

**TOWNSHIP OF EDGEWATER PARK  
MINUTES - AUGUST 3, 2010**

Deputy Mayor Booker called the meeting to order at 7:00 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:

Public 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 6, 2010.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 6, 2010.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 6, 2010.

Present: Mrs. Aimee Belgard, Mr. Darrell Booker and Mr. John McElwee

Absent: Mr. Joseph Pullion and Mayor Kevin Johnson (Committee Members)

Also present: Mr. Robert Brian, Chief of Police, Mr. Aubrey Painter, Superintendent of Public Works, Mrs. Linda Dougherty, Clerk/Administrator, Mr. William Kearns, Solicitor and Mr. Tom Miller, Jeremy Noll, Township Engineer

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

**REPORTS**

*The Solicitor did not have a report.*

Mr. Kearns stated the Ordinance to repeal the disorderly person's ordinance is ready to be submitted for the next meeting.

*Report from the Engineer is appended hereto.*

**Cooper Street Crosswalks**

The conversations with the County and the Contractor are favorable to resolve the problem with the crosswalks.

**Stop Signs Silver Park West:**

Mr. Painter will be installing state approved reflective stop signs Mr. Painter further reported all signs must be reflective by 2012.

**Resolution 2010-119 (Grant Center of Place) and 120 (Grant DOT)**

Upon discussion, Township Committee decided to wait to submit the grant because of budgetary constraints. Mr. Noll stated the deadline to apply is August 13 and his firm would need to be notified by August 10<sup>th</sup>.

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

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

**Personnel**

Sean Ferguson, Seasonal Employee, resigned for he will be attending college.

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

**Empire Software Solutions**

Authorization to draft a resolution to enter into a contract for the Empire Software Solution to upload police reports for easy access of police reports with a \$6.00 total service fee at the September 7, 2010 meeting.

Moved by: Mr. Booker Second: Mrs. Belgard

Hearing no discussion:

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

***There were no other reports.***

**REPORT ACCEPTANCE**

Moved by: Mr. Booker Second: Mrs. Belgard

Hearing no discussion:

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

**AUTHORIZATIONS: NONE**

**APPOINTMENTS/RESIGNATIONS:**

Affirmation of Appointment of Special Police Officer of Forrest Salmonis effective July 14, 2010 to December 31, 2010 rate of \$15.00 per hour.

Moved by: Mr. McElwee Second: Mr. Booker

Hearing no discussion:

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

Affirmation of Appointment of Special Police Officer of Dyllon Willhouse effective July 14, 2010 to December 31, 2010, rate of \$15.00 per hour.

Moved by: Mrs. Belgard Second: Mr. McElwee

Hearing no discussion:

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

Appointment of John Thompson, Edgewater Park Twp, as Substitute Crossing Guard, Effective August 4, 2010, pending successful completion of background check and drug/alcohol pre-employment screening test, rate of \$17.19 per post

Moved by: Mr. Booker Second: Mr. McElwee

Discussion: Upon discussion by Township Committee, Mrs. Dougherty reported that a post was one and a half hours.

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

Appointment of Marci Chafin, Delanco Twp, as Substitute Crossing Guard, effective August 4, 2010, pending successful completion of background check and drug/alcohol pre-employment screening test, rate of \$17.19 per post

Moved by: Mr. Booker Second: Mrs. Belgard

Discussion: Upon discussion by Township Committee, Mrs. Dougherty reported crossing guard applications are reviewed and recommendation of appointment is made by the police department.

Chief Brian affirmed that township residents are given preference.

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

**FUNCTION APPLICATIONS:**

*Public Functions:* NONE

*Solicitor's Permit:* NONE

**RESOLUTIONS**

Motion to Approve Resolution No. 2010 -113 through 2010-118 by consent agenda; if any items on the consent agenda require discussion, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. McElwee Second: Mr. Booker

Hearing no discussion:

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

**RESOLUTION NO. 2010-113**

*Resolution of the Township of Edgewater Park, County of Burlington,  
State of New Jersey Authorizing the Amendments and/or Concessions to Certain Contracts  
and/or Salaried Positions*

**WHEREAS**, the Township of Edgewater Park entered into an employment contract with Robert Brian, Chief of Police by way of Resolution No. 162-2007; and

**WHEREAS**, the Township wishes and the following employees have agreed to modify the annual compensation of Robert Brian, Chief of Police as per the attached Contract Concessions dated July 20, 2010; and

**WHEREAS**, the Township has further agreed to modify Section 2 of his existing contract: "Term of Employment: Termination" by authorizing a one year contract extension to December 31, 2013; and

**WHEREAS**, all other terms and conditions of the employment contract with Robert Brian, Chief of Police shall remain in effect.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the TOWNSHIP OF EDGEWATER PARK, County of Burlington, State of New Jersey that the employment contracts as stipulated above for all services are hereby approved and this resolution shall be appended to said contracts.

**RESOLUTION NO. 2010-114**

*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 3<sup>rd</sup> day of August 2010, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**KAMILIA WINGATE  
BLOCK: 1809 LOT: 11**

**ALSO KNOW AS: 106 SUNSET LANE**  
Clean up and law maintenance  
Amount: \$248.78

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.

**RESOLUTION NO. 2010-115**

*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 3<sup>rd</sup> day of August 2010, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**ZACHARY PERRY  
BLOCK: 1003 LOT: 5**

**ALSO KNOW AS: 1050 COOPER STREET**

Clean up and law maintenance

Amount: \$248.78

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.

## **RESOLUTION NO. 2010-116**

*Amending Resolution 2010-108*

*Regulating the Firearms Policy for the Edgewater Park Police Department*

### **Firearms Policy**

#### **I. Purpose**

To establish a uniform set of standards for semi-annual firearm's requalification for any weapon, including a shotgun, that is issued or authorized for use on or off duty. Additionally, to provide a procedure for officers to utilize in requesting permission to carry specific off-duty weapons and define the minimally acceptable standard of care for department owned firearms. Lastly, to explain the safe handling, carrying and storage requirements regarding all weapons owned, possessed and/or carried by department officers.

#### **II. Policy**

The authorization to carry a firearm and related equipment is an awesome responsibility. Due to the inherent dangers associated with the utilization of firearms, officers must be thoroughly trained and appropriately certified prior to carrying any firearm. Equally important is the responsibility for the safe handling and storage of firearms and ammunition. All officers shall utilize the utmost amount of care whenever it is necessary to handle a firearm under any circumstances. Officers shall carry/utilize only those firearms/ammunition that have been approved by the Chief of Police. All departmentally owned, possessed or approved firearms shall be subjected to periodic cleaning and maintenance as necessary to ensure that the weapons remain serviceable.

#### **III. Procedure**

## A. Authorization to Carry Firearms

1. All full-time police officers employed by this department are granted the authority to carry a firearm by N.J.S.A. 2C:39-6a(7)(a), provided they have completed the requisite training and qualifications in accordance with the provisions of the Attorney General's Guidelines and this Standard Operating Procedure.

## B. Authorized On-Duty Deadly Force Weapons (firearms)

1. The department issued Sig Sauer .40 caliber, model P229 is the only handgun authorized for use by on-duty officers.
  - a. All uniform officers will carry their department issued handguns in the department issued holster only. Detectives and authorized plain-clothes officers must carry department issued handguns in department issued holsters or holsters that have been approved by the supervising firearms instructor. At no time will a handgun be carried unsecured in a belt, waistband, or concealed in any other article of clothing not specifically designed for that purpose and approved by the department.
2. The department may equip each vehicle assigned to the Patrol Bureau with a Remington model 870 Police Magnum 12 gauge pump action shotgun. Officers assigned to the Investigations Bureau or administrative functions, who are certified, may be issued these weapons for their assigned vehicles upon request. This is the only shotgun authorized for use by members of this department.
  - a. Shotguns will be maintained in a ready status with the chamber empty and four (4) rounds of double 00 Buck in the magazine. All double 00 Buck ammunition will be red in color.
  - b. A five (5) round box of rifled slug ammunition may be kept in each vehicle equipped with a shotgun. All rifled slug ammunition will be green in color. Rifled slugs may only be used by officers approved to carry such ammunition by the range instructor and when authorized by an officer of supervisory rank.
    - Rifled slugs provide an additional use of force option and enhance the capabilities of the shotgun.
    - Due to their increased range and power officers need to be extremely aware of not only the target and the target area but of those areas beyond which might be impacted by use of a rifled slug.
    - Rifled slugs are never to be used at distances beyond that for which the officer has been trained or by officers who have not been trained in their use.
    - Training will be provided twice annually to coincide with the department's use of force and firearms qualification training.
3. Police service rifles, Bushmaster model #XM15-E2C's, will be kept in the armory safe and may only be removed by an officer who is authorized and qualified with this weapon. Three (3) loaded magazines will be taken from the safe. The rifle will be maintained in a "ready" status in the patrol vehicle mount or approved case. If the vehicle is not equipped with a mount and a qualified officer wishes to carry the rifle in a patrol vehicle, the rifle must be kept in the case and secured in the trunk. One (1) loaded magazine will be inserted into the magazine port. The rifle **will not**

have a round chambered while in the vehicle and it will not be chambered until it is taken out for use on an appropriate call. Upon completion of the call the rifle will be returned to a “ready” status and the round will be removed from the chamber and the rifle re-secured in its mount or case. After the conclusion of the shift, the loaded magazine will be removed from the magazine port, inspected to insure chamber is empty and return the rifle to the armory safe.

4. The supervising firearms instructor will be responsible for maintaining a record of all Department issued firearms. These will include maintenance records, copies of any “Weapon Status Reports”, and any other reports submitted indicating the weapon was repaired or required service beyond normal maintenance. They will also indicate the results of inspections to include those conducted during qualification sessions.
5. Only ammunition issued by the department may be used in these weapons. the only exception being in a desperate tactical situation where an officer has exhausted his immediately available supply of department issued ammunition and must use non-issued ammunition in defense of his own life or the life of another.

#### C. Authorized Off-Duty Deadly Force Weapons (firearms)

1. Officers should carry a handgun at all times, when prudent and in accordance with the laws of this and other states, so that they may act in a situation requiring them to do so. The department strongly encourages off-duty officers to carry the department issued weapon. However, they may carry other handguns provided the following conditions are met:
  - a. The weapon is not smaller than .32 caliber nor larger than .45 caliber.
  - b. The weapon has been submitted to the supervising firearms instructor for inspection, and having been found acceptable, approved for use.
  - c. However, the officer will not be authorized to carry the weapon until qualified during the next regularly scheduled training session.
  - d. All handguns carried while off-duty must be carried in department issued holsters or holsters that have been approved by the supervising firearms instructor. At no time will a handgun be carried unsecured in a belt, waistband, or concealed in any other article of clothing not specifically designed for that purpose and approved by the department.
2. The supervising firearms instructor will be responsible for maintaining a record of all firearms approved for official use. These will include maintenance records, copies of any “Weapon Status Reports”, and any other reports indicating the weapon was repaired or required service beyond normal maintenance. They will also indicate the results of inspections to include those conducted during qualification sessions.
3. Prior to qualification, officers will present to the firearms instructor, for inspection and approval, the ammunition that will be used in the weapon. The ammunition must be from a recognized and reputable manufacturer and recognized as being accepted for use by law enforcement. Only department-approved ammunition may be used in authorized weapons.

4. Prior to using any handgun during qualifications, whether it be issued to or owned by them, officers will unload and make the weapon safe and present it to the firearms instructor for inspection. The weapon will be inspected for cleanliness and any obvious defects or condition that would make the weapon unsafe. If at this time, or anytime, the weapon is determined to be unsafe or otherwise not serviceable it will be secured and will no longer be used until such time as the problem is corrected.
  - a. If it is a department issued weapon the firearms instructor will take possession of it and, if necessary, provide the officer with a like weapon to qualify. If the weapon is owned by the officer the firearms instructor will be responsible for ensuring that the weapon is properly secured so as not to be accessible to that officer or any officer during qualifications.
    1. The firearms instructor will be responsible for completing and maintaining, along with the weapon, a "Weapon Status Report". The weapon and the report will be forwarded to the department's armorer for inspection and repair. The supervising firearms instructor will be responsible for notifying the DPS/CLEO that an officer's weapon has been removed from service and if applicable, a replacement has been provided.
    2. If the officer owns the weapon he may submit the weapon to the armorer with a "Weapon Status Report" if approved by the supervising firearms instructor. However, if the armorer is unable to repair the weapon the report will be filed and the weapon returned to the officer. If the officer wishes to use a different weapon he must first comply with the provisions of section E. above.
  - b. At no time is any officer, other than the armorer, to attempt to repair or otherwise adjust or modify any department issued firearm.

#### D. Re-Qualification Process

1. Officers who fail to qualify will be provided remedial training and up to three (3) opportunities to attempt to qualify during the same qualifying session. If the officer is unable to qualify at that time, up to two additional remedial training and qualification sessions will be scheduled by the training officer as soon as possible following the initial qualification session. The Department will pay for all of the ammunition used during the initially scheduled qualifications. Thereafter, the officer shall be responsible for providing any subsequent ammunition. The type of ammunition shall be determined by the Supervising Range Instructor or his designee, and is not subject to deviation. The cost for this ammunition will be borne by the officer.
  - a. The below listed re-qualification process will work in conjunction with Section 9: Non-Qualifying Participants, of the Attorney General Guidelines on Semi-Annual Qualification and Re-Qualification: Revised June 2003.
    1. If an officer is still a non-qualifying participant and has not achieved a passing score on the (HQC1 Course), (HQC2 Course) or the (HQNC Course), the officer will receive remedial instruction in firearms

marksmanship. Prior to and during remedial training sessions, the firearms instructors will analyze and review any problems, factors or circumstances that may have led to the officer's failure to qualify. This will include a thorough examination and test firing of the weapon used. This remedial instruction will be determined by the Firearms Instructor and the Supervising Firearms Instructor, after making observations of the deficient shooter.

2. Firearms remediation will minimally include:
  - a. Safety with firearms
  - b. Handling and weapon manipulation
  - c. Grip
  - d. Stance
  - e. Trigger control
  - f. Sight alignment
  - g. Breath control
  - h. Follow through
  - i. Reloading
  - j. Clearing malfunctions
3. After the remedial instruction, which will include practical firing at the firearms instructor's discretion (no more than 200 rounds), the non-qualifying participant will re-shoot for qualification on the (HQC1 Course), (HQC2 Course) or the (HQNC Course). If the non-qualifying participant still fails to re-qualify they will be disarmed and will not be authorized to carry any weapon while on or off duty.
  - a. A non-qualifying participant will not be permitted to work in a patrol or police function, to include light duty assignments, until a passing score is achieved and the Supervising Firearms Instructor is confident that sufficient weapon handling skills are accomplished.
  - b. A non-qualifying participant shall be required to use his or her personal and vacation leave time.
4. The non-qualifying participant will file a report with the Supervising Firearms Instructor by 1300 hours the following day. The report will contain everything the non-qualifying participant has done proactively concerning their preparation since their last qualification.
5. The Supervising Firearms Instructor will issue a counseling notice to the non-qualifying participant for NEGLECT OF DUTY: Failure to give suitable attention to the performance of duty.
  - a. A non-qualifying participant who continues to need remedial training for firearms and fails to show suitable attention to their performance of duty will face continued progressive discipline in accordance with our rules and regulation.
6. All documentation and notifications will be made in accordance with Section 9: Non-Qualifying Participants, of the Attorney General Guidelines on Semi- Annual Qualification and Re-Qualification: Revised June 2003.

7. The non-qualifying participant will be assigned to a comprehensive remedial training course for their service handgun. This remedial training course will emphasize the basic principles of marksmanship and will be structured by the Supervising Firearms Instructor. The remedial training course will meet the needs of the non-qualifying participant. Upon the completion of the remedial training course, the non-qualifying participant will be scheduled to re-shoot for qualification.
    - a. The Supervising Firearms Instructor may approve a re-qualification attempt during the remedial training if it is deemed appropriate.
  8. During the two additional remedial training and qualification sessions, the non-qualifying participant will not shoot more than four (4) qualification attempts per session. The non-qualifying participant will be permitted to shoot no more than two hundred (200) practice rounds each remedial training and qualification session. The non-qualifying participant will have to receive a minimum passing score of 80% on two (2) consecutive attempts at the (HQC1 Course) or (HQC2 Course), and the (HQNC Course).
  9. Failure to complete the basic firearms training course, to include remedial training and re-qualification will subject the officer to termination of employment from this agency.
  10. All documentation and notifications will be made in accordance with Section 9: Non-Qualifying Participants, of the Attorney General Guidelines on Semi- Annual Qualification and Re-Qualification: Revised June 2003.
2. The supervising firearms instructor will be responsible for maintaining all firearms training and qualifications records for each officer. For each qualification session a record must be prepared which contains the following information:
    - a. Officer's name, the date, type of weapon qualification course conducted, and scores obtained on each course.
    - b. Name of the firearms instructor for each course
    - c. Firearm used;
      1. Make
      2. Model
      3. Caliber
      4. Serial number
    - d. Description of ammunition used for each weapon;
      1. Make
      2. Type
      3. Caliber
    - e. Location where qualification session was held.

Twice annually, following qualifications, an analysis report regarding these individual records will be submitted through the chain of command to the PSD/CLEO for review. Included in this report will be the location of any targets, signed by the officer and the instructor, of any officer who failed to qualify. These targets must be maintained until the officer qualifies or if terminated until three years following the date of termination.

3. All firearms qualifications will be conducted by certified firearms instructors in accordance with the guidelines and standards established by the Office of the Attorney General of NJ.

**RESOLUTION NO. 2010-117**

*Refund of Outside Police Employment Account*

WHEREAS, there are certain moneys in the Outside Police Employment Account of the Township of Edgewater Park; and

WHEREAS, there has been a request by the resident for a refund of the account balance; and

WHEREAS, the Chief Financial Officer has researched the request and has found that the refund is justified; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the following moneys in the Trust Account be refunded to the following applicant:

Jennifer Bygrave  
1310 Bridgeboro Road  
Edgewater Park, NJ 08010  
Amount: \$377.00  
Escrow No. 424

BE IT FURTHER RESOLVED by the Township Committee that the Chief Financial Officer is hereby directed to draw a check in the above stated amount for said refund.

**RESOLUTION 2010-118**

*Resolution by the Township Edgewater Park Authorizing Layoffs Within the Edgewater Park Police Department Pursuant to N.J.S.A. 40A:14-143, For Reasons of Economic Circumstances*

WHEREAS, the Township of Edgewater Park has determined that for reasons of economy, it is necessary to decrease the number of officers of the Police Department; and

WHEREAS, the Township of Edgewater Park has determined that by eliminating two (2) police officer positions for reasons of economy, the Township will be able to reduce its operating budget; and

WHEREAS, a Layoff Plan was submitted to Civil Service on April 12, 2010 and subsequently approved on May 12, 2010; notices to employees, general and specific, were issued on May 12<sup>th</sup> with a projected effective date of layoff of June 28, 2010; and

WHEREAS, the Township of Edgewater Park and Employees Union Representatives met to discuss potential options and with regret an amicable agreement could not be reached; the effective date of the layoffs was July 16, 2010; and



**WHEREAS**, the Township determined that two positions that are affected were the last two (2) regular police officers hired;

**WHEREAS**, there currently are no vacant positions within the Edgewater Park Township Police Department, which the Township is willing to fill as of the effective date of the layoffs; and

**WHEREAS**, there are no viable alternatives to the layoffs that the Township is aware of, these positions were eliminated for clear reasons of economy pursuant to N.J.S.A. 40A:14-143; and

**WHEREAS**, the Members of Township Committee, the Chief of Police and the Township Clerk/Administrator met with the affected employee's representatives for consultation with regard to the proposed layoffs and to discuss alternatives to the layoffs. No realistic proposals were put forward by the Employees Union Representatives that would eliminate the need for the layoffs; and

**WHEREAS**, all members whose services are terminated by this layoff action, shall be placed on a special employment list for future vacant positions.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township of Edgewater Park, County of Burlington, and State of New Jersey, that a copy of this Resolution shall be forward to the New Jersey Civil Service Commission

**The following Resolutions are not by consent agenda and shall require individual roll call vote:**

**RESOLUTION NO. 2010-119**

*Authorizing Submission of a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation Under Centers of Place FY2011 for Cooper Street from Green Street to Route 130*

**WHEREAS**, Cooper Street is a vital link between the Central Business District, residential areas, mass transit, the Riverline Light Rail Station and the Route 130 Corridor; and

**WHEREAS**, the Township of Edgewater Park previously applied for and received a TEA-21 grant for making improvements for pedestrian safety and streetscape improvements along Cooper Street from Green Street to the Riverline Station for the first phase of this project and this is a continuation of that project; and

**WHEREAS**, the Township of Edgewater Park is a Designated Center and a member of the Burlington County River Route and therefore eligible to apply for Centers of Place funding.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee, of the Township of Edgewater Park, that the Mayor and/or Municipal Clerk/Administrator are hereby authorized to submit an electronic grant application identified as the Cooper Street Revitalization Project - Phase II to the New Jersey Department of Transportation on behalf of the Township of Edgewater Park.

**BE IT FURTHER RESOLVED** that the Mayor and/or Municipal Clerk/Administrator are hereby authorized to sign the grant agreement on behalf of the Township of Edgewater Park

and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**BE IT FURTHER RESOLVED** by the Township Committee, of the Township of Edgewater Park that the Township Engineer be authorized to complete the electronic grant application and associated documentation for submission to the New Jersey Department of Transportation for the Cooper Street Revitalization Project - Phase II.

Mr. Booker moved to table Resolution No. 2010-119 until the September 7, 2010 meeting.

Second: Mrs. Belgard

Hearing no discussion:

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

### **RESOLUTION NO. 2010-120**

*Authorizing Submission of a Grant Application and Execute a Grant Agreement with the New Jersey Department of Transportation for Roadway Improvements to Cherrix Avenue*

**WHEREAS**, the New Jersey Transportation Trust Fund Authority Act provides that each community receive an annual state aid allotment for roads and bridge projects; and

**WHEREAS**, roadway improvements to Cherrix Avenue has been identified as a potentially eligible project.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Mayor and/or Municipal Clerk/Administrator are authorized to submit an electronic grant application to the New Jersey Department of Transportation for roadway improvements Cherrix Avenue and such other remedial improvements to said roadways as are necessary.

**BE IT FURTHER RESOLVED** that the Mayor and/or Municipal Clerk/Administrator are hereby authorized to sign the grant agreement on behalf of the Township of Edgewater Park and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

**BE IT FURTHER RESOLVED** by the Township Committee of the Township of Edgewater Park, that the Township Engineer is authorized to complete the electronic grant application and associated documentation for submission to the New Jersey Department of Transportation.

**Motion to table to the September 7, 2010**

Moved by: Mrs. Belgard

Second: Mr. McElwee

Hearing no discussion:

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

### **RESOLUTION 2010-121**

*APPROVING FINAL CONSENT ORDER IN EDGEWATER PARK TOWNSHIP V.  
SILVER PARK WEST, LLC LITIGATION*

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

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

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

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

**WHEREAS**, that resolution resulted in a "Consent Order Establishing Settlement of Dismissal of Matter and Further Providing a Release to All Parties," which was executed by all parties and entered by the Honorable Marc M. Baldwin, J.S.C. on July 26, 2010, a copy of which is attached hereto and incorporated herein by reference; and

**WHEREAS**, the Township desires to formally recognize and approve the final Consent Order entered into by the parties and approved by the Court.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey that the "Consent Order Establishing Settlement of Matter and Further Providing a Release to All Parties" referenced above and incorporated herein in the matter of Edgewater Park Township v. Silver Park West, LLC, et al., Docket No. BUR-L-3475-06, is hereby recognized and approved.

**NOW THEREFORE, BE IT FURTHER RESOLVED** by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey that any monies held in and by the Township in Trust for the establishment of escrow funds by Silver Park West, LLC shall be transferred to the General Fund of the Township Edgewater Park.

Moved by: Mr. McElwee

Second: Mr. Booker

Hearing no discussion:

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

**ORDINANCES: NONE**

## **REPORT OF OFFICIALS**

### **MAYORAL APPOINTMENT**

Deputy Mayor Booker announced the following Mayoral Appointment:

Michael Ianacone, appointment to the Senior Advisory Committee effective August 3, 2010 to December 31, 2010.

Deputy Mayor Booker administered the Oath of Office to Mr. Ianacone.

### ***Committeewoman Belgard:***

**Liaison to Senior Advisory:** Mrs. Belgard reported the next meeting is on Wednesday, August 10, 2010 at 3 PM. Mrs. Belgard further reported upcoming events are Medicaid and Medicare seminar and a possible flu clinic.

### **Dredging of Delaware River in Delanco**

Mrs. Belgard reported that she attended a meeting concerning the dredging of the Delaware River and depositing of the dirt/silt on the banks; Edgewater Park is not affected by this action.

### ***Committeeman McElwee:***

**Liaison to the EPAA:** Mr. McElwee reported the next meeting is on Tuesday, August 9, 2010 at 8:30 PM at the 45<sup>th</sup> Street Pub.

**Liaison to the Environmental Committee:** Mr. McElwee reported they are still looking for members to the Environmental Committee; anyone wishing to be involved please contact him. The next meeting is on August 16<sup>th</sup> at 7 PM.

Mr. McElwee further reported that two children made it to the State Finals under the Batter's Up program; finals will be held this Saturday.

***Committeeman Booker:***

***For Mayor Johnson:***

Mr. Booker stated the August 17, 2010 Township Committee meeting is canceled; the next regular meeting will be held on September 7<sup>th</sup>.

Mr. Booker further reported that due to budgetary constraints the office hours are changing: Township office hours are Monday-Thursday 9 am – 4:30 PM.

**Neighborhood Watch:** Mr. Booker reported that Mayor Johnson is representing Committee at the National Night Out Program; residents and members of Neighborhood Watch are walking through the community and handing out child ID kits. The next Neighborhood Watch meeting will be held on September 23<sup>rd</sup>.

**APPROVAL OF BILLS**

Approval of Bills from July 19, 2010 through August 2, 2010

Moved by: Mr. McElwee Second: Mrs. Belgard

Hearing no discussion:

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

Authorization to pay Bills from August 3, 2010 through September 7, 2010

Moved by: Mr. Booker Second: Mrs. Belgard

Hearing no discussion:

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

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

Mr. Noel Rainey, 7 Spring Lane, questioned when the reconciled tax bill sent out will be mailed.

Mrs. Dougherty reported they would be mailed by the end of August.

Mr. Rainey further questioned whether the Township could initiate the recycling coupon program.

Upon discussion Township Committee reported they would revisit the matter in the future.

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

**THERE WAS NO OTHER BUSINESS**

**ADJOURN**

Moved by: Mr. McElwee

Second: Mr. Booker

Time: 8:12PM

Hearing no discussion:

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