

**TOWNSHIP OF EDGEWATER PARK  
MINUTES-JUNE 19, 2013**

Mayor McElwee called the meeting to order at 7:45 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. Michael Trainor and Mayor John McElwee

Absent: Mr. Joseph Pullion (Committee Members)

Also present: Mr. Aubrey Painter, Superintendent of Public Works, (Public), Mr. Robert Brian, Chief of Police (Public), Linda M. Dougherty, Clerk/Administrator (Public and Closed), Mrs. Margaret Park, Chief Financial Officer (Public), Ms. Tanyika Johns, Tax Collector/Deputy Clerk (Public), Mr. William Kearns, Township Solicitor (Public and Closed) and Mr. Rakesh Darji, Township Engineer.

**Discussion(S)/Presentation(S)/Authorization(S)/Consideration:**

**PROCLAMATION**

*Lieutenant Colonel Emmett Wingfield, III*

**WHEREAS**, the Township Committee of the Township of Edgewater Park is proud to recognize and honor Lieutenant Colonel Emmett “Lee” Wingfield III, Commander of the 819<sup>th</sup> Global Support Squadron Joint Base McGuire-Dix-Lakehurst, NJ which provides combat-ready command and control, aerial port, and maintenance cadre in support of national military strategy to protect and sustain combat forces worldwide; and

**WHEREAS**, Colonel Wingfield was the Military liaison for the Annual Beverly-Edgewater Park Memorial Day Parade; and

**WHEREAS**, Colonel Wingfield has given much of his time and talent the 93<sup>rd</sup> and 94<sup>th</sup> Beverly-Edgewater Park Memorial Day Parade; and

**WHEREAS**, Colonel Wingfield has devoted countless hours towards his career by earning a rating of Command Pilot with more than 4,000 hours logged in flight; and

**WHEREAS**, Colonel Wingfield has been stationed across the country earning various accolades including the Meritorious Service Medal, the Air Medal the Aerial Achievement Medal, Air Force Commendation, Air Force Achievement Medal and the recipient of the 1993 USAFA Raoul Lufberry Award; and

**WHEREAS**, Colonel Wingfield has earned the admiration and high regard of those with whom he has come into contact and the affection of his fellow citizens and public servants; and

**WHEREAS**, we gather here to honor Lieutenant Colonel Emmett “Lee” Wingfield III, for his outstanding dedication to the Township of Edgewater Park and his commitment to serve the residents of our community.

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor, and on behalf of the entire Edgewater Park Township Committee, I do hereby commend Colonel Wingfield for his dedicated service, offering this expression of recognition and appreciation for his contributions to the 93<sup>rd</sup> and 94<sup>th</sup> Beverly-Edgewater Park Memorial Day Parade.

Moved by: Mr. Booker Second: Mayor McElwee

Discussion: Mayor McElwee presented Colonel Wingfield with a proclamation for his achievements.

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

### **PROCLAMATION**

#### ***Natasia Jacko of Edgewater Park, Holy Cross High School, 2013 Valedictorian***

**WHEREAS**, the Township Committee of the Township of Edgewater Park is proud to recognize Ms. Natasia Frances Jacko for her varied accomplishments; and

**WHEREAS**, Ms. Jacko is being recognized as Holy Cross High School’s 2013 Valedictorian for her high academic achievement ranking number one in a class of one hundred and twenty-five; and

**WHEREAS**, Ms. Jacko is also being recognized as one of twenty-six high school students who were selected for this year’s Teen Excellence recognition program which nominates exceptional teenagers who show leadership both in the classroom and out; and

**WHEREAS**, Ms. Jacko is a resident of the Township of Edgewater Park, a senior at Holy Cross High School and will be attending Rutgers University-New Brunswick on an academic scholarship majoring in Microbiology with a minor in Public Health; and

**WHEREAS**, Ms. Jacko is active at Holy Cross High School, her community and has participated in several organizations and activities; and

**WHEREAS**, Ms. Jacko is a captain of the Holy Cross’ Peer Math Tutoring Club, was the middle school representative to the Edgewater Park Township Student in Government day, is an avid tennis player, is a campus minister, member of the Alternate Activities Club, member

and Treasurer of the National Honor Society and editor in chief of the campus literary magazine, the Tumbler; and

**WHEREAS**, Ms. Jacko has earned the admiration and high regard of those with whom she has come into contact and the affection of her fellow citizens and public servants; and

**WHEREAS**, we gather here to honor Ms. Natasia Frances Jacko for her outstanding accomplishments and her commitment to education.

**NOW, THEREFORE**, by virtue of the authority vested in me as Mayor, and on behalf of the entire Edgewater Park Township Committee, I do hereby commend Ms. Jacko for her dedicated service, offering this expression of recognition and appreciation for her contributions to the Township of Edgewater Park.

Moved by: Mr. Kercher Second: Mr. Trainor

Discussion: Mayor McElwee presented Natasia Jacko with a proclamation for her achievements.

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

**RECOGNITION:** Cheryl Smith, Appreciation of Service as Interim Superintendent of Schools was postponed to the July meeting or a future date that is amenable to all; Mrs. Smith was unable to attend.

**APPOINTMENTS:**

Fire Inspector/Sub Code Official: George C. Wiener III, Provisional Appointment, hourly rate \$29.00, Pending Civil Service Eligible's Certification

Moved by: Mr. Booker Second: Mr. McElwee

Discussion:

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

Public Works, Part Time, Seasonal Employment, Appointment of David Shinn and Derick Miller, \$10.00 per hour, Appointment pending successful completion of pre-employment background and test.

Moved by: Mayor McElwee Second: Mr. Kercher

Discussion:

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

**FUNCTION APPLICATION:**

All matters listed under items # 6 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 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: Township Committee further discussed that raffle license and that final approval is issued by the State.

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

**Public Functions:**

Natalia Chatman; Girl Scouts of America; Meeting Dates June 18 and 25 and July 2 and 9 Weimann Field 2:00 pm – 3:00 pm. Request a waiver of fees. Pending a letter from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application. (Certificate of Insurance on File)

**Solicitor's Permits:**

Affirmation: Donna Hernandez, Susan G. Komen 3-day, June 15, 2013 Donation request at Pathmark. Request a waiver of fees. 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

Jimmie Miles, JACK & Jill Ice Cream, May – October 31, 2013, all required fees have been paid; 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.

**Raffles:**

Raffle License No.: 2013-2; Edgewater Park BPO Elks #2550, 50/50 on Premise Raffle at 315 Green St in Edgewater Park August 17, 2013 11 am -9 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 Municipal Clerk/Administrator is appended hereto.*

**Public Works: Chipper**

Upon consensus Township Committee agreed to move forward with a bond ordinance at the next meeting for new chipper and award of contract to Modern Equipment and Sales for \$31,478.00.

*Report from the Superintendent of Public Works*

Mr. Painter acknowledge Jim Bernard, Assistant to the Superintendent and that he did an excellent job while he was out of the office.

There were other reports.

**REPORT ACCEPTANCE**

Moved by: Mr. Kercher Second: Mr. Trainor

Discussion:

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

**RESOLUTIONS**

**RESOLUTION NO. 2013-77**

***Resolution Conducting Annual Budget Self- Examination***

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination, and

WHEREAS N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997, and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5 the Township of Edgewater Park has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2011 budget year.

NOW THEREFORE, BE IT RESOLVED, by the governing body of the Township of Edgewater Park that in accordance with N.J.A.C 5:30-7.6a and b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (Complies with the "CAP" law.)
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate, and correctly stated,
  - b. Items of appropriation are properly set forth
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED to the Director of the Division of Local Government Services upon adoption.

Moved by: Mr. Booker Second: Mayor McElwee

Discussion: None

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

**RESOLUTION NO. 2013-78**  
***Resolution Providing that the Budget May be Read by Title Only***

**WHEREAS**, N.J.S. 40A:4-8, as amended by Chapter 259, PL 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection. That a copy was delivered to the free library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located.

**FURTHER**, the public officer delegated the responsibility for delivery of the copies to said library has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

**NOW, THEREFORE, BE IT RESOLVED**, that the budget shall be read by title only.

Moved by: Mr. Booker Second: Mr. Trainor

Discussion: None

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

### **2013 BUDGET- PUBLIC HEARING**

Discussion: Review and Presentation of 2013 Budget by the CFO Margaret Peak and John J. Maley, Jr, Auditor Representative Brent Lee. Mrs. Peak offered a PowerPoint presentation which is appended hereto.

The Mayor opened this portion of the meeting to The Public for Public Hearing on the 2013 Municipal Budget Only.

Hearing no one wishing to speaking the Mayor closed this portion of the meeting to the 2013 Municipal Budget Only.

### **RESOLUTION NO. 2013-79**

#### ***Resolution Approving the Adoption the 2013 Municipal Budget***

**Resolution is appended hereto.**

Moved by: Mayor McElwee Second: Mr. Trainor

Discussion: Mr. Trainor thanked everyone for their hard work on the budget. Mr. Trainor further commented he thought the rate hike would be much higher than \$3.46 because of all the work that had to done concerning storms and other damages to municipal properties. Mayor McElwee thanked Mrs. Peak, Mr. Lee, Mrs. Dougherty and department heads for their work on the budget.

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

### **RESOLUTIONS BY CONSENT AGENDA**

Motion to Approve Resolution No. 2013-80 through 2013-85 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: Mr. Kercher

Discussion: none

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

### **RESOLUTION NO. 2013-80**

***Resolution Authorizing Liens against Real Property for the Abatement of Certain  
Conditions In Accordance with the Property Maintenance Code of the  
Township of Edgewater Park***

**WHEREAS**, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

**WHEREAS**, section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property; and

**WHEREAS**, the Property Maintenance Inspector has cited the below mentioned property and has imposed fines and expenses for repair on said property per the attached list; and

**WHEREAS**, Section 8.44.620 of the Edgewater Park Township Municipal Code further provides that the Township Committee, must by Resolution, approved the expenses and costs that they shall thereafter become a lien against the property listed and shall be collectible as provided by law; and



4. That the Chief of Police has no objection to the renewal of the liquor licenses.
5. Edgewater Park Beverage Associates, Inc., whose mailing address is 46 Newman Springs Road, Red Bank, New Jersey 07701-1531 license has an Inactive License #0312-33-001-006, a Special Ruling from the Director of Alcoholic Beverage Control is required prior to issuance and renewal of license by the Governing Body; all applicable fee have been paid.
6. Edgewater Park B.P.O. Elks #2550, whose mailing address is 315 Green Street, Edgewater Park, New Jersey 08010 license is a conflict license, approval of renewal is pending before the Director of Alcoholic Beverage Control; all applicable fee have been paid to the Township.

**RESOLUTION NO. 2013-82**

***Resolution Awarding a Contract for Information Technology Services  
Konica Minolta Business Solutions USA fka United Computer Sales and Services***

**WHEREAS**, the Township Committee of the Township of Edgewater Park is desirous of awarding a contract for Information Technology Services; and

**WHEREAS**, in order to make this determination it is was deemed necessary to go out on competitive quote; and

**WHEREAS**, in response to the request for proposals three (3) proposals were received as follows:

| <u>Company Represented</u> | <u>Total Amount of Bid Proposal</u> |
|----------------------------|-------------------------------------|
| Networks Plus              | \$ 24,780.00                        |
| United Computers           | \$ 33,017.00                        |
| J Hardt                    | \$ 30,013.32                        |

Quotes also included a service agreement contract as follows:

| <u>Company Represented</u> | <u>Total Amount of Bid Proposal</u> |
|----------------------------|-------------------------------------|
| Networks Plus              | \$ 4,200.00                         |
| United Computers           | \$ 7,200.00                         |
| J Hardt                    | \$ 9,000.00                         |

**WHEREAS**, the Township Administrator and the Review Committee consisting of the Township Administrator, Tax Collector and the Chief Financial Officer have recommended that the Township Committee award a contract for Information Technology Services as follows; and

**WHEREAS**, quotes were requested for Hewlett Packer equipment or the equivalent and it is the recommendation of the subcommittee to exclude Networks Plus quote; quote submitted was for Dell Computers; and

**WHEREAS**, Hewlett Packer is an approved State Contract Vendor; quote was submitted under State Contract WSCAII; and

**WHEREAS**, the Review Committee have also recommended that the Township Committee award the Contract to Konica Minolta Business Solutions USA formerly known as United Computer Sales and Services whose proposal is reasonable as to price and completely responsive to the Township needs of proximity and the current working relationship between the Township and Konica Minolta Business Solutions USA fka United Computer Sales and Services; and

**WHEREAS**, the New Jersey Local Public Contracts Law, N.J.S.A. 40A:11-1 et. seq., authorizes the award of a Contract for “professional services” without competitive bidding and requires that said award be publicly advertised; and

**WHEREAS**, funds are available for this purpose; and;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Township Committee of the Township of Edgewater Park that an award is hereby made to Konica Minolta Business Solutions USA fka United Computer Sales and Services, as set forth in the Proposal issued by United Computer Sales and Services dated March 7, 2013 in the amount of \$33,017.00 and the service contract in the amount of \$7,200.

**BE IT FURTHER RESOLVED** that the Mayor and/or Township Clerk/Administrator are is hereby authorized to execute said contract.

### **RESOLUTION 2013-83**

#### ***Resolution to Memorialize Beverly Emergency Squad, Inc. vs. Township of Edgewater Park Litigation***

**WHEREAS**, the Beverly Emergency Squad filed a Complaint in Superior Court under caption Beverly-Edgewater Park Emergency Squad, Inc. vs Township of Edgewater Park Docket No. BUR-L-2039-12P.W.; and

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

**WHEREAS**, the Defendant, Township of Edgewater Park has offered, and agrees to pay, a contribution of Two Thousand Five Hundred Dollars (\$2,500.00) to the Emergency Squad to assist with transition expenses and to settle all claims that have been or might be asserted again the Township; and

**WHEREAS**, the Defendants, Township of Edgewater Park waives its rights to pursue its claim against the Plaintiff for counsel fees pursuant to Rule 1:4-8 and N.J.S. 2A:15-59.1; and

**WHEREAS**, the Township desires to formally recognize and approve the final Consent Order Settling the Case and Dismissing the Complaint with prejudice.

**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 “Consent Order Establishing Settlement of Matter and Further Providing a Release to All Parties” referenced above and incorporated herein in the matter of Beverly-Edgewater Park Emergency Squad, Inc. vs Township of Edgewater Park Docket No. BUR-L-2039-12P.W is hereby recognized and approved.

**RESOLUTION NO. 2013-84**  
***Local Emergency Declaration***

**WHEREAS**, the Mayor and Emergency Management Coordinator issued a local emergency declaration on the 13<sup>th</sup> Day of June 2013 at 8:45 am due to potential flooding and high winds predicted on 13<sup>th</sup> Day of June 2013; and

**WHEREAS**, the local disaster emergency proclamation issued on the 13<sup>th</sup> Day of June 2013 at 8:45 am pursuant to the powers vested by the State of New Jersey is no longer necessary.

**THEREFORE** in accordance with the aforesaid laws, I do hereby declare that the local disaster emergency no longer exists and rescind the aforesaid proclamation.

**RESOLUTION NO. 2013-85**  
***Resolution Authorizing Liens Against Real Property for the Abatement Of Certain Conditions In Accordance with the Property Maintenance Code of the Township of Edgewater Park***

**WHEREAS**, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

**WHEREAS**, section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property; and

**WHEREAS**, the Property Maintenance Inspector has cited the below mentioned property and has imposed fines and expenses for repair on said property per the attached list; and

**WHEREAS**, Section 8.44.620 of the Edgewater Park Township Municipal Code further provides that the Township Committee, must by Resolution, approved the expenses and costs that they shall thereafter become a lien against the property listed and shall be collectible as provided by law; and

**NOW THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Edgewater Park, assembled in public session this 19<sup>th</sup> day of June 2013, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**FRIEDA HALL  
BLOCK: 1605 LOT: 9**

**ALSO KNOW AS: 129 E CHURCH STREET**  
Clean up and lawn maintenance  
Amount: \$275.96

are hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

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

**ORDINANCES:**

**ORDINANCE NO. 2013-4**

**(FIRST READING)**

***AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE TOWNSHIP OF EDGEWATER PARK BY ABOLISHING EDGEWATER PARK RECREATION COMMISSION, TITLE 2 ADMINISTRATION AND PERSONNEL, CHAPTER 2.52 RECREATION COMMISSION***

**WHEREAS**, the Township Committee of the Township of Edgewater Park has analyzed and reviewed the current state of the Recreation Commission in light of the concern regarding the liabilities presently assumed by the Recreation Commission; and

**WHEREAS**, the Township Committee further believes that the township residents will be better served if the existing Recreation Commission were abolished and duties pertaining to recreation purposes and recreational programs within the township be placed with a Recreation Advisory Committee.

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

**Section 1.** Section 2.52.010 through 2.52.040 of Chapter 2.52 of the Code of the Township of Edgewater Park entitled: "Recreation Commission" and any subsequent amendments are hereby repealed and rescinded.

**Section 2.** Section 2.52.010 through 2.52.040 of Chapter 2.52 of the Code of the Township of Edgewater Park are from the date of final adoption of this ordinance to be held as "reserved" for future use by the Township Committee.

**Section 3.** All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage, approval and publication, as provided by law.

**NOW THEREFORE BE IT ORDAINED**, by Township Committee of the Township of Edgewater Park in the County of Burlington.

**NOTICE**

The foregoing ordinance will be consider for adoption of final reading and public hearing to be held on July 16, 2013 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mayor McElwee Second: Mr. Booker

Discussion: Mrs. Dougherty reviewed that this ordinance and the following two ordinances will require use of facilities or function application consideration to be authorized by Township Committee.

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

**ORDINANCE NO. 2013-5**

**(FIRST READING)**

***AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE TOWNSHIP OF EDGEWATER PARK, TITLE 12 STREETS, SIDEWALKS AND PUBIC PLACES, CHAPTER 12.20 PARK AND RECREATION AREAS USE REGULATIONS***

**WHEREAS**, the Township Committee of the Township of Edgewater Park believes that the township residents will be better served if certain Sections of Chapter 12.20 be amended:

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

**Section 1.** Section 12.20.010 D. Titled: Prohibited activities, Section 12.20.020 Titled: Permission required, Section 12.20.030 Titled Authority, Section 12.20.070 Titled Use permission and precedence, Section 12.20.100 Titled: Threatening persons to be banned, Section 12.20.110 Titled: Fields off-limits after dark. Section 12.20.130 Titled: Alcoholic beverages prohibited of the Code of The Township of Edgewater Park entitled and any subsequent amendments are hereby repealed and rescinded.

**Section 2.** Section 12.20.010 D. Titled: Prohibited activities, Section 12.20.020 Titled: Permission required, Section 12.20.030 Titled Authority, Section 12.20.070 Titled Use permission and precedence, Section 12.20.100 Titled: Threatening persons to be banned, Section 12.20.110 Titled: Fields off-limits after dark. Section 12.20.130 Titled: Alcoholic beverages prohibited are hereby Created as follows:

12.20.010 Prohibited activities.

No person in a public park and recreation area shall:

D. Sell, offer for sale, hawk or display merchandise or food for sale in public recreational parks of the township, without the written permission of the Township Committee of the township. (Prior code § 12:21-1)

12.20.020 Permission required.

The field house may not be used without written permission. Normal request should be made ten days in advance of meeting to the chairman or secretary of the Township Committee. (Prior code § 12:21-2)

12.20.030 Authority.

The Township Committee shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Prior code § 12:21-3)

12.20.070 Use permission and precedence.

Permission to use the park facilities will be granted by the Township Committee. Regularly scheduled games will always take precedence. (Prior code § 12:21-9)

12.20.100 Threatening persons to be banned.

If at any time any member of the Township Committee is threatened by any person or persons, this person or persons will be banned from using all recreation facilities. (Prior code § 12:21-15)

12.20.110 Fields off-limits after dark.

Fields are off-limits after dark, except for properly supervised group activities approved by the Township Committee (Prior code § 12:21-16)

12.20.130 Alcoholic beverages prohibited.

No alcoholic beverages are allowed on the recreation fields or in field houses at any time unless by special written permission of the Township Committee. (Prior code § 12:21-18)

**Section 3.** All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage, approval and publication, as provided by law.

**NOW THEREFORE BE IT ORDAINED**, by Township Committee of the Township of Edgewater Park in the County of Burlington.

#### NOTICE

The foregoing ordinance will be consider for adoption of final reading and public hearing to be held on July 16, 2013 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mayor McElwee Second: Mr. Kercher

Discussion: None

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

#### ORDINANCE NO. 2013-6

**(FIRST READING)**

***AN ORDINANCE TO AMEND THE CODIFIED ORDINANCES OF THE TOWNSHIP OF EDGEWATER PARK, TITLE 5 BUSINESS LICENSES AND REGULATIONS, CHAPTER 5.28 PEDDLERS AND SOLICITORS***

**WHEREAS**, the Township Committee of the Township of Edgewater Park believes that the township residents will be better served if certain Sections of Chapter 12.20 be amended:

**BE IT ORDAINED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey, as follows:

**Section 1.** Section 5.280.90 D. Under Title: Rules and Regulations is hereby repealed and any subsequent amendments are hereby repealed and rescinded.

**Section 2.** Section 5.280.90 D. Titled: Rules and Regulations is hereby created as follows:

5.28.090 Rules and regulations.

D. No person shall offer any merchandise, as defined in this chapter, for sale on the public recreation grounds of the township, except by written permission from the Township Committee of the Township of Edgewater Park.

**Section 3.** All ordinances, or parts of ordinances, which are inconsistent herewith are hereby repealed to the extent of their inconsistency.

**Section 4.** This Ordinance shall take effect immediately after final passage, approval and publication, as provided by law.

**NOW THEREFORE BE IT ORDAINED**, by Township Committee of the Township of Edgewater Park in the County of Burlington.

#### **NOTICE**

The foregoing ordinance will be consider for adoption of final reading and public hearing to be held on July 16, 2013 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mr. Booker Second: Mr. Trainor

Discussion: none

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

#### **REPORT OF OFFICIALS**

##### ***Committeeman Kercher:***

##### *Liaison to the School Board:*

The School Board's next meeting is on Tuesday, June 25<sup>th</sup> at 7 PM it will be the last meeting for Cheryl Smith; this is the end of the year wrap-up meeting for the School Board.

##### ***Committeeman Booker:***

##### *Liaison to Recreation Committee:*

Mr. Booker deferred to Mr. Trainor regarding the fishing derby.

##### ***Committeeman Trainor:***

##### *Liaison to Senior Advisory:*

Mr. Trainor reported Senior Advisory is on summer break and will reconvene on September 14<sup>th</sup> at 3 PM with a presentation on rain barrels and composting given by Rutgers.

*Liaison to the Environmental Committee:*

Mr. Trainor reported the fishing derby was a great success with approximately forty children in attendance.

Mr. Trainor comment that every field was in use this weekend and thanked Mr. Painter and public works for their efforts. The summer sizzler was a success.

***Mayor McElwee:***

*Liaison to Neighborhood Watch:*

Next meeting for Neighborhood Watch is on June 27<sup>th</sup> at 6:30 PM with a presentation by Dr. Lara Bruneau with a presentation on summer safety.

*Liaison to EPAA:*

Mayor McElwee reported this weekend's activities were well attended.

Mayor McElwee further reported the next EPAA meeting will be on July 8 at 8:30 PM at the 45<sup>th</sup> Street Pub.

Mayor McElwee further reported he attended the 8<sup>th</sup> Grade Commencement program last night; he commended the School Board, faculty and students.

Mayor McElwee also reported he attended a Flag Day Service this pass Saturday at the Beverly National Cemetery given by the Elks in remembrance of our Flag. The Marine Core, the Honor Guard and Troop 24 were present. Mayor McElwee invited all present to attend next year.

Mayor McElwee thanked Mr. Trainor and Mr. Booker for working on the fishing derby.

Mayor McElwee also thanked the Public Works for their work on the fields.

**APPROVAL OF BILLS**

Approval of bills from June 5, 2013 through June 14, 2013

Moved by: Mayor McElwee Second: Mr. Kercher

Discussion: Township Committee reviewed and discussed various items on the bill list.

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

Authorization to pay bills from June 15, 2013 through July 8, 2013

Moved by: Mr. Booker Second: Mr. Kercher

Discussion: none

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

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

*Mike Shultz, President of EPAA,* thanked Aubrey Painter, public works and the township for their support in general and for the preparation of the fields for this past weekend's two day tournament event. The tournament will wrap up this weekend.

*Mr. Shultz* questioned whether the Township could address the drainage situation at Memorial Field. He further acknowledged the Committee's focus to improvements at Weimann Sports Complex and that the teams will love it.

He further requested the walls to be removed from the Kite Field Clubhouse; closets are not needed.

*Mr. Shultz* further acknowledged and thanked the business sponsors for the various sports teams.

*Noel Rainey, 7 Spring Lane, representing the Board of Directors at Silver Park West,* reported where South Garden runs into Silver Park West there is a drainage problem which causes trash to accumulated under the fence.

*Mr. Rainey* also questioned the sewer bill increase, where the money is going?

Township Committee discussed that the increase is due in part to the upgrades in the system that were recently performed.

*Mr. Rainey* further discussed that at 4:00PM when the Burlington Coat Factory has a shift change that Cooper Street is booming.

*Mrs. Dougherty* discussed that Cooper Street is a County road and that the County required the BCF to submit a bond for a potential future traffic light; the term of the bond and obligation is determined by the County.

*Mr. Rainey* further questioned the status of the bike patrol since it is summertime and that sounds like a job for a rookie.

Township Committee discussed that due to budgetary constraints and number of police officers that the bike patrol is not feasible at this time.

*Mr. Rainey* also questioned what is happening with the Buckno property; ugly house sell it.

*Ann Clark, 300 S. Harrison Ave,* thanked Township Committee for fixing up Woodlake Park but questioned why a part of the park is taped off.

*Mr. Darji* stated the area is a wildflower garden and it did not take so the garden will be replanted in the spring.

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

**ANY OTHER BUSINESS:**

Committeeman Booker congratulated the 8<sup>th</sup> grade students and comment that he is looking for to seeing their future contributions and representations.

Mayor McElwee informed all present the will be a test on the new lights at Weimann on Friday from 9:00PM and all are welcome to come out.

***Resolution No. 2013-86***

***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 discuss a potential redevelopment agreement Block 502, Lot 12. 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. Booker6 Time: 8:47 PM

Discussion: Mayor McElwee announced that Committee does not anticipate conducting additional business after closed session.

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

**THERE WAS NO OTHER BUSINESS.**

**ADJOURN**

Moved by: Mr. Kercher Second: Mayor McElwee Time: 9:40PM

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

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Joseph T. Pullion, Mayor

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Linda M. Dougherty, RMC/Administrator

Approval Date: February 4, 2014

