

**GLOUCESTER TOWNSHIP COUNCIL MEETING
SEPTEMBER 8, 2008
MUNICIPAL BUILDING, CHEWS LANDING NEW JERSEY**

Pledge Allegiance to the Flag

Deacon Pete Shoemaker of St. Marks Lutheran and St. Agnes Church gave the Invocation at the Council meeting.

Statement: Mr. Bianchini read a statement setting forth the time, date and place of this meeting, that it was properly advertised, posted and filed in the Office of the Township Clerk pursuant to the Open Public Meetings Act.

Roll Call:	Mrs. Lovett	Mr. Carlamere, Solicitor
	Mrs. Evans	
	Mr. Garbowski	Mr. Cardis, Business Administrator
	Mr. Hutchison	Mrs. DiJosie, Township Clerk, RMC
	Mr. Mercado	Mayor Rau-Hatton-sick
	Mr. Schmidt	
	Mr. Bianchini	Mr. Busa, Public Works
		Mr. Lechner, Comm. Dev.
		Mrs. Varrell, Comm. Services-vac.
		Chief Smith, Police

Mrs. Lovett presented several youngsters Youth Recognition Awards for participating in the Clean-Up at the Cherrywood Park.

Public Portion:

Frank Simiriglia made a plea for the re-appointment of Harry Landis, who has been a member of the Planning Board for the last 20 years. He stated that he has been the Chairman for the last 19 years. He stated that he has attended seminars that have been certified by the State and he does an excellent job.

MINUTES: Mr. Mercado made a motion to waive the reading and accept the minutes of Regular Meeting, August 25, 2008, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

ORDINANCES: FIRST READING

0-08-23

**ORDINANCE GRANTING RENEWAL OF MUNICIPAL
CONSENT TO COMCAST TO CONSTRUCT, CONNECT,
OPERATE AND MAINTAIN A CABLE TELEVISION AND
COMMUNICATIONS SYSTEM IN THE TOWNSHIP OF
GLOUCESTER, NEW JERSEY**

BE IT ORDAINED by the Township Council of the Township of Gloucester as follows:

SECTION 1. PURPOSE OF THE ORDINANCE

The Township of Gloucester hereby grants to Comcast renewal of its non-exclusive Municipal Consent to place in, upon, across, above, over and under highways, streets, alleys, sidewalks, easements, public ways and public places in the Township, poles, wires, cables, underground conduits, manholes and other television conductors, fixtures, apparatus and equipment as may be necessary for the construction, operation and maintenance in the Township of a cable television and communications system.

SECTION 2. DEFINITIONS

For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meaning given herein. Such meaning or definition of terms is supplemental to those definitions of the Federal Communications Commission ("FCC") rules and regulations, 47 C.F.R. Subsection 76.1 et.seq., and the Cable Communications Policy Act, 47 U.S.C. Section 521 et. seq., as amended,

and the Cable Television Act, N.J.S.A. 48:5A-1 et. seq., and shall in no way be construed to broaden, alter or conflict with the federal and state definitions:

- a. "Town" or "Municipality" is the Township of Gloucester, County of Camden, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Garden State, L.P.
- c. "Act" or "Cable Television Act" is Chapter 186 of the General Laws of New Jersey, and subsequent amendments thereto, N.J.S.A. 48:5A-1, et.seq.
- d. "FCC" is the Federal Communications Commission.
- e. "Board" or "BPU" is the Board of Public Utilities, State of New Jersey.
- f. "Office" or "OCTV" is the Office of Cable Television of the Board.
- g. "Basic Cable Service" means any service tier, which includes the retransmission of local television broadcast signals as defined by the FCC.
- h. "Application" is the Company's Application for Renewal of Municipal Consent.
- i. "Primary Service Area" or "PSA" consists of the area of the Municipality currently served with existing plant as set forth in the map annexed to the Company's Application for Municipal Consent.

SECTION 3. STATEMENT OF FINDINGS

Public hearings conducted by the Township, concerning the renewal of Municipal Consent herein granted to the Company were held after proper public notice pursuant to the terms and conditions of the Act and the regulations of the Board adopted pursuant thereto. Said hearings, having been fully open to the public, and the municipality, having received at said public hearings all comments regarding the qualifications of the Company to receive this renewal of Municipal Consent, the Municipality hereby finds that the Company possesses the necessary legal, technical, character, financial and other qualifications and that the Company's operating and construction arrangements are adequate and feasible.

SECTION 4. DURATION OF FRANCHISE

The non-exclusive Municipal Consent granted herein shall expire 15 years from the date of expiration of the previous Certificate of Approval issued by the Board of Public Utilities with an automatic renewal term of 10 years as provided by N.J.S.A. 48:5A-19 and 25 and N.J.A.C. 14:18-13.6 et seq.

In the event that the Township shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Township shall have the right to petition the OCTV, pursuant to N.J.S.A. 48:5A-47, for appropriate action, including modification and/or termination of the Certificate of Approval; provided however, that the Township shall first have given the Company written notice of all alleged instances of non-compliance and an opportunity to cure same within ninety (90) days of that notification.

SECTION 5. FRANCHISE FEE

Pursuant to the terms and conditions of the Act, the Company shall, during each year of operation under the consent granted herein, pay to the Township two percent (2%) of the gross revenues from all recurring charges in the nature of subscription fees paid by subscribers for cable television reception service in the Township or any higher amount permitted by the Act or otherwise allowable by law, whichever is greater.

SECTION 6. FRANCHISE TERRITORY

The consent granted under this Ordinance to the renewal of the franchise shall apply to the entirety of the Township and any property subsequently annexed hereto.

SECTION 7. EXTENSION OF SERVICE

The Company shall be required to proffer service to any residence or business along any public right-of-way in the Primary Service Area, as set forth in the Company's Application. Any extension of plant beyond the Primary Service Area shall be governed by the Company's Line Extension Policy, as set forth in the Company's Application.

SECTION 8. CONSTRUCTION REQUIREMENTS

Restoration: In the event that the Company or its agents shall disturb any pavement, street surfaces, sidewalks, driveways, or other surface in the natural topography, the Company shall, at its sole expense, restore and replace such places or things so disturbed in as good condition as existed prior to the commencement of

said work.

Relocation: If at any time during the period of this consent, the Township shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Township, shall remove, re-lay or relocate its equipment, at the expense of the Company.

Removal or Trimming of Trees: During the exercise of its rights and privileges under this franchise, the Company shall have the authority to trim trees upon the overhanging streets, alleys, sidewalks or other public places of the Township so as to prevent the branches of such trees from coming in contact with the wires and cable of the Company. Such trimming shall be only to the extent necessary to maintain proper clearance of the Company's wire and cables.

SECTION 9. CUSTOMER SERVICE

In providing services to its customers, the Company shall comply with N.J.A.C. 14:18-1, et. seq. and all applicable state and federal statutes and regulations.

The Company shall strive to meet or exceed all voluntary company and industry standards in the delivery of customer service and shall be prepared to report on it to the Township upon written request of the Township Administrator or Clerk.

- a. The Company shall continue to comply fully with all applicable state and federal statutes and regulations regarding credit for outages, the reporting of same to regulatory agencies and notification of same to customers.
- b. The Company shall continue to fully comply with all applicable state and federal statutes and regulations regarding the availability of devices for the hearing impaired and the notification of same to customers.
- c. The Company shall use every reasonable effort to meet or exceed voluntary standards for telephone accessibility developed by the National Cable Television Association (NCTA).
- d. Nothing herein shall impair the right of any subscriber or the Township to express any comment with respect to telephone accessibility to the Complaint Officer, or impair the right of the Complaint Officer to take any action that is permitted under law.

SECTION 10. MUNICIPAL COMPLIANCE OFFICER

The Office of Cable Television is hereby designed as the Complaint Officer for the Township pursuant to N.J.S.A. 48:5A-26(b). All complaints shall be received and processed in accordance with N.J.A.C. 14:17-6.5. The Township shall have the right to request copies of records and reports pertaining to complaints by Township customers from the OCTV.

SECTION 11. LOCAL OFFICE

During the term of this franchise, and any renewal thereof, the Company shall maintain a business office or agent in accordance with N.J.A.C. 14:18-5.1 for the purpose of receiving, investigating and resolving all local complaints regarding the quality of service, equipment malfunctions, and similar matters. Such a business office shall have a publicly listed toll-free telephone number and be open during standard business hours, and in no event (excepting emergent circumstances) less than 9:00 A.M. to 5:00 P.M., Monday through Friday.

SECTION 12. PERFORMANCE BONDS

During the life of the franchise the Company shall give to the Township a bond in the amount of twenty-five thousand (\$25,000.00) dollars. Such bond shall be to insure the faithful performance of all undertakings of the Company as represented in its application for municipal consent incorporated herein.

SECTION 13. SUBSCRIBER RATES

The rates of the Company shall be subject to regulation as permitted by federal and state law.

SECTION 14. COMMITMENTS BY THE COMPANY

- a. The Company shall provide Total Preferred cable television service on one (1) outlet at no cost to each school in the Township, public and private, elementary, intermediate and secondary, provided the school is within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the school requesting service. Monthly service charges shall be waived on all additional outlets.
- b. The Company shall provide Total Preferred cable television service at

no cost on one (1) outlet to each police, fire, emergency management facility and public library in the Township, provided the facility is located within 175 feet of active cable distribution plant. Each additional outlet installed, if any, shall be paid for on a materials plus labor basis by the Township. Monthly service charges shall be waived on all additional outlets.

- c. The Company shall provide free basic Internet service, via high-speed cable and modem, to one (1) non-networked personal computer in each qualified existing and future school in the Township, public and private, elementary, intermediate and secondary, at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet service shall be installed on a personal computer that is accessible to the students and not for administrative use only.
- d. The Company shall provide free basic Internet access via high-speed cable and modem on one (1) non-networked personal computer in each qualified existing and future public library at no charge provided the facility is located within 175 feet of active cable distribution plant. The Internet shall be installed on a personal computer that is accessible to library patrons and not for administrative use only.
- e. Within twelve (12) months of receipt of a Renewal Certificate of Approval, the Company shall provide the Township with a one-time technology grant in the amount of One Hundred Sixty Thousand (\$160,000.00) dollars for the Township's cable and technology related needs.

SECTION 15. EDUCATIONAL AND GOVERNMENTAL ACCESS

- a. The Company will continue to provide one channel for educational and governmental ("EG") access for the shared use by the residents of Gloucester Township, Runnemede Borough, and Bellmawr Borough (collectively, "Municipalities"). The governing bodies of Gloucester Township, Runnemede Borough and Bellmawr Borough or a designated educational institution shall provide educational access video programming. The governing bodies of Gloucester Township, Runnemede Borough and Bellmawr Borough shall provide government video programming. Unused capacity may be utilized by the Company subject to the provisions for "fallow time" below.
- b. The Company does not relinquish its ownership of or ultimate right of control over a channel by designating it for EG use. An EG access user-whether an educational or government user-acquires no property or other interest by virtue of the use of a channel so designated, and may not rely on the continued use of a particular channel number, no matter how long the same channel may have been designated for such use.
- c. The Company shall not exercise editorial control over any educational or governmental use of channel capacity, except the Company may refuse to transmit any educational or governmental access program or portion of an educational or governmental access program that contains obscenity, indecency, or nudity.
- d. The governing bodies of Gloucester Township, Runnemede Borough and Bellmawr Borough shall be responsible for developing, implementing, and enforcing rules for EG Access Channel use which shall ensure that the EG Access Channel and the EG Access Equipment, which shall be provided by the Municipalities, will be available on a first-come, first served, non-discriminatory basis.
- e. Educational Access. "Educational Access" shall mean noncommercial use by educational institutions such as public or private schools, but no "home schools", community colleges, and universities.
- f. Government Access. "Government Access" shall mean noncommercial use by the governing bodies of Gloucester Township, Runnemede Borough, and Bellmawr Borough, for showing the public local government at work.

- g. Company Use of Fallow Time. Because blank or under utilized EG channels are not in the public interest, in the event the Municipalities or other EG access users elect not to fully program their EG access channel, Company may program unused time on those channels (at its discretion and for any purpose), subject to reclamation by the Municipality upon no less than 60 days written notice.
- h. Indemnification. The Municipalities shall indemnify Company for any liability, loss or damage it may suffer due to violation of the intellectual property rights of third parties on the EG channel and from claims arising out of the Municipalities' rules for or administration of access.

SECTION 16. EMERGENCY USES

The Company will comply with the Emergency Alert System ("EAS") rules in accordance with applicable state and federal statutes and regulations. The Company shall in no way be held liable for any injury suffered by the Township or any other person, during an emergency, if for any reason the Township is unable to make full use of the cable television system as contemplated herein.

SECTION 17. LIABILITY INSURANCE

The Company shall at all times maintain a comprehensive general liability insurance policy with a single limit amount of \$1,000,000 covering liability for any death, personal injury, property damages or other liability arising out of its construction and operation of the cable television system, and an excess liability (or "umbrella") policy in the amount of \$5,000,000.

SECTION 18. INCORPORATION OF THE APPLICATION

All of the statements and commitments contained in the Application or annexed thereto and incorporated therein, and any amendment thereto, except as modified herein, are binding upon the Company as terms and conditions of this consent. The Application and other relevant writings submitted by the Company shall be annexed hereto and made a part hereof by reference provided same do not conflict with applicable State or Federal law.

SECTION 19. COMPETITIVE EQUITY

Should the Township grant a franchise to construct, operate and maintain a cable television system to any other person, corporation or entity on terms materially less burdensome or more favorable than the terms contained herein, the Company may substitute such language that is more favorable or less burdensome for the comparable provision of this Ordinance subject to the provisions of N.J.A.C. 14:17-6.7.

SECTION 20. SEPARABILITY

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or federal or state agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and its validity or unconstitutionality shall not affect the validity of the remaining portions of the Ordinance.

SECTION 21. THIRD PARTY BENEFICIARIES

Nothing in this Franchise or in any prior agreement is or was intended to confer third-party beneficiary status on any member of the public to enforce the terms of such agreements or Franchise.

SECTION 22. EFFECTIVE DATE

This Ordinance shall take effect immediately upon issuance of a Renewal Certificate of Approval from the BPU.

Introduced: September 8, 2008

Adopted:

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

MAYOR

Mr. Mercado made a motion to adopt on first reading, to have second reading and public hearing on September 22, 2008 and to advertise by synopsis, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

0-08-24

**ORDINANCE AMENDING IN TOTAL ORDINANCE
NO. O-97-32 ALSO KNOWN AS CHAPTER 69A OF
THE CODE OF THE TOWNSHIP OF GLOUCESTER
ENTITLED, "SEASONAL SALES"**

BE IT ORDAINED by the Township Council of the Township of Gloucester, in the County of Camden, State of New Jersey that Chapter 69A of the Code of the Township of Gloucester entitled, "Seasonal Sales" be and is hereby amended by a total revision of all sections of this Ordinance.

SECTION 1. That Chapter 69A of the Code of the Township of Gloucester be and is hereby amended to read as follows:

“§69A.1. PROHIBITION

Within the Township of Gloucester, no person, firm, company, corporation, club or association shall sell seasonal goods without first having obtained and validly retaining a “Secondary Permit” therefore as herein provided.

§69A.2DEFINITION

Seasonal Sales shall be defined as the sale of seasonal goods, such as Christmas trees, Easter flowers and Mother’s Day Flowers.

§69A.3. APPLICATION

Prior to January 31, 2009 - An application for a seasonal sale (Secondary License) permit shall be made to the Township Clerk not less than forty-five (45) days prior to the intended sale.

After January 31, 2009 - An application for a seasonal sales (Secondary License) permit shall be made to the Township Clerk, simultaneous with and part of the annual “Mercantile License” (Primary License) permit process pursuant to Chapter 63 of the Code of the Township of Gloucester. NO Seasonal Sales permit license will be issued subsequent to the issuing of the initial or annual “Mercantile License”. NO Seasonal Sales permit will be issued to persons other than the holder of the Primary “Mercantile License”.

Application for a Seasonal Sales permit shall contain the following information:

1. The name and address of the Applicant.
2. License Number and nature of business of the primary “Mercantile License”.
3. The location and size of the primary business site.
4. A survey or site drawing showing the location and area to contain the items for Seasonal Sales.
5. The dates and times that items Seasonal Sales will be sold during the calendar year - not to exceed three times per calendar year.

A Seasonal Sales (Secondary License) shall expire simultaneous with the Mercantile License (Primary License).

§69A.4. FEES

Each application for Seasonal sales (Secondary License) shall be accompanied by a non-refundable fee of \$350.00.

§69A-5. RULES & REGULATIONS

The Township Clerk and the permit holder will be governed by the following rules and regulations with any other pertinent provisions of any other ordinance or statutes.

- (a) The zoning of the site to be used must provide for such use within that zone except where the applicant is a church, fire company or other non-profit organization and is the owner or has consent of the owner of the site.
- (b) The capacity of the function site for the particular sale will be determined by the appropriate Township personnel from a structural, fire and general safety standpoint. The site must comply with the following performance standards:
 1. The parking area must be paved with bituminous pavement or concrete.
- ©) Adequate precautions and arrangements will be made for the orderly entrance

- and exit of patrons and for their safety.
- (d) No permit shall be transferable as to person or place or valid for a date not specifically set forth therein.
- (e) A Seasonal Sales (Secondary License) holder may sell only three (3) Seasonal Sale items per calendar year as disclosed in the Application.
- (f) An applicant whose application is denied or revoked may appeal the action of the Township Clerk to the Township Council by filing a written notice of such application with the Township Clerk. The Township Council shall be controlled by the provisions herein.
- (g) When all the provisions of this ordinance have been met the Township Clerk will issue a license to the applicant.
The applicant shall be exempt from this fee when it is a church, fire company or another non-profit organization, and is the owner of the site.

§69A.6. EXCEPTION

Nothing in this Chapter shall be interpreted to prohibit a Church, Volunteer Fire Company or other Not-for-Profit Organization of the State of New Jersey from conducting the sale of items of Seasonal Sales on property owned by them. However, a Church, Volunteer Fire Company or other Not-for-Profit Organization of the State of New Jersey shall be required to make application for and receive a Seasonal Sales permit. The application fee shall be waived. The Church, Volunteer Fire Company or other Not-for-Profit Organization of the State of New Jersey shall be required to follow the above Rules and Regulations and assure that their property is cleaned after the sale.

§69A.7. PENALTIES

Any person violating the provisions of this ordinance shall, upon conviction, be punished either by imprisonment for a term not exceeding ninety (90) days or by a fine not exceeding One Thousand (\$1,000.00) Dollars, or both. Each day that any violation continues shall be considered a new and separate violation of this ordinance.”

SECTION 2. All ordinances and provisions thereof inconsistent with the provisions of this Ordinance shall be and are hereby repealed to the extent of such inconsistency.

SECTION 3. If any section, subsection or part, clause or phrase of this Ordinance shall be declared invalid by judgment of any court of competent jurisdiction, such section, subsection, part, clause or phrase shall be deemed to be severable from the remainder of the ordinance.

SECTION 4. This Ordinance shall take effect immediately after final passage and publication as required by law.

Introduced: September 8, 2008

Adopted:

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

MAYOR

Mr. Hutchison stated that he would like to see this ordinance amended so that the fee would be \$350.00, instead of \$750.00, as O-08-24 is now written.

Mr. Mercado made a motion to change the fee in the ordinance to \$350.00, seconded by Mr. Garbowski. Roll call vote: Mrs. Lovett stated that she appreciates Mr. Hutchison setting the fee lower but stated that she does not like to see the people having to put up the money out up front, and they should let these people come in throughout the season, so she would therefore be voting no. All others voted yes to amend. Motion carried 6-1.

Mr. Mercado made a motion to adopt on first reading, to have second reading and public hearing on September 22, 2008 and to advertise by synopsis, seconded by Mr. Hutchison. Roll call vote: Mrs. Lovett stated that she doesn't like the people having to put the money out up front, and they should let these people come in throughout the season, she therefore voted no. All others voted yes. Motion carried 6-1.

0-08-25

**AN ORDINANCE TO AMEND SECTION 7 OF BOND ORDINANCE 03-36
THE TOWNSHIP OF GLOUCESTER WHICH AUTHORIZES GENERAL
IMPROVEMENTS SET FORTH IN THE 2002/2003 CAPITAL BUDGET**

BE IT ORDAINED by the Township Council of the Township of Gloucester that Bond Ordinance 03-36 Section 7 be amended to read as follows:

Section I – Amends Section 7 (b) Street Improvements

Decreased by \$60,000.

Section II – Amends Section 7 (k) Miscellaneous Improvements

Increase by \$60,000 for a Solar Panel Study Phase I and II.

Section III – No additional Bonds or Notes are authorized.

Section IV – This Ordinance shall take effect 20 days after the final passage and publication.

Introduced: September 8, 2008

Adopted:

PRESIDENT OF COUNCIL

MAYOR

ATTEST:

TOWNSHIP CLERK

Mr. Hutchison made a motion to adopt on first reading, to have second reading and public hearing on September 22, 2008, and to advertise in full, seconded by Mr. Garbowski. Roll call vote: Mrs. Lovett stated that while she is in favor of looking into solar energy, she stated that the committee saw a presentation that not all of Council got to see or the Mayor. She stated that she is therefore voting no. Mr. Hutchison also stated that this vote is pushing the township toward solar energy.

All others voted yes. Motion carried 6-1.

0-08-26

**AN ORDINANCE TO AMEND SECTION 7 OF BOND ORDINANCE
0-07-24 FOR THE TOWNSHIP OF GLOUCESTER WHICH
AUTHORIZES VARIOUS GENERAL IMPROVEMENTS SET
FORTH IN THE 2006/2007 CAPITAL BUDGET**

BE IT ORDAINED by the Township Council of the Township of Gloucester that Bond Ordinance 07-24 Section 7 be amended to read as follows:

Section I – Amends Section 7(b) Street Improvements

Adds: Lakeview Avenue

Section II – No Additional Bonds or Notes are authorized

Section III – This Ordinance shall take effect 20 days after final passage and publication.

Introduced: September 8, 2008

Adopted:

PRESIDENT OF COUNCIL

MAYOR

ATTEST:

TOWNSHIP CLERK

Mr. Hutchison made a motion to adopt on first reading, to have second reading and public hearing on September 22, 2008 and to advertise in full, seconded by Mrs. Lovett. Roll call vote: All in favor. Motion carried 7-0.

RESOLUTIONS:

CONSENT AGENDA

R-08:09-252

RESOLUTION AUTHORIZING REFUNDS FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following refunds be and are hereby authorized;

#88-2-4SDMF
#863*
Mayfair North, Meadow Run
The Quaker Group
1103 Laurel Oak Road, Ste. 105
Voorhees, NJ 08043
Balance from unexpended escrow: \$962.13

#032003-INSP
#2132
Clean & Shine Car Wash
Ralph Brancotti
83 Annapolis Drive
Erial, NJ 08081
Balance from unexpended escrow: \$429.25

#041035INSP-IVYMONT
#2714*
Cross Keys Retail Center
Ivymont Gloucester Twp., Assoc., L.P.
551 W. Lancaster Avenue, Ste. 212
Haverford, PA 19041
Balance from unexpended escrow: \$2,363.79

#2936GRADING
216 Jarvis Road
Youssef Abdou & Tami Niolu
206 Jarvis Road
Sicklerville, NJ 08081
Balance from unexpended escrow: \$665.55

#2950GRADING
13 Vail Road
Matthew Ryan, LLC
185 B. Philmont Avenue
Featerville, PA 19053
Balance from unexpended escrow: \$500.00

#3010GRADING
422 Austin Avenue
Teresa E. Bennett
422 Austin Avenue
Glendora, NJ 08029
Balance from unexpended escrow: \$151.25

#3113GRADING
10 Vail Road
Robert Buttari
10 Vail Road

Sicklerville, NJ 08081
Balance from unexpended escrow: \$221.25

#081028INF
#3183
80 Hickstown Road & 100 Sovereign Road
Manley Storage Partners, II, L.P.
1787 Sentry Parkway W., Bldg. 16, Ste. 400
Blue Bell, PA 19422
Balance from unexpended escrow: \$1,927.71

#071122INSP
#3204
2 Red Bud-Well # 14/16
Roger W. Wuesterfeld, Inc.
35A. East Main Street
Marlton, NJ 08053
Balance from unexpended escrow: \$3,076.55

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor.
Motion carried 7-0.

R-08:08-253

**RESOLUTION AUTHORIZING REFUNDS FROM THE DEPARTMENT
OF COMMUNITY DEVELOPMENT**

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following refunds be and are hereby authorized:

#012070D
#1500
Inez T. Hubbard, MD
25 Deb Lynn Drive
Erial, NJ 08081

Balance from unexpended escrow: \$227.50

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor.
Motion carried 7-0.

R-08:09-254

**RESOLUTION AUTHORIZING REDUCTION OF SECURITIES OF THE GRANITE
GROUP, L.P. FOR LAKESIDE BUSINESS PARK - PHASE 3 IN THE TOWNSHIP OF
GLOUCESTER**

WHEREAS, the Developer of Lakeside Business Park - Phase 3 has supplied the Township of Gloucester with Securities for Subdivision Improvements, and

WHEREAS, the Engineer has inspected this project and has given his report to the Township Council of the Township of Gloucester, and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Gloucester does hereby authorize the reduction of securities for Lakeside Business Park as follows:

From \$ 968,182.81 to \$290,454.84

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-255

RESOLUTION AUTHORIZING REDUCTION OF SECURITIES OF THE GRANITE GROUP, L.P. FOR LAKESIDE BUSINESS PARK - PHASE 2 IN THE TOWNSHIP OF GLOUCESTER

WHEREAS, the Developer of Lakeside Business Park - Phase 2 has supplied the Township of Gloucester with Securities for Subdivision Improvements, and

WHEREAS, the Engineer has inspected this project and has given his report to the Township Council of the Township of Gloucester, and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Gloucester does hereby authorize the reduction of securities for Lakeside Business Park - Phase 2 as follows:

From \$1,040,120.63 to \$295,760.25

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-256

RESOLUTION AUTHORIZING REDUCTION OF SECURITIES OF BCC 13, LLC; BCC 14, LLC; BCC 15, LLC; BCC 18, LLC; BCC 19, LLC; VILLE 2, LLC "CO-BORROWERS" FOR THE SHOPPES AT CROSS KEYS IN THE TOWNSHIP OF GLOUCESTER

WHEREAS, the Developer of The Shoppes at Cross Keys has supplied the Township of Gloucester with Securities for Subdivision Improvements, and

WHEREAS, the Engineer has inspected this project and has given his report to the Township Council of the Township of Gloucester, and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Gloucester does hereby authorize the reduction of securities for The Shoppes at Cross Keys as follows:

From \$2,145,804.60 to \$ 1,500,873.60

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-257

RESOLUTION AUTHORIZING REDUCTION OF SECURITIES OF HIDDEN MILL ASSOCIATES FOR MURRAY HILL ESTATES -PHASE 1 AND PHASE 4 IN THE TOWNSHIP OF GLOUCESTER

WHEREAS, the Developer of Murray Hill Estates Phase 1 and Phase 4 has supplied the Township of Gloucester with Securities for Subdivision Improvements, and

WHEREAS, the Engineer has inspected this project and has given his report to the Township Council of the Township of Gloucester, and

NOW, THEREFORE, BE IT RESOLVED that the Township Council of the Township of Gloucester does hereby authorize the reduction of securities for Murray Hill Estates as follows:

Phase 1	From \$561,721.68	to \$84,258.25
Phase 4	From \$29,842.80	to \$4,476.42

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:05-258

RESOLUTION TO ALLOW DISABLED VETERAN EXEMPTIONS FOR TAX YEAR 2008 AND TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES AND REFUND ANY OVERPAYMENTS

WHEREAS, the following names are owners and residents of property in the Township of Gloucester, and

WHEREAS, they have made proper application for Total and Permanent Service-Connected Disability tax exempt status on their property designated with the block and lots listed below and,

WHEREAS, they have submitted proper evidence of Total and Permanent Disability rating from the U.S. Veterans Administration in accordance with State Regulations.

THEREFORE, BE IT RESOLVED by the Township Council of the Township of Gloucester that the Tax Collector is authorized to grant said exemption, cancel property taxes for 2008 and refund any resulting credit balances.

Block	Lot	Name	Comment	Amount to be Credited
Account #				
16504	9.01	Robert Stone	Add Disabled Veteran	\$734.67
201097			Tax Exemption	
			1 mo. \$169,800 assess	

ADOPTED: September 8, 2008

President of Council

Township Clerk

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-259

RESOLUTION AUTHORIZING REFUNDS FROM THE DEPARTMENT OF COMMUNITY DEVELOPMENT

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following refunds be and are hereby authorized:

#2957GRADING

David Hagg

11 Fraser Road

Blackwood, NJ 08012

Balance from unexpended escrow: \$151.25

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-260

RESOLUTION AUTHORIZING RELEASE OF SECURITIES FOR HIDDEN MILLS ASSOCIATES IN THE TOWNSHIP OF GLOUCESTER

WHEREAS, the developer of Murray Hill Estates has supplied the Township of Gloucester with securities covering this development, within the Township of Gloucester, and

WHEREAS, the Engineer has inspected this project and has given his report to the Township Council of the Township of Gloucester, and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Gloucester that the securities in the amount of \$ 197,628.00 in the name of Hidden Mill Associates be released.

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-261

RESOLUTION AUTHORIZING AGREEMENT WITH PROFESSIONAL PROPERTY APPRAISERS, INC. FOR REVALUATION SERVICES

WHEREAS, Camden County Board of Taxation has ordered a Revaluation of all real property within the Township of Gloucester; and

WHEREAS, there exists a need for Revaluation services to accomplish the aforesaid purpose; and

WHEREAS, the maximum amount of the contract is such that sufficient funds are available therefor pursuant to Ordinance No. O-08-19 and Resolution No. R-08:08-250 and have been certified by the Chief Financial Officer; and

WHEREAS, a Local Public Contract Law (N.J.S.A. 40A:11-1 et seq.) requires that a resolution authorizing the award of contracts for extraordinary, unspecifiable services without competitive bidding and the contract itself must be available for public inspection; and

WHEREAS, the Business Administrator, has certified that this meets the statute and regulations governing the awarding of said contracts.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Gloucester as follows:

1. The Mayor and Township Clerk are hereby authorized to execute the attached Agreement with Professional Property Appraisers, Inc., for an amount not to exceed \$1,475,250.00.
2. This Contract is awarded without competitive bidding as an "extraordinary, unspecifiable service" in accordance with N.J.S.A. 40A:11-5(1)(a) of the Local Public Contracts Law because the nature of the services are such that it is not reasonably possible to draft written specifications for the same; the services are such that there is a need for expertise, extensive special training and proven reputation is critical and essential to the project and competitive bidding would be ineffective and futile.

A notice of this action shall be published in the newspaper as required by law within ten (10) days of passage.

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Palumbo, Assessor stated that this is the third and final step in the process for the revaluation. Mr. Palumbo stated that this must be done by state statute. Mr. Hutchison questioned Mr. Palumbo about market conditions. Mr. Palumbo stated that he thinks that there will be a fairer value by doing the revaluation at this time.

Mr. Hutchison made a motion to adopt, seconded by Mr. Schmidt. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-262

RESOLUTION AUTHORIZING EXECUTION OF INTERLOCAL AGREEMENT BETWEEN BLACK HORSE PIKE REGIONAL BOARD OF EDUCATION AND THE TOWNSHIP OF GLOUCESTER PURSUANT TO N.J.S.A. 40:8A-1 ET SEQ.

WHEREAS, the Township Council of the Township of Gloucester ("Township") is desirous of entering into an agreement to authorize the implementation and administration of the Township providing a resource officer/security officer (hereinafter "SRO") for Highland Regional High School and Timber Creek High School; and

WHEREAS, a copy of said Interlocal Service Agreement is attached to this Resolution and will be available for public inspection at the Office of the Township Clerk of the Township of Gloucester; and

WHEREAS, funds are available for the purpose.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Gloucester, Camden County, New Jersey, that the Mayor and the Township Clerk of the Township of Gloucester be and are hereby authorized to execute and deliver on behalf of the Township the Interlocal Service Agreement between the Township and the Black Horse Pike Regional School Board of Education. A copy of said Agreement is attached hereto and made a part hereof by reference and copies shall be maintained available for public inspection in the Office of the Township Clerk of the Township of Gloucester.

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Hutchison made a motion to adopt, seconded by Mrs. Lovett. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-263 RESOLUTION AUTHORIZING THE EXECUTION AND DELIVERY OF AGREEMENT BETWEEN TOWNSHIP OF GLOUCESTER AND THE GLOUCESTER TOWNSHIP SUPERIOR OFFICERS "GTSO" EFFECTIVE 01-01-07 TO 12-31-10

BE IT RESOLVED by the Township Council of the Township of Gloucester, County of Camden, State of New Jersey that the Agreement between the Township of Gloucester and "GTSO" Gloucester Township Superior Officers be and is hereby approved and accepted and the appropriate officials be and are hereby authorized to execute and deliver same.

Adopted: September 8, 2008

President of Council

ATTEST:

Township Clerk, RMC

Mrs. Lovett made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-264 RESOLUTION AUTHORIZING EXECUTION OF AGREEMENT BETWEEN THE TOWNSHIP OF GLOUCESTER AND TEAMSTERS LOCAL UNION 676 FOR DISPATCHERS 2007, 2008, 2009, 2010

BE IT RESOLVED by the Township Council of the Township of Gloucester that the proper officials be and are hereby authorized to execute the agreement between the Township of Gloucester and Teamster's Local Union 676 for Dispatchers for 2007, 2008, 2009, 2010.

Adopted: September 8, 2008

President of Council

ATTEST:

Township Clerk

Mrs. Lovett made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-265 RESOLUTION APPOINTING MEMBERS TO THE GLOUCESTER TOWNSHIP ADVISORY COMMITTEE FOR RECREATION & PARKS

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following persons be and are hereby appointed to the Gloucester Township Advisory Committee for Recreation & Parks

Debi Carr	Special Needs	09-08-08	to	12-31-09
Sharon Piccioni	General Needs	09-08-08	to	12-31-09
Denise Wolf		09-08-08	to	12-31-09

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Hutchison made a motion to adopt, seconded by Mr. Mercado. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-266

RESOLUTION APPOINTING MEMBERS TO THE GLOUCESTER TOWNSHIP RENT STABILIZATION BOARD

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following persons be and are hereby appointed to the Gloucester Township Rent Stabilization Board

Gina M. Vellucci	Tenant	09-08-08	to	12-31-09
Frank Mellace	Homeowner	09-08-08	to	12-31-09
Michele Leach	Landlord	09-08-08	to	12-31-09

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Hutchison made a motion to adopt, seconded by Mr. Mercado. Roll call vote: All in favor. Motion carried 7-0.

R-08:09-267

RESOLUTION APPOINTING MEMBERS TO THE GLOUCESTER TOWNSHIP ZONING BOARD OF ADJUSTMENT

BE IT RESOLVED by the Township Council of the Township of Gloucester that the following persons be and are hereby appointed to the Gloucester Township Zoning Board of Adjustment

Frank Simiriglia	3½ years	09-08-08 to 12-31-11
William Damiano	3½ years	09-08-08 to 12-31-11

Joseph Gunn	Alternate #1
Jay McMullin	Alternate #2
Arlene Chiumento	Alternate #3
To Be Determined	Alternate #4

Adopted: September 8, 2008

PRESIDENT OF COUNCIL

ATTEST:

TOWNSHIP CLERK

Mr. Bianchini stated that he would like to see a motion to amend to remove the name of Phyllis Giusti from the resolution. He stated that there will be more resumes submitted for the position.

Mr. Mercado made a motion to amend, seconded by Mr. Schmidt. Roll call vote: Mr. Hutchison abstained. All others voted yes. Motion carried 6-0-1.

Mr. Mercado made a motion to adopt as amended, seconded by Mr. Schmidt. Roll call vote: Mrs. Lovett voted no. Mr. Hutchison abstained. All others voted yes. Motion carried 5-1-1.

R-08:09-268 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF GLOUCESTER, CAMDEN COUNTY, STATE OF NEW JERSEY DIRECTING THAT THE CLERK OF THE COUNTY OF CAMDEN PRINT A QUESTION ON THE BALLOT FOR THE ELECTION TO BE HELD NOVEMBER 4, 2008, CONCERNING THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES ON SUNDAYS

WHEREAS, the Township Clerk of the Township of Gloucester has received a petition signed by the required number of electors pursuant to N.J.S.A.33:1-47.1; and

WHEREAS, the petition requested that a question be placed on the ballot of the General Election of November 4, 2008 requesting the sale and/or purchase of alcoholic beverages on Sundays between the hours of 12:01 AM and 3:00 AM and then commencing on 10:00 AM Sunday; and

WHEREAS, pursuant to N.J.S.A. 33:1-47.1 the governing body of the Township of Gloucester is to submit, by Resolution, to request that the question be placed on the ballot.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Gloucester, that the question to amend Gloucester Township Ordinance No. 26, Article 1, Section 26 so that alcoholic beverages may be sold and/or purchased at retail on Sundays between the hours of 12:01 AM and 3:00 AM Sunday then commencing on 10:00 AM Sunday, is hereby requested and directed to be placed on the ballot as a referendum question to be voted on at the General Election held on November 4, 2008.

Adopted: September 8, 2008

President of Council

ATTEST:

Township Clerk, RMC

Mr. Carlamere explained this procedure. Mr. Mercado made a motion to adopt, seconded by Mr. Hutchison. Roll call vote: All in favor. Motion carried 7-0.

MAYOR'S REPORT:

The Clerk read the following Mayor's Appointment into the record.

Sharon Schulman - Filling the open position on Planning Board- expires June 30, 2009

PUBLIC PORTION:

Jordan Crowley of 4 Crystal Court spoke concerning the drowning of her girlfriend at the quarry. She asked the council if they found out anything about the fence. Mr. Carlamere stated that he has spoken to both the Council and the fire officials in this area. He stated that this needs to be discussed with the business owners and he has been unable to set up a meeting. She also asked about recreation. Mr. Bianchini stated that the Council will be discussing recreation at the upcoming budget meetings. Mrs. Evans stated that she is looking at grants.

A resident of Flagstone Drive stated that she is a neighbor of the child who drowned. She stated that the children in the southern section of the township need a recreation center, a place for the children to go. She stated that the quarry is not a safe place.

Tanya Brown of 1101 Eleana Court stated that there are new retail developers in the southern end of town and asked if there was a way to make them contribute toward a recreation center. She stated that as far as her sewer issue. The MUA and the HOA have met and are working on the problem. She stated that she appreciates the townships support and thanked them.

Judy Cruz-Murphy of 18 Aberdeen Drive asked if the problems with the quarry would be presented to the schools "Back to School Night".

The parent who lost her child at the quarry stated that she wanted a better life for her daughter and that is why she came to the township. She stated that people will still go to the quarry, no matter what. She asked that council do something so this will never happen again.

Rich Brattelli of Runnemedede stated that he would like to support the recreation effort in the township. He stated that the southern end of the township needs a recreation center. He stated that children are our investment in the future. He stated that if builders want to build in Gloucester Township then they should support the community.

Fred Weber of Aberdeen Lane thanked Council and Mr. Cardis for having the cuts put in the concrete islands on Blackwood-Clementon Road. He asked what the time period for code violations is. He stated that he sent violations into the Mayor's office and the problems have still not been taken care of.

Ray Polidoro, Erial asked that something be put in the lower end of the township. He stated that the town does not care as much as it could. He asked that the township could find the money, the kids need something to do. He spoke about the Comcast renewal and about the 15 year contract with the 10 year extension and the \$160,000.00 they will be giving the township. Mr. Polidoro asked if this was going to be earmarked for something or be put in the general fund. Mr. Cardis stated that this

will be put in the general fund to help with the taxes. He stated that Mayor Rau-Hatton has put it in the budget. Mr. Carlamere stated that the ordinance for the renewal has to be approved by the Board of Public Utilities. He stated that they might not issue an approval until perhaps November or December, and then they have 12 months in which to give it to the township. He stated that this amount could be rejected from the budget. Mr. Hutchison stated that we will only be able to include this if we get documentation or the check from the cable company.

Jeffery Booker of Glendora ask if there was a reason that a recreation center is not being entertained on a bigger scale. He asked if there has been an effort. Mr. Bianchini stated that once Erial was developed, they have spoken to the businesses. He stated that they are working on fields and sites. He stated that the Council is serious about this and the township is trying. He stated that Councilwoman Evans is working on getting the township grants. Mrs. Evans stated that it is a shame that the drowning had to happen. She stated that there will be an event in Haja's honor on November 15, 2008 at the Mullen School. She stated that she is serious about recreation and that it is time to move it forward.

POLLING OF COUNCIL:

Mrs. Lovett thanked the residents for coming. She thanked the Human Relations Commission for helping the residents with the clean-up in Cherrywood. She asked that all residents remember those who died on September 11, 2001. She also thanked the young people who discussed recreation.

Mrs. Evans stated that it is time for change.

Mr. Garbowski thanked the residents for coming to the meeting.

Mr. Hutchison stated that the death of the child hit home with him. He stated that his goal is to do something about recreation in Erial, but he still recognizes that we do not have the money. He stated that things have to be looked at differently each year. He stated that he has spoken to various people concerning a swimming facility. He stated that he has been on sub-committees concerning this. He also stated that he went to the opening day for Gloucester Township Midget football.

Mr. Mercado thanked the residents for coming to the meeting. He stated that the quarry is an attractive nuisance and he spoke with people who lived in this neighborhood during National Night Out. He welcomed an insight from Jeffrey Booker on the Recreation Center as he worked with the YMCA.

Mr. Schmidt thanked the residents who came to the meeting who were active in their comments. He commended those members of the Black Horse Pike Regional School district who were present at the meeting for making sure that students who attend our high schools reside in the township. He sent his condolences to the family who lost their child in the drowning at the quarry. He also asked why there were so many problems at the Gloucester Township Community Park. Problems with sink holes, crab grass, dead trees, cracking and flaking of the tennis courts, etc. He stated that the township has another meeting with CMX at 4:00 tomorrow. He stated that the township should cut their losses and ties with CMX. He stated that the township should not bring suit as it will only cost the township more money. He stated that he would like the township to bring in someone who cares.

Mr. Bianchini thanked the residents who attended the meeting. He gave his condolences to the mother of the child who drowned at quarry. He stated that the Council works hard to make the town safe. He stated that they will be working on the budget soon and the Council is prepared to move forward with the solar energy panels and renewing our contract with Comcast. He stated that the budget will be presented to Council on September 22 and the department heads have been working hard.

Mrs. Lovett addressed a comment from Mr. Schmidt concerning Mayor Rau-Hatton and Mrs. Lovett not caring about the Gloucester Township Community Park. She stated that the problem with the park existed long before they were elected. She stated that there would be no park if not for Mayor Rau-Hatton and herself. Mr. Schmidt stated he was saying CMX does not care.

Mr. Mercado made a motion to adjourn, seconded by Mrs. Evans. Roll call vote: All in favor. Motion carried 7-0.

Respectfully submitted,

Rosemary DiJosie
Township Clerk, RMC

President of Council