

**TOWNSHIP OF CHERRY HILL
TOWNSHIP COUNCIL
CAUCUS MEETING**

**MUNICIPAL BUILDING
OCTOBER 08, 2007
7:00 PM**

MINUTES

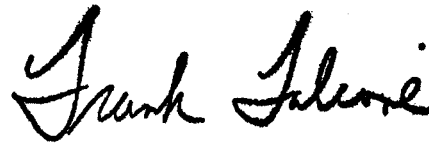
IN ACCORDANCE WITH SECTION 5 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231 P. L. 1975, NOTICE OF THIS MEETING WAS POSTED ON THE TOWNSHIP BULLETIN BOARD DESIGNED FOR THAT PURPOSE. NOTICE WAS MAILED TO THE OFFICIAL NEWSPAPERS AS PROVIDED BY RESOLUTION ADOPTED ON JANUARY 4, 2007.

ROLL CALL:

**COUNCILWOMAN MARLYN KALITAN
COUNCILMAN STEVEN POLANSKY
COUNCILWOMAN SHELLEY ADLER
COUNCILWOMAN JOYCE KURZWEIL
COUNCILMAN DENNIS GARBOWSKI
COUNCIL VICE PRESIDENT N. JOHN AMATO
COUNCIL PRESIDENT FRANK FALCONE**

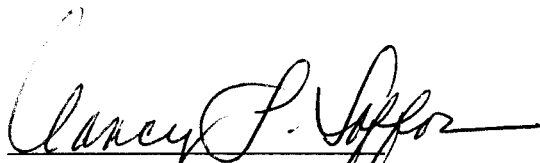
Council President Falcone reviewed the agenda.

ADOPTED: OCTOBER 22, 2007



COUNCIL PRESIDENT

ATTEST:



**NANCY L. SAFFOS, RMC
TOWNSHIP CLERK**

MINUTES

IN ACCORDANCE WITH SECTION 5 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231 P. L. 1975, NOTICE OF THIS MEETING WAS POSTED ON THE TOWNSHIP BULLETIN BOARD DESIGNED FOR THAT PURPOSE. NOTICE WAS MAILED TO THE OFFICIAL NEWSPAPERS AS PROVIDED BY RESOLUTION ADOPTED ON JANUARY 4, 2006.

COUNCIL PRESIDENT CALLED THE MEETING TO ORDER AND PLEDGE OF ALLEGIANCE TO THE FLAG

ROLL CALL:

**COUNCILWOMAN MARLYN KALITAN
COUNCILMAN STEVEN POLANSKY
COUNCILWOMAN SHELLEY ADLER
COUNCILWOMAN JOYCE KURZWEIL
COUNCILMAN DENNIS GARBOWSKI
COUNCIL VICE PRESIDENT N. JOHN AMATO
COUNCIL PRESIDENT FRANK FALCONE**

PROCLAMATIONS AND/OR COMMENDATIONS

Mayor Platt presented a proclamation to the Camden County National Organization of Mental Illness with a proclamation for mental health awareness week. The Mayor said the week was very important and that the organization was doing very good work in the community by educating the public and providing a place for counseling and therapy. The proclamation was accepted by the chairman of the organization.

PUBLIC COMMENTS ON PRIOR REGISTRATION

None at this time

APPROVAL OF MINUTES

None at this time

COMMUNICATIONS– TEMPORARY PERMITS – CORRESPONDENCE

There were Raffle Applications for the following:

PTA Clara Barton 223 Rhode Island, CH	Raffle	11/2/07
PTA Clara Barton 223 Rhode Island, CH	50/50	11/2/07
Cherry Hill East Gridiron Club 202 Juniper Dr, CH	Raffle	12/9/07

There were Temporary Use Permit Applications for the following:

Carol Golden	Fall Social Affair with Band @Joseph D. Sharp Elementary School	10/19/07
Luis Mercado	Tires Sale @ Just Tire, CH	10/18/07 thru 10/22/07
Nancy Potts	Trident Ins Agency Yard Sales @ 1409 Kings Hwy N, CH	10/13/07
Christine Bates	Commerce Bank Tree Lighting @ 9000 Atrium Way, CH	12/01/07
Jim Stringer	Art Sale @ Clarion Hotel, CH	1/06/08 & 1/13/08

On a motion by Council Vice President Amato, seconded by Councilman Polansky, seconded by Councilman Garbowski, the applications detailed above were approved by the following vote:

AYE: Councilwoman Kalitan, Councilman Polansky, Councilwoman Adler, Councilwoman Kurzweil, Councilman Garbowski, Council Vice President Amato and Council President Falcone

REPORTS FROM MAYOR/DEPARTMENT HEADS

None at this time

ORDINANCES ON SECOND READING

2007-24 ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

Council President Falcone opened the Public Hearing asking if there was anyone who wished to speak for or against the proposed ordinance.

Seeing no one he closed the Public Hearing and called for a motion.

On a motion by Councilman Polansky, seconded by Councilwoman Kurzweil, Ordinance 2007-24 was approved for final adoption by the following vote:

AYE: Councilwoman Kalitan, Councilman Polansky, Councilwoman Adler, Councilwoman Kurzweil, Councilman Garbowski, Council Vice President Amato and Council President Falcone

RESOLUTIONS:

2007-10-1 RESOLUTION AUTHORIZING PAYMENT OF BILLS

On motion by Councilman Polansky, seconded by Council Vice President Amato, the bill list in the amount of \$6,422,868.91 was approved by the following vote:

AYE: Councilwoman Kalitan, Councilman Polansky, Councilwoman Adler, Councilwoman Kurzweil, Councilman Garbowski, Council Vice President Amato and Council President Falcone

2007-10-2 RESOLUTION FOR AWARD OF BID FOR 2007 HIGHWAY MATERIALS

2007-10-3 RESOLUTION TO AWARD RE-BID #1 - THE PURCHASE OF ONE (1) 2007 NEW AND UNUSED 4 WD UTILITY CAB AGRICULTURAL TRACTOR WITH BUCKET LOADER AND MOWER ATTACHMENTS

2007-10-4 RESOLUTION FOR AWARD OF BID FOR THE OUTFITTING ONE (1) SURVEILLANCE MODULE VEHICLE CONVERSION AND RF SYSTEM

2007-10-5 RESOLUTION OF CONSENT APPOINTING MUNICIPAL COURT JUDGE

2007-10-6 RESOLUTION AUTHORIZING THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR PROPERTY #347

2007-10-7 RESOLUTION AUTHORIZING THE FILING OF APPLICATIONS FOR DISCRETIONARY AID FOR THE EVESHAM ROAD SIDEWALKS INSTALLATION PROJECT PHASE II, FROM SHORT HILLS DRIVE TO THE SHOP RITE SHOPPING CENTER

RESOLUTIONS ON CONSENT AGENDA 2007-10-2 THRU 2007-10-7 HAVE BEEN DISCUSSED AND NO OBJECTION HAS BEEN VOICED.

On a motion by Councilman Polansky, seconded by Councilwoman Adler, the consent Agenda was approved by the following vote:

AYE: Councilwoman Kalitan, Councilman Polansky, Councilwoman Adler, Councilwoman Kurzweil, Councilman Garbowski, Council Vice President Amato and Council President Falcone

ORDINANCES ON FIRST READING

None at this time

12. PUBLIC COMMENTS

THIS SECTION OF THE MEETING IS RESERVED FOR COUNCIL TO ACCEPT "COMMENTS" FROM THE PUBLIC. IF A COUNCIL MEMBER WISHES TO RESPOND TO ANY OF THE COMMENTS, IT WILL BE DONE UNDER THE COMMENTS OF COUNCIL PORTION OF THE MEETING.

PUBLIC COMMENTS

Barbara Davis, 16 Cornell Dr.

See attached statement.

Joyce Alexander Walker, 109 Belle Arbor Dr.

See attached statement.

Michael Galman, 1702 Springdale Rd.

See attached statement.

Fred Ashman, Old Orchard Ct.

See attached statement.

COMMENTS OF COUNCIL

Councilwoman Kalitan Councilwoman Kalitan thanked the members of the Cherry Hill Reform Committee for all their hard work on the four proposed ordinances presented to council this evening and said she is looking forward to further discussion on all of them.

Councilman Polansky Councilman Polansky stated that this is the first council has heard of the four proposed ordinances, so naturally they have not had the opportunity to review them and are not able to comment at this time. Councilman Polansky said that it is important to know that the township has mailed out requests to all households for anyone interested in serving on any of the various township boards. He continued saying that although there was some response it is difficult to get people that are interested and have the time to devote to volunteering. Councilman Polansky stated that adopting an ordinance is not something that is done in two weeks. He said when an ordinance is placed on the agenda for introduction it is only after there has been extensive research done on the topic, which takes time. The ordinance is then crafted to meet its intended goal which also takes time and then finally the ordinance is reviewed by all of the concerned professionals and ultimately all of council. Introducing and adopting an ordinance is not a simple process.

Councilwoman Adler Councilwoman Adler echoed Councilman Polansky comments. Councilwoman Adler asked if anyone on the committee had done any research as to the cost of the application of the ordinances. The councilwoman continued saying that when she listened to just one of the proposals it seemed to her that it would take a full time staff person to accomplish what the ordinance required and costs are always a consideration when implementing anything in the township and must always be considered.

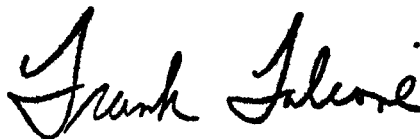
Councilwoman Kurzweil Councilwoman Kurzweil thanked the committee for presenting the proposed ordinances and stated that since she has not had an opportunity to review any of the material she is not able to comment at this time.

Councilman Garbowski Councilman Garbowski also stated that he would need some time to read and review these ordinances to better understand them.

Council Vice President Amato No Comment.

Council President Falcone No Comment.

ADOPTED: OCTOBER 22, 2007



COUNCIL PRESIDENT

ATTEST:



NANCY L. SAFFOS, RMC
TOWNSHIP CLERK

Wacey

Cherry Hill Reform Committee
Presentation
Redevelopment "Pay-to-Play" Model Ordinance

~~Honorable~~ council members and fellow citizens, good evening. My name is Fred Astmann. I live at 8 Anvil Court. in Old Orchard

I am here tonight ^{also} on behalf of the Cherry Hill Reform Committee to present the township council a model redevelopment pay-to-play reform ordinance. As with the other ordinances we have submitted, this model was prepared by a team of ~~top~~ legal experts and advanced by the Citizens' Campaign to ensure the integrity of the redevelopment plan process.

Now that you have banned the practice of pay-to-play campaign contributions being traded for lucrative government contracts, it is time to ~~also~~ ^{also} apply contribution limits to those who seek or who help others seek large-scale redevelopment projects. The selection of redevelopers and the granting of redevelopment rights should not be subject to political influence through the use of campaign contributions any more than other professional service contracts. Yet, under New Jersey state redevelopment law, local officials have the authority and discretion to exercise eminent domain, award tax abatements, and other financial benefits to developers performing redevelopment work.

Redevelopment decisions have a profound impact on the quality of life of our citizens and it is critical that they be made based on the public interest, not as a reward to big contributors and politically connected players.

The model ordinance we are presenting this evening would sever the link between redevelopment agreements and political contributions.

This ordinance bans contributions by developers who wish to do redevelopment work in Cherry Hill. It would prohibit contributions from one year prior to entering into negotiations through the completion of the agreement. The ordinance also provides for effective enforcement by making the penalty for violating the ordinance a breach of the agreement. Furthermore, if a developer tries "wheel money," then a developer is barred from future redevelopment work for 4 years.

We respectfully submit ^{a copy} ~~copies~~ of the model redevelopment pay to play reform ordinance for your consideration. We hope that the council would be able to place this ordinance on first reading at the next council meeting.

We respectfully ask that you take a leadership role and adopt this important reform, and as always thank you in advance for your consideration.

To further strengthen
your public commitment
to better government,
citizen protection,
and a safer
Thank you

Cherry Hill Reform Committee
Presentation
Redevelopment "Pay-to-Play" Model Ordinance

~~Honorable~~ council members and fellow citizens, good evening. My name is Fred Astmann. I live at 8 Anvil Court. *in Old Orchard*

also
I am here tonight on behalf of the Cherry Hill Reform Committee to present the township council a model redevelopment pay-to-play reform ordinance. As with the other ordinances we have submitted, this model was prepared by a team of ~~top~~ legal experts and advanced by the Citizens' Campaign to ensure the integrity of the redevelopment plan process.

Now that you have banned the practice of pay-to-play campaign contributions being traded for lucrative government contracts, it is time to ~~also~~ *also* apply contribution limits to those who seek or who help others seek large-scale redevelopment projects. The selection of redevelopers and the granting of redevelopment rights should not be subject to political influence through the use of campaign contributions any more than other professional service contracts. Yet, under New Jersey state redevelopment law, local officials have the authority and discretion to exercise eminent domain, award tax abatements, and other financial benefits to developers performing redevelopment work.

Redevelopment decisions have a profound impact on the quality of life of our citizens and it is critical that they be made based on the public interest, not as a reward to big contributors and politically connected players.

The model ordinance we are presenting this evening would sever the link between redevelopment agreements and political contributions.

This ordinance bans contributions by developers who wish to do redevelopment work in Cherry Hill. It would prohibit contributions from one year prior to entering into negotiations through the completion of the agreement. The ordinance also provides for effective enforcement by making the penalty for violating the ordinance a breach of the agreement. Furthermore, if a developer tries "wheel money," then a developer is barred from future redevelopment work for 4 years.

We respectfully submit *a copy* ~~copies~~ of the model redevelopment pay to play reform ordinance for your consideration. We hope that the council would be able to place this ordinance on first reading at the next council meeting.

We respectfully ask that you take a leadership role and adopt this important reform, and as always thank you in advance for your consideration.

*To further strengthen
your public commitment
to better government,
Citizen protection,
and in topics
Thank you*



A MODEL ORDINANCE FOR REDEVELOPMENT ("PAY-TO-PLAY") REFORM

Be it Ordained by the Mayor and Council of _____, County of _____, and State of New Jersey, as follows.

Preamble

WHEREAS, it has become more frequent for developers, sometimes at the request of candidates for local elected office or political party officials, to make substantial political contributions to the election campaigns for local government offices, and to the political parties which support them; and

WHEREAS, the local government officials are, once elected, responsible for deciding the terms of a redevelopment agreement; and

WHEREAS, political contributions from developers entering into agreements for redevelopment projects approved by the elected officials who receive such contributions raise reasonable concerns on the part of taxpayers and residents as to their trust in the process of local redevelopment, including but not limited to redevelopment decisions on tax abatements, zoning densities, publicly funded infrastructure improvements, and acquisition of property rights pursuant to eminent domain; and

WHEREAS, the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* provides a mechanism to empower and assist local governments in efforts to promote programs for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-8 allows municipalities or a designated redevelopment entity to enter into agreements with redevelopers for planning, replanning, construction or undertaking of any project or redevelopment work without public bidding and at such prices and upon such terms as it deems reasonable within areas designated for redevelopment; and

WHEREAS, N.J.S.A. 40A:12A-11 provides that redevelopment entities are instrumentalities of the municipality; and

WHEREAS, both the exceptions to the Open Public Meetings Act, more specifically N.J.S.A. 10:4-12b, and N.J.S.A. 40A:12A-8 provide that negotiations for such agreements can be

conducted in executive session, provided the full terms of any such agreements are discussed and approved in open session; and

WHEREAS, the (Municipality) has previously or may declare certain areas of the (township/borough/city) to be Areas in Need of Redevelopment under the Local Redevelopment and Housing Law, and has or may adopt a Redevelopment Plan; and

WHEREAS, given the potential of negotiating with private parties or redevelopers and the entering into agreements with such redevelopers without a formal public bidding process, as permitted by the Local Redevelopment and Housing Law, it is necessary to establish certain limitations on political contributions which may undermine public confidence in any redevelopment effort; and

WHEREAS, the restriction against local political contributions contained herein does not impair in any way the remaining opportunities for such redevelopers to speak, write and publish their sentiments about local elections and candidates or to volunteer or associate with campaigns of their own choosing; and

THEREFORE, be it ordained by the Council of the (Municipality), in the County of (County) and State of New Jersey, that the policy of the (Municipality) will be to create such a regulation which states that any entity or individual seeking to enter into a redevelopment agreement or amendment thereto or is otherwise seeking to obtain rights to develop pursuant to a redevelopment agreement, who makes political contributions to (Municipality) elected officials and local and county political committees, will be ineligible to receive such agreements, or rights from the (Municipality).

Section 1: Redevelopment Agreements Under the Local Redevelopment and Housing Law

- I. Prohibition of entering into or amending redevelopment agreements with certain contributors**
- (a) Any other provision of law to the contrary notwithstanding, the (Municipality) or any of its purchasing agents or agencies or those of its independent authorities, as the case may be, shall not enter into an agreement, amend an agreement, or otherwise contract with any redeveloper for the planning, replanning, construction or undertaking of any redevelopment project, including the acquisition or leasing of any public property in conjunction with the redevelopment of any area within the (Municipality) pursuant to the Local Redevelopment and Housing Law, if that redeveloper has made any contribution of money or pledge of a contribution, including in-kind contributions, during the applicable time period as specified below, to a campaign committee of any (Municipality) candidate or holder of public office within the (Municipality) having responsibility for

arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the (Municipality) or; to any municipal political campaign committee, or to any (County) party committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of (Municipality) municipal campaigns (PAC). For purposes of this section, the “applicable time period” shall be defined as the time period between the date that the property which is the subject of the redevelopment project has been included in a memorializing resolution adopted by the governing body directing the planning board to conduct a preliminary investigation to determine if the site is in need of redevelopment pursuant to and in accordance with the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, and the date of entering into the redevelopment agreement.

- (b) All redevelopment agreements or amendments thereto entered into by the (Municipality) shall contain a provision prohibiting redevelopers as defined in section (c) to solicit or make any contribution of money or pledge of a contribution including in-kind contributions, to any (Municipality) candidate or holder of public office within the (Municipality) having responsibility for arranging, entering into, or approving the redevelopment agreement, or for appointing those who enter into the agreement on behalf of the (Municipality) or; to any (Municipality) political campaign committee, or to any (Municipality) or (County) Party Committee, or to any political action committee which regularly engages in the support of municipal elections and/or municipal parties or which engages in the support of (Municipality) municipal campaigns (PAC), between the time of first communication between that redeveloper and the municipality regarding a redevelopment project and the later of the termination of negotiations or the completion of all matters specified in the redevelopment agreement.
- (c) As defined in N.J.S.A. 40A:12A-3, a “redeveloper” means any person, firm, corporation or public body that shall enter into or propose to enter into a contract with a municipality or other redevelopment entity for the redevelopment or rehabilitation of an area in need of redevelopment, or an area in need of rehabilitation, or any part thereof, under the provisions of this act, or for any construction or other work forming part of a redevelopment or rehabilitation project.. For the purposes of this ordinance the definition of a redeveloper includes all principals who own ten percent (10%) or more of the equity in the corporation or business trust, partners, and officers in the aggregate employed by the provider as well as any affiliates or subsidiaries directly controlled by the redeveloper. Spouses and adult children at home shall also be included.
- (d) For the purposes of this section, the office that is considered to have responsibility for arranging and entering into the redevelopment agreement under the Act shall be:
 - 1. The (Municipality) Council if the redevelopment agreement requires approval or appropriation from the Council or a public officer who is responsible for arranging and entering into the redevelopment agreement if that public officer is appointed by Council; or
 - 2. The Mayor of (Municipality) if the redevelopment agreement requires the approval of the Mayor or a public officer who is responsible for arranging and

entering into the redevelopment agreement if that public officer is appointed by the Mayor; or

3. A designated redevelopment entity, if the redevelopment agreement requires the approval of the redevelopment entity.

II. Contributions made prior to the effective date

No contribution of money or any other thing of value, including in-kind contributions, made by a redeveloper to any (Municipality) candidate for Mayor or (Municipality) Council or (Municipality) political campaign committee shall be deemed a violation of this section nor shall an agreement for redevelopment projects of any kind whatsoever be disqualified thereby if that contribution or agreement was made by the redeveloper prior to the effective date of this section.

III. Notice given by Municipality; Sworn Statement of Redeveloper

- (a) It shall be the municipality's continuing responsibility to give notice of this Section when the municipality gives notice of redevelopment pursuant to 40A:12A-6 and when the municipality adopts a resolution directing the planning board to prepare a redevelopment plan and at the time that the municipality adopts the ordinance to implement the redevelopment plan.
- (b) Prior to arranging and entering into the redevelopment agreement with any redeveloper, the (Municipality) or any of its purchasing agents or agencies or independent authorities, as the case may be, shall receive a sworn statement from the redeveloper that the redeveloper has not made any contribution in violation of Section 1(a) above. Furthermore, the redeveloper shall have a continuing duty to report any violations of this ordinance that may occur while arranging and entering into the redevelopment agreement, and until all specified terms of the agreement have been completed. The certification required under this subsection shall be made prior to entry into the agreement with the municipality and shall be in addition to any other certifications that may be required by any other provision of law.

IV. Contribution Restrictions and Disclosure Requirement Applicability to Consultants

- (a) The contribution and disclosure requirements in this Ordinance shall apply to all redevelopers as well as professionals, consultants or lobbyists contracted or employed by the business entity ultimately designated as the redeveloper to provide services related to the:
 - 1) Lobbying of government officials in connection with the examination of an area and its designation as an area in need of redevelopment or in connection with the preparation, consultation and adoption of the redevelopment plan.
 - 2) Obtaining the designation or appointment as redeveloper

- 3) Negotiating the terms of a redevelopment agreement or any amendments or modifications thereto; and
 - 4) Performing the terms of a redevelopment agreement
- (b) It shall be a breach of the consultant's contract, and shall require immediate termination, for a consultant to violate the contribution limits and disclosure requirements in this Ordinance.
 - (c) A redeveloper who participates in, or facilitates, the circumvention of the contribution restrictions through consultants or professionals shall be deemed to be in breach.

V. Return of Excess Contributions

A redeveloper or municipal candidate or officeholder or municipal or county party committee or PAC referenced in this ordinance may cure a violation of Section 1 of this Act, if, within 30 days after the date on which the applicable ELEC Report is published, the redeveloper notifies the Municipal Council in writing and seeks and receives reimbursement of a contribution from the municipal candidate or municipal or county political party or PAC referenced in this ordinance.

VI. Penalty

- (a) It shall be a breach of the terms of the (Municipality) redevelopment agreement for a redeveloper to: (i) make or solicit a contribution in violation of this ordinance; (ii) knowingly conceal or misrepresent a contribution given or received; (iii) make or solicit contributions through intermediaries for the purpose of concealing or misrepresenting the source of the contribution; (iv) make or solicit any contribution on the condition or with the agreement that it will be contributed to a campaign committee of any candidate or holder of the public office of (Municipality); (v) engage or employ a lobbyist or consultant with the intent or understanding that such lobbyist or consultant would make or solicit any contribution, which if made or solicited by the redeveloper itself, would subject that entity to the restrictions of this ordinance; (vi) fund contributions made by third parties, including consultants, attorneys, family members, and employees; (vii) engage in any exchange of contributions to circumvent the intent of this ordinance; or (viii) directly or indirectly, through or by any other person or means, do any act which would subject that entity to the restrictions of this ordinance.
- (b) Furthermore, any redeveloper who violates (a) ii-viii shall be disqualified from eligibility for future (Municipality) redevelopment agreements for a period of four calendar years from the date of the violation.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect immediately upon final passage and publication in accordance with the law.

BE IT FURTHER ORDAINED, that all other Ordinances or parts of Ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 2. Effective Date:

This ordinance shall become effective on _____.

Mayor

Municipal Clerk

Introduced:

Adopted:

Veto or Approval:

Final Publication:

Cherry Hill Reform Committee
Presentation For
"Competitive Negotiation" Model Ordinance

My name is Mike Gellman. I live at 1702 Springdale Rd.

On behalf of the Cherry Hill Reform Committee, and the residents of Cherry Hill, I am here to present to the township council a model Ordinance Requiring Competitive Negotiation for Professional Service Contracts. This model ordinance was prepared by the same team of top legal experts that drafted the Citizens' Campaign Pay-to-play Reform Ordinance you adopted in August.

This ordinance is, in fact, an important companion piece to the Pay-to-play Reform Ordinance because it further insures not only that the Township is getting the most qualified professionals contractors, but also that it is getting them through a transparent process at the best possible price.

This model ordinance would provide qualification-based, competitive negotiation procedures to ensure "fair and open" competition through published rules and decision-making criteria.

These measures would codify Township procedures for public notice and clarify the minimum performance standards, cost details of proposals (including copying fees and cost of assistant personnel), application deadlines, and other factors, which are important for generating a competitive price for professional service contracts. This ordinance would standardize submission requirements to include the names and roles of the individuals who will perform the task and a description of their experience with projects similar to the matter being advertised. It will also require specific references, a documented record of success, a description of the applicant's ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff), and, most important, cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount. This basic cost information has not been typically required of professional service contract submissions in Cherry Hill.

We hope and request that the council place this ordinance on first reading at the next council meeting. By doing so Cherry Hill would put in place important measures for ensuring that its professional service contracts are awarded to the most qualified bidder through a true "fair and open process".

We respectfully ask that you take a leadership role and adopt this important reform, and we thank you in advance for consideration of this ordinance.



A MODEL ORDINANCE REQUIRING COMPETITIVE NEGOTIATION FOR PROFESSIONAL SERVICE CONTRACTS

Be it Ordained by the Mayor and Council of the Township of Cherry Hill, County of Camden, and State of New Jersey as follows:

Section 1. Short Title:

Competitive Negotiation Ordinance

Section 2. Purpose:

WHEREAS this municipality has a strong commitment to open and fair competition; and

WHEREAS qualification based, competitive, negotiation procedures help to ensure open and fair competition through published rules and decision making criteria;

THEREFORE, it is accordingly found and determined that the paramount public interest is served by requiring that the township award all contracts or agreements to outside consultants for the provision of professional services on the basis of competitive negotiation.

Section 3. Definitions:

1. "Professional services" for purposes of this ordinance means, as defined at N.J.S.A. § 40A:11-2(6), services rendered or performed by a person authorized by law to practice a recognized profession, whose practice is regulated by law, and the performance of which services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized instruction and study as distinguished from general academic instruction or

- b. References and record of success.
 - c. Description of ability to provide the services in a timely fashion (including staffing, familiarity and location of key staff).
 - d. Cost details, including the hourly rates of each of the individuals who will perform services and time estimates for each individual, all expenses, and, where appropriate, total cost of "not to exceed" amount.
6. The selection criteria to be used in awarding a contract or agreement for professional services shall include:
- a. Qualifications of the individuals who will perform the tasks and the amounts of their respective participation.
 - b. Experience and references.
 - c. Ability to perform the task in a timely fashion, including staffing and familiarity with subject matter.
 - d. Cost competitiveness.
7. All submissions shall be kept on file during the term of the related contract, and shall be public records after the deadline for the submission of proposals.
8. In the event that compliance with part or all of the requirements of this ordinance is impracticable as regards a particular contract or agreement, the township council may waive part or all of the requirements by a majority vote of the full council together with publication of a resolution setting forth with specificity the reasons such waiver is required.

Section 5. Severability and Effectiveness Clause:

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

Cherry Hill Reform Committee
Presentation For
“Developer Disclosure” Model Ordinance

Honorable council members and fellow citizens, good evening. My name is Joyce Walker. I live at 109 Belle Arbor Dr.

I am here tonight with the Cherry Hill Reform Committee to present the township council with a model reform ordinance, called *Developer Disclosure*. This ordinance has been prepared by a team of legal experts from the Citizens’ Campaign in order to ensure that zoning variances are decided through a fair and impartial process.

For those who are not familiar, applicants for planned developments often deviate from the goals of the municipal master plan and provide opportunities for significant private gain. Requiring full disclosure of political contributions by developers and professionals with an interest in the zoning outcome is crucial to assuring the continuing integrity of the municipal Master Plan.

We have read too many news articles about campaign contributions influencing development around the state. We are presenting this ordinance tonight, so that we can be proactive in recognizing that this activity has no place in the zoning application process.

This model Developer Disclosure ordinance will enhance the citizens’ ability to determine whether the money or merit is the basis for zoning variances and to protect our towns and neighborhoods from harmful developments.

This ordinance is being presented to formalize good government practices for future governing bodies.

Because limiting the influence of money in government is such an important issue, we respectfully submit copies of the model zoning reform ordinance for your consideration and ask that the council place this ordinance on first reading at the next council meeting. By doing so Cherry Hill will put in place important transparency measures and send a message its citizens and other towns that now is time to restore integrity to the development process.

I respectfully ask that you take a leadership role and adopt this important reform.

I thank you in advance for consideration of this ordinance.



**A MODEL ORDINANCE
REQUIRING CONTRIBUTION
DISCLOSURE STATEMENTS IN
ZONING APPLICATIONS**

Be it Ordained by the Mayor and Council of _____, County
of _____, and State of New Jersey as follows:

Section 1. Short Title:

Contribution Disclosure Ordinance

Section 2. Purpose:

WHEREAS municipal Master Plans include well thought out, long-term decisions about the development capacity of community; and

WHEREAS municipal Master Plans are implemented through the enactment of local land use ordinances; and

WHEREAS deviations from these local ordinances by way of variances pursuant to N.J.S.A. 40:55D-70d and N.J.S.A. 40:55D-70c, exceptions and waivers pursuant to N.J.S.A. 40:55D-51 provide opportunities for significant private gain; and

WHEREAS, applicants for planned developments, as defined in N.J.S.A. 40:55D-6 often deviate from the goals of the municipal master plan and provide opportunities for significant private gain; and

WHEREAS openness in government and a fair and impartial variance, waiver and exception and planned development application process is crucial to assuring the continuing integrity of the municipal Master Plan, its implementing ordinances and the integrity of the variance application process; and

WHEREAS disclosure of political contributions by property owners, developers and professionals will enhance the township's existing commitment to openness in government and provide further guarantees for a fair and impartial variance, waiver and exception application process; and

WHEREAS disclosure of political contributions by property owners, developers and professionals will effectuate the purposes of the Municipal Land Use Law to promote morals and the general welfare;

THEREFORE, it is accordingly found and determined that the paramount public interest in enhancing the township's commitment to openness in government, in providing further guarantees for a fair and impartial variance, waiver and exception application process, and in promoting morals and the general welfare through the integrity of the municipal planning process requires the supplementation of the municipal application checklist to mandate the listing of specified political contributions made by property owners, developers and the professionals whose services they use in applications for major variances, waivers and exceptions.

Section 3. Definitions:

- a. Application Checklist – The term “Application Checklist” means the list of submission requirements adopted by ordinance and provided by the municipal agency to a developer pursuant to N.J.S.A. 40:55D-10.3.
- b. Developer – The term “Developer” means a developer as defined by N.J.S.A. 40:55D-4, i.e. the legal or beneficial owner or owners of a lot or of any land proposed to be included in a proposed development, including the holder of an option or contract to purchase, or other person having an enforceable proprietary interest in such land.
- c. Professional – The term “Professional” means any person or entity whose principals are required to be licensed by New Jersey Law and who supplies legal representation, expert testimony or written reports in support of an application. Professionals shall include both any individuals supplying the representation, testimonies or reports and the firms or entities in which said individuals practice.
- d. Contribution – The term “Contribution” means every loan, gift, subscription, advance or transfer of money or other thing of value, including any item of real property or personal property, tangible or intangible (but not including services provided without compensation by individuals volunteering a part or all of their time on behalf of a candidate, committee or organization), made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee and any pledge, promise or other commitment or assumption of liability to make such transfer. For purposes of reports required under the provisions of the ordinance, any such commitment or assumption shall be deemed to have been a contribution upon the date when such commitment is made or liability assumed.

- e. Contribution Disclosure Statement – The term “Contribution Disclosure Statement” means a list specifying the amount, date, and the recipient of any and all Contributions made to or on behalf of any candidate, candidate committee, joint candidates committee, political committee, continuing political committee or political party committee of, or pertaining to, this municipality, made up to one year prior to filing the variance application and/or during the pendency of the application process, and required to be reported pursuant to N.J.S.A. 19:44A-1 et seq.

Section 4. General Provisions:

- a. Disclosure Requirements
 - i. Any applicant for a variance pursuant to N.J.S.A. 40:55D-70(d) or a variance pursuant to N.J.S.A. 40:55D-70c in conjunction with any application for a subdivision not considered a minor subdivision pursuant to local ordinance or a site plan not considered a minor site plan pursuant to local ordinance as well as any application for a subdivision not considered a minor subdivision pursuant to local ordinance or site plan not considered a minor site plan pursuant to local ordinance requiring waivers or exceptions pursuant to N.J.S.A. 40:55D-51 shall include in the application Contribution Disclosure Statements for all Developers; all associates of said Developers who would be subject to disclosure pursuant to N.J.S.A. 40:55D-48.1 or 40:55D-48.2; and all Professionals who apply for or provide testimony, plans, or reports in support of said variance and who have an enforceable proprietary interest in the property or development which is the subject of the application or whose fee in whole or part is contingent upon the outcome of the application. Regardless of whether the owner of the property which is the subject of the variance application falls in any of the categories established in the preceding sentence, the applicant shall include in the application a Contribution Disclosure Statement for said owner.
 - ii. During the pendency of the application process until final site plan approval is granted, any applicant required to comply with this ordinance shall amend its Contribution Disclosure Statements to include continuing disclosure of all Contributions within the scope of disclosure requirement of the above paragraph.
- b. Inclusion of Contribution Disclosure Statements as an Element of the Application Checklist

- i. An Application Checklist ordinance is hereby adopted pursuant to N.J.S.A. 40:55D-10.3 to require that the Contribution Disclosure Statements specified in paragraph "a" of this section be submitted by the applicant for all applications for variance relief pursuant to N.J.S.A. 40:55D-70d as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance.
 - ii. The municipal planning board and board of adjustment shall amend its Application Checklist for variances pursuant to N.J.S.A. 40:55D-70(d) as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance to include the Contribution Disclosure Statements specified in paragraph "a" of this section.
 - iii. An application shall not be deemed complete by the administrative official or accepted for public hearing by the Municipal Agency until the required Contribution Disclosure Statements are submitted.
- c. Availability of the Disclosure Statement

All Contribution Disclosure Statements shall be available in the office of the administrative officer for review by any member of the public.

d. Intent of the Disclosure Statement

It is the intent of this ordinance that the Disclosure Statement shall serve to inform the public and not serve as evidence relevant to the decision criteria for variance applications pursuant to N.J.S.A. 40:55D-70(d) as well as for relief pursuant to N.J.S.A. 40:55D-70c or N.J.S.A. 40:55D-51 in applications for site plan and subdivision approval not considered to be minor site plans or minor subdivisions pursuant to local ordinance.

Section 5. Severability and Effectiveness Clause:

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

Section 6. Effective Date:

This ordinance shall become effective on _____.

Mayor

Municipal Clerk

Introduced:

Adopted:

Veto or Approval:

Final Publication:

Cherry Hill Political Reform Committee
Open Appointments Ordinance
Presentation

Good evening. My name is Barbara Davis. I live at 16 Parnell Dr.

I am here tonight on behalf of the Cherry Hill Reform Committee and three other Committee members to respectfully request that you consider and enact four good government laws. The Committee, formerly the Cherry Hill Pay to Play Reform Committee, is dedicated to achieving Mayor Platt's stated goal of making Cherry Hill a "beacon for political reform" and an open and transparent local government.

The first we propose would establish an open application law and public directory of appointed municipal positions. The purpose of our proposed ordinance is to foster openness in government and to provide citizens with information concerning the various appointed municipal positions which exist within Cherry Hill Township. While we are currently seeking up to date information on Cherry Hill Township's appointed positions on boards and commissions, we estimate that Cherry Hill currently has at least 165 positions on 13 boards and commissions based on the township's website and known ordinances. This total does not include the special committees, such as the Mayor's Route 70 Task force, that are appointed from time to time, or any committees, boards, and advisory groups appointed by the Fire District, School Board, or other regional entities to which the Mayor may also make appointments.

Our proposed ordinance provides a procedure whereby a citizen can indicate his/her desire to serve in a particular appointed position and a notification process so that those citizens will be notified when that position is under consideration for appointment and will ultimately be notified as to the action that was taken. Our ordinance would have the municipal clerk cause a register of appointed municipal positions to be prepared and maintained on the township's website and at the municipal hall and township library. The register would include the title of each appointed municipal position, a brief description of the positions' powers and duties, and any special credentials or qualifications required or desired to hold the position. It would also provide the name of the person currently holding the position, the expiration date of his or her term, the number of vacant seats on the board or commission, and the dates, times, and frequency of any meetings which the holder of the position must attend.

The ordinance provides that any person interested in serving may file a standard form application (created by the ordinance) for such position with the municipal clerk. Such application(s) could be filed at any time, whether or not the appointed municipal position sought is vacant. The municipal clerk would distribute application forms and guidelines for applying and serving in the appointed position and maintain all filed applications in a file or binder, segregated for each board or commission.

Prior to filling any appointed municipal position, the ordinance would require that the appointing authority review each application filed for that position. Each person submitting an application would be notified of the vacancy. The appointing authority would conduct such review, investigation and/or interviews as the appointing authority deems necessary or advisable, in its discretion. After a decision is reached to fill a vacant appointed municipal position, all those who had submitted an application for that position would be notified of the appointing decision. All applications and decisions would be open public records.

Our model ordinance is not complicated. It should not require a lot of time to study. Our ordinance simply establishes an open process of appointing people to advisory boards and commissions and for insuring that the lists of boards, their current membership, and open slots are available for public scrutiny. It insures that citizens can find out when a vacancy arises and to apply for it. These measures would provide the Township with a broader base for the selection of qualified candidates and would also create a standard and efficient way of responding to citizens interested in filling seats on boards and commissions.

Cherry Hill has always been open to appointing new faces in the past. This ordinance codifies the practice and gives more public notice to people interested in applying and a "citizen-friendly" process for being considered.

We respectfully submit copies of this model ordinance for your consideration.

We hope that the council would be able to place this ordinance on first reading at the next council meeting. By doing so Cherry Hill will put in place important measures for transparency and send a message to other towns that now is the time encourage greater citizen participation in the community.

We respectfully ask that you take a leadership role and adopt this important reform, and we thank you in advance for consideration of this ordinance.


CITIZENS' CAMPAIGN

A MODEL ORDINANCE FOR OPEN APPLICATION LAW AND PUBLIC DIRECTORY OF APPOINTED MUNICIPAL POSITIONS

Section 1-1.1: Intent and Purpose

The purpose of this Ordinance is to foster the openness of government and provide citizens with information concerning the various Appointed Municipal Positions which exist within (insert municipality). The Ordinance further provides for a procedure whereby a citizen can indicate his/her desire to serve in a particular appointed position. Finally, the Ordinance provides for a notification process so that those citizens who have indicated a desire to hold a position will be notified when that position is under consideration for appointment and will ultimately be notified as to the action that was taken.

Section 1-1.2: Definitions

The following terms as used in this Ordinance shall have the meaning set forth below unless the context within which the term is used clearly provides for a different meaning:

- a. Appointing Authority - The official or body which by virtue of statutory law or by Ordinance or Resolution is given the authority to appoint a person to hold a particular Appointed Municipal Position.
- b. Appointed Municipal Position - Any appointed position within the city government, which is created either by statutory law or by Ordinance or Resolution. Examples of such positions are Municipal Historian, member of any board, commission, agency, council or committee of the municipality.

Section 1-1.3: Registry of Appointed Municipal Positions

The Municipal Administrator/Clerk shall cause a register of Appointed Municipal Positions to be prepared and maintained. Such register shall be made available on the city's website and at the Municipal Hall and shall set forth at least the following:

- a. Title of each Appointed Municipal Position
- b. Brief description of the positions' powers and duties
- c. Any special credentials or qualifications required to hold the position
- d. The length of term for the position
- e. The name of the person currently holding the position, the expiration date of his or her term, and the number of vacant seats on the board or commission
- f. The dates/times and frequency of any meetings which the holder of the position must attend
- g. The Appointing Authority for each board or commission, and who confirms each appointment

Section 1-1.4: Vacancies

The Municipal Administrator/Clerk shall maintain a current updated listing of all existing vacancies for each Appointed Municipal Position within the municipality. Such list shall be made available free of charge at the Municipal Clerk's Office and shall, in addition, be posted by the Municipal Clerk on a bulletin board maintained for public announcements in the Municipal Building.

Section 1-1.5: Filling Vacancies

Unless essential for the proper functioning and/or carrying on of business of the local agency upon which the vacancy has occurred, a vacancy shall not be filled for a period of ____ days from its posting in order to allow interested persons time to submit applications as provided in Section 1-1.6 below.

Section 1-1.6: Applications

The Municipal Clerk shall maintain an application form to be completed by any person interested in serving in an Appointed Municipal Position. Such application shall, at a minimum, contain the following information:

- a. Name
- b. Address
- c. Telephone number
- d. E-Mail address

- e. Appointed Municipal Position sought
- f. Qualifications/experience for position
- g. Signature

Section 1-1.7: Filing Applications

Any person interested in serving in an Appointed Municipal Position may file an application for such position with the Municipal Clerk. Such application(s) may be filed at any time, whether or not the Appointed Municipal Position sought is vacant. A person may withdraw his or her application at any time.

Section 1-1.8: Maintaining Applications

The Municipal Clerk shall maintain all filed applications in a file or binder, segregated for each board or commission. Applications shall be considered void after two years unless renewed by the applicant.

Section 1-1.9: Filling Voluntary Municipal Positions

Prior to filling any Appointed Municipal Position, the appropriate Appointing Authority shall review each application filed for that position. Each person having submitted an application for an Appointed Municipal Position under consideration to be filled shall be notified of said vacancy. The Appointing Authority shall conduct such review, investigation and/or interviews as the Appointing Authority deems necessary or advisable, in its discretion. After a decision is reached to fill a vacant Appointed Municipal Position, all those who had submitted an application for that position shall be notified of the appointing decision.

Section 2

All Ordinances and parts of Ordinances inconsistent herewith are hereby repealed.

Section 3. Severability and Effectiveness Clause:

If any sentence, paragraph or section of this ordinance, or the application thereof to any persons or circumstances shall be adjudged by a court of competent jurisdiction to be invalid, or if by legislative action any sentence, paragraph or section of this ordinance shall lose its force and effect, such judgment or action shall not affect, impair or void the remainder of this ordinance.

Section 4. Effective Date:

This ordinance shall become effective on _____.

Mayor

Municipal Clerk

Introduced:

Adopted:

Veto or Approval:

Final Publication:

**TOWNSHIP OF [INSERT MUNICIPALITY NAME]
APPLICATION FOR APPOINTMENT TO
CITIZEN ADVISORY BOARDS AND COMMISSIONS**



Please read and complete both sides of this application.

Personal Information

Name _____

Home Address _____

City _____ State _____ Zip _____

Home Phone _____ Email _____

Do you reside within the city limits? Yes No

Are you 18 or older? Yes No Are you a U.S. citizen? Yes No

Experience and Education

Civic Activities (including, but not limited to other boards/commissions): _____

Schools attended, degrees, nonacademic experience: _____

Resume attached (optional)

Statement of Interest

For which board or commission would you like to be considered?

1st choice: _____

2nd: _____ 3rd: _____

Please write a brief statement of 50 words or less, explaining your interest in the board or commission for which you are applying. Include any experience, training, and/or qualifications you have relating to this board or commission. _____

Please indicate any conflicts of interest you may have if chosen for this board or commission:
