

**TOWNSHIP OF EDGEWATER PARK
MINUTES-APRIL 16, 2013**

Mayor McElwee called the meeting to order at 7:30 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. Joseph Pullion, Mr and Mayor John McElwee (Committee Members)

Absent: Mr. Scott Kercher and Michael Trainor.

Also present: Mr. Aubrey Painter (Public), Mr. Robert Brian, Chief of Police (Public), Mr. William Kearns, Solicitor (Public) Mrs. Margaret Peak, Chief Financial Officer, Qualified Purchasing Agent(Public and Closed), Ms. Tanyika Johns, Tax Collector/Deputy Clerk (Public and Closed), Mr. Rakesh Darji, Township Engineer (Public)

**DISCUSSION(S)/PRESENTATION(S)/AUTHORIZATION(S)/CONSIDERATION:
*Proclamations:***

B.P.O.E. Elk's Lodge #2550, Observance of Youth Week, the 1st week of May to Honor America's Junior Citizens for their accomplishments.

WHEREAS, The Benevolent and Protective Order of Elks has designated the first week in May, as Youth Week to honor Americas Junior Citizens for their accomplishments, and to give fitting recognition of their services to Community, State and Nation; and,

WHEREAS, Edgewater Park Elks Lodge # 2550 will sponsor an observance during that week in tribute to the Junior Citizens of this Community; and,

WHEREAS, no event could be more deserving of our support and participation than one dedicated to these young people who represent the nation's greatest resource, and who in the years ahead will assume the responsibility for the advancement of our free society; and,

WHEREAS, our youth need the guidance, inspiration, and encouragement, which we alone can give, in order to help develop those qualities of character essential for future leadership; and go forth to serve America; and

WHEREAS, to achieve this worthy objective we should demonstrate our partnership with Youth, our understanding of their hopes and aspirations and a sincere willingness to help prepare them in every way for the responsibilities and opportunities of citizenship:

NOW, THEREFORE, I, Mayor John McElwee, do hereby proclaim the first week in May as Youth Week, and urge all departments of government, civic, fraternal, and patriotic groups, and our citizens generally, to participate wholeheartedly in its observance

Moved by: Mayor McElwee Second: Mr. Booker

Discussion:

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

FUNCTION APPLICATION:

Solicitor's Permits:

Solicitor's Permit No.: 2013-6: Dale K. Thompson on behalf of Ladies Aux Unit 15 Donations Collection May 4 – May 27, 2013 at Cramps, Pathmark and Wawa.

Request waiver of \$10.00 Township fee, non-profit organization filed; Permission Letters 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.

Moved by: Mr. Pullion Second: Mr. Booker

Discussion:

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

Solicitor's Permit No.: 2013-7: Ralph Hubbard on behalf of Disabled American Veterans Donations Collection May 4 – May 27, 2013 at Cramps, Pathmark and Wawa.

Request waiver of \$10.00 Township fee, non-profit organization filed; Permission Letters 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.

Moved by: Mayor McElwee Second: Mr. Booker

Discussion: Mr. Booker questioned whether they were working togh

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

Public Functions:

Edgewater Park Athletic Association; Parade Opening Day, April 20, 2013 start time 8:00 AM
Requesting waiver of fees (Certificate of Insurance on File)

Moved by: Mayor Pullion Second: Mr. Booker

Discussion:

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

Raffle License: None

REPORTS

Tax Collector's Report of Uncollectible Taxes appended hereto.

New Jersey Shade Tree Annual Accomplishment Report appended hereto.

Report from the Chief of Police

Chief Brian gave a report on the gun back.

There were no other reports.

REPORT ACCEPTANCE

Moved by: Mr. Booker Second: Mayor McElwee

Discussion:

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

RESOLUTIONS - CONSENT AGENDA

Motion to Approve Resolution No. 2013-61 through 2013-63 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. Booker

Discussion:

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

Resolution No. 2013-61

Resolution Authorizing the Release of Performance Bond and Establishment of a Two-Year Maintenance Guarantee for Joseph and Traci Buonanno Block 404.07, Lot 4 in the Amount of \$27,759.35

WHEREAS, Environmental Resolutions Inc, were asked to inspect and report on the required improvements by Joseph and Traci Buonanno, Village Court, Block 404.07 Lot 4 for purposes of establishing a two-year Maintenance Guarantee; and

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, Environmental Resolutions, Inc. established the performance bond requirements in the amount of \$222,074.82 (per Improvement Bond Estimate # 3034137 dated January 22, 2010) as approved by Resolution 2012-43 on February 21, 2012); and

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

WHEREAS, on March 14, 2013, Environmental Resolutions, Inc reported and recommended the establishment of the release of the performance guarantee and the establishment of a maintenance guarantee in the amount of \$27,759.35 (see Performance Guarantee Release letter #30341 37); and

WHEREAS, the Township Solicitor has reviewed said Maintenance Surety Bond and has found it to be in compliance.

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 No. S01653 be released and the Maintenance Surety Bond No. S 0014081 M, Reference No. S01653M be posted by First Indemnity of America Insurance Company, 119 Littleton Road, Parsippany, New Jersey, 07054 for Block 404.07, Lot 4.

RESOLUTION NO. 2013-62

Resolution Supporting S-1896/A-1503 Sharing the Burden of Property Assessment Appeal Refunds

WHEREAS, when County Tax Board appeals are successful, the municipality must reimburse the property taxpayer 100% of the appealed tax levy, which includes the municipal, school, county and any special districts tax; and

WHEREAS, the municipal tax collector must then adjust the taxpayer's fourth quarter tax bill, resulting in the municipality's fund balance for the preceding year being diminished, if not completely depleted; and

WHEREAS, in recent years, municipalities have experienced a large spike in tax appeals caused by the economic down-turn, which lowered property values and placed increased stress on the income of homeowners all around our Garden State; and

WHEREAS, successful tax appeals have a four-fold negative impact on municipal budgets; first by requiring the municipality, as the collector of taxes for the School district, county and special districts, to fund the full cost of the legal defense of the assessment; and

WHEREAS, the second negative impact on municipal budgets results from State law, which guarantees to the county and the school district 100% of their levies, hence forcing the municipality to bear the full cost of any reimbursements resulting from the appeal, as well as the full burden for any uncollected taxes; and

WHEREAS, the third negative impact on municipal budgets ensues because the refunds and credits negatively impact the municipality's tax collection rate, resulting in a State required increase in the appropriation for the Reserve for Uncollected Taxes (a non-exempt from cap budget expenditure); and

WHEREAS, fourth, the end result is a further decline in the property tax base used to support municipalities, county governments, school systems and any fire or other special purpose districts, which will necessitate tax rate increases to raise the same amount of revenue; and

WHEREAS, in light of the revenue limitations that have been placed on all levels of local government by the Legislature (2% cap), such declining values will compound and add additional stress to local public officials, as they grapple with the issues confronting the tax paying public.

WHEREAS, Senator Anthony R. Bucco, Assemblyman Michael Patrick Carroll and Assemblyman Anthony M. Bucco have recently introduced Senate Bill S-1896/Assembly Bill A-1503, which requires fire districts, school districts, and county governments to share in burden of property assessment appeal refunds;

NOW, THEREFORE, BE IT RESOLVED, by the **TOWNSHIP COMMITTEE OF THE TOWNSHIP OF EDGEWATER PARK** hereby urge the swift passage and signing of S-1896/A-1503; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator (Senator Diane Allen), to our two Representatives in the General Assembly (Assemblyman Herb Conaway and Assemblyman Troy Singleton), and to the New Jersey League of Municipalities.

RESOLUTION NO. 2013-63

Transfer of Liquor License from Kove Catering, Inc. to DYN/BOYS, LLC

WHEREAS, an application has been filed for a Person-to-Person and Place to Place Transfer of Plenary Retail Consumption License Number 0312-33-005-005, heretofore issued to DYN/BOYS, LLC for the premises located at 4387 Route 130 South, Edgewater Park, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the license business and all additional financing obtained in connection with the license business;

NOW, THEREFORE BE IT RESOLVED that the Edgewater Park Township Committee of the Township of Edgewater Park does hereby approve, effective April 17, 2013 2013, the Person to Person And Place to Place transfer of the aforesaid Plenary Retail Consumption License to DYN/BOYS, LLC and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "The license, subject to all its terms and conditions, is hereby transferred to DYN/BOYS, LLC, effective April 17, 2013."

REPORT OF OFFICIALS

Committeeman Kercher:

Liaison to the School Board:

Mr. Kercher reported

Committeeman Booker:

Liaison to Recreation

The recording scheme came out for the schools. The school is working to get the technology together.

Mr. Booker discussed the Recreation Committees role in the Memorial Day Parade and the fishing derby. Mr. Booker is going to reach out to Mr. Trainor for the fishing derby.

Mr. Booker further discussed working the concession EPAA how to

Committeeman Trainor:

Liaison to Redevelopment

Mr. Pullion stated Community Day is moving along. Mr. Pullion further stated area businesses are invited along. Mr. Pullion further stated the first meeting is April 24th at 7:30 PM.

Mayor McElwee:

Mayor McElwee stated the Batters Up competition was this weekend which was well attended. Mayor McElwee further thanked EPAA and the Elks for their help throughout the day.

Liaison to Neighborhood Watch

Mayor McElwee reported the next meeting for Neighborhood Watch is next Thursday at 6:30 PM and John Kreiger will be there with a presentation on adolescent behaviors for adults only.

Liaison to EPAA

Mayor McElwee reported the next meeting for Opening day is Saturday at 8:00 am from Magowan to Kite field with games and events.

Mr. Mike Schultz, President of the EPAA reported on upcoming events for the EPAA.

Memorial Day Parade.

Mayor McElwee reported the Parade Committee will meet this Friday at 7:30 PM at the Township. Mayor McElwee further requested volunteers.

APPROVAL OF BILLS

Approval of bills from April 2, 2013 through April 11, 2013

Moved by: Mr. Booker Second: Mr. Pullion

Discussion:

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

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

Mr. Dennis Robbins, 9 Crystal Drive, report Environmental met on Tuesday where Mike Schultz requested to join the Committee. *Mr. Robbins* also reported the committee will meet every other month.

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

Other Business.

Mr. Pullion requested Chief Brian to reach out to the Fire Department for Community Day.

Resolution No. 2013-64 Closed Session: 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 ascertain legal advice concerning a potential developers agreement. Where it is necessary to discuss matters concerning personnel contracts and negotiations. 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 confidentiality, 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: Mr. Trainor Second: Mayor McElwee Time:
Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee – yes

THERE WAS NO OTHER BUSINESS.

ADJOURN

Moved by: Mayor McElwee Second: Mr. Booker Time: 7:52 PM
Roll Call: Mr. Booker -yes, Mr. Kercher, Mr. Pullion=yes, Mr. Trainor=yes, Mayor McElwee – yes

John McElwee, Mayor

Tanyika Johns, Tax Collector/Deputy Clerk