

**EASTAMPTON TOWNSHIP COUNCIL**  
**REGULAR SESSION MINUTES**  
Monday, July 13, 2009  
7:30 p.m.

Mayor Nagler called the meeting to order at 7:30 p.m.

Notice of this meeting was published in the Burlington County Times on January 9, 2009. Notice was posted on the Municipal Bulletin Board and sent to the Courier Post for information. The meeting location change notice was also published on July 6, 2009 in the Burlington County Times to accommodate the public attendance for the Public Hearing on the Comcast Franchise Renewal Agreement.

Everyone participated in the flag salute.

Present were, Mayor Keith Nagler, Deputy Mayor Jay Springer, Council Members Louise Campbell, Joseph Maroccia, and Walter Tafe. Also present were: Township Manager Scott Carew, Township Attorney Eileen Fahey and Municipal Clerk Kim-Marie White.

**ROLL CALL:** Ms. Campbell, Mr. Maroccia, Mr. Springer, Mr. Tafe and Mr. Nagler

**PRESENTATION:**

- **Comcast Franchise Renewal Agreement**

James Mallon, Area Manager of Government Affairs for Comcast's South Jersey cable systems read the following statement for the record:

"We appreciate the opportunity we have had to provide cable television service to the community. We are entering the final stages of the cable television franchise renewal process. There are formalities associated with this process that are governed by both federal and state regulations. Comcast began that process by sending written notice to the Township on February 16, 2007, indicating our intention to seek a renewal of our non-exclusive cable television franchise.

We filed an Application for Renewal of Municipal Consent on April 15, 2009. That application is available for public examination in the Township Clerk's office. Tonight's hearing is a first step toward that application. No action is required tonight; this is an opportunity for both the governing body and Comcast to hear from the public. As the company learns your needs and concerns, they will be taken into consideration and addressed as we move forward. I am also available for informal discussions in the same regard.

Your attorney may have already told you that, under federal law, the governing body must base its franchise renewal decision on the answer to four fundamental questions:

July 13, 2009

Page 2

Has the cable operator substantially complied with the material items of the existing franchise and applicable laws?

In answer to question 1, you will find that Comcast has either met or exceeded all current ordinance requirements and is in compliance with all applicable statutes and regulations. Has the quality of the operator's service, including signal quality, responsiveness to consumer complaints and billing practices, been reasonable in light of community needs?

Eastampton, along with all southern NJ communities served by Comcast, receives a wide range of channels, digital service, high definition service, video on demand, and digital video recorder, to name some of our most recent product introductions. Our facilities have been upgraded in recent years, and support the full level of contemporary services offered throughout New Jersey. We provide 24/7/365 customer service response through our Customer Service Center in nearby Voorhees, in English and Spanish. We offer both evening and weekend installations and short service windows. Comcast is very focused on meeting the needs of our customers and we feel we exceed the requirements of this test.

Does the operator have the financial, legal and technical ability to provide the facilities and equipment it is proposing to provide?

Comcast is a leading national provider of advanced cable telecommunications services. Cable television is our leading segment. We have the financial, technical, and managerial resources to meet all of our commitments both now and in the future.

Is the cable operator's franchise renewal proposal reasonable to meet the future cable related needs of the community, taking into account the cost of meeting such needs?

I think you will agree the ongoing upgrades and new products and services offered in Eastampton clearly demonstrate our commitment to meeting the cable television related needs of the community. These upgrades to service establish a parity of service for the Township's residents with the balance of communities served by Comcast throughout the state.

I would like to thank you for your time and attention. We look forward, at the conclusion of this process, to your favorable consideration of our application for renewal. At this time, I join your elected officials and staff in looking forward to hearing any comments by the public."

**PUBLIC COMMENT:**

The following residents had questions or concerns regarding Comcast:

John Geary, 6 Knotty Oak Drive asked if they were replacing any cabling.

Tim Nolen, 10 Carriage Court mentioned the freezing of service and if another company is coming in to provide cable service.

July 13, 2009

Page 3

Gary Driggers, 5 Butternut Court mentioned outages for five minutes at a time and additional rate increases. Is the infrastructure for Eastampton going to be upgraded?

Sharon Roth, 13 Rochelle Drive asked why other Townships have more channels than Eastampton residents.

Marsha Langish, 8 Red Bud Court said she was disappointed as a customer and asked if the survey results were available.

Ruth and Biagio Leopanto, 36 Willowbrook Way asked why they keep raising the prices.

Louise Campbell, 28 Manchester Road said her cable freezes up all the time.

Jay Springer, 18 Shelter Rock Rd asked if the cable needs to be upgraded to provide better service. Mr. Springer also asked why there are not many high definition (HD) channels.

Keith Nagler, 3 Dewberry Drive said he has been told by technicians that his service needs to be upgraded at the street level.

Walter Tafe, 8 Cypress Drive, said his cable service freezes up a lot.

Joe Maroccia, 9 Kensington Drive said there are problems with the service as the residents have stated and would like each of them looked it.

Mayor Nagler went through the survey comments in detail and will be made part of the approved minute record.

Mr. Mallon said that he would look into each issue to try and get them resolved.

Mr. Arbocus, 1347 Monmouth Road asked when the revisions for the master plan are going to be done that affect his property.

Township Manager Carew said in order make those revisions it is going to cost the Township \$7,500 and because the budget is set for this year the change will be made next year. Mr. Arbocus said that on Monmouth Road there is someone selling farm goods from a stand and is not sure if they are properly licensed. He also was unsure if they have sign permits for all the signs they have posted.

Township Manager Carew said the matter would be looked into.

**APPROVAL OF MINUTES:**

May 11, 2009

May 11, 2009 (Closed Session)

May 26, 2009

June 8, 2009

June 8, 2009 (Closed Session)

July 13, 2009

Page 4

June 15, 2009

It was MOVED by MAROCCIA and seconded by CAMPBELL that the May 11, 2009 regular and closed session minutes, May 26, 2009 minutes, June 8, 2009 regular and closed minutes and June 15, 2009 minutes were approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the May 11, 2009 regular and closed session minutes, May 26, 2009 minutes, June 8, 2009 regular and closed minutes and June 15, 2009 minutes were passed.

**ORDINANCE – PUBLIC HEARING:**

Ordinance 2009-4 COAH Development Fee Ordinance

Township Attorney Fahey said she sent a memo to Council advising them that COAH has asked the Township Planner to do another COAH ordinance and instead of moving forward with this current ordinance, she is asking that they rescind this ordinance so they could do one large COAH ordinance.

It was MOVED by CAMPBELL and seconded by SPRINGER to rescind Ordinance 2009-4.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Ordinance 2009-4 was rescinded.

**RESOLUTIONS:**

Resolution R2009-52 Adoption of 2009 Municipal Budget

**Public Hearing Tabled from May 11, 2009, May 26, 2009, June 8, 2009**

Mayor Nagler said the public hearing would be tabled until the August 10<sup>th</sup> meeting. The Township is waiting to hear from the State if the extraordinary aide was approved.

Council Member Tafe asked what is the percentage the Township is currently spending on what was introduced.

Township Manager Carew said he does not have the figures in front of him but it is less than last year. He said he would get back to Council on that question within the next day or so.

Council Member Tafe asked how many years to pay back the deferral police pension. He thought it was fifteen years but not sure.

Township Manager Carew said he was not sure and would have to get back to Council on that

July 13, 2009

Page 5

issue.

Township Attorney Fahey advised that there was an email from the State indicating that they would not approve the extraordinary aide application unless they deferred pensions. She was going to look in her notes to make sure.

It was MOVED by TAFE and seconded by MAROCCIA to table Resolution R2009-52 to the August 10<sup>th</sup> meeting.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-52 was approved to be tabled.

Resolution R2009-64                      Assignment of Tax Liens

Township Attorney Fahey said this and the next resolution need to be tabled because the lien buyer has not gotten back to Doris.

It was MOVED by MAROCCIA and seconded by TAFE to table Resolution R2009-64 to the August 10<sup>th</sup> meeting.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-64 was approved to be tabled.

Resolution R2009-65                      Authorizing Sale of Tax Liens through Public Bid

It was MOVED by MAROCCIA and seconded by TAFE to table Resolution R2009-65 to the August 10<sup>th</sup> meeting.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-65 was approved to be tabled.

Resolution R2009-77                      Place Open Space Public Referendum Question on General  
Election Ballot (November 3, 2009)

It was MOVED by TAFE and seconded by MAROCCIA that Resolution R2009-77 be approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-77 was approved.

July 13, 2009

Page 6

Resolution R2009-78                      Approving Renewal of Shared Services Agreement with  
Burlington County for Integrated Law Enforcement Computer  
Project

Mayor Nagler asked if this is an increase from the prior year.

Deputy Mayor Springer asked if there is an individual license fee for the software.

Township Attorney Fahey suggested that the Chief Financial Officer provide a memo to Council indicating how much would be paid and what the difference is from last year.

It was MOVED by MAROCCIA and seconded by CAMPBELL to table Resolution R2009-78 to the August 10 meeting.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-78 was approved to be tabled.

Resolution R2009-79                      Regional Implementation Grant for MRRTS

It was MOVED by MAROCCIA and seconded by SPRINGER that Resolution R2009-79 be approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-79 was approved.

Resolution R2009-80                      Direct Planning Board to Conduct Preliminary Investigation  
as to Whether Areas are in Need of Rehabilitation or  
Redevelopment

Township Attorney Fahey said this is the start of the landfill project which would allow Mark Remsa to prepare a report.

It was MOVED by CAMPBELL and seconded by TAFE that Resolution R2009-80 be approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Resolution R2009-80 was approved.

**ACCEPTANCE OF REPORTS:**

- Clerk's Office
- Construction Office
- Police (May)
- Public Works
- Tax Assessor (May & June)
- Treasurer
- Treasurer Quarterly Budget Report
- Treasurer Quarterly Escrow Report

It was MOVED by CAMPBELL and seconded by TAFE to approve the reports for Clerk's Office, Construction, Police (May) and Public Works.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the monthly reports for Clerk's Office, Construction, Police (May), Public Works were approved.

It was MOVED by MAROCCIA and seconded by TAFE to table until the August 10 meeting the Tax Assessor (May & June) reports until they receive an explanation on how the assessed values and ratios are calculated.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the Tax Assessor (May & June) reports would be tabled until the August 10, 2009 meeting.

It was MOVED by MAROCCIA and seconded by TAFE to approve the Treasurer, Treasurer Quarterly Budget Report and Treasurer Quarterly Escrow Report.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the Treasurer, Treasurer Quarterly Budget Report and Treasurer Quarterly Escrow Report were approved.

**APPROVAL OF BILLS:**

Mayor Nagler said on June 13<sup>th</sup> there is a considerable amount of overtime. He asked if Township Manager Carew knew it would be that high in that payroll.

Township Manager Carew said specifically at that time, no he did not know.

July 13, 2009

Page 8

Mayor Nagler asked due to the financial problems and working off of a temporary budget, could all overtime be approved by Scott weekly so Council could have a summary.

Township Manager Carew has advised Council that the policy is in effect now due to statutory responsibility and safety of the public. He would also need to speak with the Chief of Police to find out why the overtime occurred. It is not unreasonable to get it approved by him.

Mayor Nagler said his concern is that Council is expected to manage the budget and be fiscally responsible and there are thousands in overtime. He said that Gerry is approving overtime as the Chief of Police and not the Chief Financial Officer. Being bills are paid only once a month he is not comfortable seeing it on a bill list after the payroll period has ended.

Township Manager Carew said he would make them aware weekly.

It was MOVED by MAROCCIA and seconded by CAMPBELL that the July 9, 2009 bill list be approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the bills were approved dated July 9, 2009.

#### **NEW BUSINESS:**

Township Manager Carew said that Ms. Campbell has brought forth an idea to do background checks on recreation volunteers.

Council Member Campbell said there is a policy in place for the summer park program that fingerprinting and a background check is done to become an employee; the ordinance would be strictly for the volunteers who help out with the children. This is provided through the Megan Kanka foundation and they would provide 50% of the funding for one year. She has spoken to the recreation board and they are behind it. Currently they are working something out later on in the year if they could not get any more funding the program would be able to carry the fee. It would benefit the safety of the children.

Township Manager Carew said it has come across his desk again since the big blue recycling buckets have been delivered to neighboring towns, why Eastampton does not have them. He called Anne Moore of the Recycling Center and was told there are no more available but could be put on a list when they become available. The buckets are \$52.00 each and the cost for the Township would be \$26.00; we currently have 1600 homes in town so it would cost over \$40,000.

Mayor Nagler asked if it is bondable. He asked that Township Manager Carew stay on top of it.

Township Manager Carew said that they do have a ten year warranty on them. It is a great convenience but not sure the Township could afford it.

July 13, 2009

Page 9

Township Attorney Fahey said she would look into that for them.

- Letter from John Smith (Earth Fair 2009)

A letter was sent to the Township thanking Municipal Clerk White and Police Officer Musser for their help with the Earth Fair. Council thanked them for being so helpful.

- Block Party – Dawn Drive

It was MOVED by MAROCCIA and seconded by SPRINGER that the Dawn Drive block party be approved.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, Dawn Drive block party was approved.

Mayor Nagler said a few weeks ago they spoke about some roads deteriorating such as Nottingham Way, Lancashire Drive and Kingsley these roads have taken a beating with all the rain and there are weeds growing in the pavement. The Township Engineer gave Mr. Carew an Engineering report outlining her costs. The base is becoming undermined and eventually it would cost the Township more money to fix. He wanted to see if Council wished to bond \$150,000 to fix those roads. He spoke with Mr. Mingin and the Township has exhausted one bond already and next year one additional bond.

Township Manager Carew said he would like the Township Engineer to provide more information on the scope of work and come to the August 10 meeting with answers to questions and explain why they need to be done. A sink hole has appeared on Nottingham and Knightsbridge in the corner, and on Knightsbridge and Lancashire Drive near the storm drain since the last Council meeting

Council Member Tafe said he believes Council cancelled the road improvement projects for this year based on the fact that the Township Engineer said they did not need to be done. He had a discussion with the Township Engineer about cancelling the road program for the year and she assured him it was a smart move not to do them due to the fact there were no roads that were considered urgent.

Township Manager Carew he told her they were not doing it from a financial situation.

#### **OLD BUSINESS:**

- Leaf Composting Program with Britton Industries, Inc

Township Manager Carew said nothing new to report.

- Sustainable Jersey

July 13, 2009

Page 10

Township Manager Carew said a meeting is scheduled regarding the grant money for the Sustainable Jersey project. The Green team members are: Township Manager Carew, Mayor Nagler, Council Member Campbell, LUPB Member, Environmental Commission, Recreation Commission, Schools, Fire District and Richard Parks. Invites would go out for the first meeting within the next week so they could meet before the next meeting of August 10<sup>th</sup>.

- Economic Development Topics

Township Manager Carew said nothing new to report.

- Codification

Municipal Clerk White said she is waiting for the next editorial review.

- Website

Mayor Nagler said the new website is live and awesome. He said it looks amazing.

#### **STAFF AND PROFESSIONAL COMMENTS:**

Township Manager Carew said the sign is up and he is fully trained on how the sign works. The bicycle on the sign is wrong and will be replaced free of charge.

**PUBLIC COMMENT:** None

It was MOVED by CAMPBELL and seconded by SPRINGER to adjourn the meeting at 10:25 P.M.

ROLL CALL: Ayes - Campbell, Maroccia, Springer, Tafe, Nagler  
Nays - None

There being five (5) ayes and no nays, the motion passed to adjourn the meeting.

*Kim-Marie White*

Kim-Marie White  
Municipal Clerk

*Keith Nagler*

Keith Nagler  
Mayor

Approved: August 10, 2009