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PUBLIC HEARING

before

SENATE COUNTY & MUNICIPAL GOVERNMENT COMMITTEE

on

SENATE JOINT RESOLUTION NUMBER 31

May 28, 1986
Old Bridge Civic Center
Old Bridge, New Jersey

MEMBERS OF COMMITTEE PRESENT:

Senator Richard Van Wagner, Chairman

ALSO PRESENT:

Margaret L. McNutt
Office of Legislative Services
Aide, Senate County and Municipal Government Committee

* * * * *

Public Hearing Recorded and Transcribed by
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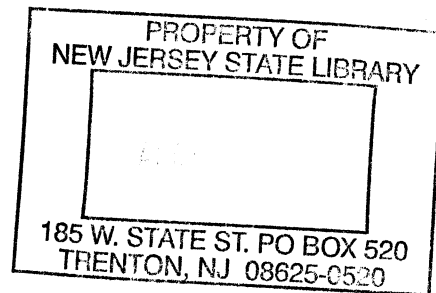


New Jersey State Legislature

SENATE COUNTY
AND MUNICIPAL GOVERNMENT COMMITTEE

STATE HOUSE ANNEX, CN-068
TRENTON NEW JERSEY 08625
TELEPHONE (609) 292-1596

RICHARD VAN WAGNER
Chairman
THOMAS F. COWAN
Vice-Chairman
FRANK X. GRAVES, JR.
JOSEPH BUBBA
EDONARD T. CONNORS, JR.



M E M O R A N D U M

TO: MEMBERS OF THE SENATE COUNTY AND MUNICIPAL GOVERNMENT COMMITTEE

FROM: SENATOR RICHARD VAN WAGNER, CHAIRMAN

DATE: May 20, 1986

SUBJECT: Public Hearing on Senate Joint Resolution 31, Wednesday, May 28, 1986

As Chairman of the Senate County and Municipal Government Committee, I have scheduled a public hearing to be held by the Committee on Senate Joint Resolution 31. The purpose of the joint resolution is to urge municipalities to enact ordinances providing for the security of employees working late night shifts.

The public hearing is being held to provide the opportunity for interested persons to express their views on this joint resolution. The time and place of the hearing is:

<u>Location</u>	<u>Date & Time</u>
Old Bridge Civic Center Municipal Complex 1 Old Bridge Plaza Old Bridge, N.J. 08857	Wednesday, May 28, 1986 6:30 P.M.

Individuals wishing to speak at the public hearing should contact Peggy McNutt at (609) 292-1596. If possible, written testimony should be submitted for use by the members of the Committee and for the record.

At the conclusion of the public hearing, I will hold a working session to discuss changes in the resolution. Interested persons are invited to participate.

SENATE JOINT RESOLUTION No. 31
STATE OF NEW JERSEY

INTRODUCED FEBRUARY 24, 1986

By Senator VAN WAGNER

Referred to Committee on County and Municipal Government

A JOINT RESOLUTION urging municipalities to enact ordinances providing for the security of employees working late night shifts.

1 WHEREAS, Recently, there have been several senseless and vicious
2 crimes including robbery, murder and rape, committed against
3 employees working the late night shifts in certain all-night
4 business establishments; and

5 WHEREAS, These crimes occur during hours when few, if any,
6 customers may frequent the business; and

7 WHEREAS, This absence of people or other means of security during
8 late hours at these businesses may actually abet the crimes since
9 the threat of capture is greatly reduced; and

10 WHEREAS, These crimes may have been prevented if additional
11 people or other known means of protection had been available;
12 and

13 WHEREAS, Municipalities can best determine the appropriate secu-
14 rity measures for late night businesses located in their borders
15 based upon existing emergency response systems and other
16 programs specific to the municipality; now, therefore,

1 BE IT RESOLVED *by the Senate and General Assembly of the State*
2 *of New Jersey:*

1 1. The Legislature urges municipalities to enact ordinances
2 requiring that security measures, which may include requiring
3 additional employees, security officers or a security system, be
4 instituted by those late night businesses at risk of criminal activity.

1 2. The Legislature further urges that municipalities enacting
2 security ordinances notify the public through the use of signs,
3 advertisements and pamphlets of the existence of the security
4 measures as an additional deterrent to the commission of these
5 crimes.

1 3. This joint resolution shall take effect immediately.

STATEMENT

The purpose of this joint resolution is to urge municipalities to enact ordinances providing for the security of employees working late night shifts.

MUNICIPAL GOVERNMENT

Urges municipalities to enact ordinances providing for the security of employees working late night shifts.

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SENATOR RICHARD VAN WAGNER (Chairman): Before the hearing begins, once we have the recording the stenographer has set up, if there is anyone who has not previously indicated their desire to speak at this hearing, please notify Peggy McNutt so that she can put your name on the list, so that everyone has an opportunity.

Directly following this hearing, there will be an approximate one hour working session.

I'm Senator Richard Van Wagner, and before I begin tonight, I would like to take this opportunity to express my appreciation to the Mayor of Old Bridge, who is with us tonight, the Honorable Russell Azzarello, and the Old Bridge Township Committee, as well as the people of Old Bridge for allowing us to use this very nice facility in order to conduct this hearing.

I have a brief opening statement, and at that time we will begin to call those individuals who have indicated their desire to speak.

Recently, several senseless and vicious crimes have been committed against employees working late at night. The seriousness of these crimes concerns me, and I introduced, in this regard, Senate Joint Resolution 31, to attempt to address this very grave safety problem. The purpose of the Resolution is to urge municipalities to enact ordinances requiring that security measures be instituted by businesses which operate late at night, and which are at risk of criminal activity.

Rather than prescribe the security measures a business must employ, I prepared the Resolution so that municipalities could determine the most appropriate measures for businesses located within their borders. This method would permit a municipality to incorporate existing emergency response systems, and to review public safety conditions specific to that municipality in developing such security measures. Thus, each municipality will be able to develop its own best response

to this very difficult problem.

I am holding this hearing tonight to receive testimony from the businesses, residents, and others concerned about the safety of employees working late-night shifts. Any suggestions concerning this Resolution, or other actions which may be taken, are appreciated.

At the close of the public hearing, there will be a working session to discuss any changes in the Resolution. Anyone who wishes to participate in the session is more than welcome.

I'd like to call on, first -- at his request because he does have to attend another function -- the Mayor of the Township of Old Bridge, the Honorable Russell Azzarello.

R U S S E L L J. A Z Z A R E L L O: I don't know if these microphones will be needed by future speakers, but for future speakers that may wish to, this will record.

SENATOR VAN WAGNER: We do have microphones set up. If you would approach the table, we would be able to put you on the record, and I notice on WCTC too.

MAYOR AZZARELLO: Okay. I'd like to thank Senator VanWagner and members of his staff -- as well as the entire Legislature that is representing this very sound meeting -- in trying to put in place the protection necessary to see that the senseless and vicious crimes that were articulated in Senator VanWagner's opening statement are, hopefully, prevented.

We recognize that as long as there's the criminal element, there's always crime that will take place, and we realize that you can't possibly, through government, always rule out the demented mind of a person who might wish to take someone's life, or maim, or hurt, or create any ill will towards any fellow man. However, we, as government, can hopefully put in place preventive measures, and I think this is where I'm asking the Legislature to give us the guidance and the assistance, through the wisdom of the higher office, yet

not preclude us from invoking what we call home rule on the local level.

We need the opportunity to govern our communities by what we consider to be the safest measures. We in Old Bridge were one of the first communities to put in place an ordinance that requires more than one person to be in an overnight establishment, especially that of a service station or a convenience store. Recognizing that you do have other types of industries that might be open through the evening -- like some supermarkets or maybe some types of restaurants and diners -- typically, in those environments you do have, normally, greater protection through some massive number.

I think when an individual is left to himself, or herself, through the evening, they not become a target to crime, but, also, can fall in the possibility of accidents. If a person was to fall, hit their head, and not be able to get to someone with help because they were there alone, that too is just as dangerous as the person who has to confront the criminal.

So, the position in the Township of Old Bridge as the result of our ordinance -- which was unanimously adopted -- is that we would ask that businesses in our town would have, overnight, more than one person, plus security devices -- those devices that can notify our police through an electronic system as well as surveillance of any particular problems.

I wish to compliment those industries that have heard our call, and those industries that have been willing to address our ordinance, and have been willing to meet with us regarding the ordinance that we put in place. And I'd like to, again, compliment the Senate for this hearing to be held in Old Bridge. We suffered the tragedy of a young man, a resident of our town, a child of one of our employees, and I compliment his parents for the wage of this particular battle that they're putting forth in trying to protect other young people from

having the same problem. Thank you very much.

SENATOR VAN WAGNER: Thank you, Mayor.

Later on, the Mayor has indicated that he will be joining us for the workshop session, and at that time we will have -- I hope -- an active exchange of ideas and thoughts.

Let me introduce some of the individuals that are here tonight. Mr. Randy Corman is on my extreme left. Randy is the Minor Staff aide to the Senate County and Municipal Government Committee. Thanks for coming, Randy.

On my immediate left is Ms. Peg McNutt, who is the staff -- chief staff person to the Senate County and Municipal Government Committee.

And, on my immediate right is Mr. Tom Edwards who is a member of the Senate Majority staff to the Senate County and Municipal Government Committee.

And, my name is Senator Richard VanWagner. I represent the 13th District, which includes the Township of Old Bridge, and I am Chairman of the County and Municipal -- Senate County and Municipal Government Committee.

Once again, out of order, I would like to now call on and recognize for comments the Assemblywoman from the 13th District, the Honorable Joann Smith.

A S S E M B L Y W O M A N J O A N N H. S M I T H:
Thank you. We all have to go to the same place tonight, I think -- the Mayor and myself.

Thank you, Senator, for coming to Old Bridge. I represent the 13th District, the same as you, except I am from Old Bridge, and I thank you for having your hearing here because it is closer to home for us, I guess, than to most people. The young Pannetta man and his father and mother have been friends of mine for some 20 years. I've known him for 20 years and it's a tragic death.

I am looking forward to the input, and I would request, graciously, a copy of the minutes of this meeting

tonight so that I can use it too in making my decision as to what we will do in the General Assembly concerning something that has to be done to protect the people of all of the State of New Jersey, not just this municipality.

So, very briefly, I think that what we're looking for is input from all of the different businesses and all of the people that have any insight as to how this can be handled without-- realize it is a difficult task for you, and it will be a difficult task for us, because how do you get some protection to work when it seems like maybe an insurmountable task to make something be implemented to work in this direction?

The Township of Old Bridge, I believe the Borough of Sayreville, and several other municipalities have already implemented local ordinances relative to this, but, unfortunately, I believe they cannot make this on demand; it has to be simply as a request.

Some people have brought back the fact that the State is going to mandate certain things, and they should have to pay because a lot of these businesses cannot survive with more than one employee on the night shift -- economically. Maybe there's some way that, through your eyes, and your wisdom, and your input, and through us working together, we can find some way to solve this problem for the protection of everybody at the least expense to everyone, especially the lives of the people. So, I thank you again for coming to Old Bridge.

SENATOR VAN WAGNER: Thank you, Assemblywoman. You should all be advised that copies of the comments made tonight by everyone will be available, and are a matter of public record. So, we will make available the hearing comments.

ASSEMBLYWOMAN SMITH: I'd like to request a copy for Joe Azzolino (phonetic spelling) too. He's tied up in Middletown, your home town.

SENATOR VAN WAGNER: He'll get one.

ASSEMBLYWOMAN SMITH: Thank you.

SENATOR VAN WAGNER: Thank you, Assemblywoman.

I'd like to call now, representing the Southland Corporation-- The Southland Corporation is the Corporation and the holding company -- I guess the holding company that operates the 7-Eleven Stores. I should indicate that testifying a little later on tonight will be Mr. Pannetta, who will testify and who will also join us in the workshop session.

Representing Southland, we have a group of three people, and you might want to all come to the table and, hopefully, we can have each of your comments in order. That's Mr. Joe Notarnicola, who is the Community Affairs Manager for Southland Corporation; Mr. Ray Johnson, who is the Security Consultant for Southland Corporation; and, Doctor Bud Crow, who is the President of Athena Research Corporation.

Now, I understand Mr. Johnson is detained?

J O E N O T A R N I C O L A: Yes.

SENATOR VAN WAGNER: He's on a railroad siding in Indiana.

MR. NOTARNICOLA: Right.

SENATOR VAN WAGNER: I'm only kidding. I realize the flight problems from--

MR. NOTARNICOLA: He has had problems in transit.

SENATOR VAN WAGNER: It should be noted that Mr. Johnson had intended to appear, but encountered some flight problems on the way in from, I believe, Detroit or Chicago -- or somewhere. Sir?

MR. NOTARNICOLA: Okay. Senator VanWagner, my name is Joe Notarnicola. I'm the Community Affairs Manager for the Southland Corporation in the State of New Jersey. Southland operates, in franchises, over 210 7-Eleven Stores throughout the State.

I appreciate the opportunity to speak to you today about SJR-31, which urges municipalities in New Jersey to enact security measures calling for additional employees, security

officers, and security systems. While we support the intent of the Resolution, our research and experience demonstrates that such measures are not effective in reducing crime. Alternatively, over the past 10 years, Southland has developed what we believe to be a solid, systematic, and proven crime prevention program, founded on employee education and cash control. I would like to share with you the results of our research and suggest some alternatives to the specific security measures called for in S. 31.

The Southland Corporation has always been deeply concerned for the safety of its employees and the customers it serves. The company is acknowledged by the FBI, the U.S. Justice Department, law enforcement agencies, and businesses throughout the country, as a leader in dealing with the issue of crime prevention, employee safety, and customer safety in the retail sector.

The National Crime Prevention Institute at the University of Louisville has asked Southland to instruct crime prevention professionals from around North America on the fundamentals of Southland's program. In 1982, Southland was recognized by the National Crime Prevention Coalition as the national corporation which made the greatest contribution to the community crime prevention.

The New Jersey Crime Prevention Officers Association recognized Southland in 1981 as the company which made the greatest efforts in New Jersey to reduce crime. Our commitment to community involvement and crime prevention has been applauded and honored by many state and local governments.

In 1975, Southland began work on its Crime Prevention Program. With the assistance of ex-convict Ray Johnson and numerous independent research studies, Southland has developed the most effective crime prevention program throughout the country. Over the past 10 years, Southland has decreased robberies by over 60% at its 7-Eleven stores. This reduction

has taken place at a time when similar crime has risen in the United States, and while the number of 7-Eleven stores have increased by 50%. In New Jersey, 21 7-Eleven stores, operating 365 days a year, in most cases 24-hours a day, experienced a total of only seven robberies in 1985. Most importantly, no one was hurt in these instances.

The fundamentals of the Southland Crime Prevention Program include cash control, maintaining clean, well-lighted stores with unobstructed windows which put a potential robber "on stage," providing clerks with easily recognizable uniforms, and professional on-the-job training in robbery prevention for our employees and franchisees. As a result of our program, we have reduced our average cash loss, per incident, from \$131 to \$41 over the past 10 years.

However, our experience and research indicates that additional employees and security systems, as suggested in the Resolution, are not effective in reducing crime. In 1984, Southland completed a landmark research project which involved five state prisons throughout the U.S. One of those prisons was in Bordentown. Interviews with prisoners revealed that the number of employees in a store was not a deterrent to crime until the number reached five to six people. Criminals seem to feel that possession of a weapon makes them omnipotent.

In addition, a recent study was completed in San Diego involving law enforcement officers. The objective of the study was to measure the relative safety of one-officer patrols versus two-officer patrols. The study was conducted by independent researchers and funded by the Law Enforcement Assistance Administration. Results demonstrated that two-officer patrols were more dangerous than one because the two-officer patrols took greater and more frequent risks, largely because of a sense of greater safety. Similarly, a 1984 study by the Athena Research Corporation revealed that cameras and alarms had no significant effect in reducing

robberies.

Southland has developed a solid, effective robbery and crime prevention program. While we sympathize with the intent of the Resolution, our experience suggests that the security measures called for under this proposal will not enhance security. Our experience as a leader and innovator in the convenience store industry, and as a pioneer in research concerning security and loss prevention, shows that education and cash control are the most effective weapons we have in fighting crime.

We look forward to sharing our research and understanding of the problem with you and other public officials throughout New Jersey. We stand ready to work with this Committee, so that we can incorporate appropriate language in the resolution that responds to our experience.

I would like now to introduce Dr. Bud Crow. Dr. Crow is President of the Athena Research Corporation and has worked with Southland over the past 10 years, on crime prevention research. At this time, Senator -- if I could -- I'd like to read a short resume on Dr. Crow:

After obtaining a doctorate in social psychology from the University of Colorado, Wayne J. "Bud" Crow joined the faculty of San Diego State University. In 1959, he co-founded a non-profit California "think tank," and served as its director until 1979. He is currently Vice President of Athena Research Corporation, which is headquartered in Jackson, Wyoming, and which consults major businesses on problems of crime, management processes, and decision-making.

Dr. Crow designed a robbery prevention program for the 7-Eleven Stores, nationwide. His innovative research on crime prevention has received national attention through publications, such as Business Week, and The Wall Street Journal. His publication, "Violence in Business," appeared in The American Behavioral Scientist, and he is coauthor of two

books, has contributed to chapters of seven others, and has authored numerous journal articles and reports. Dr. Crow?

D O C T O R W A Y N E J. C R O W: Thank you very much. I'm delighted to be here, and I want to express my appreciation to the local 7-Eleven people for affording me this opportunity to address you on the issue that you are concerned with. The reason for that is, I have spent a very large part of my professional life trying to understand robbers and armed robbery.

I'd like to take a minute to tell you about some of the research studies that I have conducted to give you an idea of my background and experience so that you can understand that, for remarks that I will make later that bear directly upon your legislative concerns.

In 1973, I approached the Southland Corporation asking their cooperation to use their stores in a study of robbery. Jointly, we approached the Department of Justice and obtained the cooperation of the Federal government, through funding, to conduct a major study. This study was carried out in 1974 and the report was published in September of 1975.

Now, this study was different than others that had been done in the area of crime. As we started out, we held discussions with law enforcement specialists in robbery, and we interviewed all the armed robbers on parole in San Diego. We talked with convenience store clerks, and managers, and with private security specialists, and the idea was to collect their suggestions and ideas about what might make an effective robbery prevention program.

The second thing we did, we analyzed the records of convenience store robberies over a five and one-half year period. There were 17,649 cases involved in that. We surveyed a random sample of stores, and using the ideas that we had gotten from the robbers and other people, we rated them for attractiveness as robbery targets: What was it about a store

that made it attractive, and a store that made it unattractive to robbers? This helped us to develop a set of procedures which we then tested in a controlled experimental design. In that design, we matched two groups of 60 stores each, on as many characteristics as we could. We then selected one of those groups at random, and we applied the robbery prevention procedures, and the violence avoidance procedures that had developed from the previous steps in our study.

Following these stores over a six-month - eight-month period, we found that in the stores that had these procedures instituted, with slight physical changes in the store and training for the employees, those stores had a 30% reduction in robberies as compared to the matched group of stores which did not have any of the treatment.

Now, following that, the Southland Corporation implemented the program, and over a period of years has -- as has already been stated -- experienced a 60% reduction in robberies.

Now, one of the findings, in looking at the 17,000 robbery record, was, we wanted to find out things like, "Are there any special months of the year for this problem? Are there any special days of the week? What time of day do these events take place?" And the finding of most direct relevance, I think, for your investigation here has to do with the time of day of robberies, and in that, the table shows -- and I would furnish a copy for you here -- that during the daylight hours of 6:00 a.m. to 6:00 p.m., there were not as many robberies as there were during the hours of darkness, the hours from 6:00 p.m. to 6:00 a.m.

The highest incidence of robbery occurred between 12:00 p.m. and 3:00 a.m., and the lowest incidence occurred between 3:00 a.m. and 6:00 a.m. But, when you total the robberies that occur from 6:00 in the evening until 9:00 in the evening, and those that occur from 9:00 in the evening until

midnight, then 40.1% of the robberies occurred during the early hours of the evening, and 43% of the robberies occurred from midnight to 6:00 a.m.

SENATOR VAN WAGNER: Doctor, if I might interrupt for one second? And perhaps I'm jumping the gun on this, but do your statistics display at all -- in terms of those three sets of times and the robberies that occur during those times -- when, in fact, fatalities occur -- if any?

DR. CROW: No, sir, they didn't.

SENATOR VAN WAGNER: Or injuries?

DR. CROW: No.

SENATOR VAN WAGNER: In other words, the study indicates the incidents and number of robberies that take place during a specific time period, but not, in fact, whether or not anyone was injured during those time periods?

DR. CROW: That's correct.

SENATOR VAN WAGNER: Thank you.

DR. CROW: The second important result of our research was that we found that robberies were not distributed at random. Some stores were robbed much more frequently than other stores, many of which were not robbed at all. And this, of course, is an exciting finding for a scientist, because if there's a pattern there that departs from chance, then there must be some causal factor at work. And so, we set out to find what that was.

We found out what that factor was by being able to identify the characteristics of the stores on the basis of ratings that we made, in terms of their safety or attractiveness. We then went back and we took the previous robbery experience of those stores, and we found that the ratings that were made by a team of an ex-convict, robber, and a behavioral scientist did, indeed, identify those stores who had been most -- robbed most frequently in the past.

Out of this, the development of the program for

Southland -- the procedures have been adopted by many different businesses, and, for example, is held in such high regard that the Department of Justice supported field tests of these techniques in St. Louis, Denver, and Long Beach, California. The concept was to bring law enforcement and businesses together to combat crime, and they did this through making surveys of business establishments, looking for those things that made that particular establishment attractive to a robber and then implementing changes in those locations. And then, over a year's time, had a success rate of reducing robberies by 29.9%. Now, that may be a coincidence, but it's almost exactly the same number we obtained in the original study.

So, I submit that there are proven procedures, widely adopted and recommended by the Department of Justice Organization to Combat Crime, and that this Committee could perform a significant public good by fostering their more widespread adoption. And I was pleased to hear that your intent in this Resolution was to leave the choice of the means by which a particular municipality might address this problem -- it would be left up to them in order to adapt it to their own local conditions, and -- as the Mayor previously stated -- they would be able to engage in home rule.

I hope the things that I would be able to contribute with regard to the research that I've done might be helpful to the Committee and to municipalities when they make the decision of what type of action to legislate in order to reduce this crime.

SENATOR VAN WAGNER: Thank you, Doctor. I appreciate your appearance.

MR. NOTARNICOLA: Senator, I'd just like to say one thing in conclusion.

SENATOR VAN WAGNER: Yes?

MR. NOTARNICOLA: Even though I don't live in Old Bridge, I've spent some time with Mr. Pannetta. I also have a

son who's in college, and he works in a 7-Eleven store, and I wouldn't allow him to do that if I didn't firmly believe in this program and the safety it offers its employees. I'd just like to say that we look very much forward to working with you and your Committee in offering our experience and our expertise to come to a conclusion on this.

SENATOR VAN WAGNER: Well, I think we all had conversations with Niel Pannetta, and certainly he and his wife both -- his wife, Nancy -- are both to be commended on the fact that, despite their grief and the loss of their son, they wanted to do something to make sure that other young people are not injured or killed. And it's our purpose in this Committee to develop a framework -- whether we call it the New Jersey Crime and Robbery Prevention Act or not -- of assistance to municipalities, incorporating as much data and information as we can gather at this hearing, and a subsequent one that will take place, so that we can be sure what we legislate and what we do is, in fact, effective, and does, in fact, do more than just provide a cosmetic to what is a very difficult problem, and -- most importantly -- preserve the lives of many people who rely on nighttime employment to make a living.

I appreciate your both being here tonight.

MR. NOTARNICOLA: Thank you, Senator.

SENATOR VAN WAGNER: Thank you.

SENATOR VAN WAGNER: Just to give you an order of appearance-- And, I would ask, if you would -- if there is a repetition of remarks to be made -- of those who are following, to somewhat paraphrase their feelings. We have, still to testify, the New Jersey Food Council which has, I think, three people. The New Jersey Petroleum Council, that has two people. We have a statement from Senator Peter Garibaldi, which I will read. Then we will have Mr. Niel Pannetta. We will have also, following him, some service station owners-dealers from Shell, as well as an Exxon dealer. We

have, I should acknowledge also, the President of the Monmouth County Dealers' Association, Mr. William Dressler, and we're happy to have him tonight -- and we appreciate his coming. We will also have the Marketing Manager from Shell, and the Governmental Affairs representatives from Texaco and from Amaco.

So, we have a pretty extensive list of people who wish to testify. And, keep in mind, I would also like to have as many of you here for the workshop period as possible also, because, as I said earlier, what we want to do is come out with a result within two months or so that will, in effect, be effective and do the kind of job we want to do to protect the public safety of the people of this State and of these communities.

So, I'd like to call now -- if I might -- Ms. Eunice Baer, Chairperson, Loss Prevention Committee for the New Jersey Food Council. And, before I do that, I'll recognize the Director of the New Jersey Food Council, Barbara McConnell.

B A R B A R A M C C O N N E L L: Senator Van Wagner, Eunice Baer could not be here tonight, or she's going to be late, so I will address the Committee with your permission.

SENATOR VAN WAGNER: I understand--

MS. McCONNEL: (indiscernible) Jeff Richardson.

SENATOR VAN WAGNER: Jeff Richardson -- I'd like if he could come up also at this point.

MS. McCONNELL: Okay. Thank you.

SENATOR VAN WAGNER: Jeff is Security Director, I guess, of Pathmark Stores. And, Mr. Mike Murphy, Security Director of Quick-Check, is also not here.

You can see how fast the list is going down. Okay.

MS. McCONNELL: Senator Van Wagner, and members of the Committee, I'm Barbara McConnell, President of the New Jersey Food Council, and we appreciate the opportunity to address this Committee on this very important Resolution.

I certainly can understand what precipitated the

introduction of this Resolution, and the tragic incidents which led up to this. However, the New Jersey Food Council has some serious concerns about this Resolution, or any legislation that might require the hiring of two or more employees, as well as alarm systems connected into municipal police stations because, based upon our industry's experience, there is no safety correlation between holdup systems and robberies, and two or more employees, or a guard, in a store.

I want to assure this Committee that the safety of our employees and our customers is something that we take very seriously and that is why you will find no other industry places a greater emphasis on employee security, and why we dedicate so many of our resources to education, robbery prevention, and security training.

In order to share our industry's experience with this Committee and to support our position of opposition to this Resolution, I'd like to ask Jeff Richardson, who is Director of Security for Pathmark -- and has been in this business for a long time -- to share with you some of their experiences, and also to share with you the kind of security training programs that exist within that company and throughout our industry. So, I'll ask Jeff to speak at this time.

SENATOR VAN WAGNER: Mr. Richardson?

J E F F R I C H A R D S O N: Senator, I thank you for the opportunity to speak before this Committee.

First of all, holdup buttons or burglar alarms connected to police departments, in general, is -- to my way of thinking -- not the best way to set up a holdup or a burglar alarm system. We find that, generally, if a holdup system, or a burglar alarm system, is connected to a central station company, such as ADT, Wells Fargo, or what have you, it highly increases the cost of a security system. They are professional monitors, and that's all they do is monitor systems, and then they, in turn, report that call, or that condition, to the

local police department.

I've been in the security industry, with Supermarkets General, Pathmark Division, for the past 16 years. I have a long history of holdups, and holdup buttons, and money clips, and things of that nature, and dealing with alarms that have created more problems for us in the industry than they have done to solve problems.

SENATOR VAN WAGNER: I wonder if I might just interrupt for just a moment, and before you go further with your research.

Since supermarkets-- You're primarily concerned with supermarkets, and I would assume that in all-- You've already made your statement in terms of how you feel about centralized alarm systems, and, of course, the statement about what your position is on this Resolution, which is to oppose it.

But, what I would like to find out, if you could-- In distinguishing your experience perhaps, supermarkets -- generally -- on a night shift, always have more than one person working.

MR. RICHARDSON: Yes, they do.

SENATOR VAN WAGNER: I have rarely been in a supermarket-- And as a legislator I can assure you that I spend a great deal of time after 12:00 in supermarkets, because that's generally when I have the opportunity to go to the store, as a legislator and a politician in New Jersey. So, I've always been able to observe that there are usually at least three, or four, or more, employees in a supermarket at night, which would seem to me to indicate that the same security problems that face supermarkets are not -- perhaps are not the same as those security problems that might involve a service station, which usually only has one, or maybe two, employees, or a convenience store, which maybe has one or two employees. Do you have any data, or experience, or feeling, about that -- whether or not there is, in fact, a different

kind of an approach when you are dealing with supermarket security vis-a-vis small stores?

MR. RICHARDSON: The approach of an alarm system?

SENATOR VAN WAGNER: That, you feel is--

MR. RICHARDSON: Okay, whether it be one employee in the store or 1,000 employees in the store.

SENATOR VAN WAGNER: You find that not to be effective at all? What about the number of employees?

MR. RICHARDSON: The number of employees? In our case, for instance, the number of visible employees that are around the so-called money situation -- there's generally just one, even though there are other employees in the store.

SENATOR VAN WAGNER: Okay.

MR. RICHARDSON: So the situation is similar. We are open 24-hours a day. Yes, we do have a lot more than one employee in the store. We do have some central station alarms. We do have, in some cases, security on duty after hours, but not necessarily uniformed security. Uniformed security, to me, is not a great deterrent factor for anything, and I very seldom use it. I use it in special cases.

I have stores throughout the State of New Jersey, New York, Pennsylvania, Delaware, and Connecticut, and in each individual area of one particular state, we handle things differently because of the type of activity in that particular area.

SENATOR VAN WAGNER: Okay. Good.

MR. RICHARDSON: But in all cases, we--

SENATOR VAN WAGNER: You feel the demographics of an area have a distinctive effect on what kind of security measures you might employ?

MR. RICHARDSON: Definitely. I feel that I could never set one set rule and control all of Pathmarks the same way.

SENATOR VAN WAGNER: So, at least one thing we might

agree on is the fact that the development of security and safety programs is, in fact, better done at the local level -- or in terms of what a municipality itself may find is better for its own operational standards, if you will -- for all-night businesses, or anything of this nature?

MR. RICHARDSON: In the case of Pathmark, yes.

SENATOR VAN WAGNER: Yes. Thank you.

MS. McCONNELL: Senator, I just wanted to point out--

SENATOR VAN WAGNER: I appreciate that dialogue because it gives me an opportunity to clear some issues in my own mind.

MS. McCONNELL: The Food Council, in addition to representing supermarkets, also represents convenience stores, such as Southland, Quick-Checks -- other convenience stores.

SENATOR VAN WAGNER: So you have an umbrella kind of an--

MS. McCONNELL: Yes. And, our research shows in surveys that we've done among our member stores that more than one employee does not necessarily improve the security mechanism for that store.

SENATOR VAN WAGNER: But, let me ask you this Mr. -- if I could redirect at Mr. Richardson, and maybe this dovetails into what the previous speaker says. The expression has been made that no one believes that more than one employee has significantly increased the security factor in stores -- that's been the statement, I think, made earlier by the Southland Corporation, and is being repeated by you. Do you have data that demonstrates that?

MR. RICHARDSON: Personal data, no, because I don't have stores with one employee.

SENATOR VAN WAGNER: In other words, as Doctor--

MS. McCONNELL: Put in your security experience.

SENATOR VAN WAGNER: (continuing) --whoever he is --
Crow.

MR. RICHARDSON: And my security experience as a-- If the night crew, per se, is out on lunch and the overnight cashier has been left alone in the store, it had no bearing, one way or the other, on whether a holdup man came into the store or not. My personal feelings and my experience tells me that the holdup man comes into the store and attacks for money when he thinks there is enough money available to be worth his effort. So, we push more on the cash control and getting our money into a secure area where it can't be retrieved by the cashier or any other member of the store.

SENATOR VAN WAGNER: Let me take you a little further along the way, and I don't mean to try to make you a psychologist -- all right? -- or a criminologist, and I realize Doctor Crow has done extensive research and has interviewed a number of armed robbers, and so on.

MEMBER OF AUDIENCE: (inaudible comment)

SENATOR VAN WAGNER: Okay. Fine. But, I just want to kind of draw this out a little bit, if I might. Is it your feeling then, that an individual who arms themselves to rob a store -- whether it be a convenience store, a supermarket, or a gasoline station -- will, in fact be more deterred by the lack of cash and will, therefore, probably not harm an employee than he would be deterred by the presence of one or more other people there?

MR. RICHARDSON: No, what I'm saying is in a different direction altogether.

SENATOR VAN WAGNER: See, what I hear coming is that cash management is a very important aspect of discouraging people from robbing.

MR. RICHARDSON: Yes.

SENATOR VAN WAGNER: We're also addressing the issue of public personal safety. There have been those who have said to me that in some cases a robber who is armed may, in fact, become more angry at not finding money and may, in effect, be more prone to commit homicide. Have your studies indicated the opposite?

DR. CROW: Yes.

SENATOR VAN WAGNER: Yes; Dr. Crow says yes.

MR. RICHARDSON: I haven't--

SENATOR VAN WAGNER: You haven't been able to study that, okay. Yours, then, is based on personal observation.

MR. RICHARDSON: Personal observation, lack of incidents as violent as death--

SENATOR VAN WAGNER: Could you describe the kind of security measures that are taken by Pathmark, or other larger stores? Southland described well-lit areas, putting the robber on stage, and cash management procedures which make cash unavailable. Do you pursue the same?

MR. RICHARDSON: Exactly the same. Continuous pickups from the register, deleting the amount of money available in the register, and lighting on both the outside and the inside are very important; also, educating the people working at the time of an armed robbery that, without a doubt, total cooperation is the key to lack of injuries.

SENATOR VAN WAGNER: Not making any false moves, and things like that.

MR. RICHARDSON: Not making false moves. One of the things we find -- or that I found in the past with day robberies is, when the store is loaded with employees, managers, and customers, and a robbery goes down and an individual goes to push a holdup button, or step on an alarm button, that is the thing that will row the holdup man more than anything else.

SENATOR VAN WAGNER: Including not finding the money that that person came to find.

MR. RICHARDSON: Including not finding the money. I find that most robbers, unless they are junkies, are dealing with some research they have done, via observation.

SENATOR VAN WAGNER: See, this is part of the very difficult problem that the Legislature has to deal with, in

that -- just your last statement. When it comes to the life and safety of an individual, we don't know who that robber is going to be. We don't know what kind of a mind-set that individual is going to have. What has been said, at least in some areas, is that, in fact, individuals who are all-night workers, who are alone in service stations, convenience stores, and other similar occupations, are, in fact, very inviting targets for the kind of sick individuals that you just talked about, whether they be drug addicts, or suffering some other disorder. That is what is difficult in addressing this issue.

MR. RICHARDSON: It's very difficult; I agree with you totally.

SENATOR VAN WAGNER: I want to express my appreciation--

MS. McCONNELL: But I guess that raises the question: In situations like that, when you are dealing with someone who is sick and demented, will two or more employees really prevent it, or do alarm systems really prevent that from happening?

SENATOR VAN WAGNER: I don't know, and apparently you don't know, really. The fact of the matter is, we have to develop methodology that will, in fact, diminish the chance of a young man or woman, or any person, man or woman, from being in such danger to their life that they are subject to possible assault. I realize you can't deal with every instance, but this resolution in this Committee is going to try to develop, at least as much as possible, a comprehensive approach to trying to diminish, if not hopefully eliminate, the possibility.

I realize that to eliminate it you would have to eliminate the root causes of crime itself, but at least if we do, in fact, have an at-risk situation, if we as a Legislature can move toward assisting municipalities and diminishing that at-risk situation, then we have done our job.

MS. McCONNELL: Or adopting proper guidelines, that kind of thing.

SENATOR VAN WAGNER: I thank you both for being here tonight.

MS. McCONNELL: I assure you, Senator, that we would like to be a part of that kind of meaningful legislation.

SENATOR VAN WAGNER: I appreciate your input.

MS. McCONNELL: Anything that we can share with the Committee in the development of legislation regarding proper security measures, education training programs, maybe guidelines, that kind of thing, we will be more than happy to.

SENATOR VAN WAGNER: We certainly invite your participation.

MS. McCONNELL: But, you know, our experience in our industry has been that, you know, there are good security measures and education programs that are effective, and that is what we utilize within our industry. We would be happy to share those with you.

SENATOR VAN WAGNER: Thank you very much. Thank you, sir, for being here tonight.

MR. RICHARDSON: You're welcome.

SENATOR VAN WAGNER: I would like to call now, from the New Jersey Petroleum Council, Mr. Jim Benton and Mr. John Holtz. Again, I would ask you to be brief. Speaking after Mr. Benton and Mr. Holtz will be Mr. Neil Pannetta. I should also announce that we have Mr. Bill Hartung from the New Jersey Crime Prevention Officers Association. Mr. Hartung, we are happy to have you here tonight. I am going to ask that right after Mr. Pannetta speaks, that you speak, and then we will move to the dealers who are here to speak, if we could do that. I know there are some marketing people here and governmental affairs people, and we will also hear from them.

But I would like to try to offset some of the testimony so we can get some varying points of view. I know this point of view is going to be similar to the other points of view, no doubt, but whoever -- Jim, John, whoever.

J A M E S B E N T O N: Thank you, Mr. Chairman. My name is James Benton. I am the Executive Director of the New Jersey Petroleum Council. With me this evening is John Holtz, Associate Director of the Petroleum Council, which is located in Trenton.

On behalf of the Petroleum Council and its members, we appreciate the opportunity this evening to discuss Senate Joint Resolution 31 and the issue of service station security in general. By way of introduction, the New Jersey Petroleum Council, a division of the American Petroleum Institute, represents the major oil companies doing business in New Jersey. Our members include the State's largest gasoline marketers, such as Exxon, Mobile, Amaco, Shell, Texeco, BP, Hess, Sun, and Chevron, to name a few.

Let me state at the outset that the petroleum industry is concerned about security at gasoline stations. It is because of our concern for the safety of attendants and their customers, that we have solicited advice and input from law enforcement experts such as the New Jersey State Police, the New Jersey State Association of Chiefs of Police, and the New Jersey Crime Prevention Officers Association. We have met with all of those groups in the recent past.

SENATOR VAN WAGNER: Do you have any remarks, or a compilation of any findings from those groups that you could submit to the Committee?

MR. BENTON: That is included in my remarks.

SENATOR VAN WAGNER: Do we have copies of the statement?

MR. BENTON: Yeah, I have extra copies. I will disseminate them after my remarks.

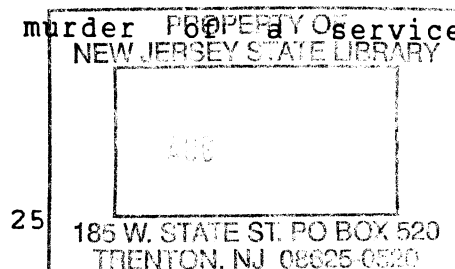
While we share your concern and interest in this issue, it is important to bear in mind that the oil industry has an obligation to the motoring public, regardless of the time of day or night. This is particularly significant in New

Jersey, given its population density, its highway system, and its geographic location. During late-night hours, according to the State Department of Commerce and Economic Development, we are responsible for making fuel available to the 700,000 shift workers employed in New Jersey, such as hospital employees, travelers, people who are out socially, and emergency response personnel and their vehicles.

Additionally, a corridor state like New Jersey serves the motoring public that travels through this State, often at late hours. Having said that, I wish to turn my remarks specifically to SJR-31. It goes without saying that the intentions for introducing this resolution were only the best; however, we are concerned that the message described in SJR-31 may be off the mark insofar as it relates to crime prevention and gasoline marketing. In our conversations with the previously noted law enforcement groups, one point was crystal clear: Local ordinances and State legislation which result in the closing of service stations may further endanger the public. To the stranded motorist, an open service station is a beacon of safety in the night. To close stations would leave these stranded motorists vulnerable to possible criminal attack.

Additionally, there was some concern expressed that the closing of service stations to prevent robberies could result in a shift in crime elsewhere; thus, we may experience a higher incidence of home burglaries or vandalism. It was also felt by crime prevention experts that requiring two employees is not an effective crime deterrent and may, in fact, do more harm than good. According to local law enforcement experts, additional employees on duty may increase the incidence of multiple casualties, while doing little to prevent robberies.

Ironically, experience provides the best evidence against requiring two attendants. According to an investigation being undertaken by the Middlesex County Prosecutor's Office into a murder at a service station



attendant in Sayreville, the assailant fired two shots that night, including one at a uniformed police officer who happened on the scene. The point being that two attendants do not make a service station immune to criminals.

Finally, there is no definitive correlation between the time of day and robberies. A recent survey -- which I will share with this Committee -- conducted by the New Jersey State Association of Chiefs of Police, demonstrates that robberies can, and do, occur at any time. According to the results of the survey, less than one-third of the robberies reported occur between midnight and six a.m. In fact, there were more service station robberies during late-night hours in 1985 than occurred between midnight and six a.m.

While I am on the subject of statistics, I think it is important to put the incidence of service station robberies in proper perspective. According to the 1985 State Police Uniform Crime Report, service station robberies accounted for less than 4% of all robberies by place of occurrence -- and we have that report here for the Committee. Seventy-six percent of robberies occurred in the street; nearly 5% took place in supermarkets, hotels, and taverns; and, 7-1/2% occurred in residences. In essence, a service station attendant is more likely to be robbed in the street or at home.

Additionally, a glance through newspapers in the past few weeks shows late-night robberies occur at a variety of businesses, including fish markets, motels, and even a South Jersey radio station, where a lone DJ was shot and robbed in his studio at three a.m.

The consensus of those involved in gasoline marketing nationwide points to a more constructive remedy to deterring service station crime, one which would provide uniform security throughout the State, while providing the best protection to attendants and late-night motorists; that is, self-service gasoline marketing. Experience nationwide shows that

self-service protects service station employees and customers. I should add that New Jersey and Oregon are the only two states which do not currently permit self-service gasoline marketing. Self-service has been an effective crime deterrent in urban and high-crime areas. Recently I personally visited one such area in Philadelphia, Pennsylvania. In that particular area I visited, it was not advisable to do much walking alone or in groups. However, service stations operate with little or no crime. They are literally fortresses that permit a business to operate and protect its employees. Self-service gasoline marketing in New Jersey would permit a station operator the choice of operating 24 hours in the most secure manner available to protect his employees.

There are currently two bills pending in the State Legislature that would permit self-service marketing in New Jersey. It is important to note that both bills are sponsored by urban mayors. Senate Bill 681 is sponsored by a member of this Committee, Senator Frank Graves, Mayor of Paterson, member of this Committee, and Chairman of the Senate Law and Public Safety Committee. Assembly Bill 1328 is sponsored by Assemblyman George Otlowski, who is also the Mayor of Perth Amboy here in Middlesex County.

We ask the Chairman to reconsider his resolution, which urges municipalities to adopt various unproven security programs. Rather, we recommend a positive initiative to urge businesses to avail themselves of the type of security training programs offered by organizations such as the New Jersey Crime Prevention Officers Association. We also urge the Committee to support repeal of the prohibition against attended self-service gasoline marketing in New Jersey, as the best security measure developed nationwide for late-night service station operations. I think the Chairman would agree that law-abiding citizens should not be made prisoners of criminals by preventing them from buying a gallon of gasoline or a gallon of milk at the time that they want or need it.

On behalf of the petroleum industry, we pledge to continue to work with responsible officials to ensure that right of citizens. Thank you very much. I would be happy to answer any questions the Committee might have.

SENATOR VAN WAGNER: Yeah, we have a question from staff, Ms. McNutt.

MS. McNUTT: You mentioned the statistic that less than one-third of the robberies occur between 12 p night and six a.m. That was slightly different than what Dr. Crow said. He said 43%. Do you have the statistics for the rest of the--

J O H N H O L T Z: This is directly related to service stations; it does not include convenience stores.

MR. BENTON: Let me detail precisely what we did. We conducted a survey in cooperation with the New Jersey Association of Chiefs of Police. We asked each of those attending a recent Association meeting to respond to a survey which was put out by the Association detailing when crimes occurred at service stations in those municipalities. Approximately 150 Association members -- chiefs of police in various municipalities -- responded, and it is from that data that those figures were elicited.

SENATOR VAN WAGNER: I notice that you -- in your testimony -- expressed the fact that the legislation by Senator Graves and Assemblyman Otlowski, providing for self-service gasoline stations during all-night hours, was, in fact, what you believed would be the best deterrent to crime.

MR. BENTON: Yes, sir.

SENATOR VAN WAGNER: Is it your feeling that an unstaffed gas station at night still provides the same beacon of light to weary or troubled travelers as an unstaffed set of pumps, however well-lit?

MR. BENTON: Let me make sure that we have our--

SENATOR VAN WAGNER: Well, I just want to try to draw some type of consistency between the fact that it is important

from the Department of Commerce's point of view to maintain all-night hours so that travelers can have access to gasoline-- You pointed out in your statement that in addition to that, many area service stations open all night serve as a beacon to travelers, and I would agree with that.

MR. BENTON: That is correct.

SENATOR VAN WAGNER: I just wondered how much of a beacon they would be if the traveler drove up and did not find a staff person there.

MR. BENTON: Let me-- I see the point exactly. I just want to clarify--

SENATOR VAN WAGNER: Particularly with older citizens.

MR. BENTON: When I am advocating self-service, Senator, it is attended self-service gasoline marketing. It is important to differentiate. I am not talking about the type of operation where you just put in a credit card.

SENATOR VAN WAGNER: You're talking about--

MR. BENTON: I'm talking about an employee present in a secured environment -- a kiosk it is called -- an employee to be present at all times; however, being retained in that secured environment, that kiosk. It is my assertion, in fact belief, that that type of secured environment still continues to provide that beacon of safety to that traveler in the event of any distress, or any particular need that that traveler might have at that given hour.

It is important to note that being in that environment, that attendant is free to alert emergency people, such as police, in the event of any particular difficulty or incident that may confront the station attendant. Indeed, in considering whether or not it is appropriate to have two or more attendants, as we pointed out in our testimony, you had examples there of when a criminal mind entering a station intent on committing a crime or a robbery, in fact fired multiple shots, and had no regard as to whether or not there

were two or more attendants there. It is our assertion that one attendant in a secured environment is potentially much better off than having two or more attendants in an unsecured environment, where they may, in fact, be victims of the criminal mind.

SENATOR VAN WAGNER: Okay. I would like to thank you both for your testimony; thank you for appearing. We also invite you to participate in the work session we intend to have.

MR. HOLTZ: Thank you.

MR. BENTON: We have those statistics, and we will be happy to make them available to the Committee.

SENATOR VAN WAGNER: If you would, please.

MR. BENTON: Thank you.

SENATOR VAN WAGNER: Mr. and Mrs. Pannetta have asked for the opportunity to delay their appearance for just a few minutes, so I am going to ask Mr. Bill Hartung of the New Jersey Crime Prevention Officers Association if he would come forward now. Mr. Hartung, I appreciate your coming tonight.

W I L L I A M H A R T U N G: Thank you, Senator, and thank you on behalf of the Association for the opportunity to address the group. I believe, because of the holiday weekend, mails didn't get through. I did address correspondence to you and the rest of the Committee.

SENATOR VAN WAGNER: We received it.

MR. HARTUNG: Okay, you did get it. I thought there might have been a problem at the municipal level in it getting out on time during the holiday weekend. My comments are in there in terms of what we feel about the resolution, you know, as it is presently--

SENATOR VAN WAGNER: I wonder if you could just capsulize it for us, okay?

MR. HARTUNG: Okay. Well, basically, our understanding was that it was going to require municipalities to enact, you know, certain legislation which might require

certain security devices, additional employees, etc. Essentially, I have indicated that as President of the Association, I oppose the resolution in its present form, not in what it is addressing -- that is, of course, the safety of employees, etc. -- but that it was not necessarily complete enough in terms of being what we consider pro-active. One of the things that our training in crime prevention consists a great deal of is the pro-active approach to preventing crime, and opportunity reduction.

SENATOR VAN WAGNER: Would you describe that, please?

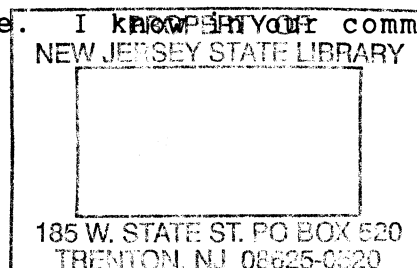
MR. HARTUNG: Pro-active-- Well, I can give you first the definition of crime prevention, which is the anticipation, recognition, and appraisal of crime risk, and the initiation of some action to reduce or remove that risk. That simply means seeing something, analyzing it, anticipating that there could be a problem there, and doing something about it. To make a real simple example, you drive by, you see an open garage door, no car in the garage, no car in the driveway, and a lot of potential proceeds there. It goes through your mind that that is a potential target, so what can you do? Close the garage door and lock it, and that is the action you have taken to remove or reduce that risk. You're dealing with risk reduction in crime prevention.

SENATOR VAN WAGNER: Well, the resolution -- if I might just correct your impression of it -- does not require municipalities, basically, to do anything, but rather urges them to adopt certain kinds of measures.

MR. HARTUNG: Okay. That could require certain--

SENATOR VAN WAGNER: That could include your pro-active--

MR. HARTUNG: Okay, that is what we would like to see in there. Many things have been said this evening about alarm systems. We have the same kind of concern. We're dealing generally with a 98% false alarm rate.



that is basically what it is. Alarms are not, in themselves, pro-active. They are reactive, and an improperly trained employee trying to activate an alarm in a robbery situation, can be causing himself some great danger.

SENATOR VAN WAGNER: Would you say that your feeling is generally a consensus of law enforcement officials?

MR. HARTUNG: That alarms are a headache -- probably that is a consensus, yes.

SENATOR VAN WAGNER: Okay. Let's set that aside for a minute, the headache portion of it, because I realize that is a problem for police. Let's, if we could, dwell on the safety and security aspects of those alarms. What has been your experience, if any, or data, if any, in terms of that aspect of it?

MR. HARTUNG: In terms of robbery, in banks-- We find that banks are reluctant to use them until the robbers are well out of the area.

SENATOR VAN WAGNER: Off the premises?

MR. HARTUNG: Well off of the premises, because they don't want any kind of a confrontation. Unfortunately, in some smaller operations, again where there is a lack of training -- and that is something I would like to focus on, too -- we have had the robbery alarm activated for shoplifters and for too many juveniles congregating around the front of the store. So, there has been a misuse of the alarms in those particular cases.

Some things have been said this evening also about the economic problems that more than one employee might cause to a given business. What we attempt to promote is cost-effective crime prevention. It has been noted that that might not be the case if some of these municipalities are going to require more than one employee on the premises. Requiring that may, or may not, do something about their relative safety. If they are not trained properly, it can put them at as much risk, or greater risk, than a single individual. And I will give you a quick example.

If we have two employees and neither one has been-- If that has been required, but neither one has been required to be trained, and we have a late-night situation, one person is out by the cash area and the other person is in the rear of the store stocking shelves or stocking the frozen food area, and an individual comes in to rob that premises, and the person who is standing there looking at the gun has not had the training and does not indicate to that individual that, "There is somebody else in the store; he is in the back, and I will call him out," and that person just bursts through the door nonchalantly, you could have two people in grave danger. So, our concern, again, is with proper training, in combination with a number of the things that have been mentioned tonight, at the same time keeping it cost-effective.

We are also concerned about the potential-- If it is not going to be cost-effective, and some of these places may have to close in the evening, there could be displacement. There was some talk here by people from Pathmark, I believe, and we could see an increase. There is a potential that there could be an increase in robberies in those types of situations, simply because what appear to be the more appealing targets are not open at night. Again, without proper training for those individuals, there could be difficulties there.

SENATOR VAN WAGNER: The more appealing targets are not open at night?

MR. HARTUNG: They may not be.

SENATOR VAN WAGNER: They may not be, which kind of deflects the criminal to the less-appealing targets. Is that--

MR. HARTUNG: Well, it depends on who the criminal is going to be.

SENATOR VAN WAGNER: I'm not cross-examining you; I'm trying to get at some conclusions, you know.

MR. HARTUNG: Okay. If some of these one-employee shops happen to close because of economic reasons, or based on

a local ordinance that is passed, there is the potential that the crime would just be displaced to another location, which could be a Pathmark, or it could be a diner late at night. It could be some other location in town with maybe a few more people in it.

SENATOR VAN WAGNER: So, if I could-- So far as what you said, and you're speaking as a law enforcement representative--

MR. HARTUNG: Yes.

SENATOR VAN WAGNER: --of the New Jersey Crime Prevention Officers Association, it is your considered feeling that this resolution and, in fact, some of the legislation that has been introduced requiring more than one employee, requiring certain types of alarms and security systems, would not, in fact, help deter crime, and might, in fact, create a larger danger.

MR. HARTUNG: I'm saying it could displace it and, without proper training, it could conceivably create a greater danger. Putting two untrained employees in a location could create a greater danger. Again, our focus here is on training and education. That is what we are trying to promote. I also have a concern here that there is going to be copycat legislation or ordinances enacted if this goes through as it is, and one community simply following suit and, quite frankly, not seeking the advice or the expertise of local law enforcement. That has happened before, where they are not going to consult. They are simply going to look at a previous piece of legislation from a bordering community, and say, "That looks good," and then go with the same type of legislation.

SENATOR VAN WAGNER: What would your response be if the legislative-- And, I am not trying to put you on the spot, you know; if I do, I apologize.

MR. HARTUNG: I feel on the spot already; don't worry about it. (laughter)

SENATOR VAN WAGNER: I know the feeling. What would be your reaction to a legislative enactment mandating, for example, a requirement for two or more employees during certain hours, and/or certain types of security systems?

MR. HARTUNG: If it is going to be limited to those types of things, I would be opposed to that type of mandate also. If we are just going to deal with mandating two employees and mandating a security system, that is not going to solve-- I don't believe that is going to solve the problem. We would like, as a group, input into the training and the standards that would be set for these communities to deal with the problems at hand and, again, I have a concern that in simply passing this resolution and saying, "Okay, Town A or Town B, do what you think you have to do," there is a concern that they may not reach out to us, or they may not even reach out to their local police departments. They may simply copy what somebody else before them has done, and that may put-- It may be very non-cost-effective to some of the businesses in that community.

SENATOR VAN WAGNER: Okay, thank you.

MR. HARTUNG: I would offer to you that, you know, the Association certainly wishes to participate in creating any kind of criteria for training, and for developing what would be considered good minimum standards for these types of establishments.

SENATOR VAN WAGNER: What would be your reaction to the possibility of the development of legislation that would create a New Jersey Crime and Robbery Prevention Act, and that would allocate a set amount of dollars to provide to municipalities, and law enforcement agencies within those municipalities, dollars with which they could provide training, whether it be modeled on some of the models talked about here, or whether it would be developed by your own Association, for example? What would be your feeling about something like that as a first step?

MR. HARTUNG: That might be an appropriate first step. If you are familiar with Senate Bill 826, which passed a year or so ago, it did create a Crime Prevention Advisory Council to the Police Training Commission. It consists of a number of individuals, including a representative from our Association, the State Police, Attorneys General, etc.

SENATOR VAN WAGNER: So that might be a vehicle upon which--

MR. HARTUNG: We could bring this type of a possibility to them for discussion. As a matter of fact, we are going to meet on June 12.

SENATOR VAN WAGNER: Well, I have always found that the best way to generate discussion-- When a legislator wants to generate discussion, he introduces something, generally which everybody is against -- which seems to be the case here -- and then you get a lot of discussion. Obviously, we have a number of people who did come tonight.

MR. HARTUNG: You know, again, I am not against the intent--

SENATOR VAN WAGNER: I realize that; I understand that.

MR. HARTUNG: --or even part of the content. It's just that it is leaving out the pro-active, and it's leaving out the necessity for proper education and continued education of the individuals who are out there at these late-night establishments.

SENATOR VAN WAGNER: I can assure you that, regardless of the form of the legislation, there will be, in fact, a pro-active element that will include training and education.

I would like to call now -- if they are prepared-- Mr. Neil Pannetta is here, and his wife, Nancy. I would like to ask if they would address the Committee. Following them, I see Senator Garibaldi has arrived, and I will also-- I said earlier that he had delivered a written statement. He is here, and right after Mr. and Mrs. Pannetta, Senator Garibaldi can

present his statement, and then we will go to Eddie Chippy, Andy Gomez, Will Muiznieks, and Ron Infusino, who are Shell dealers. We will conclude with Mr. Johnson, Mr. Wolsey, Mr. Devlin, and Mr. Prendergast, and then we will move to our workshop. Mr. and Mrs. Pannetta, I want to express the appreciation of myself and the Committee for your being here tonight. I know it is difficult, and we do appreciate your participating.

MR. PANNETTA: Well, we thank you for starting something.

SENATOR VAN WAGNER: You started it; I am just trying to finish it.

MR. PANNETTA: Right. As we said before, we can't bring our boy back.

SENATOR VAN WAGNER: Yes, sir.

MR. PANNETTA: What we are trying to do is save other children's lives because the children of today are tomorrow's future -- in your place it would be the child of today. That is what we are trying to preserve.

I feel that the stations have known about this for a long time, and have not gone out of their way to make things safer. All the things we have been discussing now have been known to these people, and they have done nothing to make corrections. The only thing I find that they work on is self-service gas. In some instances, it might be good; in other instances, it is not the full answer.

Training keeps coming up. The gentleman just before us mentioned training quite a bit. These corporations are large enough to take on a training program of their own. It is a good idea if the State funds it, but they are big enough, have enough backing of their own, to come up with their own training. If they don't -- which they haven't -- I feel what we are doing is the right thing, to enforce them -- not enforce them -- to make them go to the training, if they do not want to provide it themselves.

The one gentleman said if there are two people on and one is in the back and he wasn't trained, the one out front-- My answer to that would be to train them all before they start employment.

I am a truck driver. I can't get in that rig and drive it unless I receive proper training. Who gives these people the right to put these kids out there without this training? Train them before they work.

One other thing they get away with to save money is, none of these children have any insurance coverage until they are there 30, 60, and 90 days. Let it be possible to have immediate insurance coverage.

Let me back up a second. Part of the job is like migrant workers. They don't stay too long at one place. Part of it is that they are young; part of it could be the working conditions. Maybe if these companies took a little bit more pride in their employees and gave them something more to shoot at, something more to gain by being there and being a good employee, rather than just the bare minimum wage-- It may help that way also to establish-- A gas station attendant is a decent job. You can make a living at it, not just, "I've got a payment on my television this week, so I'll go to work for a week," which is what some of the kids do right now.

The other part about the stations staying open-- I spoke to numerous station owners. They don't make sufficient money to cover their bills to stay open. The same with some of the stores. And the only reason they are open is because the franchise requires them to be open seven days a week, 24 hours a day. Maybe we can look at the franchise law a little bit. Give some of the power back-- This is America. Right now it is being run by corporations. Give some of the power back to the individual people. Let them be their own business people. I can't understand the part where, as a corporation, they can mandate that you stay open 24 hours a day, seven days a week,

but they can't mandate that you give training to your employees, or establish certain safety criteria for these employees. I don't understand that part of the franchise.

You mentioned before the hospital shift going in late at night. Most shifts like that end at 11 o'clock or start at 11 o'clock. There are very few people on the roads at two, three, four o'clock in the morning, very few that need fuel, or need the necessities from the stores. Before the stores were open on Sundays, you made do or you got it beforehand. Because you knew you needed it, you made it your business to get it. I think at the cost of a life, people could inconvenience themselves a little bit. That is not asking a hell of a lot.

Another person said that as far as the possibility -- if we do put in these safety requirements, all those deterrents, the alarm systems, the cameras, more signs up, "No cash held; drop change only"-- There is one gas station-- Some people are up to carrying \$100 cash; others are only \$20. Some of them drop after every gas delivery. There is no uniformity; there is no set thing where each one looks out for his own people properly and caringly.

As far as the stranded motorist is concerned, if that person is in a kiosk, he is not going to come out to help. He's watching out for himself. "You're not going to get me." He is going to stand there. There was an advertisement on television this past week, or a couple of weeks ago -- I don't remember the name of the company -- but the motorist pulls up, the person is in the kiosk. The woman says, "I need some help," and he says, "I'm sorry, lady, but I can't get out of the booth." All I see the kiosk is, is another money-making deal for the corporations. They cut back their employees to one person.

Recently I went on a trip to Florida. I stopped at numerous self-service stations. Half of them were in such shabby condition, they were no longer bulletproof or safe.

Half of them had no bathrooms. Half of them had no phones. You are caging a person up for those eight hours. They get no lunch breaks; they get no coffee breaks. They don't get paid for lunchtime either. If they work 10 hours, that is all they get, 10 hours. They don't get the lunch hour, or the coffee breaks, which is a State law; it's mandatory. That is part of it also.

These are all the different ways that they are taking advantage of our young people, who either at the time don't care because they are making a couple of extra bucks for themselves, or who aren't educated enough to know better, and thus fall into this trap. It's wrong. These corporations know it is wrong, but they still do it, and they exploit these children. It's wrong. It should be changed.

N A N C Y P A N N E T T A: If I may, I just want to recap something. Originally how this came about-- Naturally, it always takes something of a bit to get you involved in it. I, myself, was ignorant of the fact. I thought that most service stations, for their own investment that they put in, were protected by alarms. Up until this accident happened, I really thought that there was one there.

What we wanted to see, and what we still want to see, is what's happening now. As you said, until you propose something and people come forth with their ideas or their objections, you really don't know the total answer. The only logical way is to get input. If we really want to seriously solve a problem, we look at the whole picture, and in order to do that, we sometimes have to stand aside and let people come up with the suggestions, because that is what we did. That is what we wanted to do with the general public. We wanted them to weigh the merits of a situation and see what they wanted to do.

We have no real personal interest. We weren't for closing the stations so people would lose their jobs. On the

other hand, most of the kids who are working in the service stations are usually going to school, or are supporting themselves, or college, or whatever. They are using that as a temporary job. This is why they are not staying at one particular place for long. It is because of the type of need they're meeting. Most of them have to provide their own transportation. If you look at them, most of the kids at the service stations are just t' t. They are basically just turning 18, and from there on - maybe 21. It's not like it used to be, but nothing is like it used to be. Everything constantly changes, and that is what we must take a look at.

We must take a look at what is happening today. I heard someone else say, "Well, if we do this, we can put that in jeopardy." Well, it's about time that we sit back, get all the input from the various groups, and then decide. We had originally proposed not having the service stations close, but making them a little safer, even if it meant putting in another person. The security devices-- That could be for their own protection also. That is a write-off. We are not asking for large sums of money to be spent. What we are asking is that common sense be applied to save a life. We never know. We all think we are exempt from it happening to us. You know, I have been in a lot of situations and, again, for some strange reason, you just don't think it is going to happen. Our son only lived and worked about five or ten minutes from here.

SENATOR VAN WAGNER: I know.

MRS. PANNETTA: So, you know, this is not a high-crime area. Old Bridge isn't; neither is Sayreville. So, you know, we are not going to-- If you're looking for high-crime areas, that is not the point. Drug addiction is throughout the State of New Jersey, and it is not the only state either. To make it safe in one area, so that they can be drawn to another area, to me is not logical. My immediate reaction would be to make all areas safer so that this doesn't happen.

So, the three intentions, the three things that we had originally proposed -- and we're still sticking by our guns in a sense -- are the two people-- Again, if something proves to be better and safer, fine; all well and good. But at least we got something started. The security devices -- I don't see them as hurting anyone, other than the victim or the person who is committing the crime, because he would think twice about it if he was going to be under security surveillance or anything of that nature. I think it would be easier to apprehend someone if we had some security in that sense.

The third thing mostly is the training. None of these kids receive any type of training. Why? Now, you have a perfect example with the young fellow who was killed in Edison. He only worked for three nights. He was never given any instructions. There weren't any because we asked all the different companies. They didn't have any training programs.

MR. PANNETTA: He shouldn't have been put on nights to begin with.

MRS. PANNETTA: And he started off on nights to begin with. Actually, that is where the tragedy lies, too. The element of the unexpected is something that we haven't educated these youth in, and that is what we have to do. That is a very important part of it, the training. There is no escaping that, along with some kind of a device.

How can you have your own company-- Look, as private individuals, don't we have burglary alarms in our own homes? Don't we have some kind of protection? You have special locks for your doors; you have something. But there are service stations that do not have anything. They don't bother to put in any alarms or anything because they say that the chance of it happening is not that often, so they don't have to pay for insurance and all that. That, to me, sounds crazy, and yet we allow it. People die, and according to the State of New Jersey, under the compensation law, they are not worth

anything. They are young kids; they are not married, so there is nothing there. You can't sue the employer, so you have to pay your own burial expenses. If they want them to put their lives in jeopardy, why can't they be insured from the first day that they are employed, instead of waiting three or six months? I mean, they are putting their lives in jeopardy, if they are aware of that, and where are the benefits there? There are none.

You see, self-service is another answer, yes, for their profits. I'm sorry to say that, but it is not because it is ultimately coming from the heart for safety. It isn't, and we all know that.

MR. PANNETTA: Of all comp cases related to gasoline stations -- and this came directly from the Special Deputy Commissioner of Insurance of New Jersey -- 90% of all comp cases related to gasoline stations are a direct result of armed robbery. This has been a known fact for years; they have not gone out of their way to correct it in any way, shape, or form.

A lot of places you go into -- the 7-Eleven stores, the Krauses, the Wawas, or the gas stations -- three quarters of the people you talk to, they're afraid of working. But through economic reasons, they must work. Some are two jobs; this is their second job. The stores I went into and the stations I went into -- once again, I'm repeating myself -- they do not make -- 90% of the stations -- do not make sufficient money to cover their costs for the night. For the electric, the manpower, and so on. They're only forced to stay open because of the franchise law that's put onto them by the corporations.

MRS. PANNETTA: Telephones-- Where are they for the-- I'll tell you where my son's was: outside of where they do their business -- of where they have their registers on the inside. The phone is on the outside of the establishment, and you have to put 20 cents in there. How can you use a phone, I

mean, in an emergency? A lot of the establishments don't even have them inside the establishments, they have them on the outside.

Now, it's great for a customer, yes, I agree. But again, what are they doing for the worker they're employing? I mean a little thing. The common sense of it, if you stop to think about this. I mean, I went to Florida, and I went to different states -- the way they have the kiosk in some of the areas, they have someone working in the back that is never seen. You don't know that there is another person there. And they're usually doing the stocking or inventory at night, so that the ordering can take place the next morning. So, there are two on the premises, but for all known purposes really one, and that's the only one you see in that kiosk. Because it's not made as small as what I've seen here -- the ones that I've seen in the State.

There are different methods. See, what's failing to happen is they're not utilizing. That's what I'm against, and you had-- They're saying that it's not that often that it happens. Well, how often do we need it to happen again? I mean, what is it? Do we want one killing a week? I mean, do we set a rate of it? I mean, see, this is what I don't understand.

MR. PANNETTA: Since Christmas, there's been six killings in gas stations that I am aware of.

MRS. PANNETTA: And that's only because it happened to our son that we kept the statistics.

MR. PANNETTA: And that's all that I know; I am sure there are others that I didn't catch. But there have been six since Christmas. Five in work in the late night shift, working alone.

SENATOR VAN WAGNER: Well, evidence of how we recognize the seriousness of this, aside from your own tragic experience, is the fact that we're here, and that we intend to be here.

MRS. PANNETTA: Right. I mean, I'm not trying to say, just because of this--

SENATOR VAN WAGNER: And Senator Garibaldi is here. And I think your points are very well taken. I appreciate your being here, and doing this. Because, I realize it's not easy.

MRS. PANNETTA: Well, it's not only that. I wanted you, and the public in general, to know that it's not a matter of overreaction. If it seemed that way, then it was for the reason to get the attention focused, and to get people talking, and to make suggestions, and committees. That's what the main purpose was.

SENATOR VAN WAGNER: I don't think any of us regard it as an overreaction at all.

MRS. PANNETTA: Yeah. Because it wasn't meant to be that way.

MR. PANNETTA: Because all of us have children, grandchildren, or will have children.

SENATOR VAN WAGNER: We certainly do.

MR. PANNETTA: And, of all the kids out there, 75 - 80%, at one time or another, do work in stations.

SENATOR VAN WAGNER: Let me assure you of this. I realize that there's been comments made, and in fact, in your own comments, that many of the concerns that were expressed seem to be economic concerns rather than public safety concerns. I don't know if that's true or not.

MRS. PANNETTA: Well, we have to be practical.

SENATOR VAN WAGNER: I'm sure that these corporations represented here, and the various owners of -- individual owners of -- operations, businesses, in no way would want any of their employees to be hurt or killed.

But, as you pointed out, and as some of them pointed out, there is an economic factor involved, not only from their point of view, but from the point of view of some of the people who work at night.

However, having said that, I want you to be assured that it is this Committee's concern, and I know from talking to other legislators, the concern of the Legislature that the first order of priority is the public safety and security of the individual. That's where our priority will be.

MRS. PANNETTA: That's what, in essence, we're basically asking what you said. There have to be some basic requirements that have to be met by all.

SENATOR VAN WAGNER: I agree.

MRS. PANNETTA: That's where the standard's going to lie.

SENATOR VAN WAGNER: I agree. And, I appreciate your being here. You're invited to participate. We're going to have a short workshop session. We will conduct another hearing in Trenton later this month, at which time the Committee will meet to deliberate on some of the legislation that's been proposed, in addition to looking at the introduction of new legislation, as well as this resolution.

MRS. PANNETTA: Thank you--

SENATOR VAN WAGNER: Thank you for coming.

MR. PANNETTA: We thank you.

MRS. PANNETTA: --very much.

SENATOR VAN WAGNER: Thank you. I'd like to call on Senator Garibaldi, now, who has come here. And he has a statement. I'll ask that he, if you could, paraphrase it, Senator. Then we'll ask for the -- Mr. Dressler and the four individuals who I said -- Shell station operators -- if they would be prepared after that. If you don't mind having Mr. Dressler address -- briefly -- address the Committee on behalf of retail dealers, then we'll have four retail dealers who will address us. And then we will go through Mr. Johnson, Mr. Wolsey, Mr. Devlin, and Mr. Prendergast. And then we will gather around in as close a fashion as we can and start to discuss some of the points that have been made tonight.

Senator, the floor is yours.

S E N A T O R P E T E R P. G A R I B A L D I: Mr. Chairman Senator Van Wagner, first, let me express my appreciation and commendation for you for bringing this vital matter to the public's attention by conducting this public hearing. And, I certainly share in your concerns, the Committee's concerns, and that we all know that something has to be done to halt this abuse, this violent crime that consumes the lives of our young people who are trying to make a livelihood, either while working their way through school, or just trying to make a few extra dollars to get themselves by.

I have had conversations with Mr. Pannetta, and I recognize, as you do, that nothing we can do will bring the life back of their beloved son, and how saddened we were to learn of this. And it was right after that incident that I had communication with Mr. Pannetta, and as a result of that, I introduced a bill.

Mr. Pannetta, I know, would like to see these-- I have a statement, by the way, Mr. Chairman--

SENATOR VAN WAGNER: I'm reading it.

SENATOR GARIBALDI: --which I'm not going to refer to that.

SENATOR VAN WAGNER: Well, you're following it pretty well, though.

SENATOR GARIBALDI: Okay. But, I have introduced a bill based on the comments of Mr. Pannetta, in an effort to halt this violent crime for our overnight business which, of necessity, must conduct their business involvement. You have overnight gas stations, which is the primary target of these violent crimes, at least in the three incidents that have happened since last December. Three young people have lost their lives, two of them right here in Middlesex County, right in Sayreville. And one in Edison, and of course, one in Pleasantville, New Jersey.

MR. PANNETTA: Maple Shade and Magnolia also.

SENATOR GARIBALDI: Deaths have occurred?

MR. PANNETTA: That's right.

SENATOR GARIBALDI: These are in addition. So, the need is there for us to address this problem.

Well, I support SCR-31, the resolution which would authorize municipalities to enact their own -- through their own ordinances -- legislation that would regulate these overnight businesses. I happen to believe that that doesn't go far enough. While I can support that and vote for it, we have to do more. I would like to see, such as what Mrs. Pannetta suggested, that we enact legislation, statewide, a uniform regulation that would require these overnight businesses, first of all, to have two employees from 11 p.m. to 5 a.m. in the morning. These are the critical hours -- it's the graveyard shift -- that these violent crimes occur, and that's when our young people who are employees at these institutions are most susceptible to the drug addict, and to the violent criminal out there who's looking for that easy cash. And, this is why the State should be the leader, and should require that a minimum of two employees be on staff between the hours of 11 p.m. to 5 a.m. in the morning.

In addition, either have security guard, or an alarm system that's piped right in to the police headquarters, so that in the event of a crime taking place that the alarm can be sounded immediately.

In addition to that, my proposal requires that the company involved in these overnight, 24-hour businesses, or those businesses that conduct activities between 11 p.m. and 5 a.m. in the morning, train these employees, with a minimal training circumstance between the hours of 11 p.m. and 5 a.m. that would be instituted by our State Police.

SENATOR VAN WAGNER: But that's not part of your bill right now.

SENATOR GARIBALDI: Yes, that is part of the bill.
That's in 19--

SENATOR VAN WAGNER: Required training?

SENATOR GARIBALDI: That's in 1927. And this, again, came as additional-- I had originally introduced a bill which required that we have two employees and also security alarm or security guard. Since then, and after conversations with Mr. Pannetta and others, we found that it would be even more advantageous, and in the public interest, to require that these companies train these employees who are going to be working those specific shift hours.

We have to do something, and just to leave it to the municipalities, many of which have enacted ordinances that prescribe some of these requirements -- some have even banned overnight activities after 11 o'clock. And that's succumbing to the terrorist, to the criminal element, and that's not serving the public interest. We have need of people travelling all hours of the night, that they need gas, that they need service station attendants, some who need to go to the overnight pharmacist for drugs in the event of an emergency. There's too many demands upon the public to just close shop; to just close the streets and fold them up and succumb to the criminal element.

I think we can combat this. And I believe that, through legislation that would uniformly require that municipalities, through their ordinances or through straight legislation, that these businesses -- and I've talked with some of our overnight activities, to our gas station attendants, to 7-Eleven stores, to our over 24-hour pharmaceutical companies--

SENATOR VAN WAGNER: Did you talk to Mr. Hartung?

SENATOR GARIBALDI: Yes, I've spoken to many of them, and -- where's Jim? -- Jim there. We've been holding sessions. And I believe that they're prepared and they're committed. They understand; they recognize that the State is

involved in a serious circumstance. And if their businesses are going to survive, and are going to serve the public, without these kids who work these shifts being susceptible to these violent crimes, that we have to join together and come up with a program that will protect the public and protect these individuals who serve the public.

SENATOR VAN WAGNER: You realize, of course, if they oppose SJR-31, they sure as hell aren't going to support S-1927.

SENATOR GARIBALDI: Well, I'm, again, I can support S--

SENATOR VAN WAGNER: Even though you and I can support each other.

SENATOR GARIBALDI: I can support it. But I'm calling upon them, and I will meet with them as you will. I know you will, Senator; you'll do everything in your power to bring about a compromise in an effort to resolve this problem. And I'm prepared to sit down with them in an effort to resolve this. But--

SENATOR VAN WAGNER: Well, if you have the time tonight, we'd like you to participate with us.

SENATOR GARIBALDI: Sure, I'd be happy to participate in your workshop session.

SENATOR VAN WAGNER: Good. Good.

SENATOR GARIBALDI: Again, with Mr. Pannetta. He's been most helpful to me. Again, what can we say but offer our prayers and understanding of God's ways in the taking of a life for no good reason. But we've got-- This is our chance to stop it, and--

SENATOR VAN WAGNER: I agree.

SENATOR GARIBALDI: --bring about a change. Senator, thank you. And I'm available for you and your Committee's efforts to work with our business community here.

SENATOR VAN WAGNER: Thank you Senator Garibaldi. And I commend you and congratulate you on coming out tonight, and on your own initiative in introducing this legislation. And we appreciate your participating with us in this Committee hearing.

SENATOR GARIBALDI: Thank you, Senator.

SENATOR VAN WAGNER: Thank you, Senator. I'd like to call now Mr. William Dressler, who is the President of the Monmouth County Retail Dealers Association, and also, if they would kind of come forward at this point, Mr. Eddie Chippy, Mr. Andy Gomez, Mr. Will Muiznieks, and Mr. Ron Infusino. And before Mr. Dressler starts, I'd like to also acknowledge Councilman Gene Dunlap and his wife. Gene, if you'd care to address the Committee. Councilman Dunlap is an Old Bridge Councilman, and has been very active, as a matter of fact, in developing the ordinance that governs Old Bridge now. Sir? Let me just get Mr. Chippy-- Here? Sir? (speaking to member of audience) Didn't you call me? One of you gentlemen called about participating.

Okay, go ahead, sorry.

W I L L I A M D R E S S L E R: Good evening, Senator, we welcome the opportunity to come here and speak with you. We applaud your efforts in your endeavors to make things safer for the service station operators.

In retrospect, my name is Bill Dressler, and I am the President of New Jersey Gasoline Retail Dealers Association. We represent approximately 3000 dealers in this State. Our contention is such that, although we applaud your efforts, we do not believe that two people on in the service station at night is the answer to our problem. We feel that if one can be harmed, violently killed, two can also succumb to that same situation.

We took a survey in the Borough of Red Bank, and found that violent crime, in 1985, of the four service stations that were open in the area, there were eight armed robberies between the hours of 11 and 6 a.m. in the morning. Of four service stations in the Borough of Red Bank -- there was one convenience store that was also involved -- so it was actually seven service stations, and one convenience store. But eight armed robberies in a period of six months.

We feel that the answer to our problem would probably be the closing of service stations between those high-impact hours -- the crime hours. We do not like to be used as a piggy-bank for the drug addict, for the people who are looking for a quick fix. They come in, there's a quick \$30 or \$40 -- because that's all it is -- and they're out. And for them to maim or kill an individual for a lousy \$30 -- in essence that's what it is, or \$40, because these drops are made by the attendants every half hour or every hour -- we feel that the efforts that you're conducting and the efforts of the municipalities would be better served if we would legislate closing of those hours -- the 11 to 6 a.m.

SENATOR VAN WAGNER: Would you include in those closing times convenience stores, supermarkets, and other types of activities?

MR. DRESSLER: It depends on the area, Senator. We find that the oil companies are now writing into their leases mandatory 24-hour openings, even though the area that the service station is serving doesn't require that kind of service. You take a neighborhood service station, whether he's in operation for 12 hours, or whether he's in operation for 24 hours, he does not have the community, or the traffic, or the impact that requires him to be open 24 hours. So, then the graphics would be whether or not we would be concerned about whether the openings would be as such.

SENATOR VAN WAGNER: Are you saying to me that, as a condition of obtaining the lease with "XYZ" oil company that, within the lease requirement is a requirement that you remain open for 24 hours whether or not it might--

MR. DRESSLER: Correct. That's correct, Senator.

SENATOR VAN WAGNER: You're aware that I'm preparing legislation that would prohibit that?

MR. DRESSLER: Yes, and we applaud your efforts in that direction, also.

Just briefly summing up, we feel that the situation to correct our problems is one that's a prime concern to us. One that we feel should be done quickly so that we eliminate the problems that these people here have, the loss of life to their son. We would like to see the legislation that would prohibit the service stations being open at particular hours enforced -- or passed, rather. Thank you.

SENATOR VAN WAGNER: Thank you, Mr. Dressler, sir. You gentlemen that are here can, however comfortable you are in presenting your individual cases, just feel free, you know.

W I L L I S M U I Z N I E K S: Senator, my name is Willis Muiznieks. I'm a Shell Dealer from Princeton Junction, out in Mercer County, actually. When I heard about your hearing tonight, I came up to express my views.

I'd like to make a couple of things clear in the beginning. First of all, in no way do I mean to minimize the loss of the Pannettas. It's a tragic thing whenever you lose somebody. Secondly, I'd like to clear something up. From the Chair has been coming sort of, you know, you're pro, you're con, you're pro, you're con. I don't think that there can be a pro or con in this issue. I think we have to put our minds together and we have to address something that has needed addressing for a long time.

I'd like to-- I have what I prepared to speak on, and I'll leave that with you, because most of it has been touched one way or another.

A couple of things that were touched on tonight that hits very close to my heart. I have been a Shell Dealer for 22 years. I opened a Shell station in a sleepy little village of Princeton Junction, which is a bedroom community for the trains to New York and Philadelphia.

SENATOR VAN WAGNER: Not so sleepy anymore, huh?

MR. MUIZNIEKS: Not so sleepy anymore; it was in 1964. We opened in the middle of a cornfield; we're in the

middle of a shopping center now. The area has grown. I have been operating a 24-hour service station for over four years.

SENATOR VAN WAGNER: How many years?

MR. MUIZNIEKS: Four.

SENATOR VAN WAGNER: Four.

MR. MUIZNIEKS: I am a proponent of 24 hour. Twenty-four hour was probably the best investment I made in my business.

SENATOR VAN WAGNER: So, you would disagree with Mr. Dressler in terms of--

MR. MUIZNIEKS: I disagree with him, yes, very definitely.

SENATOR VAN WAGNER: Okay. That's the only-- If I might just paraphrase, that's-- The pro and con we're talking about is not a confrontational pro and con, okay.

MR. MUIZNIEKS: No.

SENATOR VAN WAGNER: We are here together to try to solve a problem, and I want you to know that, that what we're trying-- What I try-- What I have to do as Chairman of the Committee is to balance who's where, and then listen to the recording that will come from this and try to bring something that would address the problem.

MR. MUIZNIEKS: I do not want to trade seats with you. No way. You have a much harder job.

SENATOR VAN WAGNER: I asked for it.

MR. MUIZNIEKS: Well, did you. However, my adventure with 24 hours started when I heard that there was possibility that leases were going to be written as 24-hour leases. I am, and I think you have a letter of mine on another subject, so I am an adversary and sort of an inquisitive type of person. My immediate reaction was I was going to set out to prove the oil company wrong. And, what greater challenge can a dealer have?

So, I requested assistance to convert the station to 24 hours a year before it was ever written in the lease. And I

kept immaculate records. And, in the first six months, changing nothing else in our method of operation except going 24 hours, while not realizing any great profits during the last shift, we almost doubled our gasoline throughput.

SENATOR VAN WAGNER: Let me ask you a specific-- I'd like to get at the-- I know there's an economic factor involved in your concern, but I'd like to get at something, if I might. You said when you started off you were in the middle of a cornfield, and now you're in the middle of a shopping center. How long has the shopping center been there?

MR. MUIZNIEKS: The shopping center? About 12 years.

SENATOR VAN WAGNER: If you had still been in the middle of a cornfield, rather than now in the middle of a shopping center, might you have decided to open 24 hours?

MR. MUIZNIEKS: That I don't know.

SENATOR VAN WAGNER: Okay.

MR. MUIZNIEKS: But, probably not, because--

SENATOR VAN WAGNER: What I'm trying to get at, so you know that I'm not -- I don't have any hidden agenda -- is that there has also been a suggestion -- and I don't remember where it came from -- that perhaps we might close stations on a selective basis with leaving those stations in main arteries open but with two individuals and attendants, and with the proper training, and so on.

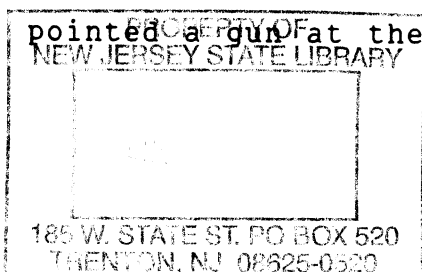
MR. MUIZNIEKS: Well, we're not on a main artery.

SENATOR VAN WAGNER: Have you ever had the experience of being robbed at all, during the operation of your station at night?

MR. MUIZNIEKS: We had one robbery. It was 8 o'clock in the evening. We had four employees and four customers on the premises.

SENATOR VAN WAGNER: Was it an armed robbery?

MR. MUIZNIEKS: It was an armed robbery. A guy came in, pointed a gun at the attendant, who was half way out of the



booth. The attendant pulled the drawer out, handed him what he had in cash, and hit the alarm button in the same fell swoop. We have a central station alarm; we've had it for years.

SENATOR VAN WAGNER: Is the alarm -- is it -- can you hear it when it rings?

MR. MUIZNIEKS: No, it is a silent alarm.

SENATOR VAN WAGNER: A silent alarm.

MR. MUIZNIEKS: It goes into Electro-Protective in Trenton.

SENATOR VAN WAGNER: To your recollection, did the action of the employee reaching or touching the alarm button create any reaction from the perpetrator?

MR. MUIZNIEKS: No. No, and this is the other exception, I think, to all the professionals that have testified tonight -- alarms do work. We've used it twice in 22 years, but they do work.

SENATOR VAN WAGNER: Well, you know, the thought that came to my mind as I heard the negative side of alarms is, why are so many of them installed? Apparently, people are wasting their time.

MR. MUIZNIEKS: Well, there are alarms and there are alarms.

SENATOR VAN WAGNER: I understand that.

MR. MUIZNIEKS: And, this is a central station. It goes into Trenton, to a central that's monitored 24 hours. They dispatched the police. The police were on the scene in three minutes. The guy had disappeared in what's left of the woods.

SENATOR VAN WAGNER: See, in all due respect to the testimony, I remember years ago, when I was just a young man -- I aged quite a bit--

MR. MUIZNIEKS: We all do.

SENATOR VAN WAGNER: I remember working for an insurance company as a trainee. And I remember as part of my

training was loss-prevention, and risk-prevention, things of that nature. Much of what I heard tonight was very similar to some of the things that the insurance companies were providing to companies. And one of the very prominent factors in loss or risk-prevention that was being pushed was the so-called silent alarm -- the centralized alarm system -- rather than the very loud one, you know, which sometimes has a false-alarm effects, and things like that. But one of the things that was incorporated in this particular company's risk or loss-prevention portfolio, was the installation of centralized alarm systems. And I find it interesting now that that seems to be something that has kind of become verboten. Maybe the world changes.

MR. MUIZNIEKS: We enjoy a discount because the alarm in all our facilities -- we have another station--

SENATOR VAN WAGNER: The insurance company actually reduces your premium because of that.

MR. MUIZNIEKS: They reduce the premium because it's a United Laboratory approved system.

SENATOR VAN WAGNER: But yet, you would think from some of the testimony tonight, if I were an insurer, and from what I heard, it would seem to me that the risk is increased.

MR. MUIZNIEKS: Well, I can't speak for everybody else; I can speak from experience.

SENATOR VAN WAGNER: I see.

MR. MUIZNIEKS: And I don't really want to sit here and tell you where our buttons are, but we have about eight--

SENATOR VAN WAGNER: No, I don't want to know.

MR. MUIZNIEKS: We have about eight throughout the premises.

SENATOR VAN WAGNER: But there was no visible reaction that that employee was able to hit a button, sound the alarm--

MR. MUIZNIEKS: The employee removed the money and hit the alarm in one--

SENATOR VAN WAGNER: And in no way risked the possibility of--

MR. MUIZNIEKS: As a matter of fact, the four customers that were on the premises didn't know anything went off until the police car arrived.

SENATOR VAN WAGNER: Did they catch the assailant, or the--

MR. MUIZNIEKS: They caught him the next day, yeah. They got the car, and it was an ex-service station employee from a neighboring town. But, the other time that we had occasion to use the alarm, which was a little bit unorthodox, but it saved the day, is -- and I want to paraphrase that with we do have a training program. Every-- Any new employee -- and this isn't Shell Oil Company, this is Will--

SENATOR VAN WAGNER: This is you.

MR. MUIZNIEKS: Shell Oil Company has programs and training for dealers and that.

SENATOR VAN WAGNER: That's a good point. Do they -- you're all Shell operators -- do they -- and anybody, just chime in -- does Shell, when you open, or at any interval during your operational year, do they provide you with information about attending school or training your employees?

MR. MUIZNIEKS: Yes, they do.

SENATOR VAN WAGNER: They do.

E D D I E C H I P P Y: Before you become a Shell Dealer, you have to attend their training school, which is a two week program.

MR. MUIZNIEKS: Was a month when I went through it. That shows how--

MR. CHIPPY: Well, a two week-- Excuse me, I'm sorry, two weeks for gas only, and four weeks for a conventional operation. And then, periodically, after that, it's mandatory in your agreement with the oil company that you do attend--

MR. MUIZNIEKS: It's also written in the lease.

MR. CHIPPY: And that's in the lease too, that you do attend seminars on conducting your business. And a part of those seminars has to do with safety, with appearance, and just overall running your service station.

SENATOR VAN WAGNER: Do you all operate stations that are all-night stations? Each one of you?

MR. CHIPPY: Yes, 24-hour station.

SENATOR VAN WAGNER: Where's your station?

MR. CHIPPY: My station is located on Route 3 at Secaucus, about a mile east of the Meadowlands.

SENATOR VAN WAGNER: Okay, a busy area.

MR. CHIPPY: Yes, sir.

A N D Y G O M E Z: Plainfield, South Avenue.

SENATOR VAN WAGNER: Is it a busy, well-travelled area?

MR. GOMEZ: Yeah.

R I C H A R D I N F U S I N O: Newark, South Orange Avenue.

SENATOR VAN WAGNER: So, in other words, you are all, generally, located in very busy, very well-lit, visible -- highly visible -- areas?

MR. GOMEZ: Senator?

SENATOR VAN WAGNER: Yes.

MR. GOMEZ: Again, like Will said, I speak from experience. Two people (word inaudible) I'll tell you why. I myself have been robbed with a gun. Okay? (expletive deleted) under the age of 16. Two people came into the station -- there were five of us, all right. There were three mechanics and there were two attendants. We were inside the building. They walked into the building -- we already had closed, okay, we were closing -- they walked into the building and they held us up. We gave them the money, and they left. No problems. Okay? And they used a gun. Okay? So, the amount of people that you have on doesn't mean anything, because they say the attendants are not busy at the time that the criminal walks into the station. They're at one place -- that's two people,

one place -- when a gun comes out, those two people are not going to do anything. The robber is going to do whatever he wants to do. Okay?

SENATOR VAN WAGNER: See there is -- I can appreciate what you're saying -- but there is some feeling that an individual, particularly someone who might be strung out on drugs, or otherwise disturbed, might be deterred if they know that they're going to have to shoot more than one person. Now, I know that sounds, maybe, that there's no psychological or criminological evidence for that. But, earlier on I asked the question did anybody have any data that demonstrated that more than one person did not affect the behavior of a criminal, and, you know, they said, no, we really don't.

MR. INFUSINO: I have experiences in my own unit. I was held up, I guess in the past seven years, four times.

SENATOR VAN WAGNER: When did those occurrences take place?

MR. INFUSINO: Two happened between the hours of 12 and 6 a.m. and the other two happened just prior to midnight, between, say, 10 and 12. I had one around 10:30, and one at 11 o'clock.

SENATOR VAN WAGNER: So, they're pretty much within the hours of Senator Garibaldi's bill, from 11 to 5.

MR. INFUSINO: But, 50% of my holdups happened when I had two people there. I am in a very busy location. I'm close to the racetrack, and to Giants stadium.

SENATOR VAN WAGNER: Yeah, I know where you're at.

MR. INFUSINO: And the racetrack -- last race, I guess, -- doesn't get out until 12 o'clock, so I have a lot of people there with the track crowd, and then I have the employees that leave the Meadowlands at 1/1:30, so there's always a little activity until, you know, until 1:30. So, I do have two people on until 12:30/1 o'clock in the morning, if I have the help available. Otherwise, it's 12 o'clock, and then I go on to one man from 12 to 6 in the morning.

But, two of the holdups I did have, I did have two people on duty at the time. I think there is definitely a need for something to be done. I feel the only alternative we would have in the service stations -- because there are some service stations that if they have to put another man on the third shift, they might as well close it down, because it's just not going to be affordable for them.

SENATOR VAN WAGNER: If-- Let me ask you this. If, under the present leases that are entered into, if that occurred -- if a service station found that by law or perhaps for their own reason, they wanted to put another individual on and then found out that it didn't work out and decided instead to close -- would they, in effect, have violated their lease, and therefore be subject to being shut down?

MR. INFUSINO: Would you be talking about the oil company?

SENATOR VAN WAGNER: Yeah.

MR. INFUSINO: Probably.

SENATOR VAN WAGNER: Or is that something that an individual operator can go to an oil company and say, look, either from a security point of view, or from an economic point of view, I decided I'm going to close at 10 o'clock; there's just no sense in my being open. If that individual does that, do they, in fact, violate their lease?

MR. INFUSINO: I'm sure that before anyone would be found in violation, they would have to air the two sides and see if it was warranted or not.

SENATOR VAN WAGNER: Because, it seemed to me that what was being said to me is that it's almost a part of the lease that you remain open 24 hours, and I just assumed--

MR. INFUSINO: Senator? Excuse me, I'm sorry, Senator.

SENATOR VAN WAGNER: Go ahead.

MR. INFUSINO: The reason why I say -- and I say the only alternative is self-service. Because, if they're going to

implement a policy where the municipalities will take it upon themselves to institute ordinances for their municipality, it's going to present another problem, because you're going to have a service station located in town "A", that could see a service station located in town "B". Town "B" adopts to close their stations, town "A" adopts two people. You have a problem.

SENATOR VAN WAGNER: What's the problem?

MR. INFUSINO: An economic problem, with that particular station that has to close at night.

SENATOR VAN WAGNER: Why?

MR. GOMEZ: Because the robbers are going to go to the other station.

MR. INFUSINO: You have direct competition that you can see down the road, and just because he happens to be across the border, is open. And, he's taking your customers. It does present a problem. You know, it has nothing to do -- what I'm saying now has nothing to do with safety, but it will affect--

SENATOR VAN WAGNER: No more so than the effect of a Sunday closing law on local merchants who find it much more difficult to compete on the basis of being open seven days, than a large supermarket chain does.

MR. INFUSINO: I think in our industry it'll make a bigger difference.

SENATOR VAN WAGNER: See, I don't mean to argue with you; that's not my purpose now. But, you know, I can understand what you're saying. From a purely economic point of view, there is competitive advantages and disadvantages to a number of operational things that you might do.

For example, a particular service station being located on one side of a road which has a barrier only two miles out of the way of another service station on the other side of the road -- barrierized road -- may find that traffic at certain times during the day doesn't warrant their being open. Yet, on the other hand, the person directly down the

road and across on the other side of the barrier may do very well in the evening, because the traffic flows that way.

MR. INFUSINO: I see your point.

SENATOR VAN WAGNER: And no one likes to make the jughandle and come around.

MR. INFUSINO: I see your point, and I'm not putting dollars over safety.

SENATOR VAN WAGNER: I don't want to do that.

MR. INFUSINO: Okay, I'm not putting it on a scale, but if there is an alternative that could remedy the situation without having any ill side effects, I feel that's probably the avenue that we should take. Now, I conduct a training program, similar to what Will does. Somebody takes a job with me, whether he's full or part time, he comes on as an extra employee for 16 hours before he's put on a shift and starts to assume responsibilities.

SENATOR VAN WAGNER: So, he works with someone else?

MR. INFUSINO: He works with either my manager or myself. And I have a manager that's making \$35,000 a year. So, I'm spending the money on training; and I'm spending the money on the employees.

SENATOR VAN WAGNER: Let me ask you this. There are some other individuals who want to be heard -- if they would just raise their hand -- who haven't been heard.

I wonder if we could kind of-- I'd like to -- because the hour's getting close to quarter to nine, and I don't want to lose everybody's good brain power at this point. I wonder if we could just move directly into a workshop type situation. And, if you would just raise your hand, believe me, if you've ever been on my Committee, you'll know that I recognize everybody. No one gets shut out. So, you know, if we could just end the public hearing portion at this point, okay.

(HEARING CONCLUDED)

Appendix

STATEMENT ON SCR-31

BY SENATOR PETER P. GARIBALDI, R-Middlesex

SINCE LAST DECEMBER, THREE YOUNG MEN WORKING IN THE TOWNS OF EDISON, SAYREVILLE AND PLEASANTVILLE HAVE LOST THEIR LIVES. WHY? SIMPLY BECAUSE THEY REPORTED TO THEIR JOBS AT ALL-NIGHT GAS STATIONS.

THE YOUNG PEOPLE IN OUR STATE HAVE BECOME SITTING DUCKS FOR DRUG ADDICTS AND PETTY THIEVES WHEN THEY WORK AT BUSINESSES THAT ARE OPEN ALL NIGHT. THESE CRIMINALS KNOW THAT EMPLOYEES AT THESE ESTABLISHMENTS ARE WORKING ALL ALONE WITH VERY LITTLE SECURITY TO PROTECT THEM. THESE ARE THE PERFECT PLACES TO GET SOME QUICK CASH.

FOLLOWING AN INCIDENT LAST DECEMBER IN WHICH AN EIGHTEEN YEAR OLD SAYREVILLE GAS STATION ATTENDANT WAS MURDERED LATE AT NIGHT, I INTRODUCED A BILL THAT WOULD REQUIRE INCREASED SECURITY MEASURES AT ALL-NIGHT BUSINESSES.

UNDER MY BILL, S-1927, A BUSINESS OPEN TO THE PUBLIC BETWEEN THE HOURS OF 11 P.M. AND 5 A.M. MUST HAVE AT LEAST TWO EMPLOYEES ON DUTY AND MUST EMPLOY A SECURITY OFFICER OR INSTALL A BURGLAR ALARM CONNECTED TO THE MUNICIPAL POLICE STATION. OWNERS OR MANAGERS WHO OPERATE A BUSINESS IN VIOLATION OF THESE PROVISIONS WOULD BE GUILTY OF A DISORDERLY PERSONS OFFENSE.

DURING THE PAST FEW MONTHS, MORE AND MORE MUNICIPALITIES HAVE BEEN PASSING ORDINANCES REQUIRING INCREASED SECURITY AT ALL-NIGHT BUSINESSES. AFTER TWO OF ITS EMPLOYEES LOST THEIR LIVES IN TWO SEPARATE NIGHTTIME ROBBERIES, HESS BEGAN REQUIRING TWO EMPLOYEES TO MAN THE NIGHT SHIFT. THIS IS GOOD TO HEAR. BUT HOW ABOUT THE OTHER ALL-NIGHT BUSINESS THROUGHOUT THE STATE THAT PLACE THEIR EMPLOYEES LIVES AT RISK BY FAILING TO HAVE THE PROPER SECURITY?

THE RESOLUTION YOU ARE CONSIDERING TONIGHT IS WELL INTENDED, BUT I BELIEVE IT DOES NOT GO FAR ENOUGH. INSTEAD OF MERELY URGING MUNICIPALITIES TO ENACT ORDINANCES TO TIGHTEN SECURITY AT ALL-NIGHT BUSINESSES, WE SHOULD HAVE A STATEWIDE MANDATE. TOO OFTEN, MUNICIPALITIES WAIT UNTIL TRAGEDY HAS STRUCK BEFORE THEY ACT. AND IN SOME CASES, THEY MAY EVEN GO OVERBOARD IN REACTING TO THE SITUATION.

SOME COMMUNITIES, SUCH AS EDISON AND PRINCETON, HAVE DECIDED TO BAN ALL-NIGHT BUSINESSES AS A WAY OF ADDRESSING THE INCREASING CRIME PROBLEM. THIS IS A VERY DRASTIC MOVE THAT MAKES IT IMPOSSIBLE FOR TRAVELERS TO GET GASOLINE LATE AT NIGHT OR DEPRIVES PEOPLE OF BEING ABLE TO RUN OUT AT NIGHT FOR A GALLON OF MILK OR TO FILL A PRESCRIPTION FOR A SICK CHILD.

RECENT EVENTS HAVE MADE IT ALL TOO CLEAR THAT THE TIME FOR MY LEGISLATION
IS NOW.

I DON'T WANT TO SEE ANY MORE YOUNG PEOPLE LOSING THEIR LIVES BECAUSE
PROPER SECURITY PRECAUTIONS ARE NOT TAKEN BY THEIR EMPLOYERS.

WORKING AT AN ALL-NIGHT CONVENIENCE STORE OR GAS STATION SHOULD NOT
INVOLVE RISKING YOUR LIFE EVERY TIME YOU REPORT FOR WORK.

NEW JERSEY CONVENIENCE
STORES ASSOCIATION, INC.

333 WEST STATE STREET, TRENTON, NEW JERSEY 08618

PHONE 609-394-5361

WARD WETTLIN
EXECUTIVE DIRECTOR

STATEMENT BY WARD WETTLIN
EXECUTIVE DIRECTOR, NEW JERSEY CONVENIENCE STORES ASSOCIATION
BEFORE THE SENATE COUNTY GOVERNMENT COMMITTEE
MAY 28, 1986

In recent months several New Jersey municipalities have adopted ordinances prohibiting convenience stores and service stations from operating overnight. Other towns have required such retail outlets to employ additional workers or guards during late-night hours or to install security cameras and/or special alarm systems. In each case the action was taken out of concern for the security of employees working during late-night hours.

The New Jersey Convenience Stores Association shares that concern but questions whether these reactions are the most reasonable or effective response to the problem.

Many of our member stores, both chain operated and individually franchised, choose not to operate during late-night or overnight hours. Others have found a significant customer demand for their services during such hours and have encountered few or no security problems, despite the fact that they generally employ only one overnight clerk and operate without expensive surveillance equipment, special alarms or security

guards. Actually, this is not surprising since both research and the practical experience of numerous store owners demonstrate that the requirements embodied in the recently enacted ordinances are not the most effective methods of combating robberies or assaults at overnight retail outlets.

In a 1984 study which employed extensive interviews with convicted robbers, researchers discovered that the likeliest targets for convenience store holdups are those which offer a criminal the potential for at least \$100 in "earnings", a limited chance of detection, and good escape routes. Follow-up studies confirm that stores which employ locked drop boxes for all large currency, which limit the amounts in an overnight cash register to \$50 or less, and which advertise such practices, are significantly less likely to become the victims of a robbery attempt. Stores which are well lit and whose cash register area is clearly visible to outside passersby further reduce their attractiveness to would-be robbers.

By contrast, the employment of more than one clerk at an overnight operation or the installation of surveillance or alarm systems have had no statistical impact in reducing robberies. Criminals told researchers that the presence of up to five employees in a store provided no disincentive during an armed holdup. Many law enforcement experts would agree, and some would argue that the presence of more than one clerk can

actually increase the risk of injury. A gunman, for example, might panic and shoot if an employee working in a storage room suddenly emerged into the store during a holdup attempt.

Our association understands the well intentioned nature of the municipal ordinances in question and of SJR-31 which urges other New Jersey towns to take similar action. We also note, however, that only two types of retail operations-- convenience stores and service stations--have been singled out for such restrictions and that the security methods required by these ordinances are not statistically effective.

If the State believes it is necessary to legislate security measures for overnight convenience store operations, it should first consider the methods which have been proven most effective. In addition to proper lighting, visibility and an advertised policy of limited available cash, employee training programs have been found very helpful in reducing the possibility of violence.

We'd be happy to share with the committee the results of numerous studies into the causes and prevention of convenience store robberies. We believe there are methods of reducing risks to employees which do not require the elimination of a valuable service to many consumers who have come to rely on convenience stores for late-night purchases.

WILL'S SERVICE CENTER ALEXANDER RD. INC.

WILL MUIZNIKS
PRES.

880 ALEXANDER ROAD
P.O. BOX 3417
PRINCETON N.J. 08540

MAY 28, 1986

HONORABLE MEMBERS OF THE COMMITTEE:

I AM HERE CONCERNED ABOUT THE BILL YOU ARE CONSIDERING FROM THREE POINTS OF VIEW.

ME: I SHARE YOUR CONCERN FOR SAFE OPERATIONS OF SERVICE STATIONS. ANYTHING THAT CAN BE DONE TO PROTECT MY EMPLOYEES FROM HARM, I AM IN FAVOR OF. WE IMPLEMENTED MEASURES TO COMBAT CRIME YEARS AGO BEFORE IT WAS FASHIONABLE TO EVEN TALK ABOUT IT. WE HAVE HAD DIRECT ALARM, MONITORED BY CENTRAL STATION 24 HOURS A DAY, INSTALLED IN VARIOUS LOCATIONS THROUGHOUT THE PREMISES. THIS WAY MY HELP CAN SUMMON AID WITH AN INCONSPICUOUS MOVE. WE ALSO KEEP THE PLACE WELL LIT AND UNOBSTRUCTED SO THAT EVERYTHING CAN BE SEEN FROM THE ROAD. WE WORK VERY CLOSELY WITH OUR LOCAL POLICE DEPARTMENT AND ENCOURAGE THEM TO PATROL OUR PREMISES AT RANDOM TIMES. WE HAVE FLOOR SAFES AND THE ATTENDANTS KEEP VERY LITTLE MONEY ON THEM. WE ENCOURAGE CREDIT CARD BUSINESS AS THEY DO NOT PRESENT THE SAME TEMPTATION AS DOES CASH. WE TRY TO DO EVERYTHING, AS MUCH AS POSSIBLE, TO REMOVE ANYTHING THAT CAN CREATE AN UNSAFE CONDITION. OUR MANAGERIAL PERSONNEL VISIT THE STATIONS AT NONSCHEDULED TIMES EVEN DURING NIGHT SHIFTS. ALL OUR EMPLOYEES ARE INSTRUCTED TO COOPERATE WITH THE REQUESTS OF ANY WOULD BE ROBBERS.

WO: IT IS NEXT TO IMPOSSIBLE TO HIRE PEOPLE TO WORK IN SERVICE STATIONS. IF A LAW WERE TO BE PASSED THAT MANDATED MORE THAN ONE PERSON ON DUTY AT ALL TIMES, THERE WOULD BE TIMES THE STATION WOULD HAVE TO CLOSE AND WE WOULD NOT BE ABLE TO PROVIDE THE PUBLIC WITH REGULAR HOURS. THE HOURS OF OPERATION WOULD BECOME DEPENDENT ON THE AVAILABILITY OF ENOUGH HELP. WE HAVE STAYED OPEN 24 HOURS A DAY SINCE WE STARTED 24 HOUR SERVICE MANY YEARS AGO. THIS STEADY 24 HOUR REPRESENTATION HAS INSTILLED CONSUMER CONFIDENCE AND LOYALTY IN OUR OPERATION. IF DEMANDS WERE MADE FOR MORE THAN ONE PERSON ON DUTY AT ALL TIMES THIS WOULD CHANGE, OUR CUSTOMERS MIGHT ARRIVE TO FIND THE STATION CLOSED, AND THE GOOD WILL WE HAD CREATED OVER THE YEARS WOULD BE VAIN.

THREE: WITH THE INABILITY OF LOCAL GOVERNMENTS TO SECURE LIABILITY INSURANCE AND THE HIGH COST OF THIS INSURANCE, HOW MUCH LIABILITY IS GOING TO BE ACCEPTED BY THE LOCAL GOVERNMENT. IF WE ARE "LICENSED BY" OUR TOWNSHIP TO OPERATE AFTER MIDNIGHT AND A HOLD UP OCCURS AND ONE OF OUR PEOPLE GET HURT, WHAT IS THE LIABILITY TO THE TOWNSHIP. THE OTHER QUESTION IS, HOW PREPARED ARE MOST MUNICIPALITIES TO DEFEND THEIR ORDINANCES IN COURT SHOULD A GROUP OR AN INDIVIDUAL CHALLENGE THEM IN COURT.

THERE IS A SIMPLE SOLUTION; ALLOW SELF-SERVE IN NEW JERSEY. DURING LOW TRAFFIC HOURS A SINGLE ATTENDANT COULD BE IN BULLET-PROOF BOOTH FROM WHERE HE/SHE CAN TEND TO THE BUSINESS IN SAFETY AND SUMMON HELP FOR THEMSELVES OR THE MOTORING PUBLIC AT THE TOUCH OF A BUTTON WITHOUT EXPOSURE TO DANGER. OUR EMPLOYEES WOULD BE SAFE THE PUBLIC WOULD BE SERVED AND ALL WOULD BE HAPPY. AND THIS IS NOT THE ONLY POSITIVE ASPECT OF SELF-SERVE.

YOURS TRULY

VILIS MUIZNIKS

SERVICE: (609) 799-1032

Your One Stop
Auto Repair Center
For Your Personal Car or
Your Entire Fleet

PARTS: (609) 799-1012

7X

