

**TOWNSHIP OF EDGEWATER PARK
FEBRUARY 5, 2013-MINUTES**

Mayor McElwee called the meeting to order at 7:42 PM

FLAG SALUTE

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 8, 2013.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 8, 2013.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 8, 2013.

Present: Mr. Darrell Booker, Mr. Scott Kercher, Mr. Joseph Pullion, Mr. Michael Trainor and Mayor John McElwee (Committee Members)

Absent: None

Also present: Mr. Aubrey Painter (Public), Mr. Robert Brian, Chief of Police (Public), Mr. William Kearns, Solicitor (Public and Closed) Linda M. Dougherty, Clerk/Administrator (Public and Closed), Ms. Margaret Peak, Chief Financial Officer (Public), Mr. Rakesh Darji, Township Engineer (Public and Closed)

APPOINTMENTS/RESIGNATIONS: None

Mrs. Dougherty reported and congratulated Mrs. Peak, CFO recently passed her examine as a Qualified Purchasing Agent for the Township.

Mr. Kearns discussed that Mrs. Peak had to pass a very difficult examine.

Mrs. Peak further discussed that obtaining the title of a Qualified Purchasing Agent the bid threshold is increased to \$36,000; this is a substantial difference of a threshold of \$17,500 for municipalities that do not have a certified QPA.

Township Committee congratulated Mrs. Peak for achieving the status of QPA.

PRESENTATION/AUTHORIZATION/CONSIDERATION/DISCUSSION(S):

Proclamation: **Burlington County Youth Art Month 2013 Endorsement**

WHEREAS, art education contributes powerful educational benefits to all elementary, middle, and secondary students including the following:

- * art education develops students' creative problem-solving and critical thinking abilities;
- * art education teaches sensitivity to beauty, order, and other expressive qualities;
- * art education gives students a deeper understanding of multi-cultural values and beliefs;
- * art education reinforces and brings to life what students learn in other subjects; and

* art education interrelates student learning in art production, art history, art criticism, and aesthetics.

WHEREAS our national leaders have acknowledged the necessity of including arts experiences in all students' education; and

AND WHEREAS MARCH is officially recognized as **YOUTH ART MONTH** and therefore I, John McElwee, Mayor and on behalf of the entire Edgewater Park Township Committee endorse the observance of Youth Art Month and encourage the support of quality school art programs for children and youth.

NOW, THEREFORE, by virtue of the authority vested in me as Mayor of the Township of Edgewater Park, in the County of Burlington, do hereby endorse

March 2013 as **YOUTH ART MONTH**

Moved by: Mayor McElwee Second: Mr. Kercher

Discussion: None.

Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee –yes

FUNCTION APPLICATION:

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: Mayor McElwee Second: Mr. Pullion

Discussion: None

Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee –yes

Solicitor's Permits:

Solicitor's Permit No.: 2013.3- Lisa Irwin for Ridgway 8th Graduation Committee, April 13, 2013 – April 21, 2013. Request a waiver of all fees. Can Shake at Pathmark. 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.

Public Functions: None

Raffle License:

Raffle License No.: 2013-1; Edgewater Park BPO Elks #2550, 50/50 on Premise Raffle at 315 Green St in Edgewater Park May 11, 2013, 6 pm -10 pm. Request waiver Township fee, non-profit organization filed; A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

REPORTS

Report from the Engineer is appended hereto.

Safe Routes to School Grant: Mr. Darji reported that the Township received an \$113,000 grant award for the pathway between E Franklin Avenue and Stevenson. Mrs. Dougherty and he will be attending a mandatory seminar for the project when scheduled.

FEMA Mitigation Funding – Adams Avenue and Bogg's Run Projects: Mr. Darji discussed that he and Mrs. Dougherty have been working on the FEMA applications for the project upgrades. The DEP advised that funding is available for these types of projects through Hurricane Sandy funding. Bogg's Run, located off Perkins Lane has approximately 500' in Edgewater Park with an

additional 2,000' in Delanco Township that runs to the Conrail Line to Burlington Avenue to the Delaware River.

2013 Burlington County Burlington County Park Improvement Grant: Mr. Darji discussed that the Burlington County Freeholder's Park Improvement Grant Program has been announced. Consideration of an application for Weimann Sports Complex for tennis and basketball court, parking lot upgrades.

Upon discussion consensus of Committee was to discuss that matter further and review this option as well as other options.

Report from Municipal Clerk/Administrator is appended hereto.

Computer Upgrades – Administrative Offices, Wireless Access

Upon discussion consensus of Township Committee was to include wireless access out as an alternative bid with the IT Services specifications.

Assembly Bill 1196

Upon consensus, Township Committee authorized a resolution in opposition of Assembly Bill 1196.

Mr. Pullion made a motion to prepare a resolution for the next meeting's agenda to oppose the Senate Bill to change the OPRA law. Mr. Trainor seconded the motion.

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

Report from the Superintendent of Public Works is appended hereto.

Report from the Chief of Police is appended hereto.

Chief Brian reviewed pedestrian safety initiatives and enhancements along the corridor offered through the State. The original design for Route 130 was not designed for pedestrian and bicycle safety. Enforcement and education are being concentrated on currently; potential grant funding is pending.

REPORT ACCEPTANCE

Moved by: Mr. Kercher Second: Mayor McElwee

Discussion: none.

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

RESOLUTIONS - CONSENT AGENDA

Motion to Approve Resolution No. 2013-32 through 2013-37 by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. Booker Second: Mayor McElwee

Discussion: Township Committee questioned Resolution 2013-36.

Mrs. Dougherty explained Burlington Coat Factory completed a lighting upgrade project so they are moving from a performance guarantee to maintenance guarantee by way of an irrevocable letter of credit.

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

RESOLUTION NO. 2013-32

2013 SAFETY CONTRACT

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

We, the governing body of the Township of Edgewater Park recognize the important role an effective safety program plays in lowering employee injury rates, reducing lost time accidents, and cutting insurance costs, all of which contribute to greater employee safety and lower tax rates. Health and Safety must never be compromised. Employee safety along with the safety of the public is our number one priority. We applaud the JIF’s initiative in providing many of the safety resources needed to enhance our local safety efforts and we hereby declare our support of the JIF’s safety programs. We will achieve an accident free environment through a health and safety culture built on:

- **TRUST:** We respect each other’s opinions and decisions and will follow through on all health and safety concerns
- **CARE:** We approach each day with the determination to care for ourselves, co-workers and the community we serve.
- **KNOWLEDGE:** We seek the education and skills to properly fulfill our responsibilities.
- **COMMUNICATION:** We communicate with each other in a clear, open and honest manner.

Because mutual respect is so important, we cannot tolerate harassment or other forms of discrimination.

Our Safety Coordinator is: Robert Hess, Lieutenant
(Name and Title)

1. We have established a Safety Committee for our community and we will meet at least four times per year. Include meeting dates on attached page and use additional pages if necessary.
2. We “Put Safety on Our Agenda” by including safety and risk management topics on the Governing Body agenda on a regular basis.
3. We participate in regional and regulatory training programs.
4. We conduct periodic hazard inspection surveys and Job Site Observations.
5. We encourage supervisors and crew leaders to make a “daily safety contact” with employees.
6. We manage our claims reporting all claims in a timely manner, offering transitional duty and investigating incidents and near misses.
7. We actively promote and support health and wellness activities.

The following departments will participate in the Safety Incentive Program:

	Department	Department Head Signature	Date
	Police / Public Safety	Robert Brain, Chief of Police	
	Police / Public Safety	Robert Hess, Lt.	

	Administration	Linda Dougherty, RMC/Admin	
	Administration	Tanyika Johns, Tax Collector	
	Administration	Margaret Peak, CFO	
	Court Office	Ann DiMarco, Court Admin	
	Public Works	Aubrey Painter, Superintendent	

Safety Committee Meeting Dates (use additional page if needed)

Meeting #1 Date: March 21, 2013	Meeting #2 Date: June 20, 2013	Meeting #3 Date: September 19, 2013	Meeting #4 Date: December 9, 2013
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Safety Meetings are held:

Edgewater Park Municipal Building
400 Delanco Road
Edgewater Park, NJ 08010

RESOLUTION NO.2013-33
RESOLUTION TO AMEND THE 2012 CAPITAL BUDGET

WHEREAS, the Township of Edgewater Park, desires to amend the 2012 Capital Budget of said municipality by inserting thereon or correcting the items therein as shown in such budget;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington that the 2012 Capital Budget be amended as follows:

TO

PROJECT	TOTAL EST COST	BUDGET APPROPRIATION	CAP FUND SURPLUS	GRANTS IN AID	DEBT AUTHORIZED
Acq.Network Upgrade, Hardware Software/ Services.	\$40,000.00		\$40,000.00		
Acq. Two 4 Camera Mobile Law Enforcement Package Software/Service	38,000.00		38,000.00		
Total	\$78,000.00	\$0.00	\$78,000.00	\$0.00	\$0.00

The Township Clerk is to send two certified copies of this resolution to be filed with the Director of Local Government Services.

RESOLUTION NO. 2013-34
RESOLUTION TO CREATE TEMPORARY EMERGENCY APPROPRIATIONS

WHEREAS, NJSA 40A:4-20 provides for Emergency Temporary Appropriations during the period January 1, 2013 to the date of adoption of the 2013 Budget, and

WHEREAS, the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, is desirous of making an Emergency Temporary Appropriations in the amount of \$78,000.00 for capital acquisitions of Network Upgrade Hardware/Software services and (2) 4 Camera Mobile Law Enforcement Package Software/Service; and

WHEREAS, said Temporary Emergency Appropriations shall be included in the 2013 Capital Budget as finally adopted under the correct appropriation titles in said 2013 Budget.

NOW, THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Edgewater Park hereby authorizes the Temporary Emergency Appropriations and Temporary Emergency Capital Budget.

NOW, THEREFORE, BE IT FURTHER RESOLVED that the Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption.

RESOLUTION NO. 2013-35
***Authorizing the Burlington County Highway Department-
Division of Mosquito Control to Perform Aerial
Surveillance and Treatment***

WHEREAS, the Burlington County Highway Department-Division of Mosquito Control anticipates the resumption of its aerial surveillance and treatment program on or about April 1, 2013 and continuing through November 18, 2013; and,

WHEREAS, Aerial spraying is also a tool for controlling adult mosquitoes, found to be carrying the West Nile and other mosquito borne viruses; and,

WHEREAS, regulations of the Federal Aviation Administration require that this Division obtain written approval from the local governing body where operations are conducted,

WHEREAS, all insecticides and aircraft to be used are those approved for aerial application by both State and Federal governments.

WHEREAS, **larvicide** applications will be made by helicopter by licensed commercial applicator(s) contracted by the Division of Mosquito Control.

NOW, THEREFORE, BE IT RESOLVED, by the Governing Body of the Township of Edgewater Park, County of Burlington, State of New Jersey, that Burlington County Highway Department-Division of Mosquito Control is authorized to apply pesticides from aircraft to control mosquitoes over portions of the Township of Edgewater Park, found to have a significantly high mosquito population and may present either a public health, nuisance or disease factor.

BE IT FURTHER RESOLVED that Burlington County Highway Department-Division of Mosquito Control shall notify the Burlington County Central Communications prior to each and every aviation activity.

RESOLUTION NO. 2013-36

Resolution Authorizing the Release of a Performance Surety Bond for Burlington Coat Factory, Block 502, Lot 13 and Establishing an Irrevocable Letter of Deposit in the Amount of \$810.00

WHEREAS, the Edgewater Park Planning Board approved the Amended Site Plan on January 20, 2011 which was subsequently memorialized on March 17, 2011 by way of Resolution No. P4-2011; and

WHEREAS, Environmental Resolutions, Inc. was asked to inspect and report on the required improvements by Burlington Coat Factory, 1830 Route 130 South, Burlington, NJ 08010 for purposes of establishing Performance Surety Bond for Block 502 Lot 13; and

WHEREAS, Resolution No. 2011-48, established the Performance Surety Bond in the amount of \$47,700 posted by Fidelity & Deposit Co of Maryland, 300 Berwyn Park, Suite 102, Berwyn PA, 09312; and

WHEREAS, Environmental Resolutions Inc was asked to inspect and report on the bond release and establishment of a maintenance bond for Burlington Coat factory; and

WHEREAS, Environmental Resolutions, Inc. inspected, reported and recommended the establishment of the maintenance bond in the amount of five percent (5%) of the original construction costs of \$810.00 (see Bond Release Site Inspection letter dated October 12, 2012); and

WHEREAS, Township code section 16.32.030(c) provides for deposits in the form of cash or letter of credit;

WHEREAS, Burlington Coat Factory wishes to place such deposit with the Township in cash in the amount of \$810.00 in lieu of a letter of credit or maintenance guarantee;

WHEREAS, the Township Solicitor has reviewed said Irrevocable Letter of Deposit 2013-1 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 posted by Fidelity & Deposit Co of Maryland, Bond Number LPM762537000 be released and the Chief Financial Officer may accept a cash deposit from Burlington Coat Factory, pursuant to the terms and conditions as outlined in the attached Irrevocable Deposit Letter No. 2013-1.

RESOLUTION NO. 2013-37

Resolution Authorizing the Transfer Funds From Certain Budget Appropriation Reserves of the Township of Edgewater Park

WHEREAS, there are certain 2012 Budget Appropriations that have unexpected balances; and

WHEREAS, there are certain 2012 Budget Appropriations that are insufficient to cover operating expenses for the year.

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey that the following transfers be and are hereby made between the following 2012 Budget Appropriations:

FROM:

Police Salary & Wages (2-01-25-240-011) \$ 6,000.00

TO:

Administration Miscellaneous (2-01-20-100-100) \$ 6,000.00

REPORT OF OFFICIALS

Committeeman Kercher:

Liaison to Planning Board

Mr. Kercher reported next meeting for Planning Board will be on February 21, 2013 at 7:00PM; meetings are held at the municipal building.

Liaison to the School Board:

Superintendent Selection: Mr. Kercher reported the School Board had a lengthy discussion on the criteria for selecting a new superintendent; approximately twenty-five members of the public attended the January 31st public input meeting which was held at the Magowan School all purpose room.

Parent Teacher Organization: Mr. Kercher discussed that the PTO will be holding a fundraiser at the Deli and Pizza Shop, Cooper Street on Tuesday night from 4PM to 8PM.; PTO anticipates having many more fundraisers. Next meeting of the organization will be held on February 25th at 7PM, Ridgway School library.

Committeeman Booker:

Liaison to Recreation

Mr. Booker reported the Recreation Committee had their first meeting last week and reorganization was held with the appointment of two co-chairs; dates for their additional meetings are pending.

Mr. Booker discussed the Breakfast with the Bunny and pre registration will be required. Breakfast with the Bunny will be held on March 16th starting at 9AM and at 10:15AM the egg hunt will commence. Anyone wishing to volunteer to help with the event may call him or township office.

Committeeman Trainor:

Liaison to Senior Advisory Committee

Mr. Trainor reported that Senior Advisory Committee's next meeting will be held Wednesday, February 13 at 2:30 pm at the municipal building; meeting has been moved up one hour due to Ash Wednesday services.

Liaison to Environmental Advisory Committee

Mr. Trainor reported that the Environmental Committee will meet next Tuesday, February 12th at 7:30PM at the municipal building. 2013 Green Communities grant will be discussed and the finishing touches on Woodlake Park.

Committeeman Pullion:

Liaison to Redevelopment Advisory Committee

Mr. Pullion reported the first meeting for Economic Development is the Third Monday at 7:30 PM; the committee will be re-organizing at this meeting. Mr. Pullion continued the discussion that one of the objectives this year will be local business awareness and involvement.

Mayor McElwee:

Liaison to Neighborhood Watch

Mayor McElwee reported Neighborhood will meet February 28 here at the municipal building at 6:30 PM. The presentation will be given by Al Desjardins, Executive Emergency Management Coordinator which will include review of emergency preparedness during hurricanes, etc. Neighborhood is also having their yearly fundraiser at 45th Street Pub on March 23, 4 -8 PM and tickets are \$12 per person. The annual wing fling will include music; Mr. Trainor has volunteered his time to be the D.J.

APPROVAL OF BILLS

Affirmation of bills from December 4, 2012 through December 31, 2012

Moved by: Mr. Pullion Second: Mr. Booker

Discussion: None

Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee –yes

Approval of Bills from January 1, 2013 through February 4, 2013

Moved by: Mr. Pullion Second: Mr. Kercher

Discussion: None

Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee –yes

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

Cynthia Dixon, 300 Jamestown Road, stopped by to introduce herself and obtained local updates.

Noel Rainey, 7 Spring Lane, discussed that the State is exploring options for pedestrian safety along Route 130; the BCT article states that the State may no longer use jug handles and potential impact to Edgewater Park.

Mr. Rainey further discussed grants for potential community gardens.

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

ANY OTHER BUSINESS

Mr. Pullion discussed that Edgewater Park is exploring means to bring back community day. We are looking into a fall event; volunteers will be needed.

Mr. Booker advised that the Recreation Committee is interested in bringing the event back to the Community.

Committee further discussed various locations within the community and also reviewed that event would be discussed with their various groups. Chairpersons or a volunteer for each committee would be requested to serve on the Community Day committee.

RESOLUTION NO. 2013-38:

Closed Session

Where it is necessary to ascertain legal advice and discuss matters concerning Township of Edgewater Park vs. SPW, LLC. Where it is necessary to ascertain legal advice and discuss matters concerning Sale of Public Property, Block 1202, Lot 4.01. Where it is necessary to discuss items falling under litigation and/or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public.

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

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

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

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

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

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

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

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

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

Moved by: Mayor McElwee

Second: Mr. Trainor

Time: 9:00 PM

Discussion: Mayor McElwee stated that action may be taken regarding a legal matter upon conclusion of closed session.

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

Mayor McElwee called the public session of the meeting back to order at 9:25PM.

RESOLUTION 2013-39

Resolution Authorizing Additional Contribution regarding the Edgewater Park Township V. Silver Park West, LLC Litigation

WHEREAS, the Township Committee of the Township of Edgewater Park (“Township”) filed a Complaint in Superior Court under caption Edgewater Park Township v. Silver Park West, LLC, et al., Docket No. BUR-L-3475-06; and

WHEREAS, the Complaint involved issues associated with the Silver Park West age-restricted community within the Township, and the Township’s claims primarily dealt with construction defects; and

WHEREAS, the Defendants, developers of the property, and various other entities joined in the litigation, asserted cross and counterclaims, with all parties denying responsibility; and

WHEREAS, the parties reached an amicable settlement as to all claims asserted, or that could have been asserted in the case; and

WHEREAS, by Resolution No. 2010-121 Township Committee formally recognized and approved the “Consent Order Establishing Settlement of Dismissal of Matter and Further Providing a Release to All Parties,” which was executed by all parties and entered by the Honorable Marc M. Baldwin, J.S.C. on July 26, 2010 per Docket No. BUR-L-3475-06; and

WHEREAS, the Township desires to make an additional monetary contribution in the amount of \$32,194.00 in furtherance of the global settlement towards the approved the Consent Order entered into by the parties and approved by the Court.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey that the additional monetary contribution of \$32,194.00 is hereby authorized and approved in the furtherance of the “Consent Order Establishing Settlement of Matter and Further Providing a Release to All Parties” referenced above and incorporated herein in the matter of Edgewater Park Township v. Silver Park West, LLC, et al., Docket No. BUR-L-3475-06.

THERE WAS NO OTHER BUSINESS

ADJOURN

Moved by: Mr. Kercher Second: Mr. Pullion Time: 9:30PM

Discussion:

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

John McElwee, Mayor

Linda M. Dougherty, RMC/Administrator