



Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

***Raffles: None***

***Bingos: None***

***Public Functions:***

Edgewater Park Athletic Association; Yearend Soccer Event and Bonfire, Memorial Field, date November 22, 2014, Saturday 3 pm – 9 pm. EPAA is requesting a waiver of all fees. (Certificate of Insurance is on file and approved by the Township's Risk Manager. Contingent upon approval of the Fire Inspector and permit application.)

***Solicitors: Transient License***

Jim Dunphy , 3 Applewood Court, Hainesport, NJ – Authorization to Sell Christmas Trees on Cramps Property (letter of permission from owner submitted) from December 2, 2014 thru December 23, 2014; fee submitted. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

## **REPORTS**

### **Report from Municipal Clerk/Administrator – appended**

#### *Community Development Block Grant Application*

Mrs. Dougherty reviewed the grant application proposal for demolition of the house and out buildings located at 1336 Mt. Holly Road. There are changes to the grant program for this year and the application must show benefit to the block group area where the project is located; prior years permitted the application to be submitted if the project benefited the entire community. The application must meet two objectives; one under Federal Regulations for clearance, demolition, and removal of buildings and improvements and the other under National Objectives pertaining to prevention or elimination of slums or blight.

Upon further discussion consensus of Committee was to move forward with the application with the public hearing to be held at the December 9<sup>th</sup> meeting; the application deadline is December 12<sup>th</sup>.

#### *SEM Natural Gas Supply Auction*

Upon discussion and volatility of the gas market consensus of Committee was to opt out of the auction.

#### *Municipal Building – File Storage Unit*

Township Committee further discussed the need of a storage container for files. Placement of the storage unit will be at the municipal parking lot near the fuel depot on the grass area next to the fence. John Augustino, Fire Official, will require a fire extinguisher to be mounted in the storage unit. Quotes were obtained from Lion Self Storage/POD for a 7.5'x8'x16' container at \$100.00 per month with free delivery and a quote from PODS for a 16' container at \$166.24 per month with a delivery charge of \$69.99. Upon further discussion consensus of Committee was to lease the container from Lion Self Storage.

#### *Abandoned Property Ordinance*

Mrs. Dougherty reviewed that there is an update to her report and that Mr. Kearns finalized the ordinance which is on the agenda for consideration of introduction. Upon discussion consensus of Committee was to move forward with the ordinance.

*Comcast – Contract Renewal*

Mrs. Dougherty reviewed an update to her report and that approval was received by NJ BPU to move forward with consideration to adopt the ordinance. Upon discussion consensus of Committee was to move forward with the ordinance.

*Reorganization Meeting for Year 2015*

Upon discussion consensus of Committee was to hold the 2015 reorganization meeting on Saturday, January 3<sup>rd</sup> at 4:30PM.

**Report from Chief of Police- appended**

*Personnel - Officer Training*

Chief DiFilippo reviewed the officers' academy training program. The discussion pursued and Committee questioned whether the Township could recoup training money from the officer if he/she was hired by another community.

Chief DiFilippo discussed that State Law does not allow officers to reimburse for training. Reimbursement of funding maybe permitted from the town that hired the officer if it falls under the guidelines.

**Report from Superintendent of Public Works- appended**

Any Other Reports – None

**REPORT ACCEPTANCE**

Moved by: Mr. Booker            Second by: Mr. Trainor

Discussion:    none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

**RESOLUTIONS BY CONSENT AGENDA**

Motion to Approve Resolution No. 2014-175 through 2014-180 by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. Belgard            Second: Mr. McElwee

Discussion:    none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

**RESOLUTION 2014-175**

***Authorizing the Execution of an Agreement with Evesham Township for Participation in the Evesham Golf Course Municipal Partners Agreement.***

**WHEREAS**, the Township of Evesham owns a municipal golf course known as Indian Spring Golf Course; and

**WHEREAS**, Evesham Township has created a Municipal Partners Program to offer reduced rate green fees and other amenities to residents of other municipalities in Burlington County which do not have a municipal golf course of their own; and

**WHEREAS**, the program is a Shared Services Program pursuant to N.J.S.A. 40A:65-1 et seq., in that Evesham Township will provide a service that is currently unavailable to other municipalities; and

**WHEREAS**, the Township Committee of the Township of Edgewater Park determines that entering a no-cost agreement with Evesham Township provides a benefit to Edgewater Park residents.

**NOW, THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Edgewater Park, in the County of Burlington, State of New Jersey does hereby authorize the Mayor and Municipal Clerk to enter into an Agreement with the Township of Evesham known as the Evesham Gold Couse Municipal Partners Agreement; a copy of which is on file in the Clerk's Office.

**RESOLUTION NO. 2014-176**

***Resolution to Support Legislation to Improve Government Transparency and Public Awareness in the Matter of Proposed Utility Rate Increases***

**WHEREAS**, utility ratepayers in Burlington County, and in all of the State of New Jersey, are frequently subjected to major increases in gas, electric, water and sewer rates, with little or no beforehand knowledge of these requested increases; and

**WHEREAS**, the proposed increases are typically detailed in filings before the New Jersey Board of Public Utilities, in the form of petitions that are difficult for the average citizen to understand; and

**WHEREAS**, the public hearing process in itself is insufficient and non-transparent, as utility companies provide no direct notice of hearings to ratepayers, usually schedule them at inconvenient times, and avoid answering direct questions from ratepayers; and

**WHEREAS**, the New Jersey Division of Rate Counsel, which is charged with protecting the consumer, often strikes compromises or "deals" with the utility companies, rather than litigate on behalf of ratepayers; and

**WHEREAS**, requests for double digit increases, as sought by New Jersey American Water (20 percent) in 2012, and presently sought by South Jersey Gas (14.4 percent), run against the spirit of the State law which requires counties and towns to "cap" taxes and expenditures at two percent; and

**WHEREAS**, the current bureaucratic system begs for reform and transparency, to ensure ratepayers have knowledge of, and a voice in, proposed rate increases that impact their household budgets at a time when many are still struggling with the economic impacts of the great recession; and

**WHEREAS**, a four-bill legislative reform/transparency package is currently pending before the State Legislature which would address the aforementioned flaws, and is detailed as followed:

**S339/A2104-BPU** must issue a written decision containing a detailed analysis/accounting of its approval in a rate increase within 60 days and post it on its website.

**S340/A2105-BPU** or Office of Administrative Law (OAL) must take public questions or comments prior to final consideration of a proposed rate increase.

**S341/A2095**—Individual customers must be provided notice of a proposed utility rate increase (electric/gas/water/sewer) in the billings they mail for service. The proposed increase also must be published in a newspaper with substantial readership in each county where the increase would occur. The hearings must be held in municipalities with the largest population served in each county. The BPU is directed to receive and address public questions and comments at the public hearings.

**S342/A2094**—Requires public utilities to notify customers when a rate settlement agreement is reached prior to final action by the BPU or OAL. An explanation of the settlement must be provided.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, wholeheartedly supports and endorses this reform legislation, and calls upon the leadership in the New Jersey State Senate and the New Jersey State Assembly to take every step necessary to advance these necessary bills, and bring them before their respective houses for a vote; and

**BE IT FURTHER RESOLVED** that copies of this resolution be provided to Edgewater Park Township's Senate and Assembly representatives, the Burlington County Freeholders and the municipalities within the County of Burlington, in anticipation that they will, on behalf of their constituents, likewise support this much overdue reform package.

**RESOLUTION NO. 2014-177**

***Resolution Authorizing the Cancellation of Totally Disabled Veteran Taxes for Wayne and Julie Buser Located at Block 902 Lot 4 Tax Year 2014 and Thereafter and Refunding Taxes Paid***

**WHEREAS**, the owner of real property located at Block 902 Lot 4 has made application for a Totally Disabled Veteran to the Edgewater Park Tax Assessor which has been accepted in accordance with N.J.S.A. 54:4-3.30 A and 54:4-3.32, and

**WHEREAS**, the Edgewater Park Tax Assessor has approved the cancellation of taxes for 2014 on real property located at 240 Hendrickson Ave., Edgewater Park, NJ 08010, Block 902 Lot 4; and

**WHEREAS**, the Edgewater Park Tax Assessor and Tax Collector have also approved the refunding of taxes already paid from June 4, 2014 the date of disability:

2014 property and county taxes for 330 days  
1<sup>st</sup> Qtr of 2014 **\$742.50**  
2<sup>nd</sup> Qtr of 2014 **\$1214.98**  
3rd Quarter of 2014-**\$1356.27**  
**Total-\$3313.75**

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, hereby approves the real owner of real property, Wayne and Julie Buser Located at Block 902 Lot 4, for Total Disabled Veteran status, for the cancellation of taxes for 2014 and thereafter, for the cancelling taxes, for the cancellation of taxes for 2014 and thereafter, for the refunding of taxes paid in 2014 for \$3,313.75.

**BE IT FURTHER RESOLVED** that copies of said resolution be forwarded to the Tax Collector, the Treasurer and the County Board of Taxation for their information and any appropriate action.

**RESOLUTION NO. 2014-178**

***Resolution Authorizing the Cancellation of Totally Disabled Veteran Taxes for Robert L. and Mary Lynn Van Brunt-Bushnell Located at Block 1103 Lot 6 Tax Year 2014 and Thereafter and Refunding Taxes Paid***

**WHEREAS**, the owner of real property located at Block 1103 Lot 6 has made application for a Totally Disabled Veteran to the Edgewater Park Tax Assessor which has been accepted in accordance with N.J.S.A. 54:4-3.30 A and 54:4-3.32, and

**WHEREAS**, the Edgewater Park Tax Assessor has approved the cancellation of taxes for 2014 on real property located at 218 Coolidge Ave., Edgewater Park, NJ 08010, Block 1103 Lot 6; and

**WHEREAS**, the Edgewater Park Tax Assessor and Tax Collector have also approved the refunding of taxes already paid from June 4, 2014 the date of disability:

2014 property and county taxes for 120 days  
2<sup>nd</sup> Qtr of 2014 **\$301.86**  
3rd Quarter of 2014-**\$1,160.93**  
4th Quarter of 2014-**\$1,231.53**  
**Total-\$2,694.32**

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, hereby approves the real owner of real property, for Robert L. and Mary Lynn Van Brunt-Bushnell located at Block 1103 Lot 6, for Total Disabled Veteran status, for the cancellation of taxes for 2014 and thereafter, for the cancelling taxes, for the cancellation of taxes for 2014 and thereafter, for the refunding of taxes paid in 2014 for \$2,694.32

**BE IT FURTHER RESOLVED** that copies of said resolution be forwarded to the Tax Collector, the Treasurer and the County Board of Taxation for their information and any appropriate action.

**RESOLUTION NO. 2014-179**

***A Resolution Of The Township Committee Of The Township Of Edgewater Park, Burlington County, New Jersey, Authorizing A Bonfire To Be Held At 744 Cooper Street also known as Memorial Field in Edgewater Park, NJ on November 22, 2014***

**WHEREAS**, the Township Committee of the Township of Edgewater Park received a request from the Edgewater Park Athletic Association to hold a Bonfire on Saturday, November 15, 2014 in conjunction with the end of season Soccer Party to be held on the grounds of 744 Cooper Street also known as Memorial Field in Edgewater Park, NJ; and

**WHEREAS**, the Edgewater Park Township Committee wishes to support and join the Edgewater Park Athletic Association in this event; and

**WHEREAS**, the Edgewater Park Athletic Association submitted an application for open fire permit to the Edgewater Park Fire District No. 1; and

**WHEREAS**, the Edgewater Park Athletic Association provided an insurance policy with the Township of Edgewater Park as an additional named insured.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Edgewater Park, in Burlington County, New Jersey, assembled in public session on this 12<sup>th</sup> day of November 2014, that the Township Committee authorizes the Bonfire on Saturday, November 22, 2014 in conjunction with the end of season Soccer Party on the grounds of 744 Cooper Street also known as Memorial Field, Edgewater Park, New Jersey, subject to the following conditions:

1. Edgewater Park Athletic Association shall comply with all requirements established by the Edgewater Park Fire Official and the Edgewater Park Township Police Chief.

**RESOLUTION NO. 2014-180**

***Resolution Establishing an “Edgewater Park Request for Proposal Review Committee” for 2015 Professional Services***

**WHEREAS**, the Governing Body of the TOWNSHIP OF EDGEWATER PARK wishes to solicit Request for Proposals for Professional Services through a fair and open process in accordance with N.J.S.A.19:44A-20.5 et seq.; and

**WHEREAS**, the Township Committee wishes to create an Edgewater Park Request for Proposal Review Committee to guide the mayor and committee in connection with governing the affairs of the TOWNSHIP OF EDGEWATER PARK; and

**WHEREAS**, the Request For Proposal Review Committee appointed by the governing body shall review all qualifying RFQ’s/RFP’s giving due regard to the criteria set forth by the Township Committee which was posted on the Township Webpage on October 30, 2014 and advertised in the Burlington County Times and Courier Post on October 30, 2014; and

**WHEREAS**, the Request for Proposal Review Committee shall make a non-binding recommendation to the Committee or Body with appointing authority of the professional to be awarded the contract; and

**WHEREAS**, the Review Committee prior to making its recommendation may, at its discretion, elect to interview candidates to better determine their ability to meet the selection criteria and discuss their qualifications and scope of the work to be performed; and

**WHEREAS**, the actual contract awards shall be by the Township Committee or by the Planning Board of the Township of Edgewater Park.

**NOW, THEREFORE, BE IT RESOLVED**, that the Mayor and Township Committee of the TOWNSHIP OF EDGEWATER PARK do hereby create a Request for Proposal Review Committee to assist the Mayor and Township Committee and the Planning Board with its governing of municipal affairs.

**BE IT FURTHER RESOLVED**, that said advisory committee shall be known as the “Edgewater Park Request For Proposal Review Committee” and shall consist of five (5) members to be selected by the Mayor of the Township Committee of the Township of Edgewater Park and that the Township Committee does hereby appoint the following residents: John Alexander, John McElwee, Judith Hall, Marian Johnson, and Michael Trainor.

**BE IT FURTHER RESOLVED** that the members are appointed for a term, expiring January 31, 2015.

**BE IT FURTHER RESOLVED** that the Committee shall exist at the will of the Township Committee, which shall reserve and retain the right to terminate individual membership at any time, and shall retain and reserve the right to abolish the Committee, itself, at any time. The committee members shall be residents of the township and shall remain residents of the township during their terms. A member, who, subsequent to his appointment, shall maintain an address as his or her principal primary residence that is not an Edgewater Township address, shall immediately vacate and forfeit his membership on the Committee; and until a subsequent appointment shall be made by the Township Committee the post shall be deemed vacant. The committee is advisory only, and shall have no right or ability to spend money or incur any debt without prior Township Committee approval.

**ORDINANCES:**

**ORDINANCE NO. 2014-6 (FIRST READING)**

*An Ordinance to Mandate Direct Deposit for Municipal Employees by the Township of Edgewater Park, Amending Title 2 “Administration and Personnel”, Chapter 2.20 “Compensation of Officers and Employees” and Creating Section 2.20.300 of the Edgewater Park Township Municipal Code Entitled “Direct Deposit for Municipal Employees”*  
**PURSUANT TO C. 52:14-15f et. seq.**

**WHEREAS**, P.L. 2013 c. 28, authorizes local governments to mandate direct deposit for certain governmental employees effective after July 1, 2014; and

**WHEREAS**, P.L. 2013 c. 28 permits governing bodies to grant exemptions on such terms and conditions as they deem necessary.

**NOW THEREFORE, BE IT ORDAINED**, by the Edgewater Park Township, located in Burlington County in the State of New Jersey according to the following:

**Section 1.** All employees and elected public officials who receive compensation from the Edgewater Park Township are mandated to have direct deposit of their compensation as of January 1, 2015 in accordance with Chapter 28 P.L. 2013, as defined under C.52:14-15f (b).

**Section 2.** Seasonal and temporary employees who are employed by the Township of Edgewater Park may be exempt from the direct deposit mandate; determination shall be made by the Township of Edgewater Park.

**Section 3.** Municipal employees may request, in writing, an exemption from the direct deposit mandate to the Edgewater Park Township Municipal Clerk or Township Administrator. Such requests will be presented to the Township Committee. The



Township Committee may grant such an exemption by resolution and only for good cause.

**Section 4.** If any Section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the Section, paragraph subdivision, clause or provision so adjudged and the remainder of the Ordinance shall be deemed valid and effective.

**Section 5.** All ordinances or parts of ordinances inconsistent with or in conflict with the Ordinance are hereby repealed to the extent of such inconsistency.

**Section 6.** This Ordinance shall take effect after final passage, adoption and publication according to law.

The foregoing ordinance will be consider for adoption of final reading after public hearing to be held on December 9, 2014 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mr. Booker

Second: Mr. Belgard

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

#### **ORDINANCE NO. 2014-7 (FIRST READING)**

*An Ordinance Granting Renewal of Municipal Consent to Comcast of Burlington County, LLC to Construct, Connect, Operate and Maintain a Cable Television and Communications System in the Township of Edgewater Park, New Jersey.*

**BE IT ORDAINED BY THE MAYOR AND COMMITTE OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON, NEW JERSEY, AS FOLLOWS:**

#### **SECTION 1. PURPOSE OF THE ORDINANCE**

The municipality 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 municipality, 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 Municipality 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. "Township" or "Municipality" is the Township of, County of Burlington, State of New Jersey.
- b. "Company" is the grantee of rights under this Ordinance and is known as Comcast of Burlington County, LLC
- 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 municipality, 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 with a 10-year automatic renewal as provided by N.J.S.A. 48:5A-19 and 25, and N.J.A.C. 14:18-13.6.

In the event that the Municipality shall find that the Company has not substantially complied with the material terms and conditions of this Ordinance, the Municipality 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 Municipality 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 Municipality 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 Municipality 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 Municipality 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 a condition as existed prior to the commencement of said work.

**Relocation:** If at any time during the period of this consent, the Municipality shall alter or change the grade of any street, alley or other way or place the Company, upon reasonable notice by the Municipality, 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 and overhanging streets, alleys, sidewalks or other public places of the municipality 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 municipality upon written request of the Municipality 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 Municipality 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 COMPLAINT OFFICER**

The Office of Cable Television is hereby designated as the Complaint Officer for the Municipality 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 Municipality shall have the right to request copies of records and reports pertaining to complaints by Municipality 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 municipality 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 Expanded Basic or a similar tier of cable television service on one (1) outlet at no cost to each qualified existing and future school in the Municipality, 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.

- b. The Company shall provide Expanded Basic or a similar tier of cable television service at no cost on one (1) outlet to the Township Municipal Complex and each qualified existing and future police, fire, emergency management facility, municipal community center, and public library in the Municipality, 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 Municipality.
- c. The Company shall provide free basic Internet service, via high-speed cable modem, to one (1) non-networked personal computer in each qualified existing and future public school in the Township, 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 modem on one (1) non-networked personal computer in each qualified existing and future public library in the Township 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 library patrons and not for administrative use only.
- e. The Communications Act of 1934, as amended [47 U.S.C. §543 (b)], allows the Company to itemize and/or identify: (1.) the amount on the subscriber bill assessed as a franchise fee and the identity of the governmental authority to which the fee is paid; (2.) the amount on the bill assessed to satisfy any requirements imposed on the Company by the cable franchise to support public, educational, and/or governmental access channels or the use of such channels; and (3.) any grants or other fees on the bill or any tax, assessment, or charge of any kind imposed by any governmental authority on the transaction between the operator and the subscriber. The Company reserves these external cost, pass-through rights to the extent permitted by law.
- f. Within six (6) months of the issuance of a Renewal Certificate of Approval (COA) by the NJBPU, the Company shall provide to the Township a one-time technology and access-related grant in the amount of Twenty-Five Thousand Dollars (\$25,000.00), which shall be used by the Municipality at its discretion.

## **SECTION 15. 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 municipality or any other person, during an emergency, if for any reason the municipality is unable to make full use of the cable television system as contemplated herein.

## **SECTION 16. 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 17. 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 18. COMPETITIVE EQUITY**

Should the Municipality 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 19. 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 20. 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 21. EFFECTIVE DATE**

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

The foregoing ordinance will be consider for adoption of final reading after public hearing to be held on December 9, 2014 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mr. McElwee                      Second: Mr. Belgard

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

**ORDINANCE NO. 2014-8 (FIRST READING)**

*An Ordinance of the Township of Edgewater Park in Burlington County, State of New Jersey  
Requiring the Maintenance of Properties that are Vacant or Abandoned or in Foreclosure*

**WHEREAS**, the Township Committee of the Township of Edgewater Park (“Township”) has reviewed recent amendments to Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibilities of foreclosing creditors; and

**WHEREAS**, as a result of such legislation, it is appropriate and necessary for the Township Committee to adopt an ordinance to implement the amendments enacted in Chapter 35 of the Laws of 2014;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED**, by the Township Committee of the Township of Edgewater Park that the Code of the Township of Edgewater Park is amended as follows:

**SECTION ONE.** The Code of the Township of Edgewater Park is amended by the addition of the following new sections:

**A. Creditor responsibility.**

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer designated by the Township of Edgewater Park, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

**B. Notice to creditor; time to correct violations.**

If the public officer, or other authorized municipal official as designated by the Township Administrator, determines that a property is vacant or abandoned and that a creditor is obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation any of the provisions of the Ordinances of the Township of Edgewater Park, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

**C. Designated representative of out-of-State creditor; violation.**

An out-of-State creditor shall include the full name and contact information of the in- State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

#### **D. Violations and penalties.**

Any person, firm, corporation or entity violating any provision of this ordinance shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notices issued pursuant to §58-5.2 shall be subject to a fine of \$1,500.00 for each day of the violation.

#### **SECTION THREE.**

##### **Additional notice required.**

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to the Ordinances of the Township of Edgewater Park shall be given to a foreclosing creditor as required by P.L. 2014, c. 35.

**AND BE IT FURTHER ORDAINED** that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

**AND BE IF FURTHER ORDAINED** that should any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

**AND BE IT FURTHER ORDAINED** that this Ordinance shall become effective immediately following final passage and publication as required by law.

The foregoing ordinance will be consider for adoption of final reading after public hearing to be held on December 9, 2014 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mr. Trainor      Second: Mr. McElwee

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

#### **REPORTS FROM OFFICIALS**

##### *Committeeman Bill Belgard, Liaison Recreation Committee*

Mr. Belgard discussed that the Holiday Tree lighting event will take place on December 4<sup>th</sup> from 6:30pm – 8:00pm. The Ridgeway Middle School Band and Endeavor Emergency Squad will participate in the event. Mr. Belgard requested that a flyer be submitted to the schools for distribution.

##### *Committeeman Darrell Booker, School Board Liaison*

Mr. Booker reported that the next meeting of the Board of Education's public input strategic planning session will be held tomorrow at 7:00PM at Ridgeway School. The next Board of Education meeting will be held on November 25<sup>th</sup> at 7:00PM at Ridgeway School.



Mr. Booker further cautioned that residents should be careful of any “holiday” scams; if anyone suspects such activity they should contact the police department.

*Committeeman Michael Trainor, Liaison to EPAA*

Mr. Trainor reported that EPAA’s soccer season is winding down and that the year-end soccer event and bon fire will take place on November 22<sup>nd</sup> at Memorial Field.

Mr. Trainor further updated EPAA basketball season and that skill assessments were held last week; EPAA anticipates a good turnout for this season.

*Committeeman John McElwee, Liaison to Senior Advisory and Sewer Authority*

Mr. McElwee discussed that the Senior Advisory Committee will be hosting a blood drive at the municipal building on December 10<sup>th</sup> from 2:00PM to 7:00PM. All are encouraged to sign up for the drive on the Red Cross web site; this year’s goal is 45 donors.

Mr. McElwee reviewed that the Senior Advisory Committee will be hosting a presentation by the Endeavor Emergency Squad on November 15<sup>th</sup> at 10:00AM at the municipal building. All are welcome to attend.

Mr. McElwee discussed that on Decembers 5<sup>th</sup> the Elks Lodge will be hosting their annual basketball hoop shoot from 7:00PM to 9:00PM at Ridgway School. On line registration is required and all children ages 8 – 13 are encouraged to participate.

Mr. McElwee further discussed that the Sewer Authority is meeting tonight.

Mr. McElwee further expressed his gratitude to our Veterans and thanked them for their service.

*Mayor Tom Pullion liaison to Redevelopment and Economic Development*

Mr. Pullion discussed that next week is the NJ League of Municipalities conference; there will be a BurlCo JIF elected officials training session at the conference on November 19<sup>th</sup>.

Mr. Pullion further discussed the closing of the Bottom Dollar store on Route 130. It is anticipated that the store will close at the beginning of 2015. Aldi Markets have a potential interest in the chain.

**APPROVAL OF BILLS**

Approval of Bills from October 21, 2014-November 10, 2014

Moved by: Mr. McElwee                      Second: Mr. Trainor

Discussion: Yes, various items were reviewed.

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

Authorization to pay bills from November 11, 2014 to December 4, 2014

Moved by: Mayor Pullion                      Second: Mr. Booker

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

**APPROVAL OF MINUTES:**

May 6, 2014 public session, May 20, 204 public session, June 3, 2014 public session, June 17, 2014 public session, July 8, 2014 public session, July 15, 2014 public session.

Moved by: Mr. McElwee                      Second: Mr. Belgard

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes but abstained from 7/15/14 meeting, Mayor Pullion-yes but abstain for 6/3/2014 and 7/8/2014 meetings.

### **OPEN TO THE PUBLIC**

*Mrs. Fran Wilkins, 96 North Garden Blvd* expressed concerns regarding the empty stores along Route 130.

Township Committee discussed that the Township recently hired another property maintenance inspector to make sure that the properties are maintained. They further expressed that they cannot provide details but that there is interest in the development of Route 130.

### **ANY OTHER BUSINESS:**

#### **Authorization to permit Committeewomen Elect, Lauren Kremper and Barbara Scott-Perkins, to attend closed session meetings for November and December 2014.**

Moved by: Mr. Booker                      Second: Mr. McElwee

Discussion: none

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

### RESOLUTION NO. 2014-181

#### CLOSED SESSION

*Where it is necessary to discuss personnel and personnel employment contracts. Where it is necessary to discuss items falling under litigation and/or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public*

**WHEREAS**, it is necessary to discuss personnel possible litigation involving the Township of Edgewater Park which is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, questions dealing with personnel matters is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, questions dealing with the purchase lease or acquisition of real property with public funds is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, questions dealing with any collective bargaining agreement or the terms or conditions of that agreement is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, the disclosure of any material which constitutes an unwarranted invasion of individual privacy is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, the release of any information would impair a right to receive funds from the Government of the United States; is a proper subject of exemption under the Open Public Meetings Act; and

**WHEREAS**, any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility is a proper subject of exemption under the Open Public Meetings Act;

**WHEREAS**, the Township Committee desires to close this portion of the meeting to consider the aforementioned titled matters.

**NOW THEREFORE, BE IT RESOLVED** that the portion of the meeting dealing with the aforementioned matters shall be closed to the public and the results of the discussions held under the closed sessions shall be made available to the public at such early a time as possible.

Moved by: Mayor Pullion                      Second: Mr. Booker                      Time: 8:15PM

Discussion: Mayor Pullion announced that Township Committee does not anticipate formal action at the conclusion on closed session.

Roll Call: Mr. Belgard-yes, Mr. Booker-yes, Mr. McElwee-yes, Mr. Trainor-yes, Mayor Pullion-yes

**ANY OTHER BUSINESS** - None

**ADJOURN**

Moved by: Mayor Pullion                      Second: Mr. Booker                      Time: 9:23PM.

Roll Call: Mr. Belgard- yes, Mr. Booker- yes, Mr. McElwee-yes, Deputy Mayor Trainor-yes.

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Michael Trainor, Mayor

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Linda M. Dougherty, RMC/Administrator  
Dated: January 27, 2015