

**TOWNSHIP OF EDGEWATER PARK  
MINUTES-SEPTEMBER 20, 2011**

Mayor Booker called the meeting to order at 7:06 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 11, 2011.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 11 2011.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 11, 2011.

Present: Mrs. Aimee Belgard, Mr. Scott Kercher, Mr. John McElwee, Mayor Darrell Booker (Committee Members)

Absent: Mr. Joseph Pullion

Also present: Mrs. Linda Dougherty, Municipal Clerk/Administrator (Public and Closed), Mr. William Kearns, Township Solicitor (Public and Closed), Mrs. Margaret Peak (Public), Mr. Robert Brian, Chief of Police (Public) and Tanyika Johns, Deputy Clerk (Public)

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

**APPOINTMENTS/RESIGNATIONS: NONE**

**REPORTS**

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

**Hurricane Irene and Tropical Storm Lee**

Upon discussion, Township Committee authorized Rakesh Darji, Township Engineer to attend a meeting with Local Emergency Management on September 29, 2011 with the County.

**Police Vehicle Replacement**

Upon discussion, Township Committee authorized the purchase of a new 2012 Chevrolet Tahoe PPV for estimated cost of \$47,821 for first reading on a bond ordinance at the October 4, 2011 meeting.

**Copy Machine**

Upon discussion, Township Committee authorized the purchase the Kyocera Digital copiers as recommend by Margaret Peak, Chief Financial Officer. The Recommendation is appended hereto.

Moved by: Mrs. Belgard Second: Mayor Booker

Hearing no discussion:

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

*The Report of Tax Sale is appended hereto.*

**Chief of Police**

Chief Brian discussed that the medicine drop off program will be held of Oct 29<sup>th</sup> at the municipal building from 10AM to 2PM; residents are encouraged to drop off any unused or updated medicine.

Chief Brain further discussed that NJ Transit will be closing Mt Holly Rd on or about October 1<sup>st</sup>, for maintenance upgrades to the light rail line; detour signs will be posted.

***There Were No Other Reports***

**REPORT ACCEPTANCE**

Moved by: Mr. McElwee Second: Mr. Kercher

Hearing no discussion:

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

**AUTHORIZATIONS/CONSIDERATIONS: NONE**

**RAFFLE APPLICATION: NONE**

**RESOLUTIONS**

**CONSENT AGENDA**

Motion to Approve Resolution No. 2011-117 through 2011-125 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 Booker Second: Mr. Kercher

Hearing no discussion:

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

**RESOLUTION 2011-117**  
*Resolution Authorizing the Renewal of the MACCS Joint  
Purchasing System Agreement*

**WHEREAS**, a Joint Purchasing System was established by certain Burlington County municipalities pursuant to N.J.S.A. 40A:11-10, which system is known as “Municipal Apartment and Condominium Collection Services” (“MACCS”); and

**WHEREAS**, Maple Shade Township is the designated “lead agency” for the MACCS program; and

**WHEREAS**, Maple Shade Township as Lead Agency entered into an agreement (the “Agreement”) with certain municipalities to participate in MACCS to provide for the joint purchase of goods and services, more particularly, the collection and disposal of solid waste from apartments and condominiums within the participating municipalities; and

**WHEREAS**, MACCS was established as of September 1, 2002 and was subsequently renewed with the current three year renewal period expiring on August 31, 2011; and

**WHEREAS**, the Lead Agency has requested those participating units desiring to continue with the program to provide their consent to an additional three year term;

**WHEREAS**, the Township Committee has determined that it is in the best interest of the Township to continue its participation in the MACCS joint purchasing system and to consent to the renewal of the Agreement.

**NOW, THEREFORE, BE IT RESOLVED** by the Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the Township hereby consents to the renewal of the MACCS agreement for a three year term beginning on September 1, 2011 and ending on August 31, 2014.

**BE IT FURTHER RESOLVED**, the Township Mayor and Clerk are hereby authorized to execute any documents necessary to confirm such renewal.

**RESOLUTION 2011-118**  
*Resolution Authorizing the Funding Of the Township Of  
Edgewater Park’s Share Of The MACCS Contract With AVR Resource Group, Inc.*

**WHEREAS**, the Governing Body of the Township of Edgewater Park, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing System for the provision and performance of goods and services, more specifically, for the collection and disposal of solid waste from apartments and condominiums within the municipality; and

**WHEREAS**, the Township of Edgewater Park entered into a Joint Purchasing Agreement establishing the program known as “Municipal Apartment and Condominium Collection Services” (“MACCS”) which agreement designates Maple Shade Township as “lead agency” for the program; and

**WHEREAS**, AVR Resource Group, Inc., is the current Contract Administrator for MACCS, and based upon the membership’s review of the services provided, the lead agency is about to exercise the option to renew the current contract with Trash Pro, Inc for a one year term; and

**WHEREAS**, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated there under, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

**WHEREAS**, it appears that it is in the best interest of the Township of Edgewater Park to fund its portion of the one-year renewal of the contract with AVR Resource Group, Inc. in an amount not to exceed twenty-one thousand seven hundred eighty-seven dollars and eleven cents (\$21,787.11); and

**WHEREAS**, there are sufficient funds to provide for this purpose in the 2011 budget in an amount not to exceed \$16,380.09 as indicated in the attached Certification of Funds; and

**NOW, THEREFORE, BE IT RESOLVED** by the Governing Body of the Township of Edgewater Park, County of Burlington, State of New Jersey, as follows:

1. The share of contract amount allocated to the Township for the contract with AVR Resource Group, Inc. is hereby accepted;
2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the 2011 portion of the Trash Pro contract.

**RESOLUTION NO. 2011-119**

***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 properties; 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 20th day of September 2011, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**PAUL FOGARTY**  
**BLOCK: 327 LOT: 4**  
**ALSO KNOW AS: 1022 MT. HOLLY ROAD**  
Clean up and lawn maintenance  
Amount: \$250.96

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.

**RESOLUTION NO. 2011-120**  
*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 properties; 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 20<sup>th</sup> day of September 2011, 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 ST.**

Clean up and lawn maintenance

Amount: \$250.96

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.

**RESOLUTION NO. 2011-121**

***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 20<sup>h</sup> day of September 2011, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**LISA FRONCZKIEWICZ  
BLOCK: 801 LOT: 4**

**ALSO KNOW AS: 1002 COOPER STREET**

Clean up and lawn maintenance  
Amount: \$250.96

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.

**RESOLUTION NO. 2011-122**

***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 properties; 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 20<sup>th</sup> day of September 2011, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**KANAVEL, MARYANN ETALS**  
**BLOCK: 1803 LOT: 18**

**ALSO KNOW AS: 218 REGENCY ROAD**

Clean up and lawn maintenance  
Amount: \$250.96

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.

**RESOLUTION NO. 2011-123**

***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 20<sup>th</sup> day of September 2011, that the fines and expenses certified by the Property Maintenance Inspector and listed as follows:

**SHANE AND KELLI ANSTICE  
BLOCK: 1201.06 LOT: 2**

**ALSO KNOW AS: 307 NORTH ARTHUR DRIVE**  
Clean up and lawn maintenance  
Amount: \$250.96

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.

**RESOLUTION NO. 2011-124**

***Resolution Authorizing the Cancellation of Totally Disabled Veteran for Floyd and Florence Hammer Located at Block 1202.03 Lot 6 Tax Year 2011 and Thereafter***

**WHEREAS**, the owner of real property located at Block 1202.03 Lot 6 has made application for a Totally Disabled Veteran to the Edgewater Park Tax Assessor which has been accepted in accordance with N.J.S.A. 54:4-3.30 A and 54:4-3.32, and

**WHEREAS**, the Edgewater Park Tax Assessor has approved the cancellation of taxes for 2011 on real property located at 6 Madison Court, Edgewater Park, NJ 08010, Block 1202.03 Lot 6; and

**NOW, THEREFORE BE IT RESOLVED**, that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, hereby approves the real owner of real property, Floyd and Florence Hammer located at Block 1202.03 Lot 6, for Total Disabled Veteran status, for the cancellation of taxes from February 3, 2011 and thereafter.

2011 property taxes for 328 days  
\$3,915.28 divided 360 days times 328 days  
Prorated for 2011  
**\$3567.26**

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

**RESOLUTION NO. 2011-125**

***Resolution of the Township Committee of the Township of Edgewater Park Authorizing the Execution of a Contract with Cardinal Contracting Co., LLC.***

**WHEREAS**, the Township of Edgewater Park solicited bids for the Ivy Road Reconstruction Project; and

**WHEREAS**, Cardinal Contracting Co., LLC located at 1738 Route 206, Red Lion Circle, Southampton, NJ 08088 has been determined to be the lowest responsible bidder at a bid base price \$150,422.00; and

**WHEREAS**, alternate bids were also solicited and bids were submitted by Cardinal Contracting Co., LLC as follows:

Alternate #1: Fern Lane	\$ 16,093.00
Alternate #2: Remaining Curb	\$ 16,000.00
Alternate #3: Remaining Driveway Aprons	\$ 7,984.00

**WHEREAS**, the Township of Edgewater Park is desirous of awarding the base bid and alternative #1, #2 and #3 in the amount of One Hundred Ninety Thousand, Four Hundred, Ninety Nine Dollars and Zero Cents (\$190,499.00); and

**WHEREAS**, by letter dated September 16, 2010 Environmental Resolutions, Inc submitted a recommendation to award said contract.

**NOW, THEREFORE, BE IT FURTHER RESOLVED** by the Township Committee of the Township of Edgewater Park, that the Mayor and Clerk are hereby authorized to execute a contract with Cardinal Contracting Co., LLC located at 1738 Route 206, Red Lion Circle, Southampton, NJ 08088 in the sum of \$190,499.00 for the Ivy Road/Fern Lane Reconstruction Project.

**ORDINANCES:**

**ORDINANCE NO. 2011-6**

**(SECOND READING AND PUBLIC HEARING)**

An Ordinance of the Township of Edgewater Park, County of Burlington, State of New Jersey, Amending Chapter 6.08 and Ordinance No. 9-2007 of the Edgewater Park Township Municipal Code Entitled "Domestic Animals"

**WHEREAS**, the Township Committee of the Township of Edgewater Park determined that there is a need to amend Chapter 6.08 and Ordinance No. 9-2007 of the Municipal Code Entitled "Domestic Animals" which established the rules, regulations and licensing of domestic animals.

**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 Code of the Township of Edgewater Park is hereby amended as follows:

**SECTION ONE:** SECTION 6.08.080 Entitled Cats – "*Public nuisance when*" is Hereby Repealed.

**SECTION TWO:** SECTION 6.08.100 Entitled Limit on number of dogs and cats in a residence is Hereby Repealed And Replaced With The Following:

**6.08.100 Limit on number of dogs and cats in a residence.**

- A. Not more than four dogs or four cats, or any combination thereof not exceeding four, shall be allowed in any residence. Any residence may contain only a total of four dogs or cats altogether, except that a litter or portion thereof may be kept for a period of 90 days without a permit issued by the board of health annually in conjunction with the issuance of dog and/or cat licenses. The cost of the permit shall be one hundred (\$100.00) dollars. The issuance of the permit shall be subject to the following:
1. The residential premises shall have a fenced yard or penned area sufficient in size in relation to the amount of dogs being kept.
  2. The residential premises and yard area shall be kept in a sanitary manner.
  3. The residential premises shall be inspected by the Burlington County Health Department and the Animal Control Officer.
- B. Any violation of subsection A of this section will result in revocation of the aforesaid permit. Notice of the township's intention to revoke a permit must be given to the alleged violator, who must be given an opportunity to be heard before the board of health.
- C. Those persons (as defined in Section 6.08.010) who, at the time the ordinance codified in this section becomes effective, have in their possession dogs or cats exceeding the number permitted in the township shall be exempt from the requirements of this chapter for the lifetime of those animals; however, upon the deaths of those animals, those persons shall be subject to the requirements of this chapter with respect to any replacement animals.
- D. The provisions of this chapter shall not apply to licensed premises where cats and/or dogs are kept for breeding, sale and/or boarding.

**SECTION THREE:** Chapter 6.08 Entitled “Domestic Animals”, Section 6.08.030: “Dog License and registration tag: fee and expiration – Exception” is Hereby Repealed And Replaced With The Following:

**Section: 6.08.030 Dog license and registration tag: fee and expiration— Exception.**

- A. Persons applying for a license and registration tag shall pay the sum of sixteen dollars and eighty cents (\$16.80) for the license and one dollar (\$1.00) for the registration and twenty cents (\$.20) for the pilot clinic fee payable by the municipality to the state of New Jersey for each dog, effective January 1st, 2012 and thereafter. In addition, there will be a three dollar (\$3.00) charge for each unneutered dog payable by the municipality to the state of New Jersey. Said licenses, registration tags and renewals thereof shall expire the last day of January of each year. Persons applying for the renewal of a license and registration tag after the last day of January of each year shall pay an additional sum of ten dollar (\$10.00) to

defray the administrative costs incurred by the township as a result of a late renewal.

- B. Dogs used as guides for blind persons and commonly known as “seeing eye dogs” shall be licensed and registered as other dogs hereinbefore provided for, in accordance with the provisions of NJSA 4:19-15.3 and shall not be required to pay any municipal license fee therefor.

**SECTION FOUR:** SECTION 6.08.180 Entitled: Violations and penalties is Hereby Repealed and Replaced with Section 1.08.010 of the Edgewater Park Township Code Establishing Penalties for Violation of Any Provision of the Edgewater Park Township Code or Any Ordinance of the Township of Edgewater Park for Which No Other Specific Penalty is Provided as adopted by Ordinance No. 07-2006 on February 21, 2006.

**SECTION FIVE:** The following Sections regulating the licensing and regulations Of cats are Hereby Created:

**6.09.020 Cat license and registration fee required.**

Any person who shall own, keep or harbor a cat of licensing age shall, in the month of April of each year, apply for and procure from the township clerk a license and official metal registration tag for each such cat and shall place on each such cat a collar or harness with said registration tag securely fastened thereto.

**6.09.030 Cat license and registration tag: fee and expiration.**

Persons applying for a cat license and registration tag shall pay the sum of eighteen dollars (\$18.00) for the license payable to the Township of Edgewater Park, effective April 1st, 2012 and thereafter. In addition, there will be a three-dollar (\$3.00) charge for each unneutered cat payable to the Township of Edgewater Park. Said licenses, registration tags and renewals thereof shall expire the last day of March of each year.

Persons applying for the renewal of a license and registration tag after the last day of April of each year shall pay an additional sum of ten dollar (\$10.00) to defray the administrative costs incurred by the township as a result of a late renewal.

**6.09.040 Licensing time limits.**

The owner of any newly acquired cat of licensing age or any cat which attains licensing age shall make applications for and procure a license and registration tag for such cat within ten days after the acquisition or age attainment. A cat of licensing age shall be any cat which has attained the age of three months or which possesses a set of permanent teeth, whichever is sooner. There shall be no adjustment of the license or registration fee for licenses or registration tags issued and valid for a fractional portion of the license year.

**6.09.050 Time limit for cat brought into township.**

Any person who shall bring a cat into this township from another jurisdiction or state shall apply for a license and registration tag for said cat within thirty days.

**6.09.060 Annual canvass.**

Promptly after May 1st of each year, a canvass shall be made of all cats owned, kept or harbored in the township.

**6.09.070 Cats—General regulations.**

Every person owning, keeping or harboring any cat in this township shall:

- A. Prevent such cat from injuring or damaging any vegetable garden, flower garden,  
lawn, plant, tree, shrubbery, grounds of other property of any person other than the person owning, keeping or harboring such cat.
- B. Prevent such cat from worrying, wounding or killing any other dog or other domestic  
Animal.
- C. Prevent such cat from becoming a public nuisance.
- D. Prevent such cat, if it is a female and in season, from being off the grounds or  
property  
of the person owning, keeping or harboring such dog.
- E. Prevent such cat from soiling, defiling or defecating on any common thoroughfare, sidewalk, passageway, bypath, play area, park or any place where people congregate or walk or upon any public property whatsoever and upon any private property without the permission of the owner of said property. Any person responsible under this code for such cat who defecates at the aforesaid locations shall immediately and in a sanitary fashion remove and dispose of all feces deposited by such cat in a sealed nonabsorbent leak proof container.

**6.09.080 Cats—Public nuisance when.**

A cat shall be considered a public nuisance if it has no known owner or if it has no known place of care or shelter or if it habitually trespasses upon or damages either private or public property or annoys or harms lawful users or occupants thereof.

**6.09.090 Limit on number of dogs and cats in a residence.**

Refer to Section 6.08.100: Limit on number of dogs and cats in a residence.

**6.09.100 Impoundment and disposition of certain cats— Notice.**

- A. The chief of police/chief law enforcement officer or the animal control officer appointed by the township committee shall take into custody and impound or cause to be taken into custody and impounded and thereafter destroyed or disposed of as provided in this chapter:
  - 1. Any cat on the premises of the person owning, keeping or harboring said cat without a current registration tag on its collar or harness.

2. Any cat off the premises of the person owning, keeping or harboring said cat without a current registration tag on its collar or harness.
  3. Any female cat in season off the premises of the person owning, keeping or harboring said cat.
  4. Any cat, whether licensed or not, that shall be found running at large upon any public street or other public place at any time, or that shall be found at any time doing any of the other things prohibited in Section 6.09.070 of this chapter and which the person owning, keeping or harboring said cat is required by this chapter to prevent.
- B. If any cat so seized wears a collar or harness having inscribed thereon or attached thereto the name and address of any person or a registration tag, or the owner or the person keeping or harboring said cat is known, the chief of police/chief law enforcement officer or animal control officer or any person authorized by him/her in that behalf, shall forthwith serve on the person whose address is given on the collar or harness or on the owner or person keeping or harboring said cat, if known, a notice in writing stating that the cat has been seized and will be liable to be disposed of or destroyed if not claimed within seven days after the service of the notice.
- C. A notice under this section may be served:
1. By delivering it to the person on whom it is to be served.
  2. By leaving it at such person's usual or last known place of abode or at the address shown on the collar or harness.
  3. By forwarding it by mail addressed to such person at his usual or last known place of abode or to the address shown on the collar or harness.
- D. When any cat so seized has been detained for seven days after notice, when notice can be given as above set forth, or has been detained for seven days or seizure when no notice has been given as above set forth, and if the owner or person keeping or harboring said cat has not claimed said cat and paid all expenses incurred by reason of its detention, including maintenance costs as set by resolution or contract by the township committee, and if said cat be unlicensed at the time of seizure and the owner or person keeping or harboring said cat has not produced a license and registration tag for said cat, the chief of police/chief law enforcement officer, township administrator or the animal control officer may cause said cat to be destroyed in a matter causing as little pain as possible.

**6.09.110 Cat Bite or Scratch —Quarantine— Release authorization.**

When a cat has attacked, bitten and injured a human being, the chief of police/chief law enforcement officer or animal control officer shall impound the cat for a period of ten days or may order the owner of the cat to quarantine the cat on the owner's premises or in a veterinary clinic for ten days. At the end of the aforesaid ten-day period, any cat under impoundment or

quarantine shall be examined by a licensed veterinarian who shall ascertain that the cat is free of rabies and shall issue a certificate to that effect, which certificate must be presented to the local board of health or animal control officer before the cat can be released from impoundment or quarantine. A copy of the said certificate shall be provided by the local board of health to each person bitten or otherwise injured by the cat. The owner shall be responsible for reimbursement of any costs borne by the township with respect to the cat's impoundment, quarantine and examination by a veterinarian (including the issuance of a certificate, as aforesaid). A cat which is found to be rabid or who is not reclaimed at the end of the period of impoundment or quarantine may be disposed of humanely by order of the chief of police/chief law enforcement officer or the animal control officer.

**6.09.120 Right of entry.**

Any officer or agent authorized or empowered to perform any duty under this chapter is hereby authorized to go upon any premises to seize for impounding any cat which he may lawfully seize and impound when such officer is in immediate pursuit of such cat or cats, except upon the premises of the owner of the cat if said owner is present and forbids the same.

**6.09.130 Interference with officers prohibited.**

No person shall hinder, molest or interfere with anyone performing any duty which he is authorized or empowered to perform under this chapter.

**6.09.140 Humane treatment required.**

Any person who shall own, keep or harbor a cat shall provide it with proper and adequate food and water, proper shelter and protection from the weather and with humane care and treatment. No person shall inhumanely beat, ill-treat, torment or otherwise abuse a cat.

**6.09.150 Township policy.**

It is declared to be policy of the township to:

- A. Provide a central agency for the rapid reuniting of lost cats and their owners.
- B. Provide facilities for the quick removal of unwanted cats from the community.
- C. Enable as many unclaimed cats as possible to be placed in new homes and provide for the humane destruction of unwanted cats.
- D. Provide clean, comfortable shelter and adequate food and water for the animals impounded.
- E. Protect the rights of cat owners.
- F. Provide protection of the rights of citizens of the community against careless or thoughtless cat owners.

**6.09.160 REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

Moved by: Mayor Booker

Second: Mr. McElwee

Discussion: Mrs. Dougherty gave a presentation on the history of the domestic animals which is appended hereto.

**OPEN TO THE PUBLIC FOR ORDINANCE 2011-6 ONLY:** The Mayor opened this portion of the meeting to public comment:

*Mrs. Eleanor Travia, 305 Cliff Ave,* questioned the safety of putting a collar on a cat. Mrs. Travia further questioned the practices of the Burlington County Shelter.

*Mrs. Travia* also questioned the cost of the license for senior citizens and requested they should not be charged.

*Eleanor Gitto, 740 Edison Street,* questioned the requirement for a collar on cats and expressed that the collars can caught in trees or other objects.

*Mr. Kevin Lang, 412 Summer Ave.,* has a problem with the collar. *Mr. Lang* presented a study from San Francisco Society for the Prevention of Cruelty to Animals on mandatory licensing of cats. Mr. Lang further discussed that the township should go after people that allow their cats to run at large. He further questioned if the Township would be liable if the cat chokes on a collar.

Mr. Kearns advised that the Township is not liable.

*Mrs. Peggy Marter, 735 Edison Street,* expressed that she is not in favor of the limit of four cats; she would like more than four cats because she needs them on her farm to control the mice.

*Mrs. Judy Hall, 6 Johnson Place,* discussed that when she sat on Committee feral cats where a problem in certain areas; Committee tried to assist property. Cats are now throughout the community; ordinance penalizes good residents. Mrs. Hall requested Committee to consider a scale of fees and number of animals permitted by based on property size.

*Mr. Tom Yannes, 317 Cliff Ave.,* is animal control a mandate state service.

Mr. Kearns stated animal control and a free rabies clinic are mandated by the state.

Mrs. Peggy Marter questioned if she could get her cats rabies vaccination done in Delanco Township.

Mrs. Dougherty discussed that pet owners can obtain rabies vaccinations in any community; licenses can only be issued by the municipality in which they reside.

*Mrs. Nicole Glawson, 1123 Laurel Road,* discussed that she feels the fine of \$2,000.00 is excessive. She further questioned if the township could have the animal's micro chipped and registered.

Mr. Kearns discussed that the fine of is a maximum fine and is determined by the municipal court judge.

*Mr. Kenneth Kauker, 408 Summer Ave,* discussed that he keeps his cat on a collar and leash. He further questioned if the township has traps that would assist with strays.

Mrs. Dougherty discussed that the township has animal traps; residents can obtain a trap by submitting a \$50 security fee and documents outlining the care of the animal; the fee is reimbursed when the trap is returned.

*Mr. Kevin Lang, 412 Summer Ave,* discussed that he feels that it is not fair that the cost for animal control is being passed on to cat owners.

*Mr. Steven Melicki, 411 S Arthur Drive,* questioned the collar requirement. Mr. Melicki further questioned why current pet owners are being punished. Animal control should be paid for through township funds.

*Ms. Pat Parchment, 1119 Mt. Holly Road,* questioned whether mandating the number of animals is wise if we are trying to generate extra money to help offset the animal control cost.

*Mrs. Hall, 6 Johnson Place,* discussed that Beverly has a feral cat program.

*Mrs. Nicole Glawson, 1123 Laurel Road,* stated there is a program for feral cats and she will provide information.

*Mrs. Travia, 305 Cliff Ave,* stated she is paying for the cost of to maintain her animals, so why should she have to pay for a license.

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

Upon further discussion Mayor Booker moved to table Ordinance No, 2011-6 for further review and discussion of residents concerns.

Moved by: Mayor Booker

Second: Mr. McElwee

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

## **REPORT OF OFFICIALS**

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

Liaison to the Environmental:

Mr. Kercher reported the Environmental Advisory Committee met to discuss forming a Green Team at the last meeting. He further discussed that anyone who is interested in serving on the Green Team to attend the October 11<sup>th</sup> meeting or to just let him know.

Liaison to the School Board:

Mr. Kercher reported that the PTO meeting is planning a skate party fundraiser and Edgewater Park Board of Education meeting will be held on September 27<sup>th</sup>, Jacque School at 7PM.

***Committeewoman Belgard:***

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory Committee resumed their meetings last Wednesday; meetings are held on the second Wednesday of each month at 3PM at the municipal building.

Liaison to Planning Board:

Mrs. Belgard reported Planning Board met last Thursday at 7 PM and approved Solar Panels project at Golden Dawn.

***Committeeman McElwee:***

Liaison to EPAA:

Mr. McElwee thanked Mr. Bruneau and EPAA for soccer opening day activities; the event was well attended and EPAA did an excellent job.

Mr. McElwee stated there will be an Oktoberfest fundraiser at the 45<sup>th</sup> Street Pub on October 15, 2011.

Mr. Bruneau, President of the EPAA thanked everyone for all their hard work getting Weimann together. Mr. Bruneau further submitted a report which is appended hereto.

Mr. Bruneau further discussed the EPAA would like to once again hold the year end soccer celebration with the bon fire tradition on November 12<sup>th</sup>; paper work regarding the request is being processed.

Liaison to Neighborhood Watch:

Mr. McElwee reported the next meeting is this Thursday at 6:30 PM with a presentation on the meaning of folding the American Flag. The October meeting will include a presentation on Halloween safety and costume party.

***Mayor Booker***

Mayor Booker thanked everyone for attending the meeting and expressing their comments and concerns. He further discussed that the comments will be taken in to consideration and hopefully a compromise can be tailored to address everyone's concerns.

**APPROVAL OF BILLS**

*Approval of Bills* from September 2, 2011 through September 15, 2011

Moved by: Mayor Booker Second: Mr. McElwee

Hearing no discussion:

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

**APPROVAL OF MINUTES:**

August 16, 2011(open)

Moved by: Mr. Kercher Second: Mrs. Belgard

Hearing no discussion:

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

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

*Mr. Joe Burns, 6 Edgewater Ave, Burlington, NJ* discussed that he is a proponent of a quiet zone. He reported that the horns were changed on the Light Rail which are now longer and louder. He further discussed that the speed of the light rail has increased. Mr. Burns further stated Assembly Connors and Conaway and Senator Allen all had bills but they were never passed to fund quiet zone improvements. He questioned whether the Township Engineers for Edgewater Park and Burlington Township could come together to find a creative way to make the crossings safer and create a quiet zone. Thus if the crossing is safer, the horns would stop. There is a model in Montclair which has worked. This is a quality of life issue.

Mr. Kearns discussed that Federal legislation exempts the rail line from local ordinance requirements.

*Mr. Robert Fowler, 341 Lincoln Ave,* stated there are kids walking along the tracks and he thinks a bad idea to stop the horns.

*Mr. Fowler* also stated there is much heavier freight and it is deteriorating the tracks.

*Mr. Burns* further stated the quiet zone does not prohibit the conductors from blowing the horn when necessary.

*Mr. Mark Chapman, 321 Lincoln Ave.,* stated the trains are blowing excessively especially when he is outside in his yard.

*Mr. Kenneth Kauker, 408 Summer Ave,* discussed that New Jersey Transit is not being a good neighbors. *Mr. Kauker* further stated the crossings in Edgewater Park are being shut down several times during an hour when the train is at the rail station; this is not good for emergency situations.

*Mr. Kauker* further discussed that the speed of the trains has increased; residents residing near the line are experiencing property damage. The State touted that they found 26 million dollars; let them fund sound barriers along the line as they do for roads such as Route 295.

*Mr. Kauker* further stated if you live within 500 feet of a rail crossing you should have your property taxes lowered.

*Mr. Eugene Keller, 430 Summer Ave,* stated he has had to repair his chimney because of the vibration from the train. *Mr. Keller* stated the horn blows 180 times a day and people in middle of Woodlane and Cooper hear it 360 times a day. Mr. Keller also questioned if there were sound barriers that could be installed.

*Mr. Noel Rainey, 7 Spring Lane,* questioned if FEMA money can be used to maintain the storm water by purchasing grates and screens.

*Mr. Rainey* further stated the Environmental Committee would welcome additional people for the Green Team.

*Mrs. Linda Raymond, 802 Perkins Lane,* questioned whether the FEMA money can be used to correct the flooding on Perkins; properties are being damaged by flooded basements.

*Mr. Ralph Ulissi, 801 Perkins Lane, stated he also has a problem with flooding since Perkins Glen and Delanco Township's industrial park was built. Mr. Ulissi further stated Boggs ditch has not been maintained for 50 years.*

Mr. Michael Raymond, 802 Perkins Lane, commented on the safety of closing three rail crossings. He further reported that the freight train is blocking the crossing at Perkins Lane; this week it occurred at approximately 3AM.

Mr. Raymond further discussed that about twenty people expressed concerns about the rezoning of the Varsaci properties; those concerns were not taken into consideration when the Ordinance was recently passed.

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

**THERE WAS NO OTHER BUSINESS**

***Resolution No. 2011-126  
Closed Session***

*Where it is necessary to discuss sale of public property; Block: 1202 Lot 4.01. Where it is necessary to discuss items falling under litigation and or attorney client privilege specifically legal advice pertaining to the township's affordable housing obligation. 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. Kercher Second: Mayor Booker Time: 9:51PM.

Hearing no discussion:

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

**THERE WAS NO OTHER BUSINESS**

**ADJOURN**

Moved by: Mr. Kercher Second: Mrs. Belgard Time: 10:25PM

Hearing no discussion:

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

*Darrell Booker*

Darrell Booker, Mayor

*Linda M. Dougherty*

Linda M. Dougherty, RMC/Administrator