

Motion to deny application, based on the Chief of Police recommendation by: Mr. Belgard
Second: Mr. McElwee
Discussion: Township Committee questioned if there is a limit on how many ice cream trucks we allow per year.
Mrs. Dougherty advised that there is currently no limit.
Roll Call: Mr. Belgard - yes, Ms. Kremper - yes, Mr. McElwee - yes, Mrs. Perkins-yes

REPORTS

Report from the Township Engineer

Cardinal/Jamestown Road/Various Roads Project

Mr. Darji reported on the Cardinal/Jamestown Road project. The punch list has been issued to Pioneer Contracting. He further reported that a sink hole opened up on Cardinal Road at the intersection of Lafayette Road; the sink hole does encompass the newly paved road on Cardinal Road with additional sink holes running down Lafayette Road. The situation is happenstance and is not the fault of the contractor. The area on Cardinal Road was videoed and appeared to be fine. Further review is required.

Mt. Holly Road Project

Mr. Darji reviewed that the Edgewater Park Sewerage Authority has plans to run a new sewer line on and would like to work together as a joint project; results would be a cost savings to both entities for engineering cost.

Stevenson Avenue

Mr. Darji reported that Mr. Bernard, Mrs. Dougherty and he inspected an additional sink hole on Stevenson Avenue; the storm drains need to be rebuilt and recommended a change order for the Various Roads project.

Upon discussion consensus of Committee authorized the repairs.

Miscellaneous Road Repairs and Improvements

Mr. Darji and Mrs. Dougherty expanded on the sink hole and street repair issue. Many of the conditions can be addressed by the on call contractor, the county shared services agreement or going out for an additional bid. The discussion pursued on road repair strategies which included various types of repairs such as heat seal, Micro surfacing and full reconstruction. Micro surfacing was discussed and Mr. Darji advised that it's been around for approximate 10 years only becoming more popular in recent years. If a road can be micro surfaced it usually lasts up to 10 years. Any authorizations would require a new bond issue

School Pathway

Mr. Darji updated Committee on the partnership with the School Board on the Weimann Field improvements. He advised that the School Board is scheduled to adopt at their next meeting on June 23rd. He will bring the full proposal to the next Township Committee meeting in July.

Report from Municipal Clerk/Administrator

Mt. Holly Road

Mrs. Dougherty reported that the Township received a NJDOT Municipal Aid grant in the amount of \$182,880.00. ERI submitted a revised proposal for engineering design and construction services for the project in the amount of \$36,500. Prior to authorizing to any services or work on the project a bond ordinance will have to be adopted.

Affordable Housing Third Round Obligation

Mrs. Dougherty reviewed the affordable housing shared services agreement and filing of the declaratory judgement; both resolutions are on tonight's agenda.

Report from the Superintendent of Public Works

Kite Field

Mr. Bernard reported that there is a possible need to add an ADA parking space at Kite Field. The discussion continued with Chief DiFilippo and Mr. Darji, reviewing enforcement and state requirements. The discussion pursued to install a parking sign for senior citizens. .

Report from the Chief of Police

Personnel

Chief DiFilippo reported that Officer Ewan graduated from the academy and is now in field training and that the newly appointed court office will be added for court days.

Equipment

He further discussed the need to purchase additional Narcan kits at approximately \$100 each.

No Other Reports

Report Acceptance

Moved by: Ms. Kremper Second: Mrs. Perkins

Discussion: None

Roll Call: Mr. Belgard - yes, Ms. Kremper - yes, Mr. McElwee - yes, Mrs. Perkins-yes

RESOLUTION(S)

Motion to Approve Resolution No. 2015-72 through 2015-76 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: Mrs. Perkins Second: Mr. McElwee

Discussion: Township Committee and Mr. Kearns further reviewed the Affordable Housing status. Mr. Kearns further explained the filing of declaratory judgement and new rules and obligations which have not been set.

Roll Call: Mr. Belgard - yes, Ms. Kremper - yes, Mr. McElwee - yes, Mrs. Perkins-yes

RESOLUTION NO. 2015-72

*Resolution of the Township of Edgewater Park Authorizing the Issuance
of Payment for Accumulated Time*

WHEREAS, NJSA 5:30-15 establishes the management of accumulated absences for municipal personnel; and

WHEREAS, Mr. Aubrey Painter has been an employee of the Township of Edgewater Park since February 1989; and

WHEREAS, Mr. Painter, Superintendent of Public Works submitted a notice of retirement with an effective date of June 1, 2015.

WHEREAS, per Mr. Painter's, personnel contract with the Township of Edgewater Park, he is entitled to accumulated vacation, sick, and compensation time in the total amount of \$24,213.57; and

WHEREAS, the Clerk/Administrator reviewed the payroll records and found that the amount of accumulated time is correct; and

WHEREAS, funds are available for this purpose; and

WHEREAS, this resolution and the above-mentioned accumulated absences will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Township Committee hereby authorizes the above stated amount payable to Mr. Aubrey Painter.

RESOLUTION NO. 2015-73

Resolution Canceling Taxes for the Year 2014 and 2015 for Block: 1202, Lot: 1.06

WHEREAS, the following properties in the Township of Edgewater Park, as indicated by block and lot number, shall have their taxes canceled, and

THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, that the following property taxes be reduced for 2014 and 2015 the Tax Collector is hereby authorized to credit each tax account per below along with any interest or penalties due:

| Block | Lot | 2014 | 2015 | Reason |
|-------|------|--------|------------------|--------------------------|
| 1202 | 1.06 | 254.00 | To be determined | Settlement of Litigation |

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

RESOLUTION NO. 2015-74

Resolution Authorizing the Execution of a Municipal Shared Services Defense Agreement to Determine the Township's Fair Share Obligation of the Region's Affordable Housing

WHEREAS, the Township of Edgewater Park has filed or anticipates filing a Declaratory Judgment Action in the Superior Court of New Jersey, Burlington County in furtherance of the Supreme Court's March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the "Supreme Court Decision"); and

WHEREAS, Fair Share Housing Center ("FSHC"), through the services of David Kinsey, has prepared what it considers to be the statewide fair share numbers (the "FSHC Numbers") for use by the 15 vicinage Mt. Laurel Judges to calculate a municipality's affordable housing obligation pursuant to the Supreme Court Decision; and

WHEREAS, the Township of Edgewater Park desires to participate in the preparation of a statewide fair share analysis to be undertaken by Rutgers, The State University of New Jersey ("Rutgers"), through Dr. Robert W. Burchell, Principal Investigator, and various other experts employed by Rutgers in order to establish a rational and reasonable methodology (the "Burchell Fair Share Analysis") for determination of a municipality's obligation to provide a

realistic opportunity through its land use ordinances for its fair share of the region's affordable housing needs in accordance with the Mount Laurel Doctrine as set forth in In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) ("Decision") and prior decisions of the Courts of New Jersey, and the Fair Housing Act, N.J.S.A. 52:27D-301 et. seq.; and

WHEREAS, Rutgers, utilizing Dr. Burchell as the Principal Investigator and author has agreed to prepare the Burchell Fair Share Analysis within 90 days of being retained to establish his view of the proper way to determine each municipality's fair share obligation; and

WHEREAS, Dr. Burchell estimates the cost to prepare the initial Burchell Fair Share Analysis will be \$70,000; and

WHEREAS, it is anticipated that there will be a need for Dr. Burchell to analyze any challenges to his conclusions and prepare a rebuttal report to said challenges which is not included in the \$70,000; and

WHEREAS, it is anticipated that if each municipality contributes \$2,000, there will be sufficient monies to pay the cost to prepare the initial Burchell Fair Share Analysis, to analyze any challenges to the Initial Fair Share Analysis and to Prepare A Rebuttal Report given the number of municipalities that have expressed an interest in retaining Burchell; and

WHEREAS, a Municipal Shared Services Defense Agreement (hereinafter MSSDA"), has been prepared (a) so that monies can be collected to enter into an agreement with Rutgers (hereinafter "the Rutgers Agreement") and so that Burchell, along with various other experts from Rutgers, can perform the tasks described above and (b) so that the rights and responsibilities of each municipality that wishes to sign the agreement to retain Rutgers are defined; and

WHEREAS, the MSSDA provides that the Law Offices of Jeffrey R. Surenian and Associates, LLC ("Surenian") will serve as the administrative entity to sign the Rutgers agreement on behalf of the municipalities that signed the MSSDA and paid the \$2,000 fee; and

WHEREAS, it is imperative given the time constraints for municipalities that wish to retain Burchell to sign the MSSDA and pay the \$2,000 fee so that Burchell can conduct the necessary analysis; and

WHEREAS, notwithstanding the foregoing, it is possible that the MSSDA may need to be changed as a result of ongoing negotiations with the Rutgers agreement following execution of the MSSDA and the payment of the \$2,000 fee; and

WHEREAS, in such an event, any member that objects to the changes that Rutgers may require shall have the opportunity to relinquish membership in the Municipal Group and to receive back the \$2,000 payment as more specifically set forth in the MSSDA.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, as follows:

1. The terms and conditions of the MSSDA attached hereto are hereby approved, ratified and confirmed.
2. The amount of \$2,000 is hereby authorized to be expended by the Township of Edgewater Park for Rutgers through Dr. Robert Burchell, Principal Investigator to prepare the Burchell Fair Share Analysis.
3. A certification of funds authorizing the aforesaid expenditure has been signed by the Chief Financial Officer and/or his/her assignee of the Township of Edgewater Park and is appended hereto.

4. The Mayor be and is hereby authorized to execute the aforesaid MSSDA to memorialize the participation of the Township of Edgewater Park in the preparation of the Burchell Fair Share Analysis and to take any and all actions reasonably required to effectuate said Agreement.
5. The Township of Edgewater Park hereby authorizes Jeffrey R. Surenian, Esq. to execute on behalf of the Township of Edgewater Park the Research Agreement with Rutgers to initiate and complete Burchell Fair Share Analysis and to do such other actions to effectuate the purposes of said Research Agreement.
6. If further changes to the MSSDA are needed as a result of finalizing the Rutgers Agreement, within ten (10) days of notification by Surenian of the changes, the Township of Edgewater Park will inform Surenian if it objects to the changes and wishes to withdraw from the Municipal Group and obtain a refund of the \$2000 it paid.
7. This Resolution shall take effect immediately.

RESOLUTION NO. 2015-75

RESOLUTION AUTHORIZING THE EDGEWATER PARK SOLICITOR, THE EDGEWATER PARK TOWNSHIP SPECIAL COUNSEL ON AFFORDABLE HOUSING AND OTHER TOWNSHIP PROFESSIONALS TO PREPARE AND FILE A DECLARATORY JUDGMENT ACTION FOR THIRD ROUND MT. LAUREL COMPLIANCE AND IMMUNITY, AND AUTHORIZING OTHER TOWNSHIP PROFESSIONALS AND OFFICIALS TO TAKE SUCH ACTIONS AS MAY BE APPROPRIATE TO IMPLEMENT AN UPDATE TO THE EDGEWATER PARK TOWNSHIP HOUSING PLAN ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN FOR THIRD ROUND MT. LAUREL COMPLIANCE, TO CONDUCT AN ANALYSIS OF THE TOWNSHIP'S HOUSING STOCK, AND TO CONDUCT SUCH OTHER STUDIES AS MAY BE DETERMINED NECESSARY.

WHEREAS, the Township of Edgewater Park filed a declaratory judgment action on October 22, 2008 captioned *In The Matter of the Application of the Township of Edgewater Park* Docket No.: BUR-L-3270-08, pursuant the growth share methodology and regulations supporting such methodology promulgated by the Council on Affordable Housing; and

WHEREAS, the Supreme Court of New Jersey invalidated the growth share methodology and COAH's Third Round regulations at *N.J.A.C. 5:96 & 5:97* in its decision captioned *In re Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council of Affordable Housing*, 215 N.J. 578 (2013); and

WHEREAS, On March 10, 2015 the Supreme Court issued an order eliminating the administrative processes afforded municipalities by the Fair Housing Act N.J.S.A. 52:27D-301 *et. seq.*, effective June 8, 2015; and

WHEREAS, the Supreme Court provided for a thirty day window after June 8, 2015, during which time many municipalities will be able to file declaratory judgment actions in Superior Court to obtain, in practical effect, a judicial version of the substantive certification they had either received or applied for under N.J.S.A. 52:27D-313; and

WHEREAS, on September 28, 2011 the Township's 2008 declaratory judgment action was dismissed without prejudice by order of the Honorable Ronald E. Bookbinder, A.J.S.C. ("Order");

WHEREAS, the Order also determined that the Township had fully addressed its 30-unit prior round housing obligation and its rehabilitation share, and that it also had 28 credits to be applied to its unknown third round affordable housing litigation;

WHEREAS, the Order granted the Township immunity from exclusionary zoning challenges and builder's remedy suits "until the time for submission of a revised third round compliance plan, if any, is established by regulation, statute or decision of a court with appropriate jurisdiction";

WHEREAS, the Township wishes to file a new declaratory judgment action pursuant to the process set forth in the Supreme Court's March 10, 2015 Order; and

WHEREAS, throughout and notwithstanding the period of uncertainty over new Third Round Rules, the Township has continued efforts to provide for low and moderate income housing opportunities within the Township; and

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

1. The Township Solicitor and Township Special Counsel on Affordable Housing, along with members of their respective firms, are authorized to prepare and file a Declaratory Judgment action in the Superior Court on behalf of the Township seeking a judgment of compliance and/or repose with the Township's Third Round affordable housing obligation and also seeking an order of immunity from Mt. Laurel builder remedy lawsuits during the process of adopting and filing the Housing Plan Element and Fair Share Plan with the Court, as well as during the period of Court review of the Township's plan and all implementing ordinances.
2. The Township Solicitor, Township Special Counsel on Affordable Housing, Affordable Housing Planner, Township Planner, and Township Engineer along with members of their respective firms are authorized to take such actions as may be appropriate to further both the preparation and implementation of the updated Housing Plan Element of the Edgewater Park Township Master Plan and Fair Share Plan for Third Round Mt. Laurel Compliance, to conduct an analysis of the Township's housing stock, and to conduct such other studies as may be determined necessary.
3. Proposals for these plans and studies shall be submitted in advance for review and approval by the Edgewater Park Township Committee and/or Edgewater Park Township Planning Board.
4. This Resolution shall take effect immediately.

RESOLUTION NO. 2015-76

Authorizing Payment No. 5 to Pioneer General Contracting under the Cardinal Jamestown and Various Road Projects Program

WHEREAS, the Township Committee of the Township of Edgewater Park held a public hearing on November 20, 2012, and found that it was the interest of the community to participate in the Burlington County Community Development Program; and

WHEREAS, via Resolution No. 2014-85, the Township Committee of the Township of Edgewater Park authorized the execution of a Contract with Pioneer General Contracting for

improvements Cardinal Road, Jamestown Rd and Various other improvements in the amount of \$685,580.00; and

WHEREAS, via Resolution No. 2014-124, the Township Committee of the Township of Edgewater Park authorized payment No. 1 to Pioneer General Contracting in the amount of \$125,771.24, with a retainage fee of \$2,566.76 and further accepting said improvements recommended by Environmental Resolutions Inc. dated September 15, 2014; and

WHEREAS, via Resolution No. 2014-157, the Township Committee of the Township of Edgewater Park authorized payment No. 2 to Pioneer General Contracting in the amount of \$125,060.74, with a retainage fee of \$5,119.02 and further accepting said improvements recommended by Environmental Resolutions Inc. dated September 15, 2014; and

WHEREAS, via Resolution No. 2014-172, the Township Committee of the Township of Edgewater Park authorized payment No. 3 to Pioneer General Contracting in the amount of \$62,657.28, with a retainage fee of \$6,397.74 and further accepting said improvements recommended by Environmental Resolutions Inc. dated October 15, 2014; and

WHEREAS, via Resolution No. 2014-199 authorized Changed Order No. 1 for a net reduction of \$12,723.00 for an adjusted contract price to \$672,857.00; and

WHEREAS, via Resolution No. 2014-200, the Township Committee of the Township of Edgewater Park authorized payment No. 4 to Pioneer General Contracting in the amount of \$123,048.80, with a retainage fee of \$8,908.94 and further accepting said improvements recommended by Environmental Resolutions Inc. dated December 3, 2014.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that payment No. 5 to Pioneer General Contracting is hereby authorized in the amount of \$205,466.80, with a retainage fee of 2% or \$13,102.14 further accepting said improvements recommended by Environmental Resolutions Inc. dated May 27, 2015.

ORDINANCES: None

REPORTS FROM OFFICIALS

Ms. Kremper – Liaison to Recreation, Board of Education

Recreation Committee

Ms. Kremper advised that the Fishing Derby was a huge success with the largest fish measuring in at 14 ½ inches. The Recreation Committee plans to host another Derby in October.

Board of Education

Ms. Kremper discussed that the Board of Education's next meeting will be on Tuesday June 23rd with a public hearing on the Superintendents contract at 6pm followed by their regular meeting at 7pm.

Mrs. Perkins – Liaison to Recreation, Environmental Advisory

Environmental Advisory Committee

Mrs. Perkins discussed that the Environmental Committee held a trails day on June 6th and there were no participants. She also advised that the Ash Borer trap has not yielded any bugs to date.

Mr. McElwee – Liaison to Senior Advisory and Sewerage Authority

Senior Advisory

Mr. McElwee reported that the Senior Advisory Committee is on hiatus until September.

Sewerage Authority

Mr. McElwee stated that the Sewerage Authority is looking to piggy back on the Mt. Holly Road plan for cost sharing and is working with Mr. Darji on this matter.

Mr. Belgard – Liaison to Planning Board & Redevelopment Advisory Committee

EPAA – in Mayor Trainor’s absence

Mr. Belgard advised that the flag football season was over and ended with the championship game being played at Wells Fargo Center. He said that the baseball regular season has ended and some teams are now into the finals. He brought up that fall soccer registration is ongoing until June 30th with onsite registrations scheduled on Tuesday evenings at Weimann Field from 6:30pm to 8 pm.

Planning Board

Mr. Belgard, Class III, reported there will not be a meeting this Thursday.

Redevelopment Advisory Committee:

Mr. Belgard reported that the committee would be meeting with a consulting firm regarding redevelopment; meeting will be to review cost and other improvement projects that they participated in for other communities.

He further reported that Wendy’s grand reopening will be Saturday, June 27th at 11am; the improvements to the building are very nice and develop the type of improvements we are looking for in the community. He further acknowledged that Wendy’s entered into an agreement with the State to maintain the landscaping at the jughandle adjacent to the store on Rt. 130 and Woodlane Road.

OPEN TO THE PUBLIC

Bob Schmidt, 213 Regency – Mr. Schmidt stated he has lived in his home for 44 years and the road has only been redone 1 time in all the years he’s lived there. He asked when Regency might be on the schedule to be redone.

Mr. Darji advised that the roads get scheduled when we get grant funding. The Township has a road priority reconstruction plan that is continually reviewed and prioritizing.

Theresa Branham, 105 Alexander – Ms. Branham advised township committee and Chief DiFilippo that she was pleased to hear that they appointed an additional court officer. She had safety concerns with only one officer.

Bill Harris, 211 Regency – Mr. Harris would like to know what the criteria is for prioritizing road repair. He also asked how Jamestown was put before Regency.

Mr. Darji said that the Jamestown project was added to the Cardinal Road project due to proximity. Road project inventorying, prioritizing and ability to fund is a constant review.

Mr. Noel Rainey, 7 Spring Lane – Mr. Rainey said that the residential property maintenance is going well but asked what more could be done for the Rt. 130 improvements. He was concerned about the gas station and landscaping company that he feels are eyesores.

Township Committee discussed that they have two property maintenance inspectors and recently moved one to a full time position to address the community.

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

APPROVAL OF BILLS

Approval of Bills from May 28, 2015 to June 10, 2015

Moved by: Mr. McElwee Second: Ms. Kremper

Discussion: None

Roll Call: Mr. Belgard - yes, Ms. Kremper - yes, Mr. McElwee - yes, Mrs. Perkins-yes,

Authorization to Pay Bills from June 11, 2015 to July 15, 2015

Moved by: Ms. Kremper Second: Mr. Belgard

Discussion: None

Roll Call: Mr. Belgard - yes, Ms. Kremper - yes, Mr. McElwee - yes, Mrs. Perkins-yes,

ANY OTHER BUSINESS

Mr. Belgard acknowledged the recent passing of the husband of Edgewater Park CFO Linda Lewis and also of the father of Assemblyman Troy Singleton.

Closed Session:

RESOLUTION NO. 2015-77

Where it is necessary to discuss personnel and personnel contracts. Where it is necessary to discuss the Township's Affordable Housing obligation. 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

