

**TOWNSHIP OF EDGEWATER PARK  
MINUTES-APRIL 3, 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. Joseph Pullion, Mayor John McElwee (Committee Members)

Absent: Mr. Scott Kercher (Committee Member)

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 Dougherty, Clerk/Administrator (Public and Closed), Mrs. Margaret Peak, Chief Financial Officer (Public) and Mr. Rakesh Darji, Township Engineer (Public and Closed)

**APPOINTMENTS/RESIGNATIONS: NONE**

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

**PROCLAMATION**

**WHEREAS**, alcohol is a primary factor in the four leading causes of death for young person's ages 10-21; and

**WHEREAS**, almost 100,000 persons die each year from alcohol-related causes: drinking and driving crashes, other accidents, falls, fires, alcohol-related homicides and suicide; and

**WHEREAS**, approximately 15 million current drinkers in the United States are dependent on alcohol; and

**WHEREAS**, adolescents use alcohol more than tobacco or illicit drugs; and

**WHEREAS**, young people begin drinking, on average, at 13.1 years of age; and

**WHEREAS**, young people who begin drinking before age 15 are four times more likely to develop alcohol dependence than those who begin drinking at age 21; and

**WHEREAS**, alcohol is involved in fifty percent of criminal assault, traffic, theft, fraud, vandalism and sex crime cases in the juvenile justice system. Older friends and siblings are the primary source by which underage youth obtain alcohol. Providing alcohol to minors is against the law, and that together we should work to keep it out of their hands, and

**WHEREAS**, it is imperative that we join with others in advancing efforts to strengthen the enforcement of our underage drinking laws, and build partnerships among local agencies, elected officials, law enforcement, businesses, schools, and communities to prevent underage drinking and alcoholism;

**NOW, THEREFORE, I**, John McElwee, Mayor and on behalf of the entire Township Committee join the National Council on Alcoholism and Drug Dependence, Inc, (NCADD) and The New Jersey Division of Alcohol Beverage Control and do hereby proclaim that April 2012 is Alcohol Awareness Month in the Township of Edgewater Park, Burlington County, New Jersey.

Moved by: Mrs. Belgard Second: Mayor McElwee

Discussion: None

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

## **REPORTS**

*Report from the Engineer is appended hereto.*

### **Discretionary Aid for Cooper Street**

Upon consensus, Township Committee authorized the preparation of a resolution and grant application for discretionary aid at the April 17, 2012 meeting for the Jamestown/Cardinal Road project.

### **Woodlake Park**

Upon consensus, Township Committee authorized Environmental Resolutions Inc to move forward to expand the Woodlake Park project to include additional debris cleanup and water fountain/yard hydrant.

### **K-2 Management**

Upon Consensus, Township Committee authorized the vacation of a portion of the right-of-way on Kove Road at the entrance to the Fox Run project; Mr. Kearns to prepare ordinance. The developer shall submit revised plans to the planning board and prepare meets and bounds description.

Mrs. Dougherty addressed that she spoke with the fire sub-code official regarding a fire stand/pipe located on Kove Road; not sure what the unit serves and requires further review. She further discussed that he will provide comment regarding fire truck access to the Fox Run development.

### **Silver Park West – Basin Expansion**

Mr. Darji reviewed that the basin plans have been approved by the Planning Board (June 2011) and the plans are in conformance. Pending are outside approvals and additional plans to be submitted for signature. At this point Silver Park West Homeowners Association can move forward with obtaining construction quotes so that everything can be ready upon final approvals.

### **Former Kings Retail Site Property (Block: 1202 Lot 9)**

Mr. Darji and Mrs. Dougherty discussed that the staging area for PSE&G has been reviewed by the construction official, Jim Scott and zoning officer, Cedric Minter; site is in compliance, permits have been issued.

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

**Personnel Policy and Procedure Manual**

Township Committee reviewed updates to the personnel policies and procedures for submission to the Burlington County JIF. Upon further discussion and consensus, Township Committee authorized the employee manual to state provisions for use of vehicles policy to include language that will permit authorized employees to take a township owned vehicle home as long as the employee resides within 25 miles of the Edgewater Park municipal building; vehicle cannot be used for personal purposes, except on the way to work or home from work. Resolution to approve manual updates shall be considered at the April 17<sup>th</sup> meeting.

**Burlington County, 2012 Municipal Park Development Grant**

Upon consensus, Township Committee authorized the resubmission of the 2012 Municipal Park Development Grant for Weimann Field upgrades; application to be submitted by CME (special engineer).

**OEM Conference**

Approval of OEM conference for Al Desjardins in the amount of \$215.00.

Moved by: Mr. Pullion Second: Mayor McElwee

Discussion: None

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

**Street Crack Repairs**

Upon discussion, Township Committee would discuss the street crack repair further with more information.

**Edmunds Inquiry and Portal System for Tax Collection**

Upon discussion, Township Committee authorized the Tax Collector to move forward with the understanding the security measures are in place.

*Report from the Superintendent of Public Works is appended hereto.*

*Report from the Chief of Police is appended hereto.*

*New Jersey Shade Tree Annual Accomplishment Report is appended hereto.*

**Report from the Chief Financial Officer.**

Mrs. Peak provided a presentation of the budget for Township Committee with the budget appended hereto.

*There were no other reports.*

**REPORT ACCEPTANCE**

Moved by: Mrs. Belgard Second: Mr. Booker

Discussion: None

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

**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: None

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

**Solicitor’s Permits:**

Solicitor’s Permit No.: 2012-9: Dale K. Thompson on behalf of America legion Post 115, Soliciting Donations Collection May 3 – May 27, 2012 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.

**RAFFLE APPLICATIONS: NONE**

***Public Functions:***

Public Function Permit # No.: 2012-8 ; Len Siwak on behalf of EPAA; requesting use of Memorial Fields for Baseball/Softball Opening Day; 4/14/12 – Rain Date 4/15/12 8 am to 6 pm (Certificate of Insurance on File)

**RESOLUTIONS**

**CONSENT AGENDA**

Motion to Approve Resolution No. 2012-61 through 2012-65 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: None

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

**RESOLUTION NO. 2012-61**

***Resolution of the Township Committee of the Township of Edgewater Park  
Opposing Senate Bill 1451***

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Meetings Act (S-1451); and

**WHEREAS**, the Township Committee of the Township of Edgewater Park agrees with and supports the statement that “the right of the public to be present at all meetings of public bodies, and to witness in full detail all phases of the deliberation, policy formulation, and decision making of public bodies, is vital to the enhancement and proper functioning of the democratic process”; and

**WHEREAS**, the changes, however, proposed in S-1451 will not only be a cost driver for local and State government but make government less effective; and

**WHEREAS**, S-1451 includes a number of proposed requirements which involve costly unfunded mandates, impractical requirements and impediments to the democratic process, including the following:

- A new definition of subcommittees that expands subcommittees to be overly inclusive so that, for example, even research projects assigned to one member of a public body could be covered; and
- A new requirement that all subcommittees meetings include notice of their meeting and the preparation of minutes, which would, among other things, necessitate additional administrative support for all meetings of subcommittees as well as increased legal advertising cost; and
- A new requirement that agendas provide a description of all agenda items, including the names of parties to and approximate dollar amounts of any contracts to be acted upon, which will delay the award of contracts and could lead to the loss of grant monies; and
- A new requirement that the Township Committee may discuss, but not act upon, an item brought up by a citizen at a public meeting if it was not published as an agenda item, that not only runs contrary to the time honored tradition of holding a public meeting for the very purpose of soliciting such input and acting upon it but is impractical, ineffective and unnecessarily inhibits the operations of municipal government; and
- A new requirement for advance notification of estimated start times for the public portion of the meeting and the portion of the meeting from which the public is to be excluded that is unworkable and disruptive; and
- A new requirement that recordings of meetings become a part of the minutes that renders the recordings a permanent municipal record and is not only counter to the already-established records retention schedule of Division of Archive and Records Management for such records but which will be costly to preserve the records to ensure that they are permanent; and
- A new requirement that electronic communications, such as e-mails and text messages, concerning public business among an effective majority of the members that occurred prior to a meeting become part of the minutes and renders the recordings a permanent municipal record, is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages and the records custodian does not always have access to them, and which is an unprecedented expansion of the meeting concept; and
- A new requirement that public bodies be permitted to exclude the public from discussion of personnel matters only with the written consent of the employee and potentially affected employees which will inhibit the public bodies’ ability to take necessary actions on personnel matters and could lead to costly litigation; and
- A new requirement that comprehensive minutes that must include each member’s stated reason for their actions or vote, the identity of each member of the public who spoke, and summary of what was said, be made available to the public as soon as possible but no later than 45 days after the meeting that will not only be costly but the historical value of minutes will be lost in order to meet an arbitrary deadline; and

**WHEREAS**, the provisions of S-1451 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1451 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the Township Committee of the Township of Edgewater Park strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1451 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey for reasons stated above, does hereby oppose S-1451, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, Assemblyman Upendra Chivukula, the legislators of the 7<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**RESOLUTION NO. 2012-62**

***Resolution of the Township Committee of the Township of Edgewater Park  
Opposing Senate Bill 1452***

**WHEREAS**, legislation has been introduced to reform and modernize the Open Public Records Act (S-1452); and

**WHEREAS**, the Township Committee of the Township of Edgewater Park agrees that government records should be readily accessible and transparent but there must be an appropriate balance between the need for openness and transparency in government and citizens' reasonable expectation of privacy; and

**WHEREAS**, among the costly unfunded mandates and impractical new requirements of S-1452 are the following:

- The expansion of the definition of government record to include records that are required by law to be made, maintained or kept on file by any public agency that will lead to a records custodians to be in violation of OPRA for the non-existence of a government records created before their tenure with the public body; and
- The creation of a definition for "advisory, consultative or deliberative" material that may be contrary to the well established definition in case law leading to costly litigation; and
- The expanding of the definition of government record to include electronic communications, such as e-mails and text messages, concerning public business among

an effective majority of the members that occurred prior to a meeting that is unworkable and unmanageable as the technology does not always exist to make “hard copies” or digital copies of text messages, the records custodian does not always have access to the electronic communications and certain cell phone carriers will not provide this information without a subpoena; and

- The inclusion of a subjective definition for “reasonable” that may be contrary to the well established definition in case law leading to costly litigation; and
- A new requirement that any video or audio recordings or public meetings should be available in unedited form will be in direct violation of the Open Public Meetings Act requirement that requires the redacting of discussions in closed session until the matter can legally be released; and
- A new requirement on how to handle redactions and special services fees is time consuming and costly, especially considering that the Government Records Council has already addressed these procedures in their Custodians’ Toolkit, which should be codified; and
- A provision that permits the records custodian to advise a requestor that a government record is readily available on the public agency’s website; however, the bill requires the records custodian to directly provide the records to the requestor if they do not have access to a computer but does not define what is meant by “access to a computer”; and
- A new costly requirement that when there is a special service charge the requestor must be provided, at no cost, an index generally describing the responsive government records to be provided and to the greatest extent possible the index shall include the name of each record or brief description of the record or general categories of records, a detailed breakdown of how the special charges were assessed and if records are exempt or redacted, the records custodian must provide a description of those records; and
- A provision that prohibits the assessment of a special service charge for requests for budgets, bills, vouchers, contracts and public employee salaries and overtime unless the request is deemed voluminous, which is undefined and subjective; and

**WHEREAS**, the provisions of S-1452 place financial, time, manpower and other burdens on municipalities at a time when municipalities are forced to layoff municipal employees, impose furloughs and reduce departmental budgets so that municipalities can meet the strict CAP requirements with decreased revenues and increasing operating expense; and

**WHEREAS**, the totality of the new requirements of S-1452 will be a significant cost driver for local and State government with no known appropriation contemplated or any alternate means to offset these costs, such a reasonable increase in fees; and

**WHEREAS**, while the Township Committee of the Township of Edgewater Park strives for and agrees that open and transparent government is essential to the democratic process, the provisions of S-1452 will make government inefficient;

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey for reasons stated above, does

hereby oppose S-1452, as currently drafted, and strongly urges the State Senate and Assembly to oppose these bills; and

**BE IT FURTHER RESOLVED** that a copy of this duly adopted resolution be forwarded to Senate President Stephen Sweeney, Senator Loretta Weinberg, Senator Barbara Buono, Senator Shirley Turner, Assembly Speaker Shelia Oliver, Assemblyman Gordon Johnson, the legislators of the 7<sup>th</sup> State Legislative District, Governor Chris Christie, the New Jersey State League of Municipalities and the Municipal Clerks' Association of New Jersey.

**RESOLUTION NO. 2012-63**

*Establishing a Change Fund for the Inspection's Department*

**WHEREAS**, the Township of Edgewater Park Recreation Department is desirous of making change for its cash customers;

**WHEREAS**, it is necessary to establish a fifty dollar (\$50.00) change fund for the Edgewater Park Township Inspection's Department; and

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Edgewater, County of Burlington and State of New Jersey, does hereby grant a fifty dollar (\$50.00) change fund for the Edgewater Park Township Inspection's Department; and

**BE IT FURTHER RESOLVED** that a copy of this resolution be forwarded to the Director of the Division of Local Government Services immediately following its adoption.

**RESOLUTION NO. 2012-64**

*Resolution Requesting New Jersey's Legislative Leaders to Reverse the Decline in Funding for New Jersey's Tobacco Control Program*

**WHEREAS**, New Jersey has raised \$5 billion in tobacco revenues over the past 5 years, yet only 0.8 percent has been spent on tobacco control programs. Not even a full penny of every dollar raised by tobacco taxes goes to help people quit smoking; and

**WHEREAS**, in the current fiscal year, New Jersey will spend almost nothing on tobacco control, providing only one percent of the amount recommended by the Centers for Disease Control and Prevention, most of that is paid for through federal grants; and

**WHEREAS**, all New Jersey communities need fair funding and many tobacco control services have already been eliminated or reduced. No other public health program has sustained cuts of this magnitude; and

**WHEREAS**, reduction in tobacco control services actually costs the State hundreds of millions of dollars in added Medicaid expenditures alone, as smokers who would have quit instead continue smoking and develop tobacco caused illnesses; and

**WHEREAS**, tobacco use costs the state an estimated \$3.17 billion in health care bills annually, including \$967 million in Medicaid payments. For in the long-term, the tobacco control program generates ten times more savings than the amount originally invested; and

**WHEREAS**, tobacco use takes a terrible toll on New Jersey for in 2009, 11,200 lives were prematurely lost due to tobacco use; and

**WHEREAS**, Tobacco control programs have been proven to reduce youth smoking and help current members quit. When more adequately funded, New Jersey control programs achieved successes in the effort to curb tobacco use, especially in preventing young people from becoming smokers; and

**WHEREAS**, New Jersey must fulfill its promises to use tobacco revenues for programs to help smokers quit and to keep children from smoking.

**WHEREAS**, the Township Committee of the Township of Edgewater Park urges the State of New Jersey to direct resources as follows:

1. **Target more resources to adult cessation.** Achieving near-term reductions in tobacco use rates, and the incidence of tobacco-caused disease, will best be accomplished by encouraging adult smokers to quit and providing resources to help them succeed. Only by motivating smokers to attempt to quit smoking and providing the pressure, resources, and support to make those attempts successful will near-term smoking rates decline, disease rates decline, premature deaths decline, and economic savings accrue. Most smokers want to quit, and encouraging and assisting adult cessation is a cost-effective tobacco control strategy.
2. **Increase community level interventions, especially in disadvantaged urban neighborhoods and rural areas.** To change social norms a program must be well integrated into a community. Program personnel must understand and, preferably, live in, the communities they live in, the communities they work in.
3. **Increase funding for anti-smoking media messages.** As quickly as possible, the New Jersey tobacco control program should increase its media budget and target messages to those, such as the poor and non-English speakers, that the program has not been reaching.
4. **Develop and implement strategies for reaching those with mental illness or addictive disorders.** People with mental illness smoke at a rate almost twice that of the general public. Increasingly, tobacco use is concentrated in this population, and if the problem is not addressed now, the burden of tobacco use will increasingly fall on those least able to absorb it.

**THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Edgewater Park recommends that New Jersey should spend about a dime of every dollar of revenue from tobacco sales on tobacco control; and

**EDGEWATER PARK TOWNSHIP COMMITTEE** strongly urges that New Jersey's tobacco control program be increased to **\$30 million in 2012-13** and then, as its capacity grows, increased by \$30 million every year until it reaches the target appropriation to the CDC – recommended level of \$119.8 million per year.

**NOW, THEREFORE, BE IT FURTHER DECLARED** that the Township Committee of the Township of Edgewater Park does hereby endorse the American Cancer Society, American Heart Association, American Lung Association of the Mid-Atlantic, Campaign for Tobacco-Free Kids, and other health advocates in urging the Senate and Assembly to increase funding for the state's Tobacco Control Program to a total of \$30 million to help smokers quit and help kids from starting. Increased support for tobacco control and prevention will save lives and taxpayer dollars, and all New Jersey residents will be better for it.

**RESOLUTION NO. 2012-65**  
*Resolution Authorizing the Introduction/Approval  
of the Municipal Budget for Year 2012*

**WHEREAS**, the Township Committee of the Township of Edgewater Park is desirous of introducing the Municipal Budget for CY 2012; and

**WHEREAS**, the advertisement of said budget must be published in the official newspapers of the Township at least ten days before the public hearing; and

**WHEREAS**, the public hearing shall be held not less than twenty-eight days after the introduction (approval) of the budget; and

**WHEREAS**, the public hearing may be adjourned from time to time until the hearing is closed; and

**WHEREAS**, the public hearing and consideration adoption of the municipal budget will be held on May 1, 2012; and

**WHEREAS**, at least one week prior to the date of the public hearing, a copy of the introduced budget shall be made available to the public.

**ORDINANCES:**

**ORDINANCE NO. 2012-4**

**(Second Reading and Public Hearing)**

Ordinance was endorsed by the Edgewater Park Planning Board, Resolution No. P-7-2012, on March 15, 2012.

*An Ordinance of the Township Of Edgewater Park Amending Chapter 16 to provide for Temporary Inflatable Pools on Residential Properties in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-LD, R-AR, R-AR-1, and C-2 Zones And Further Amending Section 8.40 Titled "Private Swimming Pools"*

**WHEREAS**, Township Committee wishes to amend the Revised General Ordinance Ordinances of the Township of Edgewater Park.

**WHEREAS**, the Township Committee has determined that the Township Code should be amended to provide for Temporary Portable Pools (including inflatable pools) as accessory uses in the R-1, R-2, R-3, R-4, R-5, R-6, R-7, R-8, R-LD, R-AR, R-AR-1, and C-2 Zones, subject to specific conditions.

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the

Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Codes of the Township of Edgewater Park be and is hereby amended as follows:

## **SECTION 1:**

### **Chapter 8.40: PRIVATE SWIMMING POOLS**

#### **Section: 8.40.010 Definitions.**

The words, terms or phrases listed below for the purpose of this chapter, except when the context requires a different meaning, shall be defined as follows:

“Construction” means and includes building or installing a new swimming pool or enlarging an existing swimming pool or any of its facilities.

“Person” means and includes corporations, companies, associations, societies, firms and partnerships, as well as individuals.

“Swimming Pools” means and includes any structure intended for swimming, recreational bathing or wading that contains water over 24 inches (610 mm) deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

“Private swimming pool” means and includes any pool of water having a permanent structure and/or having a capacity of fifteen thousand (15,000) gallons or more, designed, used and maintained for swimming purposes by an individual for use by his household and guests without fees and located on property owned, leased or otherwise used and maintained by the owner of said swimming pool; it shall further mean and include fill and draw, flow-through and recirculation pools, which are artificially constructed to provide recreational facilities for swimming, bathing or wading and all buildings, equipment and appurtenances thereto. It shall not include natural outdoor ponds, rivers or lakes, nor baths used for cleansing of the body or practice of the healing arts.

“Temporary portable pool” (including inflatable pools) is defined as those pools that are less than 4’ in depth; are non-permanent; contain no support structure; and are installed no earlier than May 1<sup>st</sup> and removed no later than September 30<sup>th</sup> of each year.

“Wading pool” means and includes any artificially constructed pool for use by children, not designed or used for swimming with a maximum area of one hundred twenty (120) square feet and a maximum water depth of eighteen (18) inches.

#### **8.40.020 Construction and maintenance.**

All materials used in the construction of private swimming pools, temporary portable pools or wading pools shall be waterproof and so designed and constructed as to facilitate emptying and cleaning, and shall be maintained and operated in such manner as to be clean and sanitary at any time when any such pool shall be in use, or at such times as the same shall be subject to use. Inlets of the treated water shall be so located and spaced as to secure satisfactory dispersion of the water throughout the pool and not to interfere with draining, cleaning and disinfecting of the bottom and sides. Sand or earth bottoms shall not be used.

**8.40.030 Water supply, pipe, pump and filter systems.**

A. There shall be no physical connection between a potable public or private water supply system and such private swimming pools, temporary portable pools, or wading pools below the maximum water line of the pool or to a recirculating or heating system of said pool. The piping system shall be designed to circulate the pool water through filtering equipment. Potable water shall feed the pool with a down spout with an air gap not less than six inches from the pool overflow level. Potable water syphons will not be permitted to drain the aforesaid pools. The installation, repair and control of plumbing facilities shall comply with the plumbing and sanitary codes of the township.

B. All circulating units shall have sufficient capacity to recirculate the entire contents of a pool within eighteen (18) hours or less.

**8.40.050 Discharge system.**

All private swimming pools, temporary portable pools, or wading pools with a water depth of more than one foot, hereafter constructed, installed, established or maintained within the township, shall be provided with the necessary equipment to completely pump out or empty said pool or shall be emptied by providing one drainage outlet, to be installed at the lowest point of said pool, not in excess of three inches in diameter extending from said pool to either a storm sewer, storm sewer catch basin, lawn watering system, adequate dry well or sand filtering pit on the premises on which said private swimming pools, temporary portable pools, or wading pools is located. The discharge of water from such pools into a storm sewer shall be permitted only where the capacity is adequate as determined by the township engineer. No private swimming pool drain, temporary portable pool drain, or wading pool drain shall be connected into the sanitary sewer system. The discharge of said waters shall in no case cause or create a nuisance to the abutting property or to the public.

**8.40.060 Bacteriological standards.**

Chlorine gas-bearing compounds in solution shall be required as disinfecting agents for all swimming pools, private swimming pools, temporary portable pools, or wading pools. The use of ozone, ultraviolet light or any other method wherein a residual cannot be determined is prohibited. Not more than fifteen (15) percent of the samples of water taken from any private pool shall contain more than two hundred fifty (250) pathogenic organisms per cubic centimeter or shall show positive test (confirmed) for chloroform in any of ten cubic centimeter portions of water at times when the pool is ready for use; provided, however, that no less than three samples shall disclose the presence of a bacteria content in excess of the above-described limits. For the purpose of this section, any number of samplings of water on a single day shall be considered as one sample. The local board of health is authorized to take samples to insure compliance with these requirements. Free chlorine residuals and pH values shall be maintained within ranges indicated below:

<b>pH</b>	<b>Free Chlorine Residual</b>
7.0—7.6	0.4—0.6 p.p.m.
8.0—8.4	2.0—5.0 p.p.m.

**8.40.070 Fencing.**

A. All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading and temporary portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be no less than four feet or more than six feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two inches in any dimension, except for doors and gates; provided, however, if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed 2.5 inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.

B. Every outdoor wading pool or temporary portable pool shall be enclosed by a durable wall, barrier or fence as described in subsection A of this section unless such outdoor wading pool or portable pool be:

1. Emptied when not in use or unattended; or
2. Covered with a suitable, strong protective covering, securely fastened or locked in place when not in use or unattended. (A cover shall be considered to be of sufficient strength and securely fastened or locked in place if, when fastened or locked in place, it will support a minimum dead weight of one hundred (100) pounds.)

C. All persons now owning or maintaining any outdoor swimming, temporary portable pool or wading pool shall be and are granted a period of ninety (90) days after the effective date of the ordinance codified in this chapter within which to enclose the same as herein provided; except that any such person now owning or maintaining an outdoor swimming pool or wading pool presently enclosed by a fence or barrier which substantially complies with the requirements of this section may be exempted from the strict requirements thereof until such time as he may substantially alter, remove, replace or rebuild such fence upon obtaining from the building inspector a certificate of substantial compliance as hereinafter provided:

1. Substantial compliance, for the purposes of this section, shall mean and include any fence or barrier which now or hereafter shall be maintained at a minimum height of forty-two inches above grade and have no opening, mesh, hole or gap larger than four inches in any dimension.

2. A certificate of substantial compliance may be granted by the building inspector within ninety (90) days after the effective date of the ordinance codified in this chapter upon written application to and establishing to the satisfaction of the building inspector in such a manner as shall be prescribed by said building inspector that the applicant's fence is maintained in substantial compliance with the requirements of this section. (Prior code § 7:4-7)

#### **8.40.080 Location.**

A. No private swimming pool, as defined by this chapter, or accessory building, shall be erected or placed nearer to a street property line than will be allowed for buildings in the respective zoning district as set forth in the zoning ordinance of the township. Swimming pools, however, may be placed within fifteen (15) feet of the rear or side property line of any property within a residential district. The placement of swimming pools in other districts shall be as provided for in the respective zoning districts as set forth in the zoning ordinance of the township.

B. No private swimming pool shall be constructed so that its drain outlet shall connect in any manner to any sewerage disposal system.

C. No private swimming pool shall have an area in excess of ten percent of the area of the lot upon which it is constructed or installed.

#### **8.40.090 Lighting.**

No artificial lighting shall be maintained or operated in connection with a private swimming pool, wading pool or portable pool in such a manner as to be a nuisance or an annoyance to neighboring parties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted.

#### **8.40.100 Permits.**

A. Application for permits for the construction and maintenance of any private swimming pool, as defined in Section 8.40.010, shall be made to the building inspector by the owner of the property upon which it is to be constructed or by the contractor who will construct the same. The application shall be accompanied by duplicate sets of plans, specifications and plot plans of the property. The plot plan shall show the accurate location of the proposed pool on the property together with any proposed accessory buildings. The plot plan shall also show the location, height, and type of all existing fencing or walks on the boundary lines of the property, together with the type and height of fencing or enclosure as may be required by this chapter.

B. Permits for a private swimming pool, as defined in this chapter, shall be issued by the building inspector. The plans, specifications and plot plan shall be approved by the building inspector. At the discretion of the building inspector the plans, specifications and plot plan shall be approved by the building inspector and the township engineer.

#### **8.40.101 Permits for Temporary Portable Pools (including inflatable pools)**

A. Purpose and Intent: The intent of this section is to permit small portable temporary pools that are not permanent in nature and can be installed, used and removed within a period of a few months over the summer months without any negative impact to the municipal code or property owners.

B. Permitted in Residential Zones: Portable Temporary Pools shall be permitted as accessory uses to single family residential dwellings in the residential zones, and in the C-2 Downtown Commercial Zoning District, subject to the specific conditions set forth herein. Temporary portable pools shall be permitted as accessory uses to residential properties in other zones

1. A building permit and zoning permit are required for any new pool that is 24 inches or more in depth. No permit shall be required under the Uniform Construction Code for any pool that is less than 24 inches in depth.

2. A homeowner who desires to install a temporary portable temporary pool must obtain an initial permit from the Construction Code Office and Zoning Office. Once the initial permit is issued by the township for the period beginning not before May 1<sup>st</sup> and ending not later than September 30<sup>th</sup>, then the property owner may apply for an annual Certificate of Approval from the Construction Code Office each year prior to re-installation of the temporary portable pool. The fee for each Certificate of Approval will be \$20.00.

3. In order to obtain a Certificate of Approval each year it is necessary that the pool is placed in the same location; that it remains temporary in nature; and that the same safety barriers required under the Uniform Construction Code remain in place.
4. A temporary portable pool or inflatable pool must be installed in a residential zone on a property that has a primary residence. If a residential property is located in a commercial zoning district, then there still must be a primary residence on the same lot as the temporary portable pool.
5. Impervious surface standards shall not apply for temporary portable pools (including inflatable pools) that are less than 4' in depth and meet the definition contained herein.
6. A temporary portable pool cannot be installed prior to May 1<sup>st</sup> and must be removed no later than September 30<sup>th</sup> of each year. All permits for temporary portable pools (including inflatable pools) shall contain this requirement. Failure to adhere to this regulation will result in enforcement action as a violation of the Code.
7. A temporary portable pool cannot be located closer than 5' to any side or rear property line.
8. Temporary portable pools are not permitted in any front yard setback.
9. In order to provide for the safety of children and residents, no municipal permits will be issued for an inflatable pool unless the property has a proper barrier in place in accordance with the Uniform Construction Code. Barrier requirements address fencing, pool steps, locking gates, etc. A copy of the basic barrier requirements for all pools including temporary inflatable pools is available from the Construction Code Office.
10. The municipal permit process does not exempt a property owner from receiving approval from their own Homeowners Association (HOA) prior to applying for municipal permits, nor does it override the conditions in any Homeowners Association by-laws.

8.40.110 General provisions and enforcement.

- A. Any nuisance which may exist or develop in or in consequence of or in connection with any private swimming pool, temporary portable pool, or wading pool shall be abated and/or removed by the owners.
- B. Whenever any private swimming pool, temporary portable pool, or wading pool, by reason of mechanical defects or lack of supervision is, in the opinion of the board of health, polluted and detrimental to health, it shall be summarily closed.
- C. Owners or persons in possession of private swimming pools, temporary portable pools, or wading pools shall allow the health officer and the building inspector access to inspect said pool and the appurtenances at any time it may be required by the board of health or the township committee of the township.
- D. The board of health may cause any private swimming pool, temporary portable pool, or wading pool, as defined in this chapter, to be inspected for compliance with the plumbing code of the township.
- E. Any accessory building, such as locker rooms, bath houses, cabanas, shower rooms, toilets, runways or any other physical facility or equipment incidental to the maintenance and operation of any of the above described shall be in conformance with the rules and regulations of both the board of health and the township committee of the township.

8.40.120 Enforcement.

A. Every private swimming pool, temporary portable pool, or wading pool constructed, installed, established or maintained in the township shall at all times comply with the requirements of the local board of health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool, temporary portable pool, or wading pool shall be forthwith abated and removed by the owner, lessee or occupant of the premises on which the said pool is located upon receipt of notice from the health officer of the township.

B. It shall be the duty of the health officer and/or building inspector to enforce the provisions of this chapter.

C. The owner or operator of any pool within the township shall allow the said health officer and/or building inspector access to any private swimming pool, temporary portable pool, or wading pool and appurtenances thereto for the purpose of inspection to ascertain compliance with this chapter and all other pertinent township ordinances, at all reasonable times.

**Section 2. Amending Section**

**20.410: STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT**, Building Fee Schedule to include the following:

Temporary Inflatable Above Ground Pool: Initial fee of \$60.00. Annual re-inspection fee of \$20.00 by the Construction Code Official; temporary inflatable pool must be re-installed with no modifications.

**Section 3.** If a court of competent jurisdiction shall declare any section, paragraph, subsection, clause or provision of this Ordinance invalid, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**Section 4.** All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**Section 5.** This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

Moved by: Mayor McElwee Second: Mr. Pullion

**OPEN TO THE PUBLIC:** The Mayor opened this portion of the meeting to public comment for Ordinance 2012-4 only.

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

Discussion: None

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

**REPORT OF OFFICIALS**

***Committeeman Booker:***

Liaison to Recreation Committee:

Mr. Booker reported the Breakfast with Bunny was a great success. Mr. Booker further thanked the Beverly-Edgewater Park Emergency Squad and the EPAA for volunteer for their services.

***Committeeman Pullion:***

Liaison to the Redevelopment Committee:

Mr. Pullion reported Bottom Dollar is proceeding on schedule and will be opening in late June.

***Committeewoman Belgard:***

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory will meet next Wednesday at 3 PM they will be discussing their upcoming shredding event.

Liaison to Planning Board:

Mrs. Belgard reported the next Planning Board will be on Thursday April 19<sup>th</sup> at 7:00 PM.

***Mayor McElwee:***

Liaison to EPAA

Mr. McElwee reported EPAA's opening day parade is on April 14<sup>th</sup> at 8:00 AM from Magowan to Memorial Field; activities are planned for the entire day.

Liaison to the Memorial Day Parade

Mr. McElwee discussed that the Memorial Day Parade Committee is hosting a fundraiser on April 29<sup>th</sup> at 45<sup>th</sup> Street Pub from 2 pm to 6 pm for all you can eat wings and soft drinks.

**APPROVAL OF BILLS**

*Approval of Bills* March 16, 2012 through April 2, 2012.

Moved by: Mr. Booker Second: Mr. McElwee

Discussion: Township Committee questioned bill list items which were addressed by the CFO.

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

**APPROVAL OF MINUTES:**

Closed Session: October 4, 2011, October 18, 2011, November 1, 2011, November 14, 2011 and December 6, 2011.

Moved by: Mr. Pullion Second: Mrs. Belgard

Discussion: None

Roll Call: Mrs. Belgard-yes, 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*, wanted to remind Township Committee of an upcoming forestry seminar on October 26<sup>th</sup> and 27<sup>th</sup> for CEU's for the Environmental Advisory Committee and Public Works.

*Mr. Noel Rainey, 7 Spring Lane* expressed concerns about the former drive-in property and wanted to make sure the engineer addressed proper drainage. Mr. Rainey further questioned the property which was sold across the street from Cramps.

Committee discussed that the property located on Route 130 and Delanco Rd was purchased by Burlington Coat Factory.

*Mr. Darnell Moye, 103 Cardinal Road* questioned the credit card fees to property taxes.

Mrs. Dougherty explained that there will be a service fee assessed by the credit card company.

Mr. Noel Rainey, 7 Spring Lane stated Township Committee should address New Jersey American Water Company for information about the standpipe on Kove Road property.

Mr. Darnell Moye, 103 Cardinal Road further questioned whether the tennis and basketball courts at Ridgway are being maintained. Mr. Painter discussed the tennis and basketball courts are scheduled to be reviewed by him and the engineer.

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

**OTHER BUSINESS**

Mr. Kearns reported the April 10<sup>th</sup> is be kind to lawyers' day.

**RESOLUTION NO. 2012-66**

**Closed Session**

*Where it is necessary to discuss affordable housing obligations. Where it is necessary to discuss potential developer's agreement Bl: 404, Lt: 2.02 and Bl: 502, Lt: 12. 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: Mr. Booker                      Second: Mayor McElwee      Time: 8:53 PM  
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Pullion-yes, Mayor McElwee -yes

**THERE WAS NO OTHER BUSINESS**

**ADJOURN**

Moved by: Mrs. Belgard                      Second: Mr. McElwee      Time: 10:30 PM  
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Pullion-yes, Mayor McElwee -yes

*John McElwee*

John McElwee, Mayor

*Linda M. Dougherty*

Linda M. Dougherty, RMC/Administrator