

**MINUTES
TOWNSHIP OF PENNSAUKEN
TOWNSHIP COMMITTEE MEETING
June 1, 2016 (5:30PM)**

A Meeting of the Pennsauken Township Committee was held on Wednesday, June 1, 2016 in the Caucus Room at the Pennsauken Township Municipal Building, 5605 N. Crescent Blvd. Pennsauken, NJ 08110.

The Meeting came to order at 5:30 PM by Mayor Kneib who called for roll call which was recorded as such:

PRESENT: Committeeman John Figueroa, Committeewoman Betsy McBride, Committeeman Killion and Mayor John Kneib
ABSENT: Deputy Mayor Taylor

Present were Township Administrator Edward Grochowski, Municipal Attorney Michael Joyce, Township Clerk, Gene Padalino, Deputy Clerk Pamela Scott-Forman, Larry Cardwell and Terry Carr from the office of Economic Development

Roll call was followed by the Pledge to the Flag and a moment of silence.

Mayor Kneib announced that the Meeting was being held in compliance with the "Senator Byron M. Baer Open Public Meetings Act".

RESOLUTION(s)- Public May Comment -The Following Resolution(s) will be considered individually

**2016:189
RESOLUTION APPOINTING CLASS II SPECIAL LAW ENFORCEMENT OFFICERS WITHIN THE TOWNSHIP OF PENNSAUKEN**

BE IT RESOLVED by the Township Committee of the Township of Pennsauken in the County of Camden and the State of New Jersey, that the following be appointed a Class II Special Law Enforcement Officer for the Township of Pennsauken as recommended by the Chief of the Pennsauken Police Department.

**MICHAEL BASILEO
JAMES SANDERS**

BE IT FURTHER RESOLVED that certified copies of this Resolution will be forwarded by the Township Clerk to Ron Crane-Chief Financial Officer, Chief John Coffey, Public Safety and Barbara Corbett, Human Resources.

Administrator Grochowski stated this is a resolution for typical Class II Officers and these two individuals have completed their training and placed on the rolls for availability when needed.

No one from the public wished to comment

| Name | Motion | Second | Aye | Nay | Abstain | Absent |
|-----------------|--------|--------|-----|-----|---------|--------|
| <i>Figueroa</i> | √ | | √ | | | |
| <i>Killion</i> | | | √ | | | |
| <i>McBride</i> | | √ | √ | | | |
| <i>Taylor</i> | | | | | | √ |
| <i>Kneib</i> | | | √ | | | |

2016:190

RESOLUTION OF THE TOWNSHIP OF PENNSAUKEN AUTHORIZING CROSS RIVER FIBER LLC TO INSTALL FIBER OPTIC CABLE ON POLES IN THE MUNICIPAL RIGHT OF WAY

WHEREAS, Cross River Fiber L.L.C. (hereinafter referred to as "Cross River") is a privately held company organized under the laws of the State of Delaware, with principal offices located at 33 Wood Avenue South, Suite 600, Iselin, New Jersey 08830; and

WHEREAS, Cross River Fiber LLC ("Cross River Fiber"), seeks to install fiber optic technology on existing utility poles within the Public Rights-of-Way within the Township of Pennsauken to provide resold and facilities-based local exchange and interexchange telecommunications services; and

WHEREAS, Cross River, has been approved by the New Jersey Board of Public Utilities (hereinafter referred to as "BPU") to provide local exchange and interexchange telecommunications services throughout the State of New Jersey by Order of Approval under Docket Number TE12400297 dated June 18, 2012. Pursuant to said Order, Cross River has requested approval to install telecommunications facilities in Municipal rights-of-way in the Township of Pennsauken (hereinafter referred to as "Township"); and

WHEREAS, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Township of Pennsauken for the joint use of any existing utility poles; and

WHEREAS, Section 253 of the Federal Communications Act (47 U.S.C. 253) provides that a municipal entity may not prohibit the activities proposed by Cross River but may place reasonable conditions on the manner by which those activities occur; and

WHEREAS, N.J.S.A. 54:30A-124 prohibits the Municipality from imposing any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against Cross River in connection with the Municipality's permission and consent granted herein. The Township reserves its right to impose any such fees, taxes, levies or assessments on a non-discriminatory basis as may be authorized by law during the Term of this Agreement, provided, Cross River reserves the right to terminate this Agreement and within a reasonable period after its written notice of termination to the Township remove its Facilities from the Municipality Rights-of-Way in the event that the Township seeks to impose or imposes any such fees, taxes, levies or assessments; and

WHEREAS, Cross River wishes to locate, place, attach, install, operate, control and maintain fiber optic equipment within the Township within the public right-of-way on existing utility poles.

NOW THEREFORE BE IT RESOLVED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSAUKEN AS FOLLOWS:

1. Permission and authority are hereby granted to Cross River to install fiber optic technology on existing utility poles located in the public right-of-way in the Township in order to provide telecommunications services to the public, and to operate, maintain and repair said facilities, subject to the following:

- A. The facilities shall be installed onto utility poles in the public right-of-way.
- B. Cross River, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
- C. Cross River, its successors and assigns, shall adhere to all applicable Federal, State and Local laws regarding safety requirements for the use of the public right-of way.
- D. Cross River, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
- E. Such permission be and is hereby given upon the condition and provision that Cross River, its successors and assigns, not only indemnify and save harmless the Township, its officers, agents and servants, from any claims arising from or in any way connected to the acts or omissions of Cross River in use of the public right-of-way but shall agree on behalf of the Township to defend any action at law or equity which may be brought against the Township upon such claims or from claims arising during the construction period, excluding in all instances claims arising out

of gross negligence or willful misconduct on the part of the Township.

- F. Cross River, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in favor of the Township, as its interests may appear, in the amount of at least \$5,000,000, in any combination of primary and excess or umbrella coverages, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Township as an additional insured shall be filed with the Township Clerk prior to the installation of any facilities. On prior notice to Cross River, the Township shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided such change is implemented uniformly for all similarly situated carriers. Cross River shall endeavor to ensure that said insurance shall not be subject to cancellation or change until thirty (30) days after the Township Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.
- G. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way Cross River, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Township.
- H. The Township makes no warranties or representations regarding the fitness, suitability or availability of Township's public right-of-way for Cross River's telecommunications facilities and any performance of work, costs incurred or service provided by Cross River shall be at its sole risk and cost. Nothing in this Resolution shall affect the Township's authority to add, vacate or abandon public right-of-way, and the Township makes no warranties or representations, express or implied, regarding the availability of any added, vacated or abandoned public right-of-way for any telecommunications facilities.
- I. Such permission be and is hereby given upon the condition that Cross River shall obtain prior to commencing the installation of any telecommunications facilities, all applicable permits which may be required by the Township. Additionally, prior to granting of any permits, any costs incurred for professional review of or drafting of resolutions shall be reimbursed to the Township. This shall also include, but not be limited to, compensating the Township for any personnel, including police and fire inspectors, and Department of Public Works personnel for any expenses incurred in the supervision, traffic control, maintenance or repair occasioned by the installation or maintenance of Cross River facilities.
- J. Cross River shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation of maintenance of said plant.
- K. Upon request of the Township, and when notified by the Township of other work, construction, installation or repairs occurring therein, Cross River may be required to coordinate placement or maintenance activities under a permit with any other work, construction, installation or repairs that may be occurring or scheduled to occur within a reasonable timeframe in the subject public right-of-way, and Cross River may be required to reasonably alter its placement or maintenance schedule as necessary so as to minimize disruption and disturbances in the public right-of-way.
- L. Neither the Township nor Cross River shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this resolution.
- M. The permission and authority hereby granted shall be for a period of fifteen (15) years. Such permission and authority shall be automatically extended for additional periods of five (5) years

each; provided, however, that either party may cancel such permission and authority effective at the end of the currently effective term with a minimum of one (1) year's prior written notice to the other.

- N. Nothing herein shall be construed to abrogate the rights of any other governmental unit, including but not limited to the County of Camden, the State of New Jersey, and the federal government respecting such unit's rights of way located within Pennsauken Township.
- O. Prior to commencing any telecommunications service related activity, Cross River shall provide written certification to the Township that it has complied with the aforesaid BPU Order requiring filing a tariff with the BPU.

PUBLIC COMMENTS:

Lonnie Monaco of Homestead Ave asked for what competition, as in whom this resolution was for

Township Attorney Michael Joyce was asked to respond; he did stating this is to provide access to other companies already approved by the BPU.

| Name | Motion | Second | Aye | Nay | Abstain | Absent |
|-----------------|--------|--------|-----|-----|---------|--------|
| <i>Figueroa</i> | | | √ | | | |
| <i>Killion</i> | √ | | √ | | | |
| <i>McBride</i> | | √ | √ | | | |
| <i>Taylor</i> | | | | | | √ |
| <i>Kneib</i> | | | √ | | | |

CONFERENCE /ITEMS OF DISCUSSION-

Discussion of Businesses in Redevelopment Areas

Mr. Cardwell spoke on behalf of the office and stated

Direct Doors LLC – 7150 Westfield Ave. (across from World Harvest, this building used to house the voting machines for the County) the company plans to purchase this 27,210 square foot property to sell (to contractors) residential and commercial garage doors plus garage door openers.

They had previously purchased a building on John Tipton Boulevard and where approached by Purato's to purchase the building from them.

Committee spoke in reference to the number of dumpsters and commented that they need to have an enclosure such as fencing.

Mr. Carr commented they would have two dumpsters one for wood and the other for metal.

Mayor and Committee stated the enclosure will need to be a requirement of the Certificate of Occupancy application; and with that they would give their approval to move forward.

Mayor Kneib opened the floor to the public for comment

PUBLIC COMMENT

Lonnie Monaco of Homestead Avenue questioned the work not completed between Carson school and the "PIT" which he considers the property line. He commented that tree saplings

had been cut down to 2 and 1 foot stumps and spray painted a menagerie of colors. The underbrush was left and the work looks incomplete.

Committeeman Killion responded that the Board of Education and the Township are doing the work and it is not complete due to the previous weather conditions and now the end of the school year schedule. Committeeman Killion continued that this is for the safety of the children as children had been being lured and the removal will now allow for a clearer site line.

Mr. Monaco complained that "the work was unfinished and they shouldn't do half the job, they should only begin when they know it can be finished; now it's even worse, what if a kid falls?"

Mr. Monaco continued with his questions and asked about the "Mart Site"

Mayor Kneib commented contractually it's done; there are still a couple of permits needed from the state but they are hoping to break ground late summer or early fall.

Mr. Monaco commented on abandoned homes. He commented that recently the abandoned home near him had 2 or 3 possible buyers and then there was no action, they all loss interest. Currently the house has stickers on the windows again, the grass is high and he was wondering if the new hire could tell him why people get so close and then not buy.

Mayor Kneib replied there has been a tremendous amount of work since Ms. Howarth has started, they've since had very productive meetings with Realtors and in regards to repossessions and the legal ramifications on the owners. Mr. Monaco was told he could call if he had specific questions.

No one else from the public wished to comment

Committeeman Killion moved a motion to close the floor for public comment

Committeeman Figueroa seconded the motion

An affirmative 4/0 voice vote was recorded

CLOSED SESSION- RESOLUTION(s)- (Public May Comment) The Following Resolution(s) will be considered individually

2016:191

RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PENNSAUKEN TO DISCUSS MATTERS OF CONTRACTS (LANDFILL) AND EMPLOYMENT (SUMMER EMPLOYMENT)

WHEREAS, the Township Committee of the Township of Pennsauken is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6- et. seq; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Township Committee of the Township of Pennsauken to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12b.

WHEREAS, matters under discussion will not be disclosed until the need for confidentiality no longer exists; and

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Pennsauken, pursuant to the Open Public Meetings Act of the State of New Jersey that:

1. The Township Committee of the Township of Pennsauken shall hold a closed meeting from which the public shall be excluded, on June 1, 2016.
2. The general nature of the subjects to be discussed at said closed meeting shall be matters of contracts - N.J.S.A. 10:4-12b (7) ;

- a. Contracts- Landfill
3. The general nature of the subjects to be discussed at said closed meeting shall be matters of employment - N.J.S.A. 10:4-12b (8);
- a. Employment- Summer Employment

ADOPTED at the Meeting of the Township Committee of the Township of Pennsauken on Wednesday, June 1, 2016.

| Name | Motion | Second | Aye | Nay | Abstain | Absent |
|-----------------|--------|--------|-----|-----|---------|--------|
| <i>Figueroa</i> | | √ | √ | | | |
| <i>Killion</i> | √ | | √ | | | |
| <i>McBride</i> | | | √ | | | |
| <i>Taylor</i> | | | | | | √ |
| <i>Kneib</i> | | | √ | | | |

Committee returned from closed session.

Committeeman Killion quickly moved a motion to adjourn
 Seconded by Committeeman Figueroa
 An affirmative 4/0 voice vote was recorded.

Meeting adjourned at 6:20 pm

Respectfully submitted


 Pamela Scott-Forman
 Deputy Clerk

MINUTES APPROVED: JUNE 22, 2016