. Council discussed the options of going out to bid and amending the ordinance. Cncl. Sebastian noted if we go out to bid, the tower states the rates he is going to charge for specific towing and whoever is the lowest and qualified would get the contract. Mr. King cautioned that if you have three guys bid and you pick the one in the middle the low one is going to sue you unless you are able to definitively prove that he is the lowest responsible bidder. He noted if you do a request for a proposal and two guys come in that have businesses apples to apples their prices will be the same. If another comes in whose equipment and facilities do not compare he will be able to bid much less. Cncl. DiLucia questioned why is it illegal for the township to put out a bid stating it would cost so much per week for a tower to get the contract. Mr. King explained that is illegal, it would be high franchise towing and it cannot be done. He provided Council with copies of the Ocean County law suit that dealt with that issue. Cncl. DiLucia noted what Mr. King is saying is that under Title 39 the township must provide towing services but has no legal right to be compensated for our cost. Mr. King stated try to find something in the law that says you have that legal right because he hasn't found any. Cncl. Bryson noted towers are the only business in town that pay no licensing fees and he suggested to create revenue the township could require all towers whether they have a body shop or tow for the municipality to be licensed. Mr. King indicated the town is allowed to have reasonable licensing fees for tow trucks but remember you can only license the tow truck in your town, you cannot require an out of town tower to have a license in

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

E.) MATTERS FOR DISCUSSION (cont'd)

your town as that would be a restriction upon trade. Solicitor Fiore noted Paramus charges \$500.00 per year. Dan Kozak questioned whether Mr. King towed for Pennsauken and Cherry Hill. Mr. King explained he handles the fatal accidents in Cherry Hill and in 85 other municipalities, plus Camden, Burlington, Ocean, Atlantic and Salem and all criminal cars. Mr. Kozak questioned what towns. Mr. King would not say what towns but noted the ones he does are only high profile cases. He noted he did Pennsauken for thirteen years but now no longer does the everyday towing because towns are not going to dictate to him. He explained towers are for hire and have a possession lien against the car and its contents. He spoke of winning two cases in Superior Court because he wanted to prove a point. He questioned why a police department would put into the bid that a tower must leave people in his yard to remove personal effects from their car before he gets paid. He noted people do not go into his yard for their personal effects until he is paid for the tow, as he must pay his men plus their health benefits so he will not bid in townships that require that. He referred to the Garden State Towing Association's Membership Directory & Resource Guide and recommended that Council include all the definitions listed in that book into an ordinance and attach a price to each one. In closing Mr. King distributed his business card to Council and urged them to reach out to him with any questions.

- **Blaze Mill Ordinance**

Cncl. Sebastian noted the Blaze Mill issue is on the agenda just to get it on the record that the Solicitor requested a sub-committee be established to discuss the ordinance. Cncl. Pres., Teefy will serve as chairman of the sub-committee. The other members will include Cncl. Bryson and Cncl. Sebastian representing Council and Dan Kozak representing the Planning Board. Cncl. Sebastian is also a member and Cncl. Pres., Teefy is the liaison to the Planning Board so that Board is covered. Dan Kozak is also the municipal representative for COAH so the committee has good coverage with the fewest number of people. Len Schwartz, Tim Kernan and Chuck Fiore will also be attending the meeting. **Cncl. Bryson** requested Council advise the committee if they have any questions after reading the agreement and the ordinance. Cncl. Pres., Teefy suggested their questions be emailed to him.

- **Chapter 295-10(L) -Loitering**

Solicitor Fiore explained Chapter 295 needed to be amended to exclude Section L. "Loitering" and that he would draft the amendment for the August 26th Regular Council Meeting.

F.) ORDINANCES FOR REVIEW

- **Sign Ordinance**

Cncl. Sebastian noted this discussion directly involves the location of LED signs, as Council and the Planning Board already reviewed the ordinance with a fine tooth comb. A

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

F.) ORDINANCES FOR REVIEW (cont'd)

couple of questions have arisen at the Planning Board level as well as during discussions here as to whether LED signs should be allowed everywhere in the township with the exception of residential zones or restricted to a corridor or specific zones such as commercial zones. In that case all other requests would need to go before the appropriate board to get approval. Cncl. Sebastian noted personally he was not thrilled with them being permitted everywhere within the municipality with the exception of residential because that covers a lot of zones. He felt LED signs should go only in commercial zones or in a corridor such as state highways and then anything outside of that would have to go before the proper board. Cncl. **Walter Bryson** agreed they should be in commercial zones and along the Black Horse Pike and state highways like Rt. 322. He felt they should be restricted some way to prevent someone from putting one in a development. **Dan Kozak** noted that could still be done if the Zoning Board gives them a variance. Cncl. Sebastian questioned Dan on what transpired tonight at the Zoning Board Meeting regarding the LED sign at Wild Hairs, which is located on Rt. 322. Mr. Kozak explained it was approved but due to it being a unique situation some restrictions were put in place. Cncl. **Pres., Teefy** felt LED signs should be located in the corridor of the Black Horse Pike and Rt. 322 highways but only on commercially zoned properties. He noted the Wild Hairs property is zoned residential. Cncl. Sebastian explained that is why they went before the Zoning Board. As the ordinance stands, the sign was not allowed in the residential zone so even if we allowed it on Rt. 322, it would not have been allowed because residential zones are excluded. **Solicitor Fiore** questioned whether an applicant would need to go before a board if he wanted to replace an existing sign that was not located in a commercial zone. Cncl. Sebastian replied to go to an LED they would. Cncl. Sebastian questioned whether Council wanted to create a corridor on state highways, as that would exclude commercial sites off state highways such as Main Street. He polled Council and all were in favor of having a corridor for LED signs along state highways, which include Rt. 322 and the Black Horse Pike. **Solicitor Fiore** noted so everything other than a commercial zone will need a variance. Cncl. Sebastian explained anything outside of the State highways would require a variance such as a commercial entity on Main Street. Mr. Fiore felt there would be more control if the signs were permitted in commercial zones along the Black Horse Pike and then in the other commercial zones considered a conditional use and conditions, such as size of signs, could be included within the ordinance. Cncl. Sebastian noted the size is already included in the ordinance. Cncl. **Pres., Teefy** noted a facility such as the old Decora on Malaga Road would need to get a variance. **Solicitor Fiore** agreed and noted the Zoning Board could put conditions on it such as glare to residential properties. Cncl. **DiLucia** felt it was contradictory to try to protect residential areas along the Black Horse Pike and then allow those signs there just because it is a state highway. Cncl. Sebastian explained right now, they are permitted everywhere with the exception of residential zones. Cncl. **DiLucia** felt it would be hard to deny people the opportunity to have a sign in a residential zone when we already have some including the one that was approved by the board this evening. Cncl. Sebastian noted each one would make its own application. The difference with the one that was approved this evening was that it was put up in the backyard, which is located on a State highway. Cncl. **DiLucia** felt the more restrictive the ordinance is the further away we get from protecting residential areas. Cncl. Sebastian noted that is still in the ordinance, we are not taking that out; you can't have an LED sign in a residential zone. Cncl. **DiLucia** explained the point he is making is that residential

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

F.) ORDINANCES FOR REVIEW (cont'd)

homes are located all along State highways so it contradicts the whole spirit of protecting the person living in a residential zone. He noted when he first envisioned this he thought it would be allowed on what was considered a business district such as a shopping mall. He noted this could be like the issues with the solar panels when residents complained their peace and tranquility was upset because sunlight was coming into their homes from the solar panels that were 100 yards away. He felt the spirit of the ordinance should be more defined to protect residential areas and that Council should just discuss allowing them in business areas and those requested for other areas would need to go for a variance. Cncl. Sebastian questioned where they should be permitted without going before the board. Cncl. DiLucia replied business districts. Main Street would be one even though some residential homes are there and the Black Horse Pike but he felt Rt. 322 should not be considered as a business district. Cncl. Pres., Teefy questioned if something could be included that the LED sign would not impact the tranquility of the residential area. Solicitor Fiore noted that would be a conditional use and we would have to come up with criteria/formula for the testimony that would be presented to the board. Cncl. Pres., Teefy noted the sign that was approved by the board tonight would not bother him but he doesn't live in a corner apartment of Jefferson Village. Dan Kozak noted the sign is only permitted to be on between the hours of 9:00 and 7:30 and if it does impede on any neighbor in that area the applicant agreed he would adjust the sign and he knows he must abide by all regulations already included in the LED ordinance. From this approval if anyone else from a residential area comes in there are already small guidelines established. Cncl. DiLucia felt most of these cases should be taken on an individual basis. If no one comes out to oppose it you assume that it will not bother them but if you have twenty people coming out to the meeting you listen to them and make an individual judgment on the issue. Dan Kozak noted he recommended guidelines for the Wild Hair sign even though no one came out because some neighbors still may not want that sign but with the reasonable guideline of 7:30 PM a neighbor can't come in and say their kids can't sleep at 11:00 PM because the sign is flashing. Solicitor Fiore noted that is why he suggested including conditional uses within the ordinance. The hours of operation could be set so that it would not impact upon the community and if in fact it is determined that it would impact the community, the applicant would have to agree to adhere to certain things included on a checklist and they would have to abide by it or the township has the right to revoke it. Tonight the board set criteria but those board members may not be here forever so we are trying to look down the road and make it easier for future boards. Cncl. Pres., Teefy questioned whether Wild Hairs had to notify all residents within 200 feet. Mr. Kozak advised they did and still no one showed up but he still felt the need to place those restrictions and set a precedent for the next applicant that comes in. Cncl. Sebastian questioned whether Council still wanted to put the signs within a zone. Solicitor Fiore felt the township would stay out of trouble when a standard is established such as permitting those signs in commercial zones or in a corridor such as the Black Horse Pike corridor. Any other zones outside of the Black Horse Pike will be considered a conditional use and will have conditions. Cncl. Sebastian noted that makes more sense because in the Black Horse zone they would need to follow the conditions but would not have to go before a board. Mr. Fiore agreed and went on to say that if an existing sign was being replaced they will have to abide by the ordinance; if a new lighted sign is being installed they may have to come in for an amended site plan and if they never had a site plan, they may even have to come in for one if something new is being created. Cncl.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

F.) ORDINANCES FOR REVIEW (cont'd)

Sebastian polled Council and all were in favor of that and requested the ordinance be amended to include the Solicitor's recommendations. Cncl. Pres., Teefy recommended each LED/electric sign be utilized and updated by the township or the Office of Emergency Management in the event of an emergency situation. He gave the example of when the fireworks could not be held and noted in that instance, a notice advising the fireworks were cancelled could have been placed on all the LED signs throughout the township. He suggested a list be established of people who could be contacted by way of email or phone to update each sign in the event of an emergency situation. All members of Council felt that was a very good suggestion and Cncl. Sebastian recommended the Office of Emergency Management handle notifying the contact people. Solicitor Fiore questioned whether the commercial zone would be the Black Horse Pike corridor would we be defining that as the Black Horse Pike from Berlin Cross Keys Road all the way down to the township line at Cains Mill Road (*Collings Lakes*). Council agreed that would be the corridor.

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

Cncl. Rich DiLucia noted he had requested the person purchasing merchandise to pay by a check made out in a name, not to cash because people with stolen items will not take checks, as they are using phony identification and will not be able to cash them. Cncl. Sebastian noted the other change that was requested dealt with the definition of a dealer. Mr. Fiore noted he would make the amendment for the August 26th Regular Council Meeting.

- **Chapter 175-97 Wind-Solar Energy Systems (*Pineland Recommendations*)**

Cncl. Sebastian explained this ordinance went to the Pinelands for approval and they sent it back with recommendations that involved verbiage dealing with what can and can't be done in Pineland areas. It did not change the ordinance in any other way. With no concerns regarding the proposed amendments Council requested the ordinance be prepared for the August 26th Regular Council Meeting. The Deputy Clerk noted Len Schwartz, Solicitor for the Planning Board already prepared the amendment and sent the ordinance to her.

- **Towing**

Cncl. Pres., Teefy questioned whether Council was in agreement that the 2013 towing list should be extended and expressed his concerns that the towers not on the list may sue the township. Mr. Fiore noted Officer Burton told him the police department is totally satisfied with two towers, as they handled approximately 1100 tows this year with no problems. The key is getting the vehicles off the roadway as quickly as possible. Washington Township only has three towers and they handled their 2000 calls with no problems and if you look at the their ordinance each tower is required to have three trucks. Cncl. Sebastian noted it is not just getting the vehicles off the road it's to make the road safe for travel. Mr. Fiore noted he was reviewing the ordinance from Paramus and they require two vehicles; one fifteen and the second one a thirty-one. If they don't have the fifteen they have to have two thirty-ones so one tower can get three cars off the roadway including two SUVs. If a tower only has one hook they are only getting one vehicle off the road and calling another tower and that's the problem. He spoke of

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

F.) ORDINANCES FOR REVIEW (cont'd)

an incident on Main Street a couple of years ago where the tower did not get the roadway cleared fast enough and it caused another accident. Cncl. Pres., Teefy questioned whether it was right for the township not to give the other guys the chance to get back in the game or is it better for the township to extend the current towers for 90 days to get this thing right after hearing what Al King said tonight. Mr. Fiore felt Council has justification to extend it for 90 days to get it right. He noted forgetting about the legal part of it we do feel bad about the other human beings that are losing out on money and that's a tough choice that Council needs to make. Cncl. Rich DiLucia noted there are two things we need to process here; one is making sure we don't get sued and the other is trying to bring some money into the general fund and that is something that no one can get mad at. He noted with 1100 tows those guys made a lot of money. Mr. King was kind enough to give his time up to speak to us but he is an advocate for towers and to be able to talk about having the best towers certainly narrows the field for him and his cohort. Cncl. DiLucia noted he didn't hear him say there was no way the township could raise money; he said he didn't think it was legal but people were doing it and making money. Cncl. DiLucia stated Atco has a money making situation there and we should look into what they are doing. He felt if Council is delaying this ordinance and taking a chance on eight towers suing us, we should be taking the time to see if there is a way we can generate money for the general fund. Our taxes went up from 8.9% to 9.1% and next year it is going to be somewhere near there because of the reassessments that are going on and he is not willing to give up finding ways to generate revenue. If there are townships out there generating money let's take some time and find out what they are doing. Cncl. Sebastian noted rather than doing an extension for 90 days and leaving the same people on can we just go ahead with the process we have. Move it up to the October date and let the people apply and if we only get two that's fine. but if two more can get on put them on and then three months from now, if we decide we want to void that ordinance to do it a different way, we can do that. Mr. Fiore noted we can, but we will really get sued on that because some of the other guys are not qualified. Under our ordinance they may be qualified with one tow truck but looking at towing standards out there they are not qualified because they can't get the cars off the street fast enough. Cncl. Pres., Teefy questioned whether the ordinance should include all the particulars such as what grade of chain they need or that the tower must have three tow trucks. Mr. Fiore noted the Paramus ordinance is good; we should take a look at that. He recommended putting this issue off until September because Council will be voting upon the litigation at the August 26th meeting. Council agreed to that. Cncl. Bryson noted if two tow trucks are going to be a requirement we may want to allow towers to form a corporation or a co-op so two or more can work together. Mr. Fiore noted that's what started this whole thing and is why we changed the ordinance. Cncl. Pres., Teefy noted if five towers made themselves a corporation they would have five tow trucks and could handle it. Mr. Fiore noted that's right if they legally formed a corporation they could do it as long as the one location where they keep their trucks is an approved business. Cncl. Pres., Teefy felt we would run into the issue of each guy taking vehicles to different yards. Solicitor Fiore noted he would review the various issues again for further discussion at the next meeting.

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

F.) ORDINANCES FOR REVIEW (cont'd)

• Used Car Dealership License (cont'd)

At this time Dan Kozak from the Zoning Office came into the meeting and Solicitor Fiore asked him if a used car license was necessary in order to sell four-wheelers or scooters. Mr. Kozak didn't know and questioned whether this application was for the scooter dealer or for another property at the corner of Laurel Avenue. Cncl. Sebastian searched the address for Ace Scooters on his phone and it came up being located next to Just Glass where the scooter dealer is located. Council discussed the size of that property and whether there was enough room there to sell cars. Mr. Fiore noted the zoning permit should say sale of scooters/four-wheelers; it should not say sale of used cars. Cncl. Sebastian noted it may say "new and used motor vehicles" because the application for the DMV states that, nowhere does it say new and used cars. Mr. Fiore noted he would not recommend Council vote on this application until they received copies of the zoning application and zoning permit that was issued. He suggested getting those documents from the Zoning Official and placing this matter on the August 26th Work Session Meeting for further consideration and Council agreed to that.

G.) NEW BUSINESS

Cncl. Pres., Teefy referred to a letter from the Clerk regarding getting polling locations out of our schools. He explained the principals from Oak Knoll and Holly Glen have been trying to get the elections out of their schools and Sue feels it's a good idea. He agreed, noting the less people going into our schools the better. The August 13th election will remain in the schools because the kids are not there but Sue is asking the Gloucester County Board of Elections to approve moving Holly Glen and Radix to the municipal library and Oak Knoll to the Pfeiffer Center for the October 16th Special General Election. Cncl. Sebastian added this is not a decision for Council, this is the decision of the Board of Elections and when they send out the sample ballots the change in polling location will be shown. He noted this change would take place not only for the October election but all future elections; they will not be changed back to the schools. The Deputy Clerk explained today Sue was advised that Stephanie Salvatore, Superintendent of Elections, has stated wherever the primary election is held the general election must be held in the same location so we may not be able to change the polling places. Since the Special Primary Election is being held in the schools the superintendent wants the Special General Election to be held there as well. The schools do not want us at Oak Knoll because there is no outside access to the gym and voters will have to go through the school. The school board wanted a police officer stationed at Oak Knoll but the superintendent said that would be considered voter intimidation and could not be permitted. We asked the schools if we could sit there to direct voters and they said no they wanted a police officer with a gun there. The Deputy Clerk also explained how the school administration advised in October we could use the new gyms in Whitehall and Radix but there would be issues with parking and getting into those rooms. She went into detail of where voters would park and how they would access the gyms and noted because of the problems that could arise especially at Oak Knoll and Holly Glen the Clerk began looking at other locations to hold the upcoming election. Solicitor Fiore suggested Stephanie verify the chapter and verse in the Election Law that says

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

G.) NEW BUSINESS (cont'd)

why you can't move from one location to another. He added he can understand the school board's concerns and the inconvenience this may place on the voters because if the slightest thing happens, people will say you are disenfranchising them and hindering their voting, especially senior citizens. Cncl. Bryson noted go back to the old way when the schools were closed. The Deputy Clerk noted the schools are closed for General Elections but every year Sue has sent letters to the Board of Education, at least a year in advance, requesting they close the schools for the next Primary Election and they have refused to do that each year. She explained during Primary Elections the schools are open half day and no lunches are served but October 16th is a full day, which is why we can't use the all purpose rooms that we usually use for elections. Cncl. Sebastian noted the Clerk wanted Council to be aware of this issue.

Chapter 162 "Housing Standards"

Solicitor Fiore explained Fred Weikel wants to adopt The International Property Maintenance Code into Chapter 162, as that is more updated than the BOCA Code. Cncl. Sebastian explained Fred requested this because the BOCA Code does not go as far as the other code does and for inspections of rental properties he wanted to cite a specific paragraph of the new code but that can't be done until it is referred to in Chapter 162. Solicitor Fiore noted he would draft the ordinance for review at the August 26th Work Session and then if Council wanted to move it forward for First Reading they could.

Cncl. Pres., Teefy spoke of an email Council received from the Streams of Life Fellowship Church regarding their tax situation. They paid their first quarter taxes but are experiencing a hardship. Cncl. Sebastian explained they are a non-profit but they ended up paying the taxes because they thought they had an obligation up to the fiscal year and then they received another bill in August to pay taxes up to the end of this year. Cncl. Pres., Teefy explained the decision to grant tax exemption is not made until October and begins the following January so if a non-profit organization buys a building that is not already tax exempt they are responsible to pay the taxes for the entire year. Cncl. Sebastian noted the church was not aware of that when they purchased the building. Cncl. Pres., Teefy advised that issue will be dealt with at the August 26th Council Meeting.

H.) OLD BUSINESS

• **Chapter 272 "Mandatory Water Connection"**

Cncl. Walter Bryson referred to the changes he proposed to Chapter 272 at the last two ordinance meetings and noted he spoke to Mike Milam, Chairman of the MMUA and he said it has nothing to do with the MMUA, it is up to Council to make those changes if we want to. Cncl. Bryson explained all he is asking for is to remove the language in the ordinance that requires property owners, who rent or sell their properties to connect to municipal water. He would like that language changed to it would be *optional* to connect if a well is tested and found to be okay. That way people will not have to connect when their well is still good and if the well is found to be contaminated, the Spill Fund will cover the cost to connect. If the residents in his neighborhood want to rent or sell it is now mandatory for them to connect to municipal

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
AUGUST 6, 2013

H.) OLD BUSINESS (cont'd)

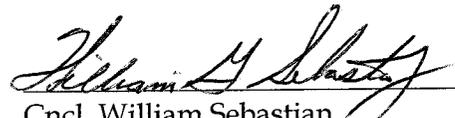
water even if their well is good and they get nothing from the Spill Fund. Cncl. Sebastian added the original plan was different and the water main was not supposed to go past those twenty houses. Cncl. Pres., Teefy noted according to the law if a person sells a house and it has an oil tank in the ground they have to remove it even if it is tested and found to be okay. The reason they do that is because eventually it is going to leak and water eventually will travel and cause a problem, which is why this ordinance was put into place to protect new owners or tenants. Cncl. Bryson noted it could be for public safety but in this particular case he is asking for this because it is a disadvantage to property owners, including himself. He noted the New Jersey EPA does not regulate anything below a 500 gallon oil tank so people cannot be forced to remove their tanks unless it is over 500 gallons. Most people don't know that and have removed their tanks and converted to gas. He noted the only reason he is asking for Chapter 272 to be changed is because the MMUA should have offered it to the other twenty residents or installed the hookup in the street. Because the hookup was not put in the cost to connect for the residents is about \$9,000.00 while it was \$2,400.00 for the other residents. He noted he went to the MMUA and engineers numerous times requesting that they review their plan to see if those twenty residents could be included but we were told we could not be included because there was only \$400,000.00 from the EPA to do the job. Cncl. Bryson noted water moves and any of those twenty residents could have a problem right now so he got that covered by the EPA but he needs to get the other side of the issue covered as well. Cncl. Sebastian requested Mr. Fiore to prepare the recommended changes to Chapter 272 for review at the September Ordinance Meeting.

I.) ADJOURNMENT

With nothing further to discuss Cncl. Rich DiLucia made a motion to adjourn the Ordinance Committee Meeting of August 6, 2013. The motion was seconded by Cncl. Pres., Daniel Teefy 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 August 6, 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 9/3/13
Approved as corrected _____ Date _____