

**TOWNSHIP OF EDGEWATER PARK
MINUTES-MARCH 6, 2012**

Mayor McElwee called the meeting to order at 7:38 PM

Open Public Meetings Act Statement

IN COMPLIANCE WITH THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231,
P.L. 1975 THE CLERK READ THE STATEMENT:

Notice of this meeting pursuant to the Open Public Meetings Act has been given by the Township Committee in the following manner:

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January y 9, 2012.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 9, 2012.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 9, 2012.

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

Absent: Mr. Scott Kercher, Committeeman

Also present: Mr. Robert Brian, Chief of Police, (Public), Mr. William Kearns, Solicitor (Public and Closed) Linda M. Dougherty, Clerk/Administrator (Public and Closed) and Mr. Ben Weller, Township Engineer (Public)

APPOINTMENTS/RESIGNATIONS: NONE

REPORTS

Report from the Engineer is appended hereto.

Woodlake Park

Mr. Weller reviewed the proposals submitted for the Woodlake Park Improvement Project and recommended authorizing a contract with the apparent, most responsive lower bidder, F&P Contractors for \$218,099. Contract is to include a bid base price \$208,224.00 and alternate #1: Water Fountain w/ Pet Fountain/Yard Hydrant at \$6,500.00 and alternate #2: 1 ½” Poly Water Service at \$3,375.00. Resolution to award the contract is on the agenda this evening for consideration.

Report from Municipal Clerk/Administrator is appended hereto.

Report from the Superintendent of Public Works is appended hereto.

Tax Collector's Tax Collector's Annual Statement Year End 2011

Report from the Chief of Police is appended hereto.

There were no other reports.

REPORT ACCEPTANCE

Moved by: Mrs. Belgard Second: Mr. Pullion

Discussion: None

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

AUTHORIZATIONS/CONSIDERATIONS: NONE

RAFFLE/FUNCTION APPLICATIONS:

All matters listed under items # 8 Raffle/Function Applications are considered to be routine and will be enacted with a single motion on a consent agenda. If any item on the consent agenda requires consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mayor McElwee

Second: Mrs. Belgard

Discussion: None

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

Solicitor's Permits:

Solicitor's Permit No.: 2012-4: Andrew Williams for Mr. Softee for Ice Cream Sales, March 15–October 30, 2012; required fees have been paid; A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Solicitor's Permit No.: 2012-5: Joan Schober for Mr. Softee for Ice Cream Sales, March 15–October 30, 2012; required fees have been paid. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Solicitor's Permit No.: 2012-6; Memorialize, Dawn Diamond, Ridgway 8th grade Graduation Donations: Can Shake, Pathmark and Cramps on March 3-4 2012, Request waiver of \$10.00 Township fee, non-profit organization filed; Permission Letters are on file. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Raffle Applications: NONE

Public Functions: NONE

RESOLUTIONS

CONSENT AGENDA

Motion to Approve Resolution No. 2012-46 through 2012-52 by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mayor McElwee

Second: Mr. Booker

Discussion: None

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

RESOLUTION NO. 2012-46

*Resolution of the Township Committee of the Township of Edgewater Park
Authorizing DVH Athletic Turf to Perform Turf Management at
Weimann Field Sports Complex for Year 2012*

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous awarding a turf management services at Weimann Field Sports Complex; and

WHEREAS, in order to make this determination it is was deemed necessary to go out on competitive quote, and DVH Athletic Turf was low quote in the base amount of \$11,900.00; and

WHEREAS, funds are available for this purpose in the open space trust account; and

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

BE IT RESOLVED, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, will award said contract to DVH Athletic Turf, 626 Park Road, Cherry Hill, NJ 08034.

RESOLUTION NO. 2012-47

Resolution of the Township Committee of the Township of Edgewater Park Authorizing Consolidated Steel & Aluminum Fence Co, Inc to Repair Fencing at Various Park Locations.

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous awarding a contract to repair fencing at various park locations; and

WHEREAS, repairs are needed to address safety concerns at Weimann Field Sports Complex, Memorial Field and Kite Field; and

WHEREAS, in order to make this determination it is was deemed necessary to go out on competitive quote, and Consolidated Steel & Aluminum Fence Co. Inc was low quote in the base amount of \$6,380.00; and

WHEREAS, funds are available for this purpose in the open space trust account; and

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

BE IT RESOLVED, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, will award said contract to Consolidated Steel & Aluminum Fence Co. Inc, 316 North Street, P.O. Box 643, Kenilworth, NJ 07022.

RESOLUTION NO. 2012-48

Resolution of the Township Committee Authorizing the Execution of Contracts for Employee Accumulated Vacation Time

WHEREAS, the Township Committee of the Township of Edgewater Park recognizes that a situation has arisen between the Township, Employees, and the Union regarding Employee's rights to utilize and/or be paid for accumulated vacation time; and

WHEREAS, all parties have agreed to resolve all their disputes involving the Employees and the Township amicably to avoid the cost and uncertainty of litigation; and

WHEREAS, any Agreement shall not in any way be construed as an admission by any party of any liability and the resolution of this issue shall be non-precedential between the parties and neither shall offer the same in subsequent proceeding for the purpose of arguing a precedent or past practice.

NOW, THEREFORE, BE IT RESOLVED, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, authorizes the Mayor and/or Clerk/Administrator to enter into a contract to resolve the utilization and/or compensation of accumulated vacation time.

RESOLUTION NO. 2012-49

*Resolution of the Township Committee of the Township of Edgewater Park
Authorizing the Execution of a Contract for the Woodlake Park Improvement Project*

WHEREAS, the Township of Edgewater Park solicited bids for the Woodlake Park Improvement Project; bids were opened on March 1, 2012; and

WHEREAS, F&P Contractors, Inc, 659 Washington Avenue, South Amboy, NJ 08879 has been determined to be the lowest responsible bidder at a bid base price \$208,224.00; and

WHEREAS, alternate bids were also solicited and bids were submitted by F&P Contractors, Inc as follows:

Alternate #1: Water Fountain w/ Pet Fountain/Yard Hydrant	\$ 6,500.00
Alternate #2: 1 ½" Poly Water Service	\$ 3,375.00

WHEREAS, the Township of Edgewater Park is desirous of awarding the base bid and alternative #1 and #2 in the amount of Two Hundred Eighteen Thousand, Ninety-Nine Dollars and Zero Cents (\$218,099.00); and

WHEREAS, by letter dated March 2, 2012 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 F&P Contractors, Inc, 659 Washington Avenue, South Amboy, NJ 08879 in the sum of \$218,099.00 for the Woodlake Park Improvement Project.

RESOLUTION NO. 2012-50

*Resolution Authorizing an Extension of the Due Diligence Period regarding the
Sale of Public Property Block 1202 Lot 4.01 Between the
Township of Edgewater Park and K-2 Management, LLC and Assigns.*

WHEREAS, the Township Committee of the Township of Edgewater Park, by Ordinance No. 2011-8 and by Resolution No. 2011-140, authorized a Development Agreement and Agreement of Sale between the Township of Edgewater Park and K-2 Management, LLC for Block 1202, Lot 4.01; and

WHEREAS, Edgewater Park Township and K-2 Management entered into the Development Agreement and Agreement of Sale dated December 1, 2011, which included a 60 day due diligence period which was due to expire on February 1, 2012; and

WHEREAS, by way of Resolution No. 2012-32 Township Committee approved a 30 day extension of the initial due diligence period which was due to expire on March 2, 2012 for additional studies and testing due to traces of Arsenic found on the property; and

WHEREAS, K-2 Management requested an additional extension of the due diligence period which shall expire on Monday, March 19, 2012 to complete the studies and testing due to traces of Arsenic found on the property.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, assembled in public session this 6th day of March, 2012, that the Edgewater Park Township Committee approve the due diligence extension period which shall expire on March 19, 2012.

BE IT FURTHER RESOLVED, this resolution will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

RESOLUTION NO. 2012-51
Tax Identification Statement

WHEREAS, The Recycling Enhancement Act, P.L.2007, chapter 311, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, There is levied upon the owner or operator of every solid waste facility (with certain exceptions) a recycling tax of \$3.00 per ton on all solid waste accepted for disposal or transfer at the solid waste facility.

WHEREAS, Whenever a municipality operates a municipal service system for solid waste collection, or provides for regular solid waste collection service under a contract awarded pursuant to the "Local Public Contracts Law", the amount of grant monies received by the municipality shall not be less than the annual amount of recycling tax paid by the municipality except that all grant moneys received by the municipality shall be expended only for its recycling program.

NOW THEREFORE BE IT RESOLVED by the Township of Edgewater Park that the Township of Edgewater Park hereby certifies a submission of expenditure for taxes paid pursuant to P.L.2007, chapter 311, in calendar year 2011 in the amount of \$11,262.96. Documentation supporting this submission is available at 400 Delanco Road, Edgewater Park, NJ 08010 and shall be maintained for no less than five years from this date.

REA Tax certified by:

Name of official: Mr. Aubrey Painter
Title of official: Superintendent of Public Works/Recycling Coordinator
Date: March 6, 2012

RESOLUTION NO. 2012-52

*Resolution of the Township of Edgewater Park, County of Burlington, and State of New Jersey
Authorizing the Submission of the 2011 Tonnage Grant Application to the New Jersey
Department of Environmental Protection*

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund for which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection has promulgated recycling regulations to Implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, A resolution authorizing this municipality to apply for the **2011 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Edgewater Park Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure the application is properly completed and timely filed.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Edgewater Park that the Township of Edgewater Park hereby endorses the submission of the 2011 recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Aubrey Painter, Edgewater Park Recycling Coordinator to ensure that the application is properly filed; and

ORDINANCES:

ORDINANCE NO. 2012-4

(First Reading)

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

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

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, that the Township Codes of the Township of Edgewater Park be and is hereby amended as follows:

SECTION 1:

Chapter 8.40: PRIVATE SWIMMING POOLS

Section: 8.40.010**Definitions.**

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

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

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

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

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

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

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

8.40.020 Construction and maintenance.

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

8.40.030 Water supply, pipe, pump and filter systems.

A. There shall be no physical connection between a potable public or private water supply system and such private swimming pools, temporary portable pools, or wading pools below the maximum water line of the pool or to a recirculating or heating system of said pool. The piping system shall be designed to circulate the pool water through filtering equipment. Potable water shall feed the pool with a down spout with an air gap not less than six inches

from the pool overflow level. Potable water syphons will not be permitted to drain the aforesaid pools. The installation, repair and control of plumbing facilities shall comply with the plumbing and sanitary codes of the township.

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

8.40.050 Discharge system.

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

8.40.060 Bacteriological standards.

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

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

8.40.070 Fencing.

A. All private swimming pools now existing or hereafter constructed, installed, established or maintained, with the exception of wading and temporary portable pools, shall be completely and continuously surrounded by a permanent durable wall, fence or barrier which shall be no less than four feet or more than six feet in height above grade, and shall be so constructed as to have no opening, mesh, hole or gap larger than two inches in any dimension, except for doors and gates; provided, however, if a picket fence is erected or maintained, the horizontal dimension of any gap or opening shall not exceed 2.5 inches. A dwelling house or accessory building may be used as part of such enclosure. All gates used in conjunction with

any of the above described enclosures shall conform to the specifications required above as to height and dimensions of openings, mesh, holes or gaps in the case of fences and all gates and doors shall be equipped with self-closing and self-latching devices for keeping the gate or door closed at all times when not in actual use. Gates and doors shall be locked when the pool is not in use or is unguarded or unattended.

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

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

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

1. Substantial compliance, for the purposes of this section, shall mean and include any fence or barrier which now or hereafter shall be maintained at a minimum height of forty-two inches above grade and have no opening, mesh, hole or gap larger than four inches in any dimension.
2. A certificate of substantial compliance may be granted by the building inspector within ninety (90) days after the effective date of the ordinance codified in this chapter upon written application to and establishing to the satisfaction of the building inspector in such a manner as shall be prescribed by said building inspector that the applicant's fence is maintained in substantial compliance with the requirements of this section. (Prior code § 7:4-7)

8.40.080 Location.

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

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

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

8.40.090 Lighting.

No artificial lighting shall be maintained or operated in connection with a private swimming pool, wading pool or portable pool in such a manner as to be a nuisance or an

annoyance to neighboring parties. Such lighting shall not shine directly upon any abutting property. No unshielded lights shall be permitted.

8.40.100 Permits.

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

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

8.40.101 Permits for Temporary Portable Pools (including inflatable pools)

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

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

1. A building permit and zoning permit are required for any new pool that is 24 inches or more in depth. No permit shall be required under the Uniform Construction Code for any pool that is less than 24 inches in depth.
2. A homeowner who desires to install a temporary portable temporary pool must obtain an initial permit from the Construction Code Office and Zoning Office. Once the initial permit is issued by the township for the period beginning not before May 1st and ending not later than September 30th, then the property owner may apply for an annual Certificate of Approval from the Construction Code Office each year prior to re-installation of the temporary portable pool. The fee for each Certificate of Approval will be \$20.00.
3. In order to obtain a Certificate of Approval each year it is necessary that the pool is placed in the same location; that it remains temporary in nature; and that the same safety barriers required under the Uniform Construction Code remain in place.
4. A temporary portable pool or inflatable pool must be installed in a residential zone on a property that has a primary residence. If a residential property is located in a commercial zoning district, then there still must be a primary residence on the same lot as the temporary portable pool.

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

8.40.110 General provisions and enforcement.

A. Any nuisance which may exist or develop in or in consequence of or in connection with any private swimming pool, temporary portable pool, or wading pool shall be abated and/or removed by the owners.

B. Whenever any private swimming pool, temporary portable pool, or wading pool, by reason of mechanical defects or lack of supervision is, in the opinion of the board of health, polluted and detrimental to health, it shall be summarily closed.

C. Owners or persons in possession of private swimming pools, temporary portable pools, or wading pools shall allow the health officer and the building inspector access to inspect said pool and the appurtenances at any time it may be required by the board of health or the township committee of the township.

D. The board of health may cause any private swimming pool, temporary portable pool, or wading pool, as defined in this chapter, to be inspected for compliance with the plumbing code of the township.

E. Any accessory building, such as locker rooms, bath houses, cabanas, shower rooms, toilets, runways or any other physical facility or equipment incidental to the maintenance and operation of any of the above described shall be in conformance with the rules and regulations of both the board of health and the township committee of the township.

8.40.120 Enforcement.

A. Every private swimming pool, temporary portable pool, or wading pool constructed, installed, established or maintained in the township shall at all times comply with the requirements of the local board of health. Any nuisance or hazard to health which may exist or develop in or in consequence of or in connection with any such private swimming pool,

temporary portable pool, or wading pool shall be forthwith abated and removed by the owner, lessee or occupant of the premises on which the said pool is located upon receipt of notice from the health officer of the township.

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

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

SECTION 2. Amending Section

20.410: STATE UNIFORM CONSTRUCTION CODE ENFORCEMENT, BUILDING FEE SCHEDULE to include the following:

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

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

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

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

NOTICE

The foregoing will be consider for adoption of final reading and public hearing to be held on April 3, 2012 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mrs. Belgard Second: Mr. Pullion

Discussion: None

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

ORDINANCE NO. 2012-5

(First Reading)

An Ordinance of the Township of Edgewater Park Prohibiting the Possession and/or Consumption of Alcoholic Beverages by Underaged Persons on Public and Private Property and Establishing Exceptions and Penalties

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

WHEREAS, N.J.S.A. 40:48-1 and N.J. S.A. 40:48-1.2 authorize a municipality to prohibit the possession and/or consumption of alcoholic beverages by underage persons on private property; and

WHEREAS, the Township Committee of the Township of Edgewater Park finds and determines that:

- a. underage drinking is a serious problem which impacts on society through motor vehicle accidents resulting in death and injury, alcohol poisoning, fighting and violence and vandalism and damage to property;
- b. the incidence of underage drinking in private homes appears to be increasing as the result of inadequate supervision at times when parents, guardians and others in responsible positions are not at home;
- c. underage drinking at parties in private homes often attracts more individuals than those who have been invited to the parties or those parties occur with open invitations resulting in large numbers of underage drinkers at the parties;
- d. it is in the best interest of the public health, safety and welfare of the citizens of the Township of Edgewater Park to enact an ordinance prohibiting the possession and/or consumption of alcoholic beverages by underage persons on private property subject to certain exceptions.

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

SECTION 1. The Code of the Township of Edgewater Park **Title 9 Public Peace and Welfare** is hereby amended by adding a new section 9.25 Titled, as follows:

9.25 Possession and/or Consumption of Alcoholic Beverages by Underaged Persons Prohibited.

9.25.010 Underage Possession of Alcoholic Beverages on Private Property or on Public Property

1. Possession of Alcoholic Beverages on Private Property or on Public Property. No person who is under 21 years of age, i.e., the legal age established by law for the purchase or consumption of alcoholic beverages, shall possess alcoholic beverages on private property; nor shall any such person possess alcoholic beverages while upon any public street, road, sidewalk, parking lot, or other public place or in any private vehicle while the vehicle is in motion, stopped or parked in or on any public street, road or parking lot, except as provided herein.
2. Consumption of Alcoholic Beverages on Private Property or on Public Property. No person who is under 21 years of age, i.e., the legal age established by law for the purchase or consumption of alcoholic beverages, shall consume alcoholic beverages on private property; nor shall any such person consume alcoholic beverages while upon any public street, road, sidewalk, parking lot, or other

public place or in any private vehicle while the vehicle is in motion, stopped or parked in or on any public street, road or parking lot, except as provided herein.

3. Exceptions. As provided by law, this Section shall not apply to underage persons consuming or possessing an alcoholic beverage in connection with a religious observance, ceremony or rite or consuming or possessing an alcoholic beverage in the presence of and with the permission of a parent, guardian or relative who has attained the legal age to purchase or consume alcoholic beverages nor shall this Section prohibit the possession of alcoholic beverages by any underage person while actually engaged in the performance of employment by a person who is licensed under Title 33 of the Revised Statutes or while actively engaged in the preparation of food while enrolled in a culinary arts or hotel management program at a county vocational school or post secondary educational institution, however, this provision shall not be construed to preclude the imposition of a penalty under *N.J.S.A. 33:1-81* or any other section of law against a person who is convicted of unlawful alcoholic beverage activity on or at premises licensed for the sale of alcoholic beverages.

9.25.020 Penalty and Fine

1. Any person, firm, corporation or other entity which aids, supports, promotes, assists, encourages or permits any individual under 21 years of age to violate any provision of this Section shall be in violation of the provisions herein and shall, upon conviction, be subject to the penalties set forth herein.
2. Penalties. Any person found guilty of underage possession and/or consumption shall be fined Two Hundred Fifty Dollars (\$250.00) for a first offense and Three Hundred Fifty Dollars (\$350.00) for any subsequent offense. In addition to the above fine, as provided by *N.J.S.A. 40:48-1.2*, the Court may suspend or postpone the person's driving privilege for a period of six (6) months. If the person is under the age of seventeen (17) years, the period of license postponement, including a suspension or postponement of the privilege of operating a motorized bicycle, shall commence on the day the sentence is imposed and shall run for a period of six (6) months after said person reaches the age of seventeen (17) years of age. If the person convicted under this Section is not a resident of the State of New Jersey, the Court shall suspend or postpone, as appropriate, the non-resident driving privilege of the person based on the age of the person.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any other part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Edgewater Park heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect after final passage and publication as provided by law.

NOTICE

The foregoing will be consider for adoption of final reading and public hearing to be held on March 20, 2012 at 7:30 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mayor McElwee Second: Mrs. Belgard

Discussion: None

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

REPORT OF OFFICIALS

Committeewoman Belgard:

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory will meet on March 14, 2012 at 3 PM.

Computer classes have started at the Ridgway Middle School computer lab; classes are on Tuesday nights from 3:30-4:30PM for six weeks.

Liaison to Planning Board:

Mrs. Belgard reported the next Planning Board will be on Thursday March 15th at 7:00 PM.

Mrs. Belgard further discussed that the Neighborhood Watch Annual Wing Fling is this Saturday from 4PM – 8PM at the Edgewater Park Elks Lodge. Tickets are \$15.00 per person or \$20.00 if you would like to participate in the Wing eating contest. The fundraiser will help support the purchase of equipment for the police department.

Mayor McElwee:

Liaison to Neighborhood Watch

Mayor McElwee reported March 22 is the next meeting for Neighborhood Watch at 6:30 PM addressing Internet and Social Media Safety Awareness.

Liaison to EPAA

Mr. McElwee reported EPAA meeting is rescheduled for March 13th at 8:30 PM at the 45th Street Pub.

Liaison to the Memorial Day Parade

Mr. McElwee discussed that the Memorial Day Parade will be on March 21 at 7:30 at the Elks' Lodge; volunteers are needed.

APPROVAL OF BILLS

Approval of Bills February 17, 2012 through March 1, 2012.

Moved by: Mayor McElwee Second: Mrs. Belgard

Discussion: Committee questioned a few items on the list which were addressed by Mrs. Dougherty.

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

DISCUSSION(S)/PRESENTATION(S):

Mr. William Kearns, Esquire gave a presentation on Ethics, Open Meetings and Public Records.

Upon authorization the presentation portion of the meeting will not be recorded; presentation is appended.

Upon conclusion of the presentation Township Committee took a recess at 9:10PM

The Mayor convened the meeting at 9:20PM

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

Mr. Steven Adezzio, Marlton, NJ and Administrator of the Beverly Edgewater Park Emergency Squad discussed the Squads calls for the month of February and further discussed the training members programs that the members received.

Mr. John Fine, 414 Jefferson Ave, member of the Beverly – Edgewater Park Emergency Squad provided an update on the progress of the Beverly-Edgewater Park Emergency Squad since its reorganization. Mr. Fine discussed that he believed the Beverly Edgewater Park is uniquely capable of handling the Emergency Medical Services in Edgewater Park because of their history. Mr. Fine further requested members of the public express experiences with the Emergency Squad.

Mr. Frank Pagurek, 11 Victoria Court, Mt. Laurel, Burlington County 1st Aid Council, voted at its February 28th meeting to express their support of the Beverly Edgewater Park Emergency Squad.

Mrs. Michelle Clifford, 302 Monroe Ave. read comments from the Edgewater Park Blog concerning the squad and the proposal process.

Mr. Noel Rainey, 7 Spring Lane, questioned why Committee is moving forward with the RFP process for an already existing Emergency Squad.

Township Committee discussed that they requested proposal for emergency medical services; proposal request was published in the newspapers and is on the Township web site. A fair and open process is being utilized which provides an opportunity for organizations to submit proposals and for Committee to consider all options that would best serve the community; proposals are due on March 13th.

Mrs. Pat Pinto, 318 Monroe Ave, questioned why the RFP when the problem is not the squad but corruption. Mrs. Pinto further questioned who determines what organization is awarded the contract. This is an issue of property taxes, not service, and an issue of corruption.

Township Committee discussed that this is a process similar to what is done for any professional providing service. Committee has a fiduciary duty to find the best service possible for the residents of our community; any agreement entered into will also include insurance requirements. Township Committee did not discuss or state there was corruption within the squad. In November, concerns were brought to their attention. The determination of the contract is determined by Township Committee upon review of the proposals.

Mr. John Fine, 404 Jefferson Ave, discussed there was no statement in public on corruption only statements of internal review. He further discussed that there was no interruption of emergency medical services; services were provided by Endeavor Emergency Squad.

Ms. Charlene Rogers, 510 Melbourne Ave, Beverly, discussed that service was never interrupted. She further discussed that she feels the insurance requirements in the proposals were not fair to volunteer squads.

Committee discussed that the Township is self insured through Burlington County Joint Insurance Fund; insurance requirements were recommended by the Township's Risk Manager. The purpose of the insurance requirement is to provide protection and the best interest to the Township.

Chris Van Brunt, 208 E Franklin Ave, discussed private vs volunteer squads. There is an emergency preemption device that is in all fire trucks and ambulances in Burlington County along certain corridors that lead to certain hospitals. Phase II is coming into effect and the Beverly-Edgewater Park Squad is scheduled for deployment which means emergency vehicles do not have to stop for traffic lights. These devices are placed on emergency vehicles they can change the traffic light pattern to stop traffic; private companies, Virtua Hospital and Lourdes Hospital ambulances cannot get the devices through federal grants; Endeavor Squad is the closet facility that has this device. For profit ambulances will not pay for this device. Mr. Van Brunt continued to state the Lourdes Medical Service ambulance vehicles have religious insignia that may insult women or other religious organizations.

Mrs. Michelle Clifford, 302 Monroe Ave questioned why the proposals are being submitted during the day when most people work. If another squad serves the community will residents still have a choice of hospitals?

Committee discussed that proposals are due on March 13th; Committee will not be deciding on emergency medical services. Any emergency medical service must comply with State regulations; if the situation is life threatening and warrants immediate medical care the squad will take you to the nearest appropriate hospital otherwise residents can request the hospital they prefer to be taken to.

Chuck Ryder, 331 N Arthur Drive questioned what lurch the township was left in. Mutual aid is in place to provide service.

Committee discussed that it was the process in which the Township was notified that the Beverly-Edgewater Park Squad was being shut down; the Beverly Edgewater Park Squad made the determination with an internal audit review and chose to have Endeavor service in the interim. Committee further discussed that the State, Department of Health and Emergency Services was not properly notified of the change in coverage; contact was made with the State but the State was not aware of all changes.

Mr. Fine discussed that situations occurred that they did not expect; a plan was put in place to substitute Endeavor Emergency Squad Services. At the recommendation of the State written approval was obtained by the Director of Public Safety from both Beverly and Edgewater Park jurisdictions; there does appear to be a lack of communication. The State Board of Health was contacted for guidance. There are certain issues that cannot be discussed; the Squad is a private organization and employee matters are confidential. Information will be given to Township Committee through proper channels.

Committee discussed that the squad conveyed the need for an internal audit, things are in shambles, lack of documentation and information, etc; Committee's objective is to ensure that future services are in place to best serve the residents of the community.

Mr. Fine further discussed that the Squad is a private organization and some matters cannot be discussed. He expressed that they are not trying to be adversarial with Township Committee. He understands why Committee is taking this action and has no objection to what they are doing.

Kraig McLaughlin, 75 Clifford Avenue, Burlington, discussed that his mother is a resident of Edgewater Park and is a past member of the Beverly-Edgewater Park Squad; due to his job he know volunteers for another squad. Discussed that internal review processes are standard procedure. Volunteers served to review information and worked together to come back strong and address problems.

Mike Stewart, AN8 Manor Apartments, discussed that he is a member of the squad and resident of 30 years. He questioned mutual aid agreements and if an outside agency comes is awarded the contract will mutual aid still respond if needed. Mr. Stewart further discussed that the Beverly-Edgewater Park Squad has not missed any calls for the past three years nor did Endeavor during the time of re-organization.

Mr. Kearns discussed that proposals when submitted will have to be reviewed. To his understanding all EMS responders have mutual aid agreements; if the towns EMS provider is busy then mutual aid would step in. The Beverly- Edgewater Park Squad or any emergency medical squad responding would charge for their service.

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

THERE WAS NO OTHER BUSINESS

Closed Session:

*Resolution No. 2012-53
Closed Session*

Where it is necessary to discuss personnel matters concerning the CWA Union Contracts. Where it is necessary to discuss affordable housing obligations. Where it is necessary to discuss potential developer's agreement Bl: 404, Lt: 2.02. Where it is necessary to discuss items of Public Safety and Municipal Services. Where it is necessary to discuss items falling under litigation and or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public.

WHEREAS, it is necessary to discuss personnel possible litigation involving the Township of Edgewater Park which is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with personnel matters is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with the purchase lease or acquisition of real property with public funds is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with any collective bargaining agreement or the terms or conditions of that agreement is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the disclosure of any material which constitutes an unwarranted invasion of individual privacy is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the release of any information would impair a right to receive funds from the Government of the United States; is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility is a proper subject of exemption under the Open Public Meetings Act;

WHEREAS, the Township Committee desires to close this portion of the meeting to consider the aforementioned titled matters.

NOW THEREFORE, BE IT RESOLVED that the portion of the meeting dealing with the aforementioned matters shall be closed to the public and the results of the discussions held under the closed sessions shall be made available to the public at such early a time as possible.

Moved by: Mrs. Belgard Second: Mr. Booker Time: 10:06PM
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Pullion–yes, Mayor McElwee -yes

THERE WAS NO OTHER BUSINESS

ADJOURN

Moved by: Mr. Booker Second: Mrs. Belgard Time: 11:05PM
Roll Call: Mrs. Belgard-yes, Mr. Booker -yes, Mr. Pullion–yes, Mayor McElwee -yes

John McElwee

Linda M. Dougherty

John McElwee, Mayor

Linda M. Dougherty, RMC/Administrator