

Village of Central Square Planning Board Meeting
Thursday, August 19, 2010

Chairperson Steve Williams called the meeting to order at 7:00 p.m.

Attendance: Chairperson Stephen Williams, Dee Sperling, Burt Alm, Maryellen Commisso. Mark Bombardo, code enforcer. Brandy Hickman, secretary. Guest Mike Sperling.

Pledge of Allegiance: Was led by Chairperson Stephen Williams.

Chairperson Stephen Williams made a motion to read through the minutes from the July 20, 2010 meeting.

Maryellen Commisso made a motion to approve the minutes. Burt Alm seconded the motion. Board was polled and the minutes were approved unanimously.

NEW BUSINESS: Compile a list of board member contact information for Brandy Hickman. Second order of new business: Review Pawnbroker Ordinance. Everyone looked over draft one (1) of the Ordinance that we would like to pass onto the Village Board. Discussed changes to the following sections of said Ordinance:

3. Application procedure.

C. Name, residence address and business address of the proprietor and any employee who is intending to operate such pawnbroker shop.

D. Age and record of criminal convictions, if any, of each such proprietor, manager and any employee to be employed upon such premises. Such applications must be updated and submitted to the village with every new employee.

4. Denial of license to convicted persons. A pawnbroker license may not be granted to an owner, operator or employee convicted of a felony, any offense relating to the theft or receipt of stolen property, fraud of any sort, or any series of convictions for petit larceny that would indicate a pattern of disregard for laws related to personal property.

5. Granting or rejection; fee. Upon receiving such application the Village Clerk shall present the same to the Board of Trustees at its next regular or special Board meeting for their consideration. It will be at the discretion of the Board of Trustees as to whether a public hearing will be held before final consideration of the license application. The Board of Trustees shall review such application and shall make and file in its minutes a decision to grant or reject such application within sixty (60) days of the presentation of such application. The Village Clerk shall immediately

thereafter notify such applicant of the Board's decision. (A rejected application does not imply any refund of the application fee.)

8. Age of employees. No pawnbroker shall employ any person to receive pledges or make loans thereon who is under the age of 21 years.

9. Renewal of license. Such license shall be renewable on June 1 of each year. To secure renewal of such license, the licensee must make written application in the form of a request for renewal to the Village Board of Trustees at least 30 days before the expiration of such license. Such request shall be accompanied by the payment of \$100 in the form of cash, certified or bank check payable to the Village of Central Square.

10. Reduction of fee for partial term.

In the event a license under this chapter is granted at any time after June 1 of any year the amount of such license fee shall remain at \$100.

11. Bond.

Every person making application for a pawnbroker license hereunder shall file with the Village a bond in the penal sum of ten thousand dollars (\$10,000.) conditioned for the faithful observance of the laws of the State of New York and ordinances of this village relating to pawnbrokers and further conditioned for the payment of any judgment recovered as set forth in § 19.

12. Record Book.

A. Every pawnbroker shall keep a "book of record" in which shall be clearly written with ink at the time any loan is made an accurate account and description of the article or articles pawned, the amount of money loaned thereon, the time of pawning the same, the rate of interest to be paid on such loan and the name and residence of the person pawning such article or articles. This record book and the property pawned shall be available at all reasonable times for inspection by the Mayor or Chief of Police or Village Judge or any other person duly authorized in writing by any of said officials. Every pawnbroker shall, at the time of making any loan, deliver to the person pawning property a memorandum (pawn ticket) thereof containing the substance of the entries contained in such record book. No charge shall be made or received for any such entry in the record book or for such memorandum.

B. Each pawnbroker shall enter in a book to be kept for that purpose a true account of the sale of all goods sold by him at public auction, showing the exact date when the articles were pledged, the name of the person pledging the same, the date when the articles were sold, the price received and the name of the auctioneer

conducting the sale. If any such pledged goods are sold at auction or otherwise for more than the amount due thereon, the surplus shall be paid upon demand to the person on whose account such goods were pawned or to his administrators, executors and assigns. The fair proportion of the necessary costs and charges of any such sale and advertisement may be deducted from such surplus money.

C. Any person who shall have pledged any unredeemed goods which have been so sold, or his executors, administrators or assigns, shall at all reasonable times be permitted to inspect the entry book of sales as to entries relating to his pledge.

16. Stolen property.

No pawnbroker who has received any goods or property which has been embezzled or stolen shall refuse or omit to exhibit it upon demand, during the usual business hours, to the legal owner thereof or his authorized agent or any authorized representative of the Chief of Police.

17. Receipt of articles from certain persons restricted.

A. No pawnbroker shall, in any manner, receive any articles or property in pawn from a minor, intoxicated or mentally incompetent person, habitual drunkard or thief, known by him to be such.

B. Said pawnbroker, at the time of purchase or time of taking in pawn of any article, must make a report which contains the name and verified address of the person selling said item, including the seller's age, height, weight, race and gender. The seller's address must be verified by proper identification, showing the person described, and the type of identification so used must be noted along with any identifying numbers on said identification. "Proper identification" shall mean any identification documents that contain the person's name and either a photograph or physical description of said person. Social security cards, draft registration cards, voter registration cards and library cards, etc., shall not be considered sufficient identification for purposes of this chapter.

C. Failure so to comply may result in revocation of license after notice and hearing.

D. A copy of the identification in item 17B shall be kept with the Book of Record.

20. Interest.

A. No pawnbroker shall ask, demand or receive any greater rate of interest than 3% per month or any fraction of a month for the first six months and 2% per month for each succeeding month upon any part of a loan not exceeding the sum of \$100 nor more than 2% per month or any fraction of a month for the first six months and 1% per month or any fraction of a month for each succeeding month

on any part of any loan in excess of the sum of \$100, and a notice containing a list of such rates of interest as herein provided shall be conspicuously displayed within the premises of such pawnbroker. A minimum interest charge of \$0.25 per month may be made on any loan.

B. No pawn broker shall make any charge or service fee for parking, storing, keeping or caring for any article, goods or thing pledged and upon which a loan has been made.

C. No pawnbroker shall receive or be entitled to any interest or charges as provided by this chapter on any loan for any period of time exceeding 15 months from the date of the making of such loan.

D. No greater rate of interest shall be demanded or received upon loans made for a longer or a shorter period, and no interest or charges shall be demanded or received, except charges for insurance where persons desire to insure their pledges.

24. Failure to make reports; false entries; penalties for offenses.

When a person licensed as a collateral loan broker shall refuse or neglect to make the reports hereby required or shall make any false entry in such report or in any manner report falsely or shall omit to make a full and complete report or violating any provision of this chapter shall, upon conviction, be subject to a fine of not less than five hundred dollars (\$500.) nor more than one thousand dollars (\$1000.) or imprisonment for not more than fifteen (15) days, or both. Each day of continued violation is a separate and distinct offense. As any violation of this ordinance may be a criminal action, the primary village official for enforcement shall be the Chief of Police or his/her designee.

25. Locations.

A. No pawn shop shall be permitted within five hundred feet (500') of any school, park or house of worship, and no closer than five hundred feet (500') to any other pawn shop or adult entertainment location (a bar. e.g.)

B. To the extent that a pawnshop shall constitute a commercial use, the same shall be permitted only in the C Commercial zone and only upon and after site plan review pursuant to the Land Use Code of the Village of Central Square as a Type I – Use as Permitted by a Special Use Permit.

**Note: Municipalities consulted for the writing of this ordinance where:
Watertown, NY; Buffalo, NY; Albany, NY.**

Chairperson Stephen Williams made a motion to conclude new business.

Board member Burt Alm suggests next few workshops should address used car lots, garage sales and temporary storage tents.

Board member Burt Alm also mentioned that his research included consignment shops and gold purchasing establishments and suggested that we also think about including them in the next few workshops.

Chairperson Stephen Williams made a motion to close the meeting @ 8:40 p.m.
Board member Burt Alm seconded the motion. All other members polled and motion passed unanimously.

Respectfully submitted,

Brandy Lou Hickman