

**MINUTES  
ORDINANCE COMMITTEE MEETING  
TOWNSHIP OF MONROE  
APRIL 2, 2014**

**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.: South Jersey 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. Marvin Dilks** 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. Ronald Garbowski	Present	
Cncl. Daniel Teefy		Excused
Ord. Chairman, William Sebastian	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

**B.) APPROVAL OF MINUTES**

**Cncl. Pres., Garbowski** made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of March 5, 2014. The motion was seconded by **Cncl. Dilks** and approved by all members of Council in attendance.

**C.) PUBLIC PORTION**

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

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D.) ORDINANCES FOR REVIEW

- Precious Metals Ordinance

Cncl. Sebastian referred to the Deputy Clerk's correspondence which encapsulated the issues Council discussed at the May, August, September, October and December 2013 Ordinance Committee Meetings. Solicitor Fiore advised he has not made any changes to the draft ordinance as he was waiting for direction from Council after the discussion this evening. Council went on to discuss the following issues:

- **Deleting the \$300.00 municipal registration fee**

Council posed questions as to what the fee was for and whether it would be used to pay the vendor. Mr. Fiore explained there needs to be a direct correlation between the application fee and the efforts expended by the municipality. If an employee of the township is spending multiple hours reviewing the application it may be justified but if not, it could be challenged as being illegal. Currently the police department charges no fees and the proposed system should be less time consuming. Mr. Fiore explained the fee would not be for police time, it would be to cover the cost of a clerk processing the application. After further discussion Council recommended no fee be charged for the first year, as the dealers said they could not afford the \$300.00 fee plus the cost of the software. Once the dealers are signed up and the system is working if there is a cost to the township the ordinance could be amended in the future to require an administrative fee. Cncl. Sebastian polled Council and all in attendance were in favor of deleting the \$300.00 fee.

Cncl. Sebastian advised the police department held a demonstration of the Rapid System for Mr. Fera and the owners of Williamstown Jewelers. Both thought the system was great and worked well but Mr. Fera still objects to the ordinance because he feels it intrudes upon his civil rights. Mr. Fiore pointed out that the entire Code Book is unconstitutional but the legislature allows local governmental authorities to pass unconstitutional laws for public safety and health reasons. All forms of legislation whether it is Federal, State or local are all arguably unconstitutional even income taxes are unconstitutional but we are all going to be paying them within the next two weeks.

- **Deleting the five day public view period**

Council discussed and agreed to delete the five day public view period as they felt it would not be necessary for the jewelers to keep items on public display for five days when they will be photographed and placed on the computer for public inspection. The dealers will be required to retain items in their stores for the five day period but they will not be required to display them.

- **Payment to be made by check only (no cash)**

Cncl. DiLucia noted payment by check was his idea, as he feels that will minimize fraud and theft because people who steal want cash not checks. They have phony identifications and there is nothing they can do with a check. All members of Council agreed with Cncl. DiLucia and recommended payment be made by check only.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Definition of "Dealer"

Cncl. Bryson noted the definition of a dealer says "everyone" so because of that if he wanted to sell something he would have to pay the fee and follow the regulations of the ordinance. It also refers to used goods, which could be used cars so they should be included in it too. The ordinance should also require the vendor to be legally and financially responsible if any personal information is disclosed to anyone other than the police department but the way it is written if personal information gets out, like in the Target situation, the vendor is off the hook. Mr. Fiore noted he would review that issue and went on to say the way he interprets the definition of "dealer" is that it is limited to businesses; it defines a person involved in a business. Cncl. DiLucia felt the definition requires an established business so it excludes a person selling a car, baseball bat or glove because they are not an established business. Cncl. Bryson felt the ordinance also restricts him from going out of town to sell items and it should not go into effect the way it is written. Our current ordinance places the onus on the jeweler and responsibility for following up on the Police Department, not on a third party. He felt the current ordinance should be used and should not be made any more restrictive. Cncl. DiLucia noted if this ordinance prohibited people from having a yard sale he would agree that it would be inappropriately written but he doesn't read it that way. He felt people cannot be penalized for abusing it, as it excludes private individuals. Cncl. Sebastian questioned whether Council wanted to change the language in the definition to "any business" rather than "any person". Cncl. DiLucia felt the definition is clear and unambiguous because private individuals could not be included even if they wanted to be. Cncl. Bryson noted it is not the language that he is objecting to; it is the ordinance itself allowing any third party, whether it is this company, the NSA or CIA, to have the right to have a person's information. He noted when he sells something to a dealer that dealer is then responsible to keep track of the item for the police department. Cncl. DiLucia noted there seems to be two issues that Cncl. Bryson is concerned with. One is the definition of a dealer and the other is confidentiality of information and those issues can be tightened up. The entire idea of this ordinance is not to restrict businesses but to protect citizens from theft and provide a way to identify stolen property. Mr. Fiore added Chapter 237 (*current Precious Metals Ordinance*) only deals with precious metals. The amendments add second hand goods, which include laptops, computers, cell phones and other items and the Detective Bureau recommended using a designated vendor so a centralized data base could be used for accountability. Cncl. Bryson felt secondhand goods could be added to the current Precious Metals Ordinance but he objected to the proposed ordinance that designates a vendor because private information could be compromised just like the incident at the Target Stores. He added if he had his way no one would be able to disseminate information and if the ordinance did not include a vendor he would probably go along with it. Mr. Fiore spoke of a retired State Police Officer having items stolen from his home by a guest. Those items were only found to be missing when the police found, at a local jewelry store, a replica of the State Police Officers badge that he had made into a necklace for his wife. The jeweler had purchased the item from a young kid and that should have raised a red flag but if the necklace had been placed on a website, it may have expedited law enforcement. Cncl. Sebastian requested Mr. Fiore to add a paragraph to the ordinance regarding Cncl. Bryson's suggestion about not disseminating information. Mr. Fiore will look into the legality of that.

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- Mr. Fera requested entering into the system only items valued at \$500 or more

After limited discussion Council was not in favor of including in the ordinance Mr. Fera's recommendation of entering only items valued at \$500.00 or more in to the system.

- Bond Ordinance

Business Administrator Kevin Heydel explained a list of the capital items requested by various departments for 2014 was sent to Parker McCay to prepare a bond ordinance, which shows the useful life of the equipment. Instead of going out to bond at this time our current cash flow will be utilized and in a couple of years when the amount needed builds up we will go out for bonding. If we don't have cash flow we can always go out for short term obligation notes but that is not our intent. The proposed bond ordinance consolidated individual line items. Initially \$800,000.00 plus was presented in the capital plan but the Re-allocation Ordinance (adopted at the March 24, 2014 meeting) reduced that total approximately \$60,000.00 making the new total \$755,000.00. One minor change in the capital request was Cecil Fire Company requested \$48,000.00 for a command vehicle, which was a little high and Williamstown Fire Company requested \$42,000.00 so those figures were evened out at \$43,000.00 in the bond ordinance. Cncl. Sebastian noted "for the record" this bond ordinance is in accordance with the six year plan that was discussed. Cncl. DiLucia questioned whether there was any advantage to taking out bonds now because of the rates being so low. Mr. Heydel replied no due to the cost of professional fees involved in actually going out to bond. Right now the interest rate on bonds is 4% to 5% and that doesn't seem to be going up. Most likely we will go out to bond next year when the Capital Plan is two million dollars because we would then have \$2.7 million if everything is approved for 2015. Items for next year include a rescue truck, analyzing the cost of rehabbing the Cecil Fire Department building and Williamstown Fire Company will be making a presentation regarding their Main Street building. Mr. Heydel explained how he tries to hold off going out to bond for as long as possible because professional fees to float a bond range from \$75,000.00 to \$90,000.00. It is costly but those fees are worked into the bond. Cncl. DiLucia expressed some concern that interest rates will be going up very soon and he questioned whether it would be financially better to float a bond for the entire amount now and then what money isn't spent could be put into a dedicated fund. Mr. Heydel explained if that's done and items are identified we would have to begin paying on the bond and due to our current debt payments we are trying to hold off on that until 2019 when we get \$1.1 million in relief off our debt. Mr. Heydel added his recommendation would be to do it this way amortizing items over a five (5) year life but he wants to check with the CFO in regards to whether it will be done in five years since some of the items such as trash trucks have a useful life of fifteen (15) years. He explained when dividing the bond amount by five it will cost \$151,000.00 a year and if our budget and revenue look good his recommendation would be to pay that because then no interest will be paid. Cncl. Bryson questioned when we will get the HIF money back. Mr. Heydel noted hopefully in April 2018, as the money is returned after being out of the HIF for six years and we are in our third year. He added he will begin inquiring next year because he wants to know how the \$1.4 million dollar payment will be

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made. The amount was originally \$1.6 but due to our high claim run-off at the end payoff, that amount decreased to \$1.4. Mr. Heydel noted he was looking for approval from Council to pass this spending ordinance that will allow us to purchase the items listed. Cncl. Sebastian questioned the language in the ordinance that stated "*authorizing the usage of general obligation bonds or bond anticipation notes*". Mr. Heydel explained we did not want to just pass a spending ordinance because when we accumulate spending ordinances the whole useful life thing gets messed up. We wanted it right when we begin to consolidate multiple bond ordinances so that we have the correct useful life information when going out for a Serial Bond and doing it by way of a bond ordinance is cleaner through the process. Cncl. Sebastian noted the various items to be purchased have a useful life of between five, ten and fifteen years but in Section 8 it states the average period of useful life is not less the 11.92 years. Mr. Heydel explained the years and dollars were averaged. He didn't know what the law requires if we are not actually going out for a Serial Bond or whether or not we can use the 11.92 years. He noted what he remembers the CFO saying is that it has to be done over a five year period. Mr. Heydel went on to say that a Road Program is not included in this but is included in the five year plan and \$400,000.00 will be included in the 2015 capital budget for the Road Program. Next year the capital plan amounts to \$2 million, the year after that \$1 plus million and if additional money is needed because roads are deteriorating that number could even be higher. He noted he is counting the days until 2018 when we get the \$1.4 million back and 2019 when we get \$1.1 million in relief off the debt so even if we bond and the annual payment is one million dollars in 2019 a lot of work can be done to fill that gap. Cncl. Sebastian polled Council and all in attendance were in favor of moving the Bond Ordinance forward for first reading at the April 14<sup>th</sup> Regular Council Meeting.

While Council was discussing the bond ordinance **Detectives Sulzbach** and **Canonica** came into the meeting to address any concerns Council had with the Precious Metals Ordinance. Cncl. Sebastian recapped the discussion and decisions Council had made earlier in the meeting and questioned whether the detectives were in agreement. Det. Sulzbach noted the dealers don't need to display purchased items in their stores but the Police Department still wants them to retain the items for the five day hold period. Det. Sulzbach was in agreement with the other changes to the ordinance and went on to say how he conducted a demo of the Rapid System for Mr. Fera and a representative from Williamstown Jewelry and Fine Diamonds and they appeared to be surprised at how easy the system was. Mr. Fera was still against it in principle but he did realize it was easier than he thought. Detective Sulzbach and Canonica had nothing further to add and at this time left the meeting.

E.) MATTERS FOR DISCUSSION

- Towing

Cncl. Sebastian read into the record the following email he sent to the Solicitor on March 27<sup>th</sup> regarding what had transpired at the Towing Committee Meeting:

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**E.) MATTERS FOR DISCUSSION**

The towing committee met Wednesday night 3/26/2014 at 7PM in the second floor meeting room. Meeting lasted 2 hours, with the committee reviewing all recommended changes to the towing ordinance received, as well as the documents you supplied. It was the general consensus of the committee that the current ordinance needs only minor revisions to suit the needs of the municipality. It was recommended that we do not limit the number of towers that may serve the township. Any towing business within the municipality can submit an application. Once approved, the rotation list would be generated by raffle. If at any time a tower is disqualified for any reason, that tower will miss his rotation turn until violation is rectified. The open week(s) will be filled by lottery of other towers wishing to fill that week(s). In this situation the regular rotation schedule would not be changed during the year. As to the question of maintaining a certain number of towers on the list in the event of a catastrophic event: The Office of Emergency Management would then be in charge of the situation and can request assistance from all available towers, regardless of their location. I have instructed Sharon to place the topic of Towing on the Ordinance Meeting schedule for DISCUSSION. This will allow input from the Police Department and the Towers. An additional committee meeting would be scheduled if required, due to input received at the Ordinance Meeting.

Cncl. Sebastian noted as stated that was the recommendation of the committee and the Solicitor will have the opportunity to review the ordinance to make it suit those requirements. He noted "*for the record*" the reason the committee came up with the OEM requirements was because in Cncl. Caligiuri's email he mentioned that he was concerned about making sure the total number of towers would be available in case of a catastrophic event. Cncl. Sebastian explained a catastrophic event of any type would be out of our hands as that would fall under the local and county Office of Emergency Management and those departments could request additional help from anyone; towers, fire companies, etc. Bills for those types of situations would go through OEM and would be paid through FEMA funds; not municipal funds. He added he contacted Frank McLaughlin to be sure that was the case and he agreed that was correct. Cncl. Bryson wanted to be sure the ordinance covers any disagreements or disputes by any of the towers before or after the list is selected. He noted that is included in the ordinance but if it needs to be modified it should be done. Cncl. DiLucia noted the Committee had a long discussion about towers who may not qualify under the requirements because of a minor administrative mistake. The Committee felt as soon as the mistake is corrected the tower should be placed back into his rotation schedule rather than being penalized and losing income for a year and any towers interested in filling in for him would be selected by way of a raffle. Cncl. Sebastian explained the responsibility to make the correction in a timely manner to retain his towing rotation would then be placed on the tower. Cncl. DiLucia added and the plans the replacement tower may have made according to his rotation schedule will not be adversely affected as he will just be filling in for a certain period. Cncl. Sebastian reiterated this matter is just for discussion there is no ordinance before Council at this time, these are just recommendations from the Committee to the Council. The towers will be heard so Council can hear what their arguments are (*for or against*) and then the Solicitor can take that information to prepare an ordinance for review at some point. Mr. Fiore noted he provided the Committee with approximately a dozen ordinances from various municipalities including North, South and Central Jersey and they are all basically the same. Cncl. DiLucia referred to

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information Mr. Fiore provided regarding a lawsuit that dealt with an out of municipality tower and questioned the legality in that situation. Mr. Fiore explained the law prohibits a municipality from precluding an out of the municipality tower from applying to be on the towing list; it's just that the qualifications need to require them to be able to respond in a timely fashion. Some ordinances have twenty to twenty-five minutes response time so we will need to target that area. He added from the north end of town to the south end could take fifteen minutes to respond. The out of town tower that applied is located near the Penske Auto Mall and is within the twenty minute response time but was not added to the list based upon the other items he failed to provide. Mr. Fiore noted we need to be cognoscente of the fact that we must open it up to outside towers if they can meet the qualifications. Cncl. DiLucia questioned whether the legal limits would be the traveling time from their location to the furthest part of the township. Mr. Fiore replied yes; adding he would like an official concurrence from the Police Department on whether or not twenty minutes is adequate, as they may feel it should be fifteen and we need to rely on their expertise. Mr. Fiore requested he be given copies of the information the towers submitted and questioned whether the Towing Committee's recommendation was to not limit the number of towers, as the current ordinance states ten. Cncl. DiLucia noted the Committee recommended an unlimited number and whoever applies would be considered as long as they meet the qualifications of the ordinance. Cncl. Sebastian explained that issue was addressed because Cncl. Caligiuri was concerned with having a sufficient number of towers to handle emergencies, so the more the merrier as far as public safety is concerned. The Solicitor will review things the Committee did not spend a lot of time reviewing such as the right of a vehicle owner to call a wrecker of his choice and the ability of one tower to call another tower for assistance because some of the towers had questioned why they could not call their own backup rather than going through the rotation list, as that worked in the past. Cncl. Sebastian explained that was eliminated so the police department can have control over those situations. He noted a number of recommendations were received from the towers and the Towing Committee also looked into the initial recommendation for the municipality to handle our own towing. The Committee felt this is not the time to get involved in that as that process is very time consuming and many hours will need to be spent in working that out. He added a future mayor or council may bring it up again but at this particular time, we are not moving forward with it. Six months from now we might but right now it is not the recommendation of the Committee.

At this time Cncl. Sebastian opened the meeting for comments from the towers in attendance.

**Domenic Burgess, B & B Auto Repair** suggested the applications be good for two or three years rather than doing this lengthy application process, which requires the police to perform inspections each year when basically nothing changes from year to year. He noted if anything changes in regards to the insurance policy the insurance company would advise the township/police department of policy changes. Cncl. Sebastian noted vehicle registration is due every year so that would need to be updated. Mr. Burgess felt that would not be a problem the new registrations could be given to the Police Department just like the updated insurance certificates are when the policies are renewed.

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**Dan Heller, B & H Auto** referred to recommendations regarding belonging to an organization and being certified and explained how difficult it is to get certified since there are no classes around this area. Classes are held in North Jersey or Pennsylvania; none are close.

**Tom Atack, Cecil Collision** felt that unlimited towers would be unwieldy because if new towers are added each year the list would need to be redrawn every year and towers could go fourteen to twenty weeks without towing. Cncl. Sebastian questioned if it would help if the applications were good for two or three years. Mr. Atack felt that might help that situation. He then noted that Mr. Fiore said it was illegal to prohibit out of town towers but earlier in the meeting he said municipal ordinances violate civil rights. Mr. Fiore noted this is an ordinance that has lead to litigation throughout the State and has been dealt with by the State Supreme Court. Mr. Atack added the ordinance states response time of fifteen minutes or at the most twenty and if he receives a call that is near the Glassboro line he will tell the dispatcher he will be twenty minutes especially if it is near rush hour. This year he has kept track of his response time and it is usually ten to fifteen minutes. He again stated unlimited towers would be unwieldy and the constant changing of the rotation would be a problem. He added his suggestion was for towers to be able to help each other.

**Jack Simmermon, A-Jack's Towing**, noted he gave the Committee a lot of information to review and spoke of Washington Township having problems with their amended ordinance and of how they have three towers that can handle light, medium and heavy towing. Mr. Simmermon noted a couple weeks ago he had just gotten off his rotation when an accident occurred involving a truck on Roun Avenue and Tuckahoe Road. The police officer was at the scene 45 minutes because the dispatcher had to go through six towers before they got back to him to handle the call. He noted he responded within two minutes because the accident was right down the road from his facility. Cncl. Sebastian noted the ordinance deals with issues like that because it states a police officer can call the tower that can handle a heavy tow. Mr. Simmermon indicated the police officer said just call A-Jack's but another officer on the radio said we can't do that we have to go through the list. Cncl. Sebastian noted he would look into that. **Solicitor Fiore** suggested a list be created of towers with heavy wreckers so dispatchers do not need to go through the entire rotation. Mr. Atack noted if all the towers were getting along the way we should be to help each other if he got there and saw a heavy tow he would not call Jimmy he would call Jack to handle it. Jim Clark from Clark's Auto Repair explained it was his rotation week and when he was told it was a lumber truck he told the dispatcher to call A-Jack's that he couldn't handle that vehicle and what happened after that he didn't know. Mr. Atack stated the problem is, with the litigation, everyone including the police and the dispatchers are afraid of making a mistake. If we can get past all this nonsense and just go back to being human beings and working together we won't have any problems because we have the equipment in town to handle it but everyone is afraid to make a decision or misstep; we're afraid we'll get sued. Mr. Simmermon noted years ago he bent over backwards to help every tower in attendance whether they needed a cable or a truck and there were times when he said he would take the heavy and let them take the car so both could make money. But in 2007/2008 when it came down to push come to shove they all turned their back on him and he doesn't forget. Now because he won a big case and there is possible litigation again everybody wants

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to go back and be friends again. He noted he has no problems here but everyone has to realize that he did not start this problem; he made a business decision with two other towing companies, Bill's and Hogbin's that were on the list of ten towers. Bill's and Hogbin's were taken away from him and Cecil and Malia's were added to the list so there were still ten towers. Mr. Simmermon noted the only person who got hurt was him because the other towers still got a rotation of once every ten weeks; it didn't go down to eight guys so what did they accomplish. They accomplished him getting a big settlement and them losing a year worth of towing and now we are in possible litigation again because we have an ordinance that (Mr. Simmermon felt) is not followed. Now another ordinance is being made when the one we already have is not being followed so what's saying that new one will be followed. Cncl. Sebastian noted we're not going to get into that discussion now. Mr. Simmermon said he knows because it's litigation. Cncl. Sebastian added you say we are not following it and we're saying we are so let's just leave it at that; that's up to the attorneys. The bottom line is no one ever said this Council is perfect, especially this Council, we are just trying to do what is best for the municipality and for public safety and that's the process we go through. This is one of a number of ordinances that this municipality has to deal with and we are trying our best to get it rectified to suit everyone; not an individual, not a particular need or a particular company. We are looking at it to satisfy the municipality. Public safety laws protect people and that's what we are trying to do. If we are doing it and we end up in court for one side or the other so be it, we have to fight it in court to say we are trying to do a job and this is what we came up with, right or wrong, tell us what has to change. **Domenic Burgess** from B & Be Auto Repair suggested giving the tower on call the first opportunity to handle the job and let him make the decision on whether or not he can handle the job, if he feels he can't because it's heavy duty then he can say call Jack. He noted the way it used to be if an accident involved three or four cars he would recruit a couple of the other towers to assist in cleaning up the scene. The police never had to worry about calling any other towers and the job got done safely.

**Cncl. Bryson** noted the old ordinance stated the tower had the option of calling extra help and it also had auxiliary people that were on a waiting list in the event any of the ten towers did not comply with the ordinance. Cncl. Bryson felt the new ordinance should include that again as well as extending the length of time to more than one year then things might run a little smoother.

**Cncl. DiLucia** explained extending it to all the towers that qualify was suggested because there were questions on how Council could select the ones that would not be placed on the list if all met the qualifications. Cncl. Sebastian suggested doing it by raffle but Cncl. DiLucia noted we tried that before. He went on to say, as a Committee member, he felt we will not get an unlimited number of applications; probably just the same ones we have been getting but in the event one more person applies he would not have to be locked out, as he is just trying to make a living. For Council it is not a comfortable position to be in when some arbitrary rule says a person can't tow this year so the Committee figured they would open it up and the most that could happen is we get an additional tower and everyone gets one less week a year but everyone gets work. The Committee didn't make that recommendation so there would be twenty towers it was so that no one would be short circuited out. Now with discussion about

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extending the list for three years if a raffle was held a tower could be left out for three years and financially that would be a bang on them and that is not what the Committee wants to do.

**Dan Heller, B & H Auto** noted for years he sat on a waiting list and turned in the same paperwork as the ten towers that were on the list but he was not put on until Bud and Larry's went out of business. He felt that if Council does limit the number of towers whoever else wants to be on it should still be required to turn in their package every year and remain on a waiting list until there is an opening when someone is permanently removed. Mr. Heller noted for years he was the eleventh person to submit his package and Clark's also waited for awhile to get on.

**Cncl. Sebastian** advised the Solicitor has enough information to review and then he will meet with the Committee sometime between now and the next Ordinance Committee Meeting to go over the information and make sure all the questions and suggestions were addressed and then this matter will be addressed at the May Ordinance Committee Meeting. He noted six towers submitted recommendations. The municipality also had figures for doing towing ourselves but we have decided this is not the proper time to take it over due to the process of buying equipment and adopting an ordinance that would be in place by the beginning of next year. That matter will be addressed at a later date.

- **Chapter 252 "Taxation"**

**Solicitor Fiore** explained the Economic Development Commission questioned whether the tax abatement application could be placed on the website and while reviewing the ordinance he found some language needed to be amended that referenced the tax assessor since the County now handles that. Mr. Fiore explained he made some logistical changes about the process but the substance of the ordinance did not change because that mirrors State Statute. Cncl. Sebastian noted the ordinance refers to the Tax Abatement Advisory Committee but we no longer have that committee, as it has been combined with the Law Committee so that also needs to be amended. He went on to explain there are two ways to file for tax abatement; one is when renovations or improvements are more than 30% and the other is for new construction. Mr. Fiore noted under State Statute tax abatement is for five years and there is a PILOT Program available for within a Redevelopment Area. In recent years the only tax abatement applications have been Al Fabrico for an addition on his building in the Cross Keys Industrial Park and Peter's Diner. The newer facilities like Wal-Mart did not apply for tax abatement. Cncl. Sebastian noted the EDC is looking to bring more rateables to town as a result of tax abatement but not everyone is in favor of tax abatement because the schools are left out. In most cases those applying for tax abatement are commercial entities that are not generating students but the schools would still like to see tax money that could be used for other students. With that in mind we are in a catch 22 situation, as we need rateables and the more we get the easier it is to bring in even more rateables. If the first ones do well more may come but if they don't do well than no one will be coming here to ask for tax abatement. Woodbury is having that problem now. They thought their downtown area could come up the same way as Collingswood, Haddon Heights and Haddonfield but it is not working there because much of Broad Street is

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E.) MATTERS FOR DISCUSSION (cont'd)

residential, not commercial. The Green Building was just renovated with apartments on the second floor that are all rented but the commercial on the first floor is all empty. Now the people are there but they have no place to shop only a grocery store and a couple of restaurants. The situation in Monroe is that the EDC is trying to bring in more rateables because the more rateables brought in the lower the tax increases will be. Cncl. Sebastian noted he won't say taxes will be reduced but they won't be raised as much as they have been in the past if we have rateables to offset the difference. Cncl. Sebastian polled Council and all in attendance were in favor of moving the proposed amendment to Chapter 252 forward for first reading at the April 14<sup>th</sup> Regular Council Meeting. Cncl. Garbowski noted the EDC wants to put the tax abatement application on the website and he questioned Mr. Fiore on whether the ordinance should also be included with that. Mr. Fiore replied yes, a copy of the ordinance should be included with that.

F.) NEW BUSINESS

Cncl. Bryson proposed generating a resolution requesting State Legislators to form a committee to find other ways of funding school systems and to find other ways for municipalities to raise revenue other than property taxes. He spoke of Vineland and other areas that have a 3% sales tax, which brings business to those areas but discriminates against the rest of the municipalities. He suggested the legislators allow municipalities to elect to have its sales tax lowered to 5% so the other 2% could go to the municipality to offset real estate taxes. That's what they do in other states. Cncl. Sebastian noted there is a formula for lowering sales tax and Vineland just about qualified for that. Cncl. Bryson noted the resolution should specifically ask the State to go back and review how it deals with tax relief for senior citizens because Governor Christie took away their tax relief and changed the income tax law so that it now penalizes those over 65. The State is now bringing in more money but it's not coming back to help municipalities to deal with school systems other than those in urban municipalities. He felt if a resolution was sent like the one sent a few years ago regarding Abbott-Burke maybe we can shake up the legislators into giving some tax relief. He suggested at a minimum the resolution request legislators to form a committee to investigate how other states administer their taxation and at a maximum find a way to redistribute the tax burden. Mr. Fiore noted other states such as Tennessee have a 9% sales tax and car insurance may be cheap but they have a 7% beverage tax. Cncl. Bryson noted a non-resident in South Carolina pays .6% on the assessed value of a home but a resident pays .4% and they justify that by saying non-residents do not live there to pay sales tax. If that were done in New Jersey everyone that owns a shore property would pay .6% to the State treasury and that would really help our taxes. In many states people past the age of 65 do not pay school taxes and that should be done here as well, as many seniors have no retirement funds or pensions and never get a break. The Federal Government even taxes their Social Security benefit. Cncl. Sebastian questioned whether Cncl. Bryson has run any of this by Senators Sweeney or Madden. Cncl. Bryson replied no not this year but he has in the past when he sent them a list of ten different changes the State could make to taxation that would benefit municipalities. Cncl. Sebastian noted this could be taken into consideration and he felt Cncl. Bryson should speak to Senators Sweeney and Madden first to find out if there is any chance of any of that happening in the near future.

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G.) OLD BUSINESS

- **Stormwater Management**

Cncl. **Sebastian** referred to the proposed amendments to Chapter 175-40 "Stormwater Management from Engineer Chris Rehmann and explained these amendments deal with the corrugated polyethylene pipe that was discussed at the last Ordinance Committee Meeting. These amendments will be sent to Planning Board Solicitor to draft the ordinance since it falls under the land management code Chapter 175. Solicitor Fiore advised the amendments must be sent to the Planning Board for review and recommendation prior to Council sending it to Mr. Schwartz to draft the ordinance. Cncl. **Bryson** questioned whether the failure of these pipes would fall under a HOW warranty. Mr. Fiore replied no, a HOW warranty only deals with the structure on a property not the piping.

Cncl. **DiLucia** questioned the status of the park/dog park and whether someone was looking into getting an architect for that project, as it sounds like we have a consensus on the park we just need to find the money and move it forward. Mr. Heydel advised we have the money we just need to find a location. Mr. Fiore advised at a Mayor's meeting a couple of weeks ago Kathryn Cornforth from ARH was looking at various plans for a dog park. During the meeting the mayor pointed out there is an Atlantic City Electric easement on a huge piece of landlocked property that connects to the back of Genova Property and the mayor was going to contact someone from Atlantic City Electric to see if they would be interested in conveying it to the township. The property is approximately six acres and it could be tied into Genova and Owens and if it were donated to the town, there would be no restrictions, as Green Acres money would not be used. Cncl. DiLucia noted what he would like to see happen is that there be some process moving forward and he reiterated that we are looking primarily at a park not only for dogs but one with benches for people as well. Cncl. Sebastian suggested a committee be assigned this project to work in conjunction with the mayor and they could also contact different vendors, such as Pet Smart for donations. Cncl. **Pres., Garbowski** requested the Deputy Clerk ask the Clerk to place this matter on the Work Session agenda for further discussion. Cncl. Bryson questioned if a park could be put on a Green Acres property such as Wagner Park and if it was would we need to pay anything to the Pinelands. Mr. Fiore explained we would be precluded from putting up structures but a dog park only requires fencing, jumping areas and water fountains and nothing would be paid to the Pinelands because nothing would be built. Cncl. Sebastian felt Wagner Park could not be used due to the high tension wires but he questioned whether the back portion of that property could be used by the Public Works Department to recycle leaves and tree branches. **Mike Calvello** advised the leaves are taken to the Muth farm and our trees and branches go to Winzinger to be recycled. Cncl. Sebastian questioned whether the wood chips are utilized in our parks. Cncl. **Dilks** noted rubber chips are used in the parks and Mr. Heydel advised we buy mulch for around the trees.

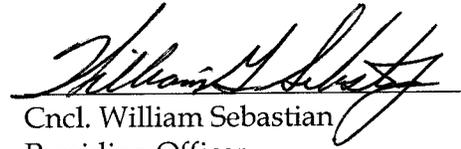
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H.) ADJOURNMENT

With nothing further to discuss **Cncl. Pres. Garbowski** made a motion to adjourn the Ordinance Committee Meeting of April 2, 2014. The motion was seconded by **Cncl. Bryson** 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 April 2, 2014 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 pw Date 5/7/14  
Approved as corrected \_\_\_\_\_ Date \_\_\_\_\_