

**TOWNSHIP OF EDGEWATER PARK  
MINUTES-FEBRUARY 21, 2012**

Mayor McElwee called the meeting to order at 7:30 PM

**Open Public Meetings Act Statement**

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231,  
P.L. 1975 THE CLERK READ THE STATEMENT:

Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Township Committee in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 9, 2012.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 9, 2012.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 9, 2012.

Present: Mrs. Aimee Belgard, Mr. Darrell Booker Mr. Scott Kercher, Mr. Joseph Pullion, Mayor John McElwee (Committee Members)

Also present: Mr. Robert Brian, Chief of Police, (Public), Mr. Aubrey Painter, Superintendent of Public Works (Public), Mr. William Kearns, Solicitor (Public and Closed) Linda M. Dougherty, Clerk/Administrator (Public and Closed) and Mrs. Margaret Peak, Chief Financial Officer (Public).

**DISCUSSION(S)/PRESENTATION(S): NONE**

**APPOINTMENTS/RESIGNATIONS: NONE**

**REPORTS**

*Report from Municipal Clerk/Administrator is appended hereto.*

**Inflatable Pools**

Upon discussion, Township Committee authorized Mrs. Dougherty to move forward with an ordinance for inflatable pools. The initial cost will be \$60.00 and subsequent permit will be \$20.00 per year. Ordinance shall be introduced on first reading at the March 6<sup>th</sup> meeting.

**Solid Waste Collection**

Upon discussion, Township Committee consented to a resolution for the next meeting authorizing Rob Willis from Trash Pro to prepare bid specification for the Riverfront Neighborhood Solid Waste Collection Program which expires on December 1, 2012 for \$1,500.

**Underage Consumption of Alcoholic Beverages**

Mr. Brian reviewed an ordinance for Underage Drinking. Upon discussion, Township Committee authorized Mrs. Dougherty to move forward with an ordinance for Underage

Consumption of Alcoholic Beverages. Ordinance shall be introduced on first reading at the March 6<sup>th</sup> meeting.

**Animal Control Contract**

Mrs. Dougherty reviewed the animal control contract as well as contracts and provisions from different towns in comparison to our current animal control contract. Upon review, Mrs. Dougherty recommended moving forward with the Willingboro Animal Control, our current animal control officer.

*There were no other reports.*

**REPORT ACCEPTANCE**

Moved by: Mrs. Belgard Second: Mayor McElwee

Discussion:

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

**AUTHORIZATIONS/CONSIDERATIONS: NONE**

**RAFFLE/FUNCTION APPLICATIONS:**

All matters listed under items # 8 Raffle/Function Applications are considered to be routine and will be enacted with a single motion on a consent agenda. If any item on the consent agenda requires consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mrs. Belgard Second: Mayor McElwee

Discussion:

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

**Solicitor's Permits:**

Solicitor's Permit No.: 2012-3; Robert Busch, Knights of Columbus, Donations: Can Shake, Pathmark and Cramps on April 27 to April 29, 2012 from 9 am – 5pm. Request waiver of \$10.00 Township fee, non-profit organization filed; Letter of permissions are on file. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

**Raffle Applications: NONE**

**Public Functions:**

2012-5 EPAA Roshonda Edwards Cheerleading Weimann Field House, Tues thru Fri 6PM to 9 PM 3/1/2012 thru 12/31//2012. Requesting waiver of fees (Certificate of Insurance on File)

**RESOLUTIONS**

**CONSENT AGENDA**

Motion to Approve Resolution No. 2012-42 through 2012-44 by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mayor McElwee Second: Mr. Kercher

Discussion:

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

**RESOLUTION NO. 2012-42**  
*Resolution Authorizing Refund of Overpayment  
Due to Double Payment of 2012 Taxes*

WHEREAS, the Tax Collector certifies to the Mayor and the Township Committee of the Township of Edgewater Park, that the tax records reflect an overpayment for the following accounts due to the following reasons:

Block 1805 Lot 2  
Talamas Almonord  
PO Box 35  
Beverly, NJ 08010  
2806.11  
Double Payment

BE IT RESOLVED that copies of said resolution be forwarded to the Tax Collector, Township Auditor, and the Treasurer for their information and any appropriate action.

**RESOLUTION NO. 2012-43**  
*Resolution Approving a Performance Surety Bond for  
Joseph and Traci Buonanno in the Amount of \$222,074.82*

WHEREAS, the Edgewater Park Planning Board approved Resolution No. P-08-5 (which amended Resolution No. P-8-2007) for the site plan of Joseph Buonnano located on Village Court aka Block 404.07, Lot 4, on January 27, 2006; and

WHEREAS, the Planning Board Engineer established the performance bond requirements in the amount of \$222,074.82 (see Improvement Bond Estimate # 3034137 dated January 22, 2010 attached); and

WHEREAS, the Planning Board Engineer, Environmental Resolutions, Inc. recommended to post the performance bond in the amount of \$222,074.82 which includes a twenty percent (20%) contingency in accordance with the New Jersey Municipal Land Use Law; and

WHEREAS, Joseph and Traci Buonanno, has posted a Performance Surety Bond in that amount with First Indemnity of America Insurance Company, 119 Littleton Road, Parsippany, New Jersey, 07054; and

WHEREAS, the Township Solicitor has reviewed said performance surety bond and finds it to be acceptable.

**NOW THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Performance Surety Bond be posted by First Indemnity of America Insurance Company, 119 Littleton Road, Parsippany, New Jersey is approved.

**RESOLUTION NO. 2012-44**

*Authorizing Execution of an Interlocal Service Agreement for Animal Control Services between the Township of Willingboro and the Township of Edgewater Park*

**WHEREAS**, the Township of Edgewater Park entered into an Interlocal Services Agreement with the Township of Willingboro to provide Animal Control services on November 22, 2005; and

**WHEREAS**, said contract was nullified in April 2011 and the Township entered into an Interlocal Service Agreement with Willingboro Township effective April 1, 2011; and

**WHEREAS**, the Township of Edgewater Park, pursuant to the terms and provisions as set forth in a revised Interlocal Services Agreement, a copy of which is filed in the Clerk's Office, desires to enter into a new Interlocal Services Agreement for a one year period, effective April 1, 2012 with the Township of Willingboro pursuant to N.J.S.A. 40:8A-1, et. seq.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Edgewater Park that the Mayor and/or Clerk/Administrator is hereby authorized to execute said agreement on behalf of the Township of Edgewater Park.

**ORDINANCES:**

**ORDINANCE NO. 2012-2**

(Second Reading and Public Hearing):

*Calendar Year 2012, Ordinance to Exceed the Municipal Budget Appropriation Limits and To Establish a Cap Bank (N.J.S.A. 40A: 4-45.14)*

**WHEREAS**, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Township Committee of the Township of Edgewater Park in the County of Burlington finds it advisable and necessary to increase its CY 2012 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$149,045.40 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Township Committee of the Township of Edgewater Park, in the County of Burlington, a majority of the full authorized membership of

this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Township of Edgewater Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$149,045.40, and that the CY 2012 municipal budget for the Township of Edgewater Park be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Moved by: Mr. Pullion Second: Mr. Kercher

**OPEN TO THE PUBLIC:** The Mayor opened this portion of the meeting to public comment for **Ordinance No. 2012-2 only**.

Discussion: Mrs. Dougherty reviewed the CAP Ordinance.

**CLOSE:** Hearing no one wishing to speak the Mayor closed this portion of the meeting to public comment for **Ordinance No. 2012-2 only**.

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

### **ORDINANCE NO. 2012-3**

(Second Reading and Public Hearing):

*An Ordinance Amending, and Supplementing, A Bond Ordinance of the Township of Edgewater Park, County of Burlington, New Jersey Adopted on May 17, 2011 and Entitled: "A Bond Ordinance of the Township of Edgewater Park, County of Burlington, New Jersey, Authorizing the Construction of Roadway Improvement to Ivy Road and Fern Lane and the Construction of Improvements to Woodlake Park; Appropriating the Sum of \$705, 000 therefore; Authorizing the Issuance of \$660,750 Bond or Notes of the Township of Edgewater Park to Finance Said Improvements; And Making Certain Other Determinations and Covenants and Authorizing Certain Related Actions in Connection with the Foregoing"*

**BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP**

**OF EDGEWATER PARK, IN THE COUNTY OF BURLINGTON, NEW**

**JERSEY** (not less than two-thirds of all the members thereof affirmatively concurring)

**AS FOLLOWS:**

**SECTION A.** Section 1 of Bond Ordinance 2011-4 finally adopted on May 17, 2011 (the "Ordinance") is amended, revised, replaced and supplemented to read as follows:



***Committeeman Pullion:***

Liaison to Redevelopment

Mr. Pullion discussed that he is working with a chain restaurant that maybe interested in sites in Edgewater Park.

***Committeewoman Belgard:***

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory next meeting is Wednesday, March 14 at 3 PM; meetings are held at the municipal building.

Liaison to Planning Board:

Mrs. Belgard reported Planning Board will meet next on Thursday, March 15 at 7:00 PM.

***Committeeman Kercher:***

Liaison to the Environmental:

Mr. Kercher reported the next meeting for the Environmental Committee is March 13 at 7:30 PM at the municipal building. Mr. Kercher further requested if anyone wanted to participate in the Green Team or Environmental Advisory Committee to let him know or come to the next Environmental meeting.

Liaison to the School Board:

Mr. Kercher reported that the next meeting of the Board Tuesday, February 28 at 7:00 PM at Jacques.

***Mayor McElwee:***

Liaison to Neighborhood Watch

Mr. Kercher reported the next meeting for Neighborhood Watch is February 23 at 6:30 PM regarding gang awareness. Neighborhood Watch volunteers patrolled three days this month. Mr. McElwee further discussed that the second annual wing fling fundraiser will be on March 10<sup>th</sup> from 4 pm to 8 pm at the Edgewater Park Elks Lodge on Green Street. Tickets are \$15.00 per person or \$20.00 if you would like to participate in the Wing eating contest.

Liaison to EPAA

The monthly report is appended hereto.

Liaison to Memorial Day Parade

Mr. McElwee reported the first meeting will be on February 29 at 7:30 PM at the Elk's Lodge. Mr. McElwee further stated they need volunteers to organize the event; the Elks Lodge provided a lot of the volunteers last year and will be involved again this year.

**APPROVAL OF BILLS**

*Approval of Bills* February 3, 2012 through February 16, 2012.

Moved by: Mr. Kercher Second: Mr. Booker

Discussion: Committee questioned a few items on the list which were addressed by Mrs. Peak, CFO.

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

**OPEN TO THE PUBLIC:** The Mayor opened this portion of the meeting to public comment.

*Steven Adezzio, Marlton, NJ*, Administrator Beverly Edgewater Park Emergency Squad stated since January had 111 calls and 64 of which were from Edgewater Park and each call was an average of 7 minutes response time. Mr. Adezzio further stated Cynthia Borden was promoted to Deputy Chief of Operations.

*Paula Teixeira, Cooper Valley Village M2*, Public Relations Liaison for the Beverly Edgewater Park Emergency Squad reported on the February 19<sup>th</sup> the food drive at St Joseph's Church.

Ms. *Teixeria*, further gave a sample of a File of Life which residents can fill out medical information which can then be provided to medics and EMTs.

Ms. *Teixeria*, further reported that there are for meet and greets scheduled: Edgewater Manor on March 6, Silver Park West on March 7, Arbor Green on March 8 and Cooper Valley Village on March 9; residents will be provided with free blood pressure screenings.

*Mrs. Mary Varsaci, 1005 Bridgeboro Road*, questioned the use of the affordable housing money from the Burlington County Times article.

Mrs. Dougherty discussed that the township has total of approximately \$40,000 in the trust account; Committee is working with various organizations to secure an agreement. As of July 17<sup>th</sup> the State is required to take uncommitted development fees for money collected prior to July 2008. There are still no published rule or guidelines that advises the the public or municipalities on how to spend the money, but Committee is taking a proactive approach.

*Mr. Noel Rainey, 7 Spring Lane*, questioned the progress of the Basin sat Silver Park West. Committee discussed that the Planning Board has approved the basin; ERI is waiting on documentation from the engineer regarding the design.

**CLOSE:** Hearing no one else wishing to speak the Mayor closed this portion of the meeting to public comment.

## **THERE WAS NO OTHER BUSINESS**

### ***Resolution No. 2012-45*** ***Closed Session***

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

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

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

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

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

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

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

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

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

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

Moved by: Mrs. Belgard Second: Mayor McElwee Time: 8:32 PM  
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Kercher-yes, Mr. Pullion-yes, Mayor McElwee -yes

**THERE WAS NO OTHER BUSINESS**

**ADJOURN**

Moved by: Mrs. Belgard Second: Mr. Pullion Time: 9:03PM  
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Kercher-yes, Mr. Pullion-yes, Mayor McElwee -yes

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John McElwee, Mayor

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Linda M. Dougherty, RMC/Administrator