

**MINUTES
ORDINANCE COMMITTEE MEETING
TOWNSHIP OF MONROE
MAY 6, 2015**

A.) CALL TO ORDER & ROLL CALL

The Ordinance Committee Meeting of the Township of Monroe was called to order at approximately 7:00 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

Cncl. Pres., Frank Caligiuri led the assembly in the Pledge of Allegiance to Our Flag.

ROLL CALL OF PUBLIC OFFICIALS

Cncl. Walter Bryson	Present	
Cncl. Frank Caligiuri	Present	
Cncl. Rich DiLucia	Present	
Cncl. Bob Heffner	Present	
Cncl. Bart McIlvaine	Present	
Cncl. Cody Miller	Present	
Ord. Chairman, Marvin Dilks	Present	
Mayor Daniel Teefy		Excused
Business Administrator, Kevin Heydel	Present	
Solicitor, Charles Fiore	Present	
Deputy Clerk, Sharon Wright	Present	

B.) APPROVAL OF MINUTES

Cncl. Miller made a motion to approve the minutes as submitted of the Ordinance Committee Meeting of April 8, 2015. The motion was seconded by **Cncl. McIlvaine** and approved by all members of Council with the exception of **Cncl. Bryson** who **Abstained**.

C.) PUBLIC PORTION

Cncl. Pres., Caligiuri made a motion to open the Public Portion. The motion was seconded by **Cncl. Miller** and unanimously approved by all members of Council.

Domenic Burgess of B & B Auto Repair questioned whether the towers would be able to have input during Council's discussion of towing. **Cncl. Dilks** advised he would allow orderly discussion. He requested the towers to raise their hand if they wish to speak.

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C.) PUBLIC PORTION (cont'd)

Mark Fera owner of Fera's Jewelers noted the draft Precious Metals Ordinance is insulting, as many things were agreed upon during the last meeting when his attorney was present and a scant few things made it into the ordinance. At this point he can only assume that this ordinance is drafted with malice against his business. He noted he has been buying gold in Williamstown since 1979, cash for gold and arbitrarily he can no longer pay cash under this ordinance and that gives his competitors in other townships an unfair advantage. Mr. Fera indicated he was shocked at this ordinance and wanted to know if he could meet without his attorney to speak with any member of Council for one last ditch effort to make this more fair to his business. Cncl. Pres., Caligiuri advised Mr. Fera could meet with any member of Council he wanted to, he would just need to make an appointment. Cncl. Miller noted Council discussed scraping the issue dealing with checks to allow cash deals. Solicitor Fiore replied that is correct. Several meetings were held since October, four or five letters went back and forth to Mr. Fera's counsel, which Council was copied on but the tentative agreements from the Law Committee Meetings are not binding upon the entire Council. The entire Council decided they wanted to move forward and instructed him to include these changes in the ordinance and if he was not mistaken, at the last Ordinance Meeting, it was the consensus of all of Council to include the check requirement back into the ordinance. Mr. Fera responded he knew nothing was in concrete but from where he comes from when a bunch of people sitting at a table saying yes you leave with the impression that it's okay. There is a lot still in the ordinance and some of the requirements were made even more stringent so it seems like every time he approaches Council to address his concerns somehow it gets doubled down. Mr. Fera felt the malice in this ordinance is not coming from this Council but from the Police Department since the entire ordinance was initiated by them. He noted he was speaking to a former detective sergeant who reminded him of a comment from one detective during a heated argument many years ago. That detective told him that "he almost knows half the stuff bought in his store is stolen". He spoke of having a good working relationship for years with Detectives Garcia, Hammel and Driscoll but felt because that comment was made and the Police Department initiated this ordinance that he is being targeted. He added from what he is being told by retired detectives this Council is just being duped by the Police Department. He went on to say he is friends with County detectives and a municipal judge and there are a lot of things in this ordinance that the police do not need but Council chooses to listen to the police. Mr. Fera noted just so Council understands if some type of an agreement cannot be reached he will use the money he usually gives to charities to fight this ordinance in court. His business has been good to him and he has been good to a lot of people but if he is being attacked his first line of defense will be to defend his business with whatever he has. He's not greedy nor does he want to keep it all, but this is hurting him and Council is not listening to him. Cncl. Dilks replied we have been friends for a long time and Council did listen to you and no one on this Council is attacking you. We are elected to this Council to do what is right for the people in this town, not just you, so that is what we are looking at and what we are trying to do. It is not against you, we are not attacking you whatsoever. Cncl. Miller stated at the last council meeting Cncl. DiLucia made a valid point about getting rid of cash transactions but he (Cncl. Miller) didn't know all of Council came to an agreement that it should be included in the actual ordinance and he doesn't know how the other Councilmen feel about that but he felt it should not be included. Cncl. Bryson noted he was not in attendance at the last Ordinance Meeting so was this discussed during that meeting or at the prior Ordinance Meeting when implementing

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several different changes was discussed. He questioned whether those changes were implemented. Mr. Fiore explained he was given instructions at the last Ordinance Meeting and clearly at the end a recommendation was made to put payment by check in the ordinance but that issue can be deliberated again because ultimately it is what everyone wants to do as councilmen. Cncl. DiLucia noted he chaired the Law Committee Meeting, which was the last time the committee met with the jeweler. At that meeting it seemed like everyone wanted to work it out so he requested the jeweler's attorney and the township attorney to try to work something out and if they couldn't do that then Council would put an ordinance in place. Cncl. DiLucia noted the next thing that happened, *(and if he was wrong he wanted to be corrected)*, was a letter came from Mr. Fera's attorney that was contrary to what he thought was the spirit of that meeting. The demands/requests in that letter were outrageous so when the issue came back to Council it was our opinion that letter purported what the jeweler's counter proposal was and that was unacceptable to us. Mr. Fiore requested everyone to focus in on the two points of contention, which are the check versus the cash and the reporting requirements. Cncl. DiLucia noted the most recent letter from Mr. Fera's attorney wants to change the computer system to an entirely new system and they want to include ten penny weights as being the criteria. Ten penny weights is half an ounce and Cncl DiLucia noted he didn't know where that came from because he never heard that discussed before. Solicitor Fiore felt that was just a suggestion from what came across on the internet. Cncl. DiLucia replied no, if you read the attorney's letter it makes specific requests and one is a new operating system that we know nothing about, or whether it is good or bad. Mr. Fera noted he was not aware of a letter with demands from his attorney and he was shocked at what Cncl. DiLucia said. He added he hoped this is not just two attorneys picking a fight to try to make money off of him. Cncl. DiLucia advised he has in his computer what purports to be a letter from Mr. Fera's attorney responding to the demands after the last meeting and what stood out to him was the new system. The Clerk has that letter in paper form. Mr. Fera noted he found out about that system after reviewing the Rapid System, which crashed during the presentation. He spoke of how his friend in Maryland, who uses the Rapid System, told him that he had three pages of information put in but all the information was deleted when he put a comma in the wrong place and he had to start over. He added the police department wants access to other areas where jewelry stolen in Williamstown might go. We are located in the Philadelphia Metropolitan area and jewelry could be sold in Philadelphia, which uses a system called LeadsOnline, which does not talk to the Rapid System so we could be hooked up to Cherry Hill and Gloucester while jewelry is being sold over the bridge in Philly. The Philly dealer could be logging the items into LeadsOnline but our police officers wouldn't know it because the two systems do not connect. Mr. Fera registered with LeadsOnline, which is free and a user friendly system. If the computer shuts down as you are logging something in it will pop back up and the information is still there. With the Rapid System if you don't print a receipt immediately it gets deleted and you can't print it again but with LeadsOnline you can go into the system and regenerate the receipt for law enforcement. That system is used by many law enforcement agencies and by the city of Philadelphia, which has at least 10,000 or 12,000 gold buyers. He noted if his attorney approached Council with this it wasn't as a demand it was a suggestion to look at the program as opposed to the other one. Cncl. DiLucia questioned if the Deputy Clerk had a

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hard copy of the letter and if so would she read it to everyone. Mrs. Wright indicated she had the letter and questioned whether Cncl. DiLucia wanted her to copy it for everyone as it is three pages long. Cncl. DiLucia replied yes copy it for everyone because when he chaired the Law Committee Meeting he thought both sides were close and could work things out so he told the attorneys to work things out and bring it back to Council to refine it. When he read the letter he said to himself where did this come from because it included new issues that were never talked about, such as gold items under ten (10) penny weight would not be logged into the system. He noted ten penny weight is half an ounce of gold and to him that is a lot of money. Mr. Fera noted when he was here he suggested \$50.00 and that would be for an item of two (2) penny weight, which would cover minor little items that he would like to exclude from entering into Rapid but still take pictures of to keep with the person's ID that sold the items. Cncl. DiLucia noted he understands what Mr. Fera is saying but he would appreciate it if he would read the letter from his attorney and let Council know whether that represents his position. Mr. Fera agreed to read the letter and noted he would contact the Clerk's Office to schedule a meeting to discuss it. He added he follows the law to the point where he wrote up a receipt when a man came in with two push backs from 14 ct. gold earrings that weighed .1 penny weights, which was worth \$1.50. He felt something like that should not need to be logged into the Rapid System. He tries to set his level that anything \$50.00 or under you still have to take pictures, get their ID's and keep the records but you would not need to itemize things into Rapid. Cncl. DiLucia noted he didn't want to debate all the issues because there are a lot but a good starting point would be that Mr. Fera read his attorney's correspondence and if it doesn't represent his feelings he can put that in writing the things he doesn't agree with as well as the things that he and the other jewelers could live with. He noted during the meeting when he asked the question "what would a reasonable amount be to pay by check" Mr. Fera said \$100,000.00 and if he altered his position on that it should be put in writing because we are somewhere between zero and \$100,000.00 right now. Cncl. Dilks noted once he puts that in writing the Law Committee will meet to discuss it. Cncl. DiLucia noted Council will need a little more information if Mr. Fera wants Council to look at this new system because the information transmitted on Council's computers was blurred so it is very hard to read. Cncl. Bryson noted we have been debating this Precious Metals ordinance for almost a year and the software system keeps coming up over and over again and he personally thinks there are only three options. The first throw it out and keep the existing ordinance we have, which does have reporting capability or two, accept this ordinance as it is and let it be a punishment for the jewelers, which is how he sees it or third look at something that might be realistic since we have been introduced to another type of software. It seems that Mr. Fera and his attorney have looked at it and it might be more acceptable and easier for him to enter the data than the Rapid System and it might be better for the Police Department to have. Somehow we need to come to fruition with this because we need to make it work for everyone. Cncl. Heffner commented that during the meeting everything was pretty much ironed out but then we received the attorney's letter. When he read it, he took it as let's scrap the entire thing because no matter what we do, it will not make anyone happy, which is why we went back to the current draft ordinance because it didn't seem like we were going anywhere. There were two different meetings so why wasn't that other system brought into play at one of those meetings. The Deputy Clerk distributed copies of Mr. Siciliano's letter and after reading it Mr. Fera noted he never saw this letter and never instructed the threshold to be \$500.00 or greater. He indicated he would

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contact his attorney because he wanted the threshold to be \$50.00 so he would not have to input the junk jewelry. Cncl. DiLucia suggested Mr. Fera read the letter, consult with his attorney and then give Council his position on the issues. He felt the spirit of the last Law Committee Meeting was that everyone was trying to work something out and then another letter that proceeded this one came that was even tougher. He noted he was not saying Mr. Fera didn't have the right to request this but he must appreciate how Council looked at it. He suggested Mr. Fera meet with the other jewelers to establish their positions and explained that Council may not adopt all of their suggestions but some may be acceptable or could be amended so everyone agrees. Mr. Fera noted he would like to sit down with someone on Council to address this. Cncl. DiLucia noted with the permission of the Ordinance Committee Chairman he would be willing to call another Law Committee Meeting to meet with Mr. Fera if everyone felt it was worth it but the first thing he would like to receive is a response to this letter. Cncl. Dilks added he would like to see that happen and then the issue will be put on the next Ordinance Meeting agenda for Council to make a decision one way or another. Mr. Fera commented that he has never worked with a governing body before so what has happened is while we are trying to negotiate everything is tentative and then he goes away and nothing changes. He noted he makes deals all the time in his store and he is trying to make a deal with the town. Cncl. DiLucia noted if Mr. Fera makes a tentative agreement with Council it is our intention to keep that, and he speaks for all of Council. The reason why you wind up seeing something that was not even close to what you thought is because of the way Council viewed the attorney's letters. He added he had asked Mr. Fera "is this another what else" because he did not want to get into a situation where every time something was resolved Mr. Fera found another thing and that's why he told the attorneys to work it out since everyone seemed to be close and when the attorney communicated with Council he thought that was their answer, as he is Mr. Fera's spokesperson. Cncl. Heffner suggested the police department look at the other system before the Law Committee holds another meeting and Council agreed. Mr. Fera explained if a police department is not a member of LeadsOnline if called they will cooperate with the police even though they do encourage them to get on line with their system; unlike Rapid who will tell you take a hike if you are not in their system. Mr. Fiore indicated he would contact the police department to advise them of this.

With no one else wishing to speak Cncl. Pres., Caligiuri made a motion to close the Public Portion. The motion was seconded by Cncl. Miller and unanimously approved by all members of Council in attendance.

D.) ORDINANCES FOR REVIEW

- Chapter 237 "Dealers of Precious Metals" - (No further discussion took place on this issue)

- Chapter 175-127 "Limitation of Principal Uses"

Solicitor Fiore explained changes to the RG-TC (*Regional Growth Town Commercial District*) were forwarded to the Planning Board. The main focal point of the change was to allow craft alcoholic beverage establishments within that district. The Planning Board forwarded their recommendation to Council who is required to adopt the changes by ordinance. Cncl. Pres.,

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Caligiuri added it also allows for a mixed use in that area. Cncl. DiLucia noted in some cities there are ordinances that you can't have an establishment that dispenses alcohol within so many feet of a church and he questioned whether our ordinance has that regulation. Mr. Fiore advised that is an ABC regulation and that would apply. Mr. Fiore recommended that be included in the ordinance as well because he wouldn't want someone to spend a lot of money for a facility only to find out a church is next to it so it can't be there. Cncl. Bryson questioned whether the law sets a limitation on the number of microbreweries that a town can have. Solicitor Fiore replied no, because they are not licensed like other establishments are. He felt there would not be many requests for them since they are an expensive proposition. Cncl. Bryson spoke of being in Madison, Wisconsin where they have microbreweries every mile and a half but that is a big area for beer. Some of them can serve food and others can't because of the type of beer they serve. Mr. Fiore explained we are very limited with space and a microbrewery would be controlled by site plan, the height of the building, the size of the building, parking etc. and Council and the Board still has control over that. Cncl. Bryson added you would be surprised at the physical space a microbrewery takes up. Mr. Fiore agreed, adding to have a lot of microbreweries the center of town is very limited and basically we would need to raise the entire center of town because they would not fit into existing buildings. Cncl. Dilks polled Council and all were in favor of moving the amendment to Chapter 175 forward for First Reading at the May 11th Regular Council Meeting.

• Chapter 239 "Refuse Collection and Recycling"

Solicitor Fiore explained this proposed amendment was brought forward by the Main Street Committee because even though the ordinance states trash containers need to be moved from curbside on the day of collection it is unclear that containers are to be moved to the back of the house. Mr. Fiore noted he met with Mr. Carbone, Chairman of the Main Street Committee, and at the recommendation of that committee the following language was included in the ordinance:

The receptacles/containers shall be stored at the rear of the house and/or building so that it may not be seen from the street. In the event a property is leased by a tenant or tenants, the landlord shall be responsible to provide a location for the storage of the receptacle/container consistent with this section herein.

Mr. Fiore explained this will require trash containers to be placed in the back or off the street and out of sight and it does not put the burden on the tenant. Cncl. Dilks questioned if we discussed this several years ago. Mr. Fiore noted we did but the ordinance was never changed. Cncl. Bryson felt some properties along Main Street will have a difficult time getting trash containers behind the building so he suggested allowing those residents to just put their trash out for pickup in plastic bags even though that might be a little more of a burden on our Sanitation Department. Cncl. Miller felt the ordinance stipulates it has to be in reason so if they have no place to store behind the building they will not be able to do that. Holiday City has the same type of regulations and Ernie can attest that this will make Main Street look a little better. Council questioned whether this just deals with Main Street. Cncl. Miller advised it encompasses everything. Cncl. DiLucia noted if enforcement is done within reason people will comply with

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the ordinance and we won't have a dirty looking street. Cncl. Heffner noted the hotel has about ten or twelve trash cans and he questioned whether that was a commercial business. Dan Kozak advised there are about twenty units in that building and Director Bob Avis allotted so many trash cans to that building. Cncl. Heffner questioned whether it would be better if they had a dumpster the township picked up. Mr. Kozak suggested Cncl. Heffner discuss that with Mr. Avis, as he felt they are trying to get away from providing dumpsters. He explained a dumpster needs a barrier/fence so that is something that needs to be considered. Cncl. Dilks polled Council and everyone was in favor of moving the amendment to Chapter 239 forward for First Reading at the May 11th Regular Council Meeting.

- Chapter 262 "Towing"

Solicitor Fiore spoke of this issue being kicked around since 2007 with changes being made in search of the perfect ordinance but he has come to the conclusion there is no perfect ordinance. In his mind it became obvious that all types of things occur whether right, wrong or indifferent and the problems that we have had over the years, and there might not be that many, are due to the fact that we lack a standard. Many towns have ordinances that require three types of towing vehicles, light, medium and heavy, but he is not suggesting Council do that. Some towns even go as far as requiring towers to have level 1 and level 2 certified operators. There are various national and state companies that certify towers and there are certain requirements such as state police requirements all of which the goal is to establish a standard. The gold standard may not be necessary here, we may not want the bronze but the ordinance needs to establish what the standards are all the way down to enforcement. The ordinance has been criticized over the years as being bad, it may not be the perfect ordinance but it's not that bad. The one thing that has not been done by the municipality is the strict enforcement of it or at least the stream of information from the guys on the street to the Chief and the Public Safety Director and ultimately to Council. Many times Council and the Mayor find out about things at council meetings from constituents and that is probably why what occurred the last time has occurred. He added there are some great ordinances from other towns. Some require all three types of tow trucks in order to be on the towing list, some only have two towers and other towns include in their application that the New Jersey State Police Application must be completed as well as all drivers must be a level one or level two operator. The purpose for that is to create a standard so when a tower responds to a tow we will know what that tow driver should be doing. Mr. Fiore noted he is a novice to this even though he has been dealing with it for seven years he learns something new every day. Council is trying to cope with legislation to look out for the public good and once there is a standard we won't get into trouble, it's when we make it up as we go along where we get into trouble. The ordinance has been kicking around for seven years with changes and without changes and that's why we're here today. We are no better off than we were seven years ago because we never established those guidelines. If an ordinance is adopted that requires a heavy wrecker we will probably put most of the towers out of business but that maybe what you need to do as a group to promote public safety. Mr. Fiore added everyone knows the issues because we have been living, sleeping and breathing them and he wanted to bring it up tonight for further discussion. Cncl. Dilks noted seven/eight years ago we worked many hours on this ordinance with the help of towers who gave their input and there were heated debates about

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what was included to make a good ordinance. He added he feels this is a good ordinance, the other one was very outdated and Council had to do something. Mr. Fiore noted the heated discussion comes because we are talking about the towers livelihood and he totally appreciates that and we never want to put anyone out of business but on the other hand from a legal standpoint and a public safety standpoint we may have to. He added we could have the greatest ordinance on the books but there must be enforcement. There have been suggestions that some people have personal grudges and if that's the case the Chief and Police Department need to deal with that. Mr. Fiore noted he tries to keep council out of that. Council needs to come up with an ordinance that will work for this township of 40,000 people, 48 square miles, 70 police officers and numerous vehicle crashes each year. **Cncl. Bryson** noted when this ordinance was done seven years ago many other municipalities adopted our ordinance with some minor changes. The ordinances we reviewed in the past were from larger cities or those that had more population and this ordinance was put together. He felt that all we need to do is fine tune it because this ordinance has assets/attributes and we shouldn't throw the baby out with the wash water, we just need to find the problem and refine it. Mr. Fiore noted it comes down to it lacks consistency and the way you avoid inconsistency is it must be A, B, C and D, there is no discretion, it must be either this or this. If it requires a fence to be six foot and it's six foot two inches, it must be six foot and it is unfortunate that it has to be that way but that is how you avoid problems and that's how it has to be. **Cncl. Dilks** questioned how Mr. Fiore wants to start addressing these issues. Mr. Fiore advised he has already provided various materials and he will be getting the State Police SOPs and applications and information regarding certifications from private companies. He added he doesn't know if Council wants to go for a gold standard or just keep it at bronze. He suggested the Public Safety Committee meet to address these issues and the towers should be involved in the process, as they are affected by this. Some towers have provided information and we don't want to make the ordinance so restrictive that we put anyone out of business. **Jack Simmermon** noted some guys are strictly in the towing business and other guys own a repair shop, body shop or junkyard and towing is a secondary income every so many weeks. He added there are two guys here on the towing list that don't want to listen to what he was going to say but if you are in the towing business you need to invest in your business. Towers should be able to handle everything from light, medium to heavy, as it is a public safety issue but many times he hears them on the radio when a heavy wrecker is needed for a 3500 box truck asking if they can look at it first. No, they can't go look at it either you can do it or you can't so why are we going through the list to ask towers if they can handle something. We don't do that for the police department, the fire departments or the ambulance and rescue. Mr. Fiore questioned when the towers get the call do they know whether they will be able to handle it or not. **Dominic Burgess** explained they call and say the type of truck and how big it is and he can tell them right away whether he can handle it or not and he has no problem with Jack being called for heavy duty tows. All the towers can handle anything up to one ton and anything over that he can't handle and would rather see Jack take it. **Tom Weeast** of Lake Avenue Auto Body agreed with Mr. Burgess. Mr. Fiore suggested a tiered system where we would have levels for light, medium and then heavy with maybe two companies handling heavy. **Mrs. Simmermon** questioned whether the police department would have input into this ordinance as well. Mr. Fiore replied yes that is very important. It was noted the Public Safety Committee, **Cncl. McIlvaine**, **Dilks** and **Heffner** would schedule a meeting to address this issue. **Jack Simmermon** noted he is the guy

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who put money out for equipment so would the township pay him to have his truck sitting there babysitting for the jobs no one else can do. He questioned whether he was supposed to have guys on standby, as it's great the other towers are saying just call Jack but everyone has to realize that he has a lot of money invested into this business. Cncl. Dilks noted you run your business the way you want to run it and if you can make that tow that's fine, if you can't we'll get someone else. Mr. Simmermon questioned if he couldn't do the job who would. Councilmembers made comments that they would figure it out and possibility go to Battelini Towing. Cncl. Dilks noted the Public Safety Committee will schedule a meeting to address these issues.

E.) MATTERS FOR DISCUSSION

- Chapter 175-135 "Signs"

Cncl. Pres., Caligiuri explained Council did not accept the recommendation from the Pinelands to enforce their regulations that prohibited the use of flashing electronic signs and in fact the way their proposed ordinance was written the township would have technically had to remove signs with preexisting conditions. We subsequently had conversations with the Pinelands and the intent is people with signs are grandfathered in but when properties are transferred at that point in time the sign would become illegal and would have to be removed. In the interest of cooperating with the Pinelands the recommendation of the Planning Board is to adopt the Pineland's recommendations. Cncl. Dilks indicated the ordinance has already been adopted this amendment is just to include the RD-40 Zone. Cncl. Pres., Caligiuri explained a minimum of forty acres is required to construct a building in the RD-40 Zone, which is located in the far woods of Cecil. All the other districts were originally named in the ordinance but the RD-40 was simply forgotten. Cncl. DiLucia noted if we did not endorse this ordinance there would have been no enforcement power by anyone so what they have done is gotten us to be the enforcing agency over something that we do not want to enforce so what did they give us for this. Cncl. Pres., Caligiuri noted they have become more cooperative working with the township in other districts. Cncl. Dilks noted the ordinance will be prepared for First Reading at the May 11th Regular Council Meeting.

- Abandoned Property Ordinance

Solicitor Fiore explained the draft ordinance was sent to the Mayor by County Counsel as it is what the County is requiring municipalities to adopt to participate in the Shared Services Agreement for the Abandoned Property Registration Program. Cncl. Bryson questioned whether this was the same company or system that Mr. Heydel was looking at that will cost us \$100.00 per property. Mr. Heydel replied yes and went on to say how he and Dan Kozak attended the presentation at the County and the first twenty minutes they were sold on the program. Cncl. DiLucia noted he noticed this ordinance establishes a fee of \$300.00 while our ordinance had a fee of \$500.00. Mr. Heydel advised we can still maintain our \$500.00 fee. Mr. Fiore noted he would contact Matt Lyons to make sure of that because he felt if we enter into a shared services agreement we would be locked into that \$300.00 fee. Mr. Heydel indicated that is not the way it came across at that meeting because there were other municipalities that are already collecting

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\$500.00 and he didn't believe they would be willing to give that up. Mr. Fiore indicated he would verify that and make a report on it at the May 11th Work Session Meeting. Cncl. Bryson questioned whether there was a provision in the agreement that if we want to get out of it we can unlike the other agreement we entered into that was supposed to be for five years and it ended up being permanent. Mr. Heydel advised this is a one year agreement.

- Chapter 65 "Personnel Policies"

Cncl. Miller explained it was his recommendation to eliminate health benefits at the end of Council's existing terms. Councilmembers indicated they did not receive a copy of the ordinance in their packets and Cncl. Bryson noted he was not involved in the discussion during the last meeting and didn't see the ordinance until now so he would like to have some time to read it in order to make suggestions. Cncl. DiLucia questioned what this ordinance accomplishes. Cncl. Miller explained the goal was to end something that was passed a long time ago and a modest compromise would be at the end of the term. He understands that benefits were once the law of the land but in 2011 that law changed and subsequently many municipalities have adopted policies that eliminated them and his goal was to come up with a solution that would be more beneficial to everyone but also to end something that he feels or that most people felt should not have been adopted in the first place. It is not an attack on anyone it is just something he felt strongly about and other members felt similarly. Cncl. DiLucia noted it appears that Cncl. Miller is the sole sponsor of this because he has not heard any other members say they were supporting or not supporting this ordinance. He again questioned what Cncl. Miller felt this accomplished. Cncl. Miller replied it's ethical. Cncl. DiLucia noted ethical, that's the point. He noted to him it makes it look like that he has something that he fought for that was unethical and he should not have had. Cncl. Miller replied that's not how he is trying to Cncl. DiLucia interrupted stating that's the point it is viewed that way, as if there is a compensation that somehow we took. He added this predates him as well as other people, it was a condition of employment and being a labor leader just the pure principal of it bothers him. It bothers him that there is an inference that somehow all the people that collected this over the years stole something or took something that they were not entitled to including the Mayor for ten or eleven years. Now Cncl. Miller and other people in this room are going to vote on it that don't get it. Cncl. DiLucia noted he has no problem giving this up because financially it will not make a difference in his world but what he said when this issue was first raised and the comment was made that it was being done to save the taxpayers money was in that spirit, he was willing to give up his pay, the \$8,400.00 a year he gets as a councilman, and he is still going in that direction. Cncl. Miller noted Cncl. DiLucia can voluntarily give up his pay. Health benefits essentially cost more than all of council's salary combined, as they cost \$70,000.00 while the combined salary of council is \$60,000.00. Cncl. DiLucia disagreed saying health benefits are not more than all of council's salary, the mayor and all the people that go to meetings and get \$600.00 to \$700.00 a year for what. He noted he never brought that issue up. He noted at the meeting the other night he stated there was a lot more he could cut but he didn't want to skim the budget. It was cut \$100,000.00 and that will benefit people more than the \$70,000.00, which is \$68,000.00 because Council paid \$700.00 last year out of their \$8,400.00 for that insurance. He went on to say Cncl. Miller voted against that \$100,000.00 saving for the people and yet had the gall to say he was

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E.) MATTERS FOR DISCUSSION (cont'd)

going to save \$70,000.00 on principle. Cncl. DiLucia noted this is an insult, it's not the money he'll give that and his pay up that's not a problem but it is an insult the way Cncl. Miller is doing it. Cncl. Miller questioned how was it an insult. Cncl. DiLucia noted he suggested through the Ordinance Chairman that this be taken off the table and put on next July or August and he would vote for it at that time and you (Cncl. Miller) refused to do that; why. Cncl. Miller noted we discussed the issue already. Cncl. DiLucia questioned who discussed it, you didn't discuss it with me. Cncl. Miller replied it was discussed at the last Ordinance Meeting and we are discussing it now. Cncl. DiLucia stated and a recommendation was made to you through the chairman to hold off on this until next July or August. Cncl. Miller noted the original agreement was six months. Cncl. Pres., Caligiuri questioned what Cncl. DiLucia's reason was for holding off on this. Cncl. DiLucia replied you know the reason, it is a political issue. Cncl. Miller responded that is not the goal, everyone is making it political and that's the problem. Cncl. DiLucia disagreed, noting it is political. Cncl. Bryson added if you are really aware of how this issue was treated by the governor and the legislators you would not be doing this. As Cncl. DiLucia said this is political, as there are only four people on this council entitled to benefits because we were on council before that law was adopted. He added he knows Cncl. Miller understands what that law says, which is individuals can personally give up benefits, benefits are lost if a person is defeated in an election or if they change their elected position to take on a new one. Everyone here that was elected in November knew they would not get this benefit and that the existing council members would still maintain it unless you come along politically and take it away. Cncl. Bryson agreed with Cncl. DiLucia that at this point in time it is political unless Cncl. Miller reconsiders the way it is being done. Cncl. Miller noted everyone, to his knowledge, agrees benefits should end at the end of the current term. Cncl. Dilks noted he does not have a problem with benefits ending at the end of the term but he does not agree with it the way the ordinance is written (*benefits would be eliminated six months after adoption of the ordinance*). He added he listened to Rich, Walt, Frank and everyone else but he has his own opinion and would not agree to give up salaries. The health benefits and salaries were established for a reason and without them he is worried who will run for council in the future. Cncl. Bryson noted he does have a problem with the end of term, as he felt if council wants to do this and the township has the ability to supersede what the governor and law says it should be done by a date not by end of term. No one knows whether he is going to seek re-election so when they say end of term which term does that mean, this term, the next term or the term after that. Cncl. DiLucia noted he really wants to get along. All along he has said if Cncl. Miller agreed to terminate benefits at the end of the term and address this issue next July or August it would accomplish the same thing but Cncl. Miller refused to do that. Cncl. Miller explained the reason he said that was because the issue was already discussed, it is already public record so how would it look if we put this off for political reasons until after the primary. Cncl. DiLucia noted it is apparent that Cncl. Miller has a goal and if that goal is to eliminate health benefits at the end of the term then there should be no discussion now. This issue should be tabled until next July or August and he will give his word that he would vote in favor of eliminating it at the end of the 2016 term. Cncl. Pres., Caligiuri suggested cleaning up the problem with the ordinance in regards to when the benefits will end. He felt council should keep their benefits until the end of their term and then they will have to decide whether they want to run again and accept the job without the benefits. He suggested Council take a vote on that language. Cncl. DiLucia replied no, he wants to vote on

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E.) MATTERS FOR DISCUSSION (cont'd)

the whole piece of legislation. He wants to make it clear that if this legislation stays the way it is he will amend it to include salaries be given up too because he is not going to let Cncl. Miller take Walt's benefits away, which will cost him \$15,000.00 to \$20,000.00 to replace and allow him to sit here without putting anything into the pot; he's going to put his salary into the pot. Cncl. Miller noted he was not taking anything away from anyone. Cncl. Bryson noted you are, this is politically aimed at three people. Cncl. Miller noted Marv and Frank agreed to this. Cncl. Bryson referred to the comments Cncl. Caligiuri made to him on Saturday morning when they ran into each other. Cncl. Caligiuri had said he felt really sorry about taking benefits away because Helen has asthma and at that time Cncl. Bryson asked Cncl. Caligiuri who was responsible for this. Cncl. Pres., Caligiuri replied that he said Cody. Cncl. Bryson answered no you didn't, you said Dan and you sprung this on me without having one conversation with me about it and this affects me, it does not affect other members of council. He noted he heard about the proposal to take salaries away so if this is done exactly this way then he would include a date salaries and health benefits are eliminated. Cncl. Pres., Caligiuri and Cncl. Dilks agreed with Cncl. Bryson's comments. Cncl. Dilks requested a date be put on that and went on to say how he worries about the next Council. Mr. Fiore noted the salary ordinance would need to be amended as well. Cncl. Dilks advised he would go around the table to find out if everyone wanted to go to the end of the term for benefits and then we will vote on whether we want the salary to go into that. Mr. Fiore explained benefits are under Chapter 65-14 and the salary falls under the salary ordinance so they are two different ordinances. Cncl. Dilks noted we are going to change Chapter 65-14 to the end of the term, which would be December 31, 2016. Cncl. DiLucia disagreed in doing it individually. He noted he spoke to Cncl. Dilks about this and he said he was angry about the way it was done, as he thought it should have been done a little differently. He was doubly angry when Frank told Walt the Mayor was behind it so he said his feeling is give up the salary and benefits if they are saying they want to give it back to the taxpayers let them put their money where their mouth is. During that conversation Cncl. Dilks said that Cncl. Miller was willing to go to the end of the term and he (Cncl. DiLucia) said he didn't want to do that but would do it in the spirit of cooperation so everyone gets along. The only thing he asked was for Cncl. Miller to put the change in next June or July, which will change it at the end of the term and it accomplishes the same thing. He promised, and his word is his bond, that if the issue was taken off the table now he would vote for it. Cncl. Dilks had indicated that Cncl. Miller rejected that so Cncl. DiLucia noted he would not agree to his (Cncl. Miller) position because that is mean spirited. Because if you can accomplish the same thing with his amendment what is the reason for rejecting it, there must be an ulterior motive. He noted he has been around politics a long time and has been involved in many negotiations during his lifetime and you will not out negotiate him; you may lie to him or bull_ _ _ him but you will not out negotiate him. In terms of what he will agree to, and it has to be part and parcel of the whole thing, and that is in June or July we will bring this discussion up again and we will vote to do away with the health insurance. Cncl. DiLucia noted he would agree to that, anything else he wanted an amendment included and it voted on first. If they vote against the amendment they vote against giving up their salaries and then if they vote to get rid of the insurance they can explain that to the taxpayers, not him. Cncl. Pres., Caligiuri felt there should be actually three votes taken; the change in the language, whether or not a salary is attached to that and the third is the date when this will be moved. Cncl. DiLucia disagreed with that; noting under Parliamentary Procedure there can be a resolution or ordinance

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E.) MATTERS FOR DISCUSSION (cont'd)

entered that encompasses everything. If you want to vote against a resolution as order, you can. That resolution should say that it will end at the end of the term and that you will cease getting paid and no one is entitled to insurance. That is the main motion in Parliamentary Procedure. Cncl. Pres., Caligiuri noted then there would be four procedures here. We need to decide if this is going to be a single resolution or not and it is a majority rule on whether it will be a single resolution or not. Mr. Fiore explained a resolution will not legally change it, the ordinance is the code. Cncl. Pres., Caligiuri noted a couple issues have been presented by a Councilperson and you should take a vote of the Council on which items they are going to allow. Cncl. DiLucia noted there is no ordinance before us, there is no ordinance to vote on. Mr. Fiore noted a motion should be made to instruct him to draft X, Y, or Z, this will be just giving direction on what they want in the ordinance. Cncl. Dilks questioned whether Council wanted to vote on all three together or separately. Council could not agree on whether the vote should be all together or separate so Cncl. Dilks noted he was the chairman and would take the vote separately and then the issues will be put together if everyone votes in favor of them. Cncl. DiLucia challenged that under Parliamentary Procedure. The main motion is the main motion and nothing in that motion contradicts the main motion. Cncl. Dilks questioned what the main motion was. Cncl. DiLucia explained the main motion is that the insurance would cease at the end of the term and the pay and Cncl. Miller interrupted stating no. Cncl. Pres., Caligiuri noted he is entitled to make that motion as a point of order. Cncl. Bryson seconded Cncl. DiLucia's motion. Cncl. McIlvaine questioned what the motion was. Cncl. Miller explained the motion was to include the salary along with the health benefits. Cncl. DiLucia questioned since this is a spending ordinance does it take a 2/3 vote and is anyone conflicted in their vote. Mr. Fiore replied no they are not because everybody receives a salary, some receive benefits and some receive a stipend therefore everyone can vote. The salary is being decreased, if we were spending money yes it would need a 2/3 vote. Cncl. DiLucia questioned so there is a difference in a 2/3 vote whether you are spending or decreasing. Mr. Fiore replied yes, you are doing away with an item. Cncl. DiLucia questioned whether Mr. Fiore was saying that was under Parliamentary Procedure. Mr. Fiore explained the Statute dictates whether or not it is a 2/3 vote versus a majority vote. This motion to join them together is not a spending ordinance so all the votes would just be a pure majority, as you are not appropriating new money you are voting to do away with money.

The Deputy Clerk advised the motion on the floor is to eliminate the insurance and the salary for all elected officials at the end of their term, December 31, 2016.

**ROLL CALL VOTE ON MOTION TO ELIMINATE HEALTH INSURANCE AND SALARY
FOR ALL ELECTED OFFICIALS DECEMBER 31, 2016 - 2 AYES (Bryson, DiLucia) 5 NAYS
(Caligiuri, Heffner, McIlvaine, Miller, Dilks)**

Tally: 2 Ayes, 5 Nays, 0 Abstain, 0 Absent. Motion to cease health insurance and salary for all elected officials December 31, 2016 did not carry.

Cncl. Caligiuri made a motion that all health benefits for existing elected officials that they committed to upon the day they were hired be retained until their last day of office in this particular term. Cncl. Miller seconded the motion.

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E.) MATTERS FOR DISCUSSION (cont'd)

ROLL CALL VOTE TO RETAIN HEALTH BENEFITS FOR EXISTING ELECTED OFFICIALS UNTIL THE LAST DAY OF THIS PARTICULAR TERM
5 AYES (Caligiuri, Heffner, McIlvaine, Miller, Dilks) 2 NAYS (Bryson, DiLucia)

Tally: 5 Ayes, 2 Nays, 0 Abstain, 0 Absent Motion to retain health benefits for existing elected officials until the last day of this particular term was duly approved.

Cncl. Bryson made a motion to eliminate salaries for elected officials at the end of this particular term (December 31, 2016). **Cncl. DiLucia** seconded the motion.

Cncl. McIlvaine noted he honored the other Councilmember's health benefits contract and would expect his salary contract to be honored until his term is done.

Cncl. Bryson agreed and amended his motion to eliminate salaries at the end of their current term. **Cncl. DiLucia** seconded the amended motion.

ROLL CALL VOTE TO ELIMINATE THE SALARY OF ELECTED OFFICIALS AT THE END OF THEIR CURRENT TERM - 2 AYES (Bryson, DiLucia), 5 NAYS (Caligiuri, Heffner, McIlvaine, Miller, Dilks)

Tally: 2 Ayes, 5 Nays, 0 Abstain, 0 Absent. Motion to eliminate the salary of elected officials at the end of their current term did not carry.

Cncl. Dilks requested Mr. Fiore to prepare the draft ordinance for the next Ordinance Committee Meeting for further review. He added when that ordinance is drawn up it would be fine with him if it was held up until next year because **Cncl. DiLucia** indicated on the record he would vote for it at that time. He added he previously offered that option to **Cncl. Miller** but about a week later he answered that he wanted to go with it. **Cncl. Bryson** noted things can change in a year politically. **Cncl. DiLucia** noted nothing will change because everyone will still be in office unless someone dies. **Cncl. Bryson** noted if this is put aside until next year Council has his word, as well as **Cncl. DiLucia's**, that he will vote for this ordinance. **Cncl. Dilks** noted that issue can be discussed at the next Ordinance Meeting after the ordinance is drafted. **Cncl. DiLucia** noted so there is no misunderstanding he said from the beginning he would give up the insurance if it was just moved to next year and right before we leave office we will all vote for it and the same thing will be accomplished.

F.) NEW BUSINESS

Cncl. Miller spoke of a business owner along Main Street contacting him regarding the ordinance adopted years ago that prohibits people from putting items from their business outside. He noted the Thrift Specialist Store that just opened has many nice items and he was trying to craft an ordinance that would allow them to put items out front as long as the sidewalk is not blocked that would cause a hazard or an issue. The owner is trying to market the business and increase foot traffic but they only have a sign and people can't see what's inside the business.

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F.) NEW BUSINESS (cont'd)

Cncl. Miller noted in the past people have been cited for blocking the street but he is trying to craft something that is somewhat restrictive but at least allows the business to have the ability to place things on the outside of their business. Right now under the current ordinance they cannot do that. **Dan Kozak** gave the example of the florist on Sicklerville Road and questioned if that's what Council wants Main Street to look like. **Cncl. Dilks** questioned whether it was illegal for the florist on Sicklerville Road to put his flowers outside the building even though there are no sidewalks there. Mr. Kozak advised it has nothing to do with sidewalks it falls under outdoor sales. The Dollar General also puts items outside on a daily basis and that is wrong. He added he respects what Cncl. Miller is trying to do and say but he didn't know how that could be regulated or enforced. He suggested allowing it on special days such as a craft day. Cncl. Miller noted his concern is that the businesses along Main Street are getting cited but those in other locations are being allowed to do it. Mr. Kozak posed a question to Mr. Fiore if there could be a legal issue since the sidewalk in that area is only about four feet wide. Mr. Fiore indicated that would be obstructing the sidewalk as a four foot passage way is required for wheelchairs. Mr. Kozak added if we give them permission and someone trips and falls we might have a big issue. Cncl. Miller noted right now they cannot even put items on the side of their building. Cncl. Bryson noted Mom-Mom's puts items out front of their building but that sits back from the street more. **Cncl. Heffner** questioned why someone who puts something out on Main Street gets cited but businesses in other areas don't. Mr. Kozak questioned who Cncl. Miller talked to that said they were getting cited. Cncl. Miller explained the Thrift Specialist was previously Evette's Treasures, which was located at the corner of Main Street and Washington Avenue and when they put items out there they were cited. **Cncl. Dilks** spoke of a business that was located on the corner of Main and Popular Streets that was cited for putting things out on the side of their building. Mr. Kozak explained people called and complained about that man putting things out there. **Cncl. DiLucia** felt this would create a bad precedent. He spoke of Market Street, Seventh Street and Ninth Street in Philadelphia where people have tables of stuff laying all over and trash all over. It is difficult to stop them and then there are the traveling people that set up tables so this could end up being a mess. Cncl. Miller noted that is why this would be explicitly for the business owners on that property. Cncl. DiLucia noted as much as he wants businesses to flourish he would have a problem with even a business owner because this will be opening up a Pandora's box. **Cncl. Heffner** noted as far as he is concerned we can't get enough businesses on Main Street but the problem he sees is the curbing is eight inches off the ground and with items out there someone could easily trip or a kid on a skateboard could go into the street and the township will be sued. Cncl. Miller noted technically that is not our property but if Council is not in favor of creating an ordinance he would not go any further with this. Cncl. Heffner felt if the township wanted to create a day/event where all the vendors put items on the street that would be okay but to change the ordinance for one or two stores he felt we could get into too much trouble.

Cncl. McIlvaine noted last year Council purchased a new brush truck for the Cecil Fire Department and instead of sending their old 1992 Dodge brush truck to auction they would like to see it go to the Collings Lakes Fire Department, which is in need of that type of vehicle. The Collings Lakes Fire Department would like to invest the money needed to have their own brush truck and he questioned whether it could be sold to them for \$1.00 or could it be given to them. **Mr. Fiore** advised basically the transfer consideration is \$1.00. Cncl. McIlvaine explained Cecil

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F.) NEW BUSINESS (cont'd)

took the truck out of service and they were going to send it to the garage for options but Chief Ferguson spoke to Chief Donnelly from Collings Lakes and they would like to have it. Cncl. Dilks polled Council and all were in favor of sending the truck to Collings Lakes Fire Department. Mr. Fiore noted he would check to see if that had to be done by resolution or ordinance.

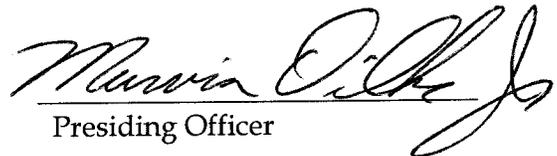
G.) OLD BUSINESS - None

H.) ADJOURNMENT

With nothing further to discuss Cncl. Pres., Caligiuri made a motion to adjourn the Ordinance Committee Meeting of May 6, 2015. The motion was seconded by Cncl. Miller 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 May 6, 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 7/1/15
Approved as corrected _____ Date _____