

MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
FEBRUARY 4, 2015

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:30 PM by **Ordinance Committee Chairman, Cncl. Marvin Dilks** in the Second Floor Meeting Room of the Municipal Complex located at 125 Virginia Avenue, Williamstown, New Jersey.

This meeting was advertised pursuant to the Open Public Meetings Act of New Jersey (*NJSA 10:4-6 thru 10:4-21*). Notices were placed in the official newspapers for the Township of Monroe (i.e.: 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

Business Administrator Kevin Heydel led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	(Arrived 7:35 PM)
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bob Heffner	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Marvin Dilks	Present	
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

Police Chief John McKeown, Det. Gene Sulzbach and Det. Anthony Canonica arrived at approximately 7:45 PM.

B.) APPROVAL OF MINUTES

Cncl. DiLucia made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of January 7, 2015. The motion was seconded by **Cncl. Heffner** and unanimously approved by all members of Council in attendance (*Cncl. Bryson had not yet arrived when this vote was taken*).

C.) PUBLIC PORTION

Cncl. Miller made a motion to open the Public Portion. The motion was seconded by **Cncl. Pres. Caligiuri** and unanimously approved by all members of Council in attendance. With no one wishing to speak **Cncl. Miller** made a motion to close the Public Portion. The motion was seconded by **Cncl. Pres., Caligiuri** and unanimously approved by all members of Council in attendance (*Cncl. Bryson had not yet arrived when this vote was taken*).

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D.) ORDINANCES FOR REVIEW

- Chapter 69-20 - 69-22 - Police Off-Duty Compensation

Cncl. Dilks noted Chief McKeown has requested off-duty compensation for police officers be increased from \$40.00 to \$50.00 per hour for services associated with churches and schools. Mr. Heydel explained the reason for the increase is because the Chief cannot get officers to work at the current rate so the township has been paying them overtime and with this increase that cost will be passed on to the churches and schools. Cncl. Dilks polled Council and all were in favor of moving the ordinance forward for First Reading at the February 9th Regular Council Meeting.

- Chapter 239-3 - Collection of Refuse & Recyclable Materials (Leaf Collection)

Cncl. Dilks noted due to the death of his wife, Bob Avis, Director of Public Works could not be in attendance to address Council's questions regarding his request to change the dates for leaf collection. Mike Calvello Supervisor of Roads, had asked if the discussion on the ordinance could be postponed until the March meeting but Cncl. Dilks noted unless Council had any objections the ordinance could be moved forward without the input of Mr. Avis and Mr. Calvello due to the additional language "*or at the discretion of the Director of Public Works*" that has been included. Cncl. Miller noted he spoke to Mr. Avis about this and the reason they wanted to change leaf pickup to May was because in April they repair potholes. Cncl. Dilks polled Council and all were in favor of moving the amendments to Chapter 239-3 forward for First Reading at the February 9th Regular Council Meeting.

- Chapter 237 - Dealers of Precious Metals

Solicitor Fiore reported the Law Committee met with Mr. Fera and his attorney, Salvatore Siciliano regarding the Dealers of Precious Metals Ordinance and a tentative agreement was reached pending review of the proposed changes by the entire Ordinance Committee. Mr. Fiore noted there has been some debate in regards to whether the Rapid System is or is not the right software program, whether it is necessary to use and whether there was any better software on the market. Mr. Fiore noted it appears to be the only software program available but as legislation catches on throughout the State other vendors may become available. He then proceeded to review Mr. Siciliano's correspondence dated January 20, 2015 that summarized the proposed changes to the ordinance (*copy of letter attached*):

- **237-3 A. (2) the morality clause, (*moral character and business responsibility as deemed necessary by the Monroe Township Police Department or for the protection of the public welfare*)** Mr. Fiore explained this is an antiquated concept found in many ordinances. It is almost undefinable/unenforceable and probably unconstitutional so due to the vagueness of it the committee agreed to delete that language. They felt it was not necessary because something considered a crime of moral turpitude thirty years ago would be nothing under today's standards. Mr. Siciliano added he forgot to mention the fingerprinting requirements; noting there are no other merchants in Monroe Township required to be fingerprinted and it was agreed at the meeting that clause would be eliminated. Mr. Fiore indicated Chief McKeown sent him an email stating that the fingerprinting requirement is for peddlers/solicitors not for a merchant at a fixed location.

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- 237-6 "Dealer's responsibilities, requirements and recordkeeping". The cost and liability of the software program was discussed and it was decided that the vendor be contacted to give a demonstration of the program. Mr. Fiore noted the Police Department is adamant this is a very strong law enforcement tool that will protect the public however we need to make sure it has functionality and that it works for all parties involved.
- 237-6(B)(3) and (B)(5) has a forty-eight hour time period in which a form would be generated by the software program that requires the signature of the seller. Everyone agreed that was impractical and unworkable as the seller would not return to the merchant's premise to sign a form after the transaction occurred.
- 237-6(C) requires items to be held for five (5) business days. The State law was amended and it now requires items to be held for (10) business days.
- 237-6 (E) deals with transactions being made by bank check. The parties agreed to eliminate that to allow merchants to conduct business with lawful currency of the United States
- 237-6 (F) deals with inspections of items by the police. The language states "*immediately upon demand*" and the parties agreed to add a provision that would provide for reasonable notice.
- Mr. Siciliano also recommended the ordinance be amended to include industrial scrap, white gold and yellow gold.

Mr. Siciliano noted the reason everyone was here tonight was to view the Skype demonstration of the Rapid System to see how workable it is for the merchants. This demonstration will be a sales demonstration but hopefully the police and vendors will have some input so we can agree to something workable for all parties.

Cncl. Dilks commended the Law Committee, Mr. Fera and Mr. Siciliano for working on this. Mr. Siciliano explained the committee met in December but there was not enough time in the legislative year to amend the ordinance so everyone agreed to wait until January to address the amendment.

Mark Fera noted he had hoped a representative from Rapid would be here to show how easy the process is, as he brought with him one day's worth of buying, which he felt would take at least four hours to upload into the system. He expressed his concerns on how this system will impact his business and noted he told the police they were welcome to come to his store or hire a clerk to upload the information however, they said that is not in their budget. Mr. Fera stated it is just as expensive for him and the other business owners to upload the information as it is for the police. To the police this is an excellent system to find stolen merchandise but he urged Council to keep in mind when watching the demonstration that it must not put an undue burden on the merchants.

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Cncl. Bryson noted Mr. Fera indicated during the committee meeting that he already has a system in place to send information to the police and that is something the others may want to look at. Cncl. Caligiuri questioned whether there were any other jewelers in attendance impacted by the software that could give some feedback. Greg Meranshian owner of Williamstown Diamonds & Fine Jewelry noted Gloucester Township gave the system to his friend at no cost and he feels it's a real pain in the neck. Joseph Sykes owner of Loose Change and Coins noted he does not deal with jewelry, only coins and antiques and if this ordinance passes he is liquidating his stock and closing. He added he does not have a telephone or internet in his store and since he has been there over the past five years he has not purchased \$1,000.00 worth of merchandise. Solicitor Fiore questioned whether Gloucester Township charges a license fee. Mr. Meranshian replied no and they don't require fingerprinting either, which he had to do here at a cost of \$90.00. Mr. Fera noted the last time he was here he brought up that State Statute has no foundation about buying antiques and he felt that language should be stricken, as the ordinance could probably be overturned for that immediately. Solicitor Fiore noted we are trying to compromise, we don't want to debate in front of a judge. Municipalities are empowered by the legislature to create laws for public safety however State Statute now pre-empts a lot of what we are trying to do with this. Mr. Meranshian questioned if there are any other programs like this because the legislation the State just adopted said nothing about the Rapid System. Mr. Fiore explained State Statute cannot compel a merchant to use one vendor or a certain software program. Mr. Meranshian added he has been in this town for twenty-eight years and is 100% supportive of the Police Department but he felt this program is antiquated much like a DOS System. He suggested placing a \$10,000.00 fine on those found guilty of selling stolen jewelry; noting if signs stating that violation were posted in the stores thieves would not try to sell in Williamstown, they would go elsewhere. Mr. Siciliano explained limits such as \$1,000.00 are placed on what municipalities can charge for a matter to stay in municipal court. Det. Sulzbach explained the police department wants to be able to search all dealers of used merchandise and the Rapid System will tell us what items have been purchased by all pawn shops and jewelry buyers in the South Jersey area that are participating in the program. What we usually do is drive to those locations looking for items so this would help us immensely and we want our dealers in the database for all the other towns, as it makes tracking stolen items much easier for law enforcement. Rapid can also be used to put up flags on stolen items so if Mr. Fera would type into the system an item that was flagged it will caution him that the item is stolen. Cncl. Miller questioned what other municipalities in Gloucester County are using this program. Det. Sulzbach advised Washington Township and Deptford. Cherry Hill is using it and that is the ordinance ours was modeled after. The entire state of Delaware and Maryland and 99% of Florida is using this specific Rapid program and supposedly the entire state of Pennsylvania is going to it. He added the police department would love the entire tristate area to go with it because much of our stolen items are sold across the bridge in Philadelphia and Delaware. The program is growing and many towns are now participating, which is very helpful in getting property back for theft victims. Cncl. Caligiuri questioned whether jewelers who purchase stolen items get reimbursed when items are confiscated by the police. Mr. Fera explained he gets no reimbursement unless the judge orders the criminal to reimburse him. Cncl. Caligiuri questioned the cost of the software and if there is a yearly maintenance fee. Mr. Fera noted the software cost is \$250.00 and there is a yearly fee. He went on to say he understands the police officer's point of

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view but there should be some type of compromise regarding the time it takes to upload into the system. He added according to State crime statistics most crimes are committed by young males on drugs and he suggested including language dealing with the age of the seller. To stop 90% of stolen goods from being sold the age should be twenty-five years old or under and to stop 99% the age should be thirty-three and under. He noted if the ordinance required items to be logged into the system that were purchased from someone under the age of forty or over a certain dollar amount that would save him thousands of hours uploading over the next few years. **Cncl. Caligiuri** suggested the ordinance include a dollar amount of \$250.00 for transactions to be uploaded. **Mr. Fera** added the police department will still have access to the items he buys locally because he will take pictures of everything and send it to them and they will have access to the things from out of town through the Rapid System **Cncl. Caligiuri** questioned what the medium transaction is. **Mr. Fera** advised right now it is \$100.00 or less, but in 2011 he was spending \$9,000.00 plus per day so the medium transaction then could have been \$500.00. In 1980 gold prices spiked to \$850.00 and precious metals stores opened up all over but by 1984 they had all closed because gold prices receded. Between 2011 and 2013 the theft in metals in Franklin Township has been cut in half and that is because the price of precious metals has dropped. Right now most of the people wouldn't be logged into the system because they are selling little pieces of scrap that they didn't sell when gold was higher.

At this time Solicitor Fiore contacted via Skype Jack Gee, the representative of Rapid who explained the system and answered various questions from Council. **Cncl. Bryson** questioned if the Police Department wanted to use the Rapid System as a search database could they purchase the system without the three local dealers purchasing it. **Mr. Gee** responded the price is \$250.00 per store and that can be paid by the police or the store however the other jurisdictions in New Jersey are paying for it. He explained the system can be integrated with most other point of sale systems so dealers do not have to use the Rapid System for the police to benefit from it. **Mr. Siciliano** noted then the police can have access to the Rapid System without any of the merchants in Williamstown buying the system. **Mr. Gee** replied merchants can upload to law enforcement through the Rapid System with most point of sales systems found throughout the country and the Rapid System has been fairly successful in integrating with homemade systems; however there is a possibility that will not be able to be done. **Mr. Siciliano** questioned if only one of the vendors purchased or paid the fee would the police department have access to the system. **Mr. Gee** replied correct, they would get data from just that one vendor. **Mr. Siciliano** questioned if the police department could get direct access to the system without any of the local dealers. **Mr. Gee** noted they could see other jurisdictions but they would not be able to see data from the stores in town. **Mr. Siciliano** noted if the police department were to purchase a system for \$250.00 they would have access to other jurisdictions and then the local merchants could still provide information by way of their present systems. **Det. Sulzbach** felt thieves from other towns would then sell their items here and it would not show up in Rapid. **Cncl. Caligiuri** questioned whether their point of sales system would have to include all the data points Rapid requires such as the customer's name, address, city, state, telephone number and whatever other data points are inputted in the Rapid System. **Mr. Gee** noted that is correct to a point. Not all states request the same items on a transaction form so Rapid can be made to accept transactions based on state or local laws. **Det. Sulzbach** explained vendors would have the entry portion of the Rapid

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System and the police department would have the portion that would query the data. Mr. Siciliano questioned if the information Mr. Fera presently provides to the police department on a daily basis might actually be more information than what would be provided by Rapid. Det. Sulzbach replied what Mr. Fera is doing right now is exactly what he would be doing with the Rapid System so if he just changed from Yahoo to Rapid he would have the same workload. Mr. Siciliano noted the problem is we don't have a demonstration of the Rapid System, which we thought we were going to have this evening. He noted the question is who is going to enter this information into the Rapid System. His client is providing all the information to the police department so it seems law enforcement should be entering it since it is a law enforcement tool. It is not a tool for individual merchants to do their job any better and he questioned if the police department had the resources to have a person enter information. Chief McKeown responded absolutely not, we are not in the business of buying and selling jewelry. We do not gather it, touch it or take information from customers. That is something being done on the store end. We are not in that business for a clerk or a detective to enter that information. Mr. Siciliano noted he would like to see a demonstration of the system because if it is a burden in terms of personnel for the police department it is also a burden on the merchant. The police department is in the business of law enforcement and this is a law enforcement tool to help find stolen items. Det. Sulzbach noted we had a demonstration for Mr. Fera and the other dealers before. Det. Canonica added we are also relying upon business owners to give an accurate description of items being sold. Mr. Fera takes pictures of the items but some of the things we get are just handwritten receipts written in such a way that the business owner knows what they are purchasing but the police officer just knows the weight of the item and what it sold for. It may say gold or ring but that doesn't tell us much if we were the ones that had to enter it. Mr. Siciliano noted photographs would have to be required. Cncl. Miller noted his concern is that if other municipalities are adopting this when the criminals know Monroe Township doesn't have this system they will come here to sell jewelry. Cncl. McIlvaine questioned Mr. Gee on how often the software is updated. Mr. Gee explained the law enforcement side is changed on a regular basis and new developments for the store side have also been implemented plus some are on the drawing board so the software, which is all web based, is updated as tools are developed. Cncl. McIlvaine questioned if all three of the Monroe Township vendors found a flaw in the software would Mr. Gee be willing to look at that and possibility upgrade the system to help them. Mr. Gee explained Rapid has a 24/7 help desk and an in-house IT staff that will work with them on any problems they have. Mr. Meranshian questioned whether the software was eight or ten years old and when was a total upgrade done. Mr. Gee replied there was development put out about two weeks ago but every time Windows or Internet Explorer has a new version it is updated so there are always updates. Mr. Fiore questioned are there additional charges when the system is updated. Mr. Gee explained there are no additional charges but if a particular vendor wanted something added there would be a development charge to that vendor but once that was paid for it would be pushed out to all the other vendors as well. Mr. Siciliano noted what Mr. Gee was talking about was a Windows update and he questioned as the manufacturer of the Rapid System when was the last time the software was updated. Mr. Gee replied every time a development is done the system is updated. Things have been added for various states but it has been a few years since a full update or reline of the system has been done. A schedule of the updates can be provided if that would be helpful. Cncl. Bryson questioned when Mr. Gee would be able to

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provide Monroe Township with a working demonstration of the system where jewelers can enter their jewelry to see how long it will take. Mr. Gee noted he would check the calendar to see when he could come. Det. Sulzbach stated we already had a live demonstration with everyone previously on this committee, Mr. Fera and Mr. Meranshian. Mr. Fera stated he didn't want a live demonstration he wanted them to come here and upload samples that he deals with every day to see what an undue burden it is going to be on his business. Mr. Gee noted he could set that up but he would need to pair it with another trip because the \$750.00 a year his company would get from the township would not justify his cost to come here. He explained he comes to New Jersey quite often so he should be able to arrange a trip in the near future. Cncl. Bryson questioned if it would be possible for Mr. Gee to make arrangements for us to see a demonstration in Washington Township or Deptford. Mr. Gee indicated he probably could but that would be up to the individual stores and the law enforcement agency. Cncl. Bryson questioned if Mr. Gee had a demo disk that would show the drop down menus. Mr. Gee noted he would contact one of the representatives that set the stores up and they could do a demonstration on line. Cncl. Dilks advised the vendors do not want that they want an actual hands on demonstration so if one could be set up in Washington Township that would be better. Mr. Gee noted in order to actually upload items data marks need to be set up in the law enforcement server for each individual and he was not sure if trial tickets could be done. He added he will see if that can be worked out and if there is a jurisdiction Council prefers he will contact them to see if a demonstration can be arranged. Det. Sulzbach advised the check cashing vendor in town has another store in Hammonton where he uses the Rapid software so maybe a demonstration could be set up in his store. He explained he went to his store to advise the owner if he continued buying gift cards in Williamstown he would have to use the Rapid System. The owner said he uses it in his other store and has no problem with it. Mr. Meranshian noted he stopped buying the gift cards until the Rapid System was up and running because he didn't want to be in any violation since technically the ordinance is in effect now. Mr. Fera recommended the ordinance contain a minimum weight requirement such as "four penny weight" so any gold items less than that would not need to be entered into Rapid. He felt silver items should not be entered since the net worth of a whole bag of silver is only \$40.00. Det. Sulzbach noted he talked to Mr. Fera about that before and told him the Police Department will definitely work with him on those types of items. A large lump of silver can be uploaded as "X" amount of silver, it does not need to be described. Cncl. McIlvaine stated it is not always about the dollar amount of an item, it is about the value to the person who lost it. Council must not only look at the dealers and police department we have to look at the residents of Monroe Township as well and an item only worth \$10.00 may be something very dear to the person it was stolen from. He noted he understands this may be a burden to all the dealers but unfortunately some things are just the cost of doing business. This is a very important resource for the police department; number one to catch the criminal and number two for the people to recoup their valuables because family heirlooms are very important to them. Mr. Fera explained when he says this is an undue burden he is talking about spending eight or nine hours a day uploading items so there must be some kind of compromise. Silver items with a net value of fifty cents or more may be sentimental but they don't hurt the pocketbook and even the courts will not uphold sentimental value. Cncl. McIlvaine noted Det. Sulzbach stated the police would be willing to work with the dealers, Council has worked with Mr. Fera on this entire ordinance but he is still being difficult about

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uploading into the Rapid System and unfortunately that may be a cost of doing business. Mr. Fera noted his view of Rapid is that it is unconstitutional under the New Jersey constitution and it is a violation of people's right to privacy. Cncl. Miller questioned whether this has been challenged in New Jersey courts or in any other state. Mr. Siciliano replied we can be the first but that is what we are trying to avoid. Mr. Fera noted Deptford and Washington Township use the system but have not challenged it. One county in Florida challenged it and it was found to be against the Florida constitution so information cannot be sent out of State because it violates their rights. Out of fifty states only twenty-three have any reporting requirements. Mr. Fera went on to say how he takes pictures to send to the police department of everything he purchases. Cncl. McIlvaine noted but not every dealer is doing that and every police department in New Jersey does not have access to those pictures. Mr. Fera noted he would be happy to email those pictures to any out of town police department that wants them. Cncl. Bryson noted once Council sees the operation of the Rapid System a decision can be made one way or the other. The local dealers were sending information to the police department under the ordinance that was previously in place so what we need to see is if the Rapid System will do anything to enhance what we already had. He expressed his concerns that this ordinance deals with the resale of all things so such things as used furniture dealers should be included as well. He spoke of the importance of the pictures Mr. Fera takes and noted he would like to see if the Rapid System can photograph serial numbers of items. Mr. Sykes stated he has nothing to do with jewelry and does not want to get involved with New Jersey's weights and measures. He questioned if he buys twenty-five silver dollars made from 1855 to 1921 how would anyone be able to say that they were ones stolen from a certain person. There is no way to identify them because there are ten million silver dollars out there. Det. Sulzbach explained if the police are investigating a burglary where ten silver dollars were taken and we check Rapid and see ten silver dollars were sold at your store we then have a suspect or a lead to follow up on. Mr. Sykes noted since this ordinance was adopted he has not purchased a single item and could show that he only made eighteen hundred dollars last year and spent more in rent then he made so it is not economical for him to stay here. Det. Sulzbach explained if Mr. Sykes is not purchasing items he would not need the system. He then questioned how Council wants to view the Rapid System so he would know how to set up the demonstration. The last time it was done a subcommittee reviewed it. Solicitor Fiore noted if all of Council views it, it must be advertised as a public meeting. Cncl. Dilks felt it should be viewed by a subcommittee. Mr. Siciliano indicated this should not be a sales demonstration it should be a hands on demonstration where items can be inputted into the system. Det. Sulzbach explained the way it was done before was through a "join me session", which was basically a connection to their computer system in Florida. It was held in the Emergency Management Conference Room where there is a full screen and the Rapid technician entered items on the screen. Solicitor Fiore suggested Mr. Fera provide items from his busiest day so they could be sent to Rapid ahead of time for the tech to input and show how long it takes per item. Mr. Fiore noted he would communicate with Mr. Siciliano, Chief McKeown, Detective Sulzbach and the committee regarding their availability. Det. Canonica noted this is a new database system for Monroe Township and because databases need to be built it may seem a little taxing in the beginning but once customers are in the system it will be easy. Plus now if we confiscate stolen items from a dealer he is at a loss whereas with this system stolen items can be flagged, which can help mitigate the vendor's losses because he'll know not to buy that item. So

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if it saves one loss, it saves the money spent on the software. Mr. Fera went on to say there must be some kind of compromise to mitigate the burden on his business and then he would be all for it as he understands this can be a valuable tool for the police. Cncl. Pres., Caligiuri noted when the demonstration is scheduled it would be reviewed by the Law Committee.

- Remcor Redevelopment Zone

Solicitor Fiore explained the redevelopment areas were reviewed and the Remcor site was deleted from the Redevelopment Plan and this ordinance is just effectuating/finalizing that action. Cncl. Dilks noted the Remcor Redevelopment Plan includes part of his property so he will not be voting on this issue. He polled Council and all were in favor of moving the ordinance forward for First Reading at the February 9th Regular Council Meeting.

- Vacant Properties

Solicitor Fiore explained the proposed vacant properties ordinance essentially mimics the State law. At the October 2014 Ordinance Committee Meeting discussion took place regarding who would handle these responsibilities so he included language in the ordinance that the Director of Code Enforcement or his/her designee would be the responsible party. Cncl. Dilks questioned whether it had to be a person with a license. Mr. Fiore advised it did not. Cncl. DiLucia noted in October Zoning Official Fred Weikel made it clear that he could not handle the additional work so we need to find a way to get that the work done. Cncl. Miller advised the Mayor discussed sharing this service with Franklin Township, but no meetings have been held yet to discuss it. Cncl. DiLucia questioned in the event there is not a shared service who will do it. Mr. Fiore explained that will be up to the Mayor and George Reitz to decide. Cncl. Bryson referred to the section in the ordinance dealing with penalties and questioned if someone keeps their vacant property well maintained would they be subject to the same penalties as someone who doesn't take care of their property. Mr. Fiore explained the property would need to be registered. He noted people losing their homes don't usually cut the grass and trim the shrubs, they are usually gone. This ordinance is strictly for vacant and abandoned properties and it mainly deals with banks that have an inventory of foreclosed properties. These properties for larger banks are write-offs but smaller banks like Newfield will move quickly on foreclosures because they can't eat those costs for a long period of time. The ordinance gives an incentive for them to move the properties because the first year the registration cost is \$500.00 and that fee continues to go up each year. Cncl. DiLucia referred to the language "*human habitation*" found in Section 104-42 A. and noted it is his understanding that no matter how bad the inside of the house is the township has no jurisdiction over it. Mr. Fiore explained that falls under the Uniform Construction Code whereby if a property is deemed to be unsafe structurally there is a procedure the Construction Official would follow to tear down the house. After some discussion on this Mr. Fiore indicated he would change that language to "*unfit for occupancy*". Cncl. Dilks polled Council and all were in favor of moving the ordinance forward for first reading at the February 9th Regular Council Meeting. Solicitor Fiore advised Fred Weikel sent him information regarding the property located next to Tim Brown and questioned who he should serve. Mr. Fiore noted he got a copy of the foreclosure complaint and advised Fred that he should serve the owner of the

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property as well as the law firm that represents the bank. They can be served the summons and be cited under Chapter 104 and also under Chapter 295 Board of Health regulations because those provisions have everything that was described by Mr. Brown. Cncl. Miller felt this ordinance would not only keep properties clean but it will also generate revenue, which in return will pay for the individual that will be administering the service. Cncl. DiLucia questioned if Mr. Fiore was concerned the township could be drawn into a legal matter from the letter sent to Council threatening to sue for general allegations and Mr. Brown went on the record against that property because the allegations were against him. Mr. Fiore noted we could be drawn in but the way to avoid that is by doing what we can under our existing township code whether it's through Construction or Zoning whatever we need to do we should do it. Cncl. DiLucia questioned should we go on the record to say this action is merely a result of cleaning up unsightly properties it has nothing to do with any other issue. Mr. Fiore indicated he has not been by the property so he doesn't know how bad it is but there are probably thirty other properties like it. Dan Kozak explained if Fred issues a summons the matter will go to court and the judge will send someone there to correct the problem, this is not like the board-ups we already do. Cncl. DiLucia noted the letter that was sent to Council makes racial allegations, retaliatory allegations, punitive allegations and he wants to make sure that we do not get involved in a situation where we get drawn into a personal fight between two neighbors as a result of us being the ones that are the hammer. He noted he wanted to go on record as saying this has nothing to do with individual fights. Mr. Kozak agreed stating that's why he said a summons will be issued and a judge will decide if the township will step in or if the bank will step in. Mr. Fiore noted the judge would probably not order the township but if he did it would give us the ability to do some of the remedial work and then place a lien on the property, which would be a priority lien over the first mortgage. Cncl. DiLucia again noted he wanted to make sure it was on the record from Council that there is no strings attached to this personal battle that is going on so we don't get in the middle of that. Mr. Fiore advised the legislature recently adopted a Statute that says a municipality can adopt an ordinance whereby we are permitted to do this so this is not site specific.

- Allocating Funding for Open Space

Solicitor Fiore explained this matter was discussed during the last couple meetings and a resolution was adopted earmarking 20% of the Open Space Fund strictly for the acquisition of new property and that action will be codified by this ordinance. Cncl. DiLucia noted the Open Space Committee's original request was 20% prospectively, not retroactively because the language in the resolution included the word "henceforth at least 20%". Now, "henceforth" has been dropped and it reads they are entitled to request at least 20% of the \$1,200,000.00 in that account. Mr. Fiore noted he took out the word "henceforth" because grammatically it did not make any sense. Cncl. DiLucia agreed grammatically it was not right but interpretation wise it would have met there was a cutoff period. If you are creating an ordinance saying a minimum of 20% it would not preclude them from asking for 100% so are we now saying tomorrow they can ask for \$1,200,000.00 to purchase property. Mr. Fiore replied no, it is 20% of what is there

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D.) ORDINANCES FOR REVIEW (cont'd)

now and ultimately the decision to purchase property will be the Administration negotiating the purchase and Council approving it and authorizing the mayor to sign the agreement. Cncl. DiLucia noted the total amount that could be collected for the Open Space fund has not been collected because it is a discretionary set aside. Cncl. Caligiuri spoke of being the Council liaison to the Open Space Committee when this issue was discussed last year. At that time it was the committee's intent that 20% of new money would be allocated strictly for the acquisition of open space because they felt when the voters voted on the referendum the wide perception was the money would be used to acquire and preserve open space. No one read chapter and verse to find out it had some discretionary use for maintenance of open space so the Open Space Advisory Board had considered sending the ordinance back to the voters with clearer verbiage that says this is for the acquisition of open space, not for the maintenance of open space. **Business Administrator Kevin Heydel** noted approximately \$75,000.00 is collected for open space a year and Mr. Fiore noted so approximately \$15,000.00 of that would be used for acquisition. Cncl. DiLucia suggested the entire \$75,000.00 be used for acquisition of property; adding we can collect up to 2% for that fund but we have not been doing that because of the economic situation. Mr. Heydel explained prior to the reevaluation it was 2%, then the new value put it down to 1% but we brought it down to .25% because of economics. Cncl. DiLucia noted the Finance or Budget Committee could look at that discretionary appropriation when preparing next year's budget to find out whether in 2016 a greater contribution should be made to that fund. Mr. Heydel indicated he wanted to clarify the statement that those funds were used for park maintenance because that is not correct. The Genova Property was purchased with open space funds with the intent to make a park there. Cncl. Caligiuri explained no one has any objection to that. The objection is using those funds for the ongoing routine maintenance of existing recreational facilities because that seems to be where the bulk of the money has been used. Mr. Heydel noted the Open Space Fund was never used to fund maintenance; that money came from the Parks and Recreation Fund. The Mary Mazza Duffy field, the Fera Property and the Genova Property were purchased with Open Space funds and Parks and Rec funds were used for the improvement to the Duffy field. Mr. Fiore suggested the following language be included in the ordinance: *"Whereas the Open Space Advisory Board Committee has reviewed same and is of the opinion that at least 20% of the future funds collected from the date of adoption of this ordinance and moving forward should be strictly dedicated for the acquisition, etc."*, as that language is much more clear. Cncl. DiLucia suggested the date go back to January 1, 2015 because that would entitle them to at least \$75,000.00, as that would be the fair thing to do. Cncl. Heffner questioned if the fund is being used just to purchase open space why do we even need this ordinance. Cncl. DiLucia noted because the referendum states Open Space/Recreation purposes and in fact we discussed purchasing property for a Dog Park out of that fund if we do not get the Green Acre grant. Cncl. Dilks polled Council and all were in favor of moving the ordinance forward with the recommended language for First Reading at the February 9th Regular Council Meeting.

- **Title 39 Enforcement/Traffic Ordinances - Amberleigh**

Solicitor Fiore explained the traffic ordinances for the Amberleigh Development were generated as a result of the meeting that took place with the townhouse and condo residents. The issue is under the development plan approved by the Planning Board traffic control devices, such

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D.) ORDINANCES FOR REVIEW (cont'd)

as stop signs and no parking signs, must be put in place in Amberleigh. The ordinances establish the areas where stop signs and no parking on both sides of the street will be and gives the police department enforcement powers to issue tickets for both the semiprivate and private areas within the development. After the ordinance is adopted sometime in March stop signs and no parking signs will be installed in the development and the police department will begin issuing warnings. **Cncl. Heffner** added they are looking at making Exposition Way a one-way street with parking on one side but it can't be done until the residents vote to change the homeowner's association regulations. Once the signs are installed the police can begin enforcing the ordinance and that may bring out the 67% of the people needed to change those regulations. **Cncl. Dilks** polled Council and all were in favor of moving the ordinances forward for First Reading at the February 9th Regular Council Meeting.

- Salary Ordinance - Human Resource Officer

Business Administrator Kevin Heydel advised the Mayor sent Council via email his recommendation to increase the salary range for the Human Resource Officer. After that original email was sent the salary he requested was discussed and the Mayor has revised his request to a salary range of \$42,000.00 to \$75,000.00. However, in speaking with **Cncl. DiLucia** today **Mr. Heydel** noted the maximum range should be \$73,600.00. He explained the salary for the Human Resource Officer has not been increased since 2011 when **Frank Campisi** was here. Once he left that range was never increased by 2% for 2012, 2013 or 2014 so it should be increased 2% for each year and then after the 2015 negotiations are completed and the entire salary ordinance is amended this position will also be increased. **Cncl. Bryson** noted the last time a salary was raised quite a bit there was a contract in place that gave an employee the same increase and he questioned whether there were still contracts like that. **Mr. Heydel** indicated there was only one and that is no longer valid. Statutorily there are three positions, the municipal clerk, the CFO and the tax assessor that would fall into that. We do not have a tax assessor and the CFO is part-time so the only one it would effect would be the municipal clerk however this is a title that we already have and we are just increasing it 2% for each of those years. **Cncl. DiLucia** noted the difference legally would be in the past the CFO had a contract that guaranteed him the highest salary increase, which was 5% and statutorily anyone in his category got the same thing retroactively. This is a job reclassification for the person going into this position. The difference is the Human Resource salary has not been increased in three years so the current salary of \$69,300.00 will be increased by 2% for each year (2012, 2013 and 2014) and then again for whatever is given in the collective bargaining agreements. **Cncl. Dilks** polled Council and all were in favor of moving the ordinance forward for first reading at the February 9th Regular Council Meeting.

- Chapter 74 "Fees"

Solicitor Fiore explained Chapter 74 is a general fee ordinance and the proposed amendment is to increase the off-duty police compensation and add a registration fee for vacant/abandoned properties. **Cncl. Dilks** polled Council and all were in favor of moving it forward for first reading at the February 9th Regular Council Meeting.

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D.) ORDINANCES FOR REVIEW (cont'd)

- Refunding Bond Ordinance

Business Administrator Kevin Heydel noted he sent to the Clerk's Office for distribution to Council an analysis that was prepared by Phoenix Advisors. He explained last year he had requested them to review our 2008 bond for which we were paying 4.75% to 5%. At that time we were unable to do anything because we did not meet the Division of Local Government Services and Local Finance Board requirements of a 3% threshold of savings or the bonds being over five years old before they can be recalled and reissued. This year we have the opportunity to go out for a twenty year bond at a lower interest rate. The bond would expire in 2028 and we anticipate an average \$15,000.00 savings per year with the overall savings on the bond of \$200,000.00. Council was polled and all members were in favor of moving the bond ordinance forward for first reading at the February 9th Regular Council Meeting.

E.) MATTERS FOR DISCUSSION

- Sign Ordinance - Recommendation from Planning Board

Solicitor Fiore explained last year the Planning Board did not recommend the proposed amendment to the sign ordinance because of the language the Pinelands required in it. Council adopted the ordinance without the Board's recommendation but it was vetoed by the Mayor. **Cncl. Caligiuri** explained the reason the Planning Board did not recommend it was because the language the Pinelands requested did not grandfather in existing signs and people would have been forced to take down their signs. **Mr. Fiore** explained those signs were never grandfathered because the original Pinelands Comprehensive Plan did not allow them but the only time Pinelands would enforce those regulations is if the property owner wanted to further develop their property. At that point they would need to come in for a site plan change and that would require municipal and Pineland approval. **Cncl. Caligiuri** questioned what the danger is in not passing this. **Mr. Fiore** explained currently the ordinance is interpreted as if a digital sign is for informational purposes so it can go up anywhere. The Zoning Board is granting variances and has not denied any. **Cncl. Caligiuri** questioned if we ignore the Pinelands Commission would they come in and sue us. **Cncl. Miller** replied no they won't do but the next time we try to do something we could have a problem. **Business Administrator Kevin Heydel** suggested the Mayor be included in this discussion before any action is taken because he met with the Pinelands Commission and had a positive meeting. **Cncl. Miller** explained if the ordinance is passed it will really not affect anyone with a sign right now but if they try to do any improvements on their property or they sell it they would face issues with the Pinelands. **Cncl. Bryson** questioned whether the Pinelands mentioned if people would be fined or would it deal with Pineland credits. **Mr. Heydel** explained they would require the sign be taken down and the property restored to what it is supposed to be, which is what they did with the Trio Tavern. It was noted the Planning Board has again reviewed the ordinance and has recommended that it be adopted. **Cncl. Dilks** suggested the ordinance be placed on the February 9th Work Session Agenda so it can be discussed when the Mayor is present and all members of Council agreed to **Cncl. Dilks'** suggestion.

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F.) NEW BUSINESS

Mr. Heydel spoke of receiving a call from Franklin Township's Business Administrator and Mayor regarding sharing services for snow plowing and noted he feels blindsided because he doesn't know who talked to them about this. He has not had an opportunity to talk to Mayor Teefy about it but would like to arrange a meeting with Mayor Teefy and Franklin Township's Administrator. Cncl. Miller advised there has never been any formal discussion about any of that but Mayor Ed Leopardi had reached out to him and said that he wanted to sit down with Kevin, Bob Avis and the Mayor to discuss if it would be cost feasible to share services. Cncl. Miller added he knows Mayor Leopardi fairly well because he worked with him and they were supposed to contact him (Cncl. Miller) to see when Mayor Teefy was available for the mayors, business administrators and the public works directors to sit down and discuss this matter.

G.) OLD BUSINESS

Solicitor Fiore requested that the Towing Ordinance be placed on a future Ordinance Committee Meeting for further discussion. He noted the ordinance is not bad but the procedure sections need to be streamlined and the enforcement part needs to be addressed. People did feel the requirement of two vehicles would be unfair because five people would be knocked out. If only one vehicle is required then we would still have the seven towers. Mr. Fiore noted he is unaware of any problems with the four towers operating this year and if there are any problems they are to be immediately reported and addressed. The Chief of Police has advised no complaints have been received. Cncl. Dilks noted towing will be placed on the March Ordinance Meeting agenda for discussion. Council commented that when the towing ordinance was previously amended the township was sued. Mr. Fiore noted we are still waiting for Judge Curio's decision regarding Judge Seltzer, the Hearing Officer's recommended compensation to the towers that should be on the list this year. The plaintiff's attorney said they should get 14 weeks and we said it should be 11.3 so the judge is going to make a call about that.

H.) ADJOURNMENT

With nothing further to discuss Cncl. Miller made a motion to adjourn the Ordinance Committee Meeting of February 4, 2015. The motion was seconded by Cncl. Pres., Caligiuri and unanimously approved by all members of Council in attendance.

Respectfully submitted,


Deputy Clerk Sharon Wright, RMC


Presiding Officer

These minutes were prepared from excerpts of the recorded proceedings and hand written notes taken during the Ordinance Committee Meeting of February 4, 2015 and serve only as a synopsis of the proceedings. The official recording may be heard in the Office of the Township Clerk upon proper notification pursuant to the Open Public Records Law.

Approved as submitted SW Date 3/4/15
Approved as corrected _____ Date _____



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January 20, 2015

Via Electronic and Regular Mail

Charles A. Fiore, Esquire
Law Office of Charles A. Fiore
34 S. Main Street
PO Box 525
Williamstown, NJ 08094

**RE: Monroe Township Ordinance, § 237-3
Fera's Jewelers**

Dear Mr. Fiore:

As you are aware, the undersigned counsel represents the interests of Fera's Coins and Precious Metals, Inc. Kindly consider this letter as a summary and confirmation of the meeting which took place Tuesday, December 9, 2014 during which time, myself, my client, yourself, members of the Monroe Township Ordinance Sub-Committee, as well as newly elected, however unsworn, members of the Monroe Township Council, met and reviewed proposed changes to the Monroe Township Ordinance, specifically Chapter 237 – Dealers of Precious Metals, Gems and Secondhand Goods.

As we discussed at the outset, there have been two (2) recent amendments which have been passed by the New Jersey Assembly. The first are amendments to N.J.S.A. 51:6A-1, which address buyers on the basis of bulk values, duties and serialized receipts and photographs. The second are amendments to N.J.S.A. 2C:21-36, Sale of Secondhand Jewelry. Based on the brief summary sheet which was provided, it appears that the amendments were approved January 17, 2014 and took effect approximately mid April, 2014. Consistent with our conversations, my office has contacted the Majority Leader's office, Assemblyman Greenwald, in order to obtain a copy of the legislative intent for the amendments to the statute.

SICILIANO & ASSOCIATES
LLC

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Additionally, Mr. Fera indicated that all of the clients to his store are required to complete an Affidavit which contains information attesting to the fact that the goods are not stolen, are for a lawful purpose and there are certain representations and obligations which are created by the sellers of these goods to Mr. Fera. We are in the process of obtaining a copy of this Affidavit and will provide a sample to you.

With regard to the agreed upon proposed amendments, we reviewed on December 9, 2014, in detail, the concerns which were set forth in our offices' letter of October 16, 2014. It appears that many of our concerns were favorably met by members of the subcommittee so that it is our hope that during the 2015 Legislative session of the Monroe Township Council, an amendment may be introduced and passed by Council to modify the particular ordinance. In addition to the items which were agreed upon and will be detailed below, the parties also agreed to contact representatives of the software data system known as Rapid System in order to coordinate a demonstration and determine the technological feasibility of this system. Further, it was agreed, very graciously on the part of the Monroe Township Council officials that Mr. Fera will be invited to participate in this meeting and demonstration so that he, as a first-hand user of these items, may have direct input into the practicality of the system which has been mandated to be utilized by all business merchants dealing in precious metals. The goal as stated that in the next few weeks your office would reach out to representatives of the Rapid System so that the goal was perhaps, at the January 9, 2015 meeting of the Monroe Township Council, an informal discussion may be had and the item may be placed upon the Agenda at that time for formal review by Township Council. We know now this did not occur. A representative of Rapid Systems was not available for the January 9, 2015 meeting. It is my understanding that your office is continuing its' efforts to schedule this meeting with the Rapid System Representative.

The items which were agreed to with regard to ^{237-3 (2)} Amendments are listed below. Initially, our office had expressed a concern with regard to §273A(2) which contained a morality clause, specifically (morale, character and business responsibility as deemed necessary by the Monroe Township Police Department or for the protection of the public welfare). It was agreed by the members of the Committee informally that these requirements of the morality clause would be deleted in their entirety. *Single printing requirements*

Next, with regard to §273-6 entitled Dealer' responsibilities, requirements and recordkeeping, there was conversation among the members of the subcommittee with regard to the cost of the software program and, more importantly, the viability of the software program. As was set forth above, you had indicated that on behalf of the Township, you would contact the manufacturer of the electronic database software program to coordinate a demonstration and feasibility of the application to the software. If the software is in a state where it is functional, than the parties agree to work together to utilize their best efforts to achieve a result consistent with the

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Ordinances' goals; however, if it appears, as has been Mr. Fera's assertion that the software is not feasible and unworkable, the parties agree again, in good faith, to work together so that it would appear that all of the requirements of the Ordinance which have been enunciated and articulate a legitimate government interest, have been satisfied by Mr. Fera. There was discussion with regard to the waiving of a business fee or a business license that does not appear to be appropriate in this context.

With regard to §237-6(B)(3) as well as (B)(5), this appears to present an inconsistency in that within a forty-eight (48) hour time period, a form must be generated by the software program which requires the signature of the seller, this was agreed to be impractical and unworkable as the time parameters which were set forth would not be consistent and the sellers would not return to the merchant's premises to sign the form after the transaction occurred.

With regard to §237-6(C), also appears to be problematic in that recent amendments to the State statute now require items to be held for ten (10) business days that would appear to overrule the five (5) days set forth in the Ordinance.

With regard to §237-6(E), the requirement that all transactions must be completed by bank check was agreed by the parties to be eliminated and not place any limitations on Mr. Fera or any other merchant in terms of the receipt of the conduct of the business other than lawful currency of the United States of America.

§237-6(F) again appears to be impractical in terms of the inspection. It was agreed by the parties that this can be modified to add a provision which would indicate that, upon a reasonable notice or the insertion of some period of time.

~~Also there was conversation by Mr. Fera with regard to other descriptors which were not~~ presently included which should be modified to include industrial scrap, white gold, yellow gold, which may be more inclusive and allow additional information to be obtained and retained by law enforcement.

Finally, it appears that moving forward, the parties are agreeing to work together in good faith. Members of the Township Committee have agreed to hold in abeyance any enforcement efforts with regard to the current Ordinance. It appears to be the next critical juncture would be the meeting with the software manufacturer and demonstration, to determine the practicality and viability of the proposed system.

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Please extend, on behalf of my client, Mr. Fera, our continued thanks to the members of the Monroe Township Sub Committee and its' elected officials for their willingness to work together to achieve a mutually beneficial result for all concerned.

Thank you for your continued courtesies extended,

In closing, I remain,

Very truly yours,

SICILIANO & ASSOCIATES, LLC

By: Salvatore J. Siciliano
Salvatore J. Siciliano, Esquire

SJS/tl

cc: Mark Fera (markfera@yahoo.com)
Gilbert J. Scutti, Esquire (gscutta@smll.com)
file