

**TOWNSHIP OF EDGEWATER PARK
MINUTES - APRIL 5, 2011**

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

FLAG SALUTE

Open Public Meetings Act Statement

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

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

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 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, Mr. Joseph Pullion, Mayor Darrell Booker (Committee Members)

Also present: Mr. Robert Brian, Chief of Police (Public), Mr. Aubrey Painter, Superintendent of Public Works (Public), Mr. William Kearns, Solicitor (Public and Closed), Mrs. Linda M. Dougherty, Clerk/Administrator (Public and Closed), Mrs. Margaret Peak, CFO (Public) and Mr. Rakesh Darji, Township Engineer (Public)

Mayor Booker offered a moment of silence in memory of and recognition of former Congressman John Adler.

DISCUSSION(S)/PRESENTATION(S): NONE

APPOINTMENTS/RESIGNATIONS:

Mayoral Appointment

Mayor Booker announced the following Mayoral Appointment:

Judith Hall appointment to the Redevelopment Advisory Committee effective April 5, 2011 to December 31, 2011.

Mayor Booker administered the Oath of Office to Mrs. Hall.

Resignations:

Mayor Booker announced the resignation of Donna Mount from Redevelopment Advisory Committee.

Construction Code Official and Building Inspector

In the absence of James Scott, Construction Official and Building Inspector Substitute

Construction Official – Michael Stallone, January 1, 2011 _December 31, 2011
Substitute Building Inspector – Bill Brown, January 1, 2011-December 31, 2011
Moved by: Mayor Booker Second: Mr. Pullion
Hearing no discussion:
Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion–yes, Mayor Booker-yes

REPORTS

The Solicitor did not have a report for this month.

Report from the Engineer is appended hereto.

The Chief Financial Officer presented information on the 2011 Budget.

Mrs. Peak presented an overview and status on the budget for Township Committee and advised that the budget presentation is scheduled for May 3, 2011.

Report from Municipal Clerk/Administrator is appended hereto.

Road Reconstruction

Mrs. Dougherty provided a progress report on Road Reconstruction projects for the past 10 years. Township Committee has been aggressive in reinvesting in the infrastructure especially in areas that were prone to flooding. Due to budgetary constraints the program has not been as aggressive for the last few years.

Mr. Darji discussed that he could prepare a road inventory evaluation of every residential road within the township which would rank each street by priority.

Upon discussion consensus of Committee was to authorize Mr. Darji to submit a proposal for consideration.

Report from the Superintendent of Public Works is appended hereto.

Report from the Chief of Police is appended hereto.

REPORT ACCEPTANCE

Moved by: Mrs. Belgard Second: Mayor Booker
Hearing no discussion:
Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion–yes, Mayor Booker-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. Any item requiring discussion or consideration by separate roll call vote will be removed from the Consent Agenda; all Consent Agenda items will be reflected in full in the minutes.

Moved by: Mr. Pullion Second: Mr. McElwee
Hearing no discussion:
Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion–yes, Mayor Booker-yes

Raffle Applications:

Raffle License No.: 2011-2; Collingswood Cares for Its Children in Crisis, M. James Maley Request for 50/50 cash prize raffle, door prizes and Chinese Auction for function at 4303 Rte 130 S, 45th Street Pub in Edgewater Park on April 30, 2011 from 7pm until 10 pm. Request waiver of \$20.00 Township fee, non-profit organization filed; A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Raffle License No.: 2011-3; Edgewater Park BPO Elks #2550, Instant Raffle/Pull Tabs At 315 Green St in Edgewater Park Monday-Sunday 11 – 2 am. Request waiver Township fee, non-profit organization filed; A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Public Functions:

Mark Cranisky for Pink Sneakers Productions, TV Pilot on Private Residence property and/or public lands to be determined. April 8, 2011 – April 17, 2011 and April 15, 2011 April 24, 2011. Certificate of Insurance pending.

Solicitor's Permit:

Bekir Gunaydin for CARSI for Icecream Sales, April 1– September 30, 2011; 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.

Tanyika Johns for Burlington City Project Graduation April 23, 2011. Request a waiver of fees. Can Shake-Pathmark, Wawa and 7-11 Letters of permission from the property owners are on file. Certificate of Insurance pending. 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.

ORDINANCES:

Motion to bring Ordinance No. 2011-2 back to the table: Calendar Year 2011, Ordinance To Exceed The Municipal Budget Appropriation Limits And To Establish A Cap Bank (**N.J.S.A. 40A: 4-45.14**). Public Hearing was held on March 15, 2011

Moved by: Mr. McElwee Second: Mr. Kercher

Hearing no discussion:

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

Ordinance No. 2011-2:

(Second Reading, Public hearing was held on March 15, 2011)

CALENDAR YEAR 2011

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14**)**

WHEREAS, the Local Government Cap Law, N.J.S.A_40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.0% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Edgewater Park in the County of Burlington finds it advisable and necessary to increase its CY 2011 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$158,623.18_in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Edgewater Park, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2011 budget year, the final appropriations of the Township of Edgewater Park shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$158,623.18, and that the CY 2011 municipal budget for the Township of Edgewater Park be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Moved by: Mr. McElwee

Second: Mr. Kercher

Hearing no discussion:

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

Ordinance No. 2011-3: (First Reading)

**AN ORDINANCE REGULATING SMOKING
IN AND UPON PUBLIC BUILDINGS AND PUBLIC PROPERTIES, AND CREATING
CHAPTER 12.50 OF THE EDGEWATER PARK TOWNSHIP MUNICIPAL CODE
ENTITLED "SMOKING"**

BE IT ORDAINED AND ENACTED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the Code of the Township of Edgewater Park is hereby amended by adding the following:

§ 12.50 Smoking

§ 12.50-1 Findings.

The Township Committee of the Township of Edgewater Park hereby finds and determines that:

- A. The smoking of tobacco products is a major contributor to indoor air pollution and breathing second hand smoke is a cause of disease to non-smokers;
- B. The United State Department of Environmental Protection (EPA) has designated second hand smoke as a Class A carcinogen as well as a significant cause of respiratory problems in children;
- C. In 1986 the U.S. Surgeon General found that the active smoking of tobacco products and the passive inhalation of environmental tobacco smoke are the most prevalent causes of preventable death, disease and disability;
- D. The U.S. Surgeon General found that separating smokers from non-smokers within the same air space does not eliminate the exposure of non-smokers to environmental tobacco smoke;
- E. The State of New Jersey has acknowledged that careless smoking is the leading cause of death from fire;
- F. Smoking leads to the inevitable discard of tobacco products and a source of litter by those who fail to properly dispose of cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form.
- G. The State of New Jersey has entered into litigation against various tobacco product manufacturers and others for the purpose of improving the public's health and adopting policies and programs to achieve a significant reduction in smoking by its citizens and, in particular, by youth;
- H. As part of a settlement, the State of New Jersey will receive significant funding for the advancement of public health, including the implementation of important tobacco-related public health measures and restrictions; and
- I. The Legislature has deemed the control of smoking to be a necessary and proper exercise of municipal authority pursuant to N.J.S.A. 40:48-1 et seq., 40:48-2 et seq., N.J.S.A. 26:3D-46 et seq. and N.J.S.A. 2C:33-13 for the preservation of public health, safety and welfare of the community.

§ 12.50-2. Definitions.

As used in this chapter only, the following words and terms shall be defined as set forth below. All other terms, words and phrases not defined herein shall be given their customary meaning.

PERSON - Any individual, partnership, cooperative association, private corporation, personal representative, receiver, trustee, assignee or any other legal entity.

PUBLIC BUILDING - Any building, structure, facility or complex, including appurtenant parking areas; parks, playgrounds and recreation areas owned, leased,

operated or under the ownership control of the Township of Edgewater Park to which the general public is invited.

SMOKING - The inhaling, exhaling, burning or possession of any lighted cigar, cigarette, pipe or other combustible tobacco product in any manner or in any form.

§ 12.50-3. Smoking Prohibited.

- A. Except as otherwise provided herein, smoking shall be prohibited in the following places:
1. Every room, chamber, lobby, hallway and other common areas in and upon any public building.
 2. Any entrance or exit areas of any public buildings where smoke may enter the air people breathe through such entrances, exits, windows or ventilation systems.
 3. Any vehicles owned and/or leased, in part or entirely, by the Township of Edgewater Park.
 4. On any public property including parks, recreations areas and playgrounds. This prohibition on smoking shall not apply to individuals in privately owned vehicles, provided that all debris is retained within the vehicle.
- B. Smoking optional areas. Notwithstanding the prohibitions contained in the foregoing provisions, outdoor smoking areas may be designated upon application and approval by the Township Committee. Smoking areas, once approved, shall bear signs specifically designating that they are smoking areas. Smoking areas shall be clear of any public entrance or exit areas of any public buildings where smoke may enter the air people breath through such entrances, exits, windows or ventilation systems.

§ 12.50-4. Signs.

"Smoking" or "No Smoking" signs, as appropriate, or the international, "No Smoking" symbol (a picture of a burning cigarette inside a red circle with a red bar across it) shall be clearly and conspicuously posted by the owner, operator, manager, employer or such other person in control of every public building where smoking is controlled by this chapter. The color of such signs, when not of the international type, shall have letters that are distinct, contrasting to the background and easily read. Letters shall have a minimum height of three-quarters of an inch and should be posted in English and such other languages as the Township Committee approves. The "No Smoking" signs shall be posted, at a minimum, on every doorway which provides an entry to the building. The "Smoking" signs shall be posted only in those areas so designated by the Township Committee as provided by this chapter.

§ 12.50-5. Enforcement.

The provisions of this article shall be enforceable by a police officer, employee or elected official of the Township of Edgewater Park, as well as by any other individual. Any person seeking to enforce the provision of this ordinance shall be authorized to file a complaint in the Municipal Court of the Township of Edgewater Park.

§ 12.50-6. Violations and Penalties.

- A. It shall be unlawful for any person to smoke in any area where smoking is prohibited under this chapter.
- B. Unless a greater fine is permitted under N.J.S.A. 26:3D-56 et seq., for smoking in specific areas defined therein, in which case such higher level of fine shall be utilized, any person who smokes in an area in which smoking is prohibited shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200 for each violation pursuant to N.J.S.A. 2C:33-13.
- C. Any person found guilty defacing, tampering with or removing "No Smoking" signs which are required by this chapter shall be guilty of a disorderly persons offense and subject to a maximum fine of \$200, plus the cost of replacing the sign.
- D. Any juvenile adjudicated to have violated the provisions of this article shall be subject to such penalties, fines or other discipline as may be imposed upon an adult pursuant to this chapter.

§ 12.50-7. Construal of Provisions.

No provision of this chapter shall be construed or interpreted to allow smoking where it is otherwise restricted or prohibited by other laws.

§ 12.50-8. 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.

The foregoing ordinance will be consider for adoption of final reading and public hearing to be held on April 19, 2011 at 7:00 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: Mayor Booker

Hearing no discussion:

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

RESOLUTIONS

Motion to bring Resolution No. 2011- 43 back to the table: Resolution Authorizing the Introduction/Approval of the Municipal Budget for Year 2011 back to the table; resolution was tabled at the March 15th meeting.

Moved by: Mayor Booker

Second: Mr. Kercher

Hearing no discussion:

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

Motion to Approve Resolution No. 2011-46 through 2011-53 and Resolution No. 2011-43 by consent agenda; if any items on the consent agenda require discussion or consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. McElwee

Second: Mr. Pullion

Hearing no discussion:

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

TOWNSHIP OF EDGEWATER PARK

RESOLUTION NO. 2011-46

Resolution Authorizing Refund Of Overpayment Homestead Rebate

WHEREAS, the Tax Collector certifies to the Mayor and the Township Committee of the Township of Edgewater Park, that the tax records reflect an overpayment for the following accounts due to a Homestead Rebate

Block 404.08 Lot 11 Qualifer CL006
FRANK H RIGG, JR AND BARBARA HOROWITZ-RIGG
1475 Mt. Holly Road L6
Edgewater Park, NJ 08010
\$133.90

BE IT 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. 2011-47

STIPULATION OF SETTLEMENT

TAX COURT – DSI REALTY INC

BLOCK 501/LOT 2.01 – 4233 S ROUTE 130

WHEREAS, DSI Realty Inc is the owner of certain property located at 4233 Route 130 which is identified as Block 501, Lot 2.01 on the tax maps of Edgewater Park Township; and

WHEREAS, DSI Realty Inc an appeal to the Tax Court of New Jersey for said premises for the 2010 tax year; and

WHEREAS, the parties have engaged in settlement negotiations;

WHEREAS, as a result of those settlement negotiations, the following reduced assessment has been proposed:

2010 Assessment	Original Assessment	Requested Tax Court Judgment
Land:	343,800.00	343,800.00
Improvements:	1,256,200.00	1,056,200.00
Total:	1,600,000.00	1,400,000.00

WHEREAS, both parties have made such examination of the value and proper assessment of the property and have obtained such appraisals, analysis and information with respect to the valuation and assessment of the property as they deem necessary and appropriate for the purpose of enabling them to enter into said stipulation; and

WHEREAS, the Township Tax Assessor has been consulted by the Township Attorney with respect to said settlement and has concurred; and

WHEREAS, based upon the foregoing, both parties represent to the Court that the said settlement will result in an assessment at the fair assessable value of the property consistent with assessing practices generally applicable in the taxing district as required by law; and

WHEREAS, interest on the refund is waived by the taxpayer provided the refund is paid as described below; and

WHEREAS, all refunds as a result of said settlement set forth herein are to be applied in the form of a credit in reduction to the second quarter 2011 property taxes in the amount of \$9,284.00 within 60 days of the date of entry of the judgment pursuant to N.J.S.A. 54:3-27-2.;

NOW, THEREFORE, BE IT RESOLVED this 5th day of April 2011 by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the settlement in this matter as set forth herein above be and the same approved, and the Tax Collector is hereby authorized and directed to apply amount of \$9,284.00 to 2nd quarter taxes.

RESOLUTION # 2011-48

Resolution Authorizing Refund Of Overpayment

WHEREAS, the Tax Collector certifies to the Mayor and the Township Committee of the Township of Edgewater Park, that the tax records reflect an overpayment:

Block 1202.01 Lot 45-\$ 167.15

Block 1202.02 Lot 1-\$ 167.15

Total-\$334.30

Check made payable to:

SP West LLC

897 Route 130

East Windsor, NJ 08520

BE IT 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. 2011-49

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 2011

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. 2011-50

*A Resolution Authorizing The Township Of Edgewater Park To
Execute An Agreement With Burlington County For Cooperative Participation
In The Community Development Act Of 1974*

BE IT RESOLVED AND ENACTED, by the Township Committee of the Township of Edgewater Park, County of Burlington and State of New Jersey to authorize an Agreement with Burlington County for cooperative participation in the Community Development Act of 1974.

SECTION I. Certain federal funds are available to Burlington County under Title I of the Housing and Community Development Act of 1987. Public Law 93-383, as amended; and

SECTION II. It is necessary to establish a legal basis for the County and its people to benefit from this Program; and

SECTION III. An Agreement has been proposed under which the Township of Edgewater Park and the County of Burlington in cooperation with the other municipalities will establish an Interlocal Services Program pursuant to N.J.S.A. 40:8A-1 et seq., and

SECTION IV. It is in the best interest of the Township of Edgewater Park that the Agreement entitled "Agreement between the County of Burlington and certain municipalities located therein for the establishment of a cooperative means of conducting certain community development activities", a copy of which is on file at the Municipal Clerk's Office.

SECTION V. The Township of Edgewater Park shall enter into the Agreement with the County of Burlington mentioned with all supplements and agreements thereto. The Mayor and/or Clerk are hereby authorized and directed to execute the Agreement on behalf of the Township of Edgewater Park and affix thereunto the Official Seal.

SECTION VI. All resolutions or parts of resolutions which are inconsistent herewith are hereby repealed in the extent of their inconsistency.

SECTION VII. This Resolution shall take effect immediately after passage and publication as provided by law.

RESOLUTION NO. 2011-51

*Resolution Authorizing the Release of Maintenance Guarantee
For RAB Group NE- Auto Zone*

WHEREAS, Engineer, Environmental Resolutions, was asked to inspect and report on the required improvements by RAB Group NE-Auto Zone, for purposes of releasing the Maintenance Guarantee, the Irrevocable Standby Letter of Credit # SM233373W for Block 1202 Lot 10; and

WHEREAS, Resolution No. 37-2006 established a Performance Bond the amount of \$259,347.00; and

WHEREAS, Resolution No. 2008-77, dated April 17, 2008, authorized the release of the performance guarantee and established a two-year maintenance bond in the amount of fifteen percent (15%) of the original construction costs of \$216,122.50 or \$32,418.38; and

WHEREAS, Resolution No. 2009-37 established released the Performance Bond and established the Maintenance Bond in the amount of \$32,418.38; and

WHEREAS, by letter dated December 17, 2008, Giordano, Halleran & Ciesla, Attorneys at Law, advised the Township of Edgewater Park, that Gunna Development a/k/a Gundaker Commercial Group no longer owns the property and therefore and replaced the posted Maintenance Guarantee, Hartford Bond # 84BCCSE0318; and

WHEREAS, RAB Group NE, LLC, 112 North Poplar Street, Aberdeen, NC 28315 posted a replacement Irrevocable Standby Letter of Credit # SM233373W, Wachovia Bank, National Association, 401 Linden Street, Mail Code NC6034, Winston Salem, North Carolina 27101, in the amount of \$32,418.38; and

WHEREAS, Environmental Resolutions Inc, by letter dated March 23, 2011 recommends the release of Irrevocable Standby Letter of Credit # SM233373W, Wachovia Bank, National Association, 401 Linden Street, Mail Code NC6034, Winston Salem, North Carolina 27101; and

WHEREAS, the Township Engineer, Environmental Resolutions Inc was asked to inspect and report on the Maintenance Guarantee, Irrevocable Standby Letter of Credit # SM233373W for RAB Group NE, LLC; and

WHEREAS, the Township Engineer, Environmental Resolutions Inc., inspected and recommended the release of the Maintenance Guarantee, **Irrevocable Standby Letter of Credit # SM233373W** and release the guarantee amount of \$\$32,418.38 with letter date March 23, 2011 conditioned upon payment of any outstanding professional fees; and

WHEREAS, the Chief Financial Officer noted that all professional service fees submitted to date have been paid.

Resolution No. 2011-52

Resolution Cancelling the Levy Cap Referendum being placed

on the April 27, 2011 School Election Ballot

WHEREAS, the Township Committee of the Township of Edgewater Park adopted Resolution No. 2011-36 which authorized the Municipal Clerk to publish a “Notice of Availability of Mail-In Ballots” on or before March 7, 2011 as Required to hold a Levy CAP Referendum in Accordance with N.J.S.A. 19:63-6; and

WHEREAS, this requirement must have been met even if the governing body eventually decides not to hold the referendum; and

WHEREAS, upon further review of the 2011 municipal budget the Township Committee of the Township of Edgewater Park hereby determines that the referendum is not required and hereby cancels the levy cap referendum and the referendum question shall not be placed on the April 27, 2011 school election ballot; and

WHEREAS, this resolution shall serve as legal notice that a levy cap referendum will not be held on April 27, 2011 and the municipal clerk shall cause a copy of this resolution to be printed in the Burlington County Times and Courier Post.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey does hereby approved Resolution No. 2011-52 and a copy of this resolution shall be provided to the County Clerk no later than close of business on April 8, and a copy sent to the Secretary of the Board of Education and the Division of Local Government Services by the next business day.

RESOLUTION NO. 2011-53

Authorizing Execution of an Interlocal Service Agreement for Animal Control Between the Township of Willingboro and The Township of Edgewater Park

WHEREAS, the Township of Edgewater Park entered into an Interlocal Services Agreement with the Township of Willingboro to provide Animal Control services on November 22, 2005; and

WHEREAS, on February 10, 2011 the Township of Willingboro notified the Township of Edgewater Park that the contract shall be terminated 60 days from notification; and

WHEREAS, the Township of Edgewater Park, pursuant to the terms and provisions as set forth in a revised Interlocal Services Agreement, a copy of which is filed in the Clerk’s Office, desires to enter into a new interlocal services agreement with the Township of Willingboro pursuant to N.J.S.A. 40:8A-1, et. seq.,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park that the Mayor and/or Clerk/Administrator is hereby authorized to execute said agreement on behalf of the Township of Edgewater Park.

Resolution No. 2011-43
Resolution Authorizing the Introduction/Approval
of the Municipal Budget for Year 2011

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous of introducing the Municipal Budget for CY 2011; and

WHEREAS, the advertisement of said budget must be published in the official newspapers of the Township at least ten days before the public hearing; and

WHEREAS, the public hearing shall be held not less than twenty-eight days after the introduction (approval) of the budget; and

WHEREAS, the public hearing may be adjourned from time to time until the hearing is closed; and

WHEREAS, the public hearing and consideration adoption of the municipal budget will be held on May 3, 2011; and

WHEREAS, at least one week prior to the date of the public hearing, a copy of the introduced budget shall be made available to the public.

Public Hearing and consideration of adoption will be held on May 3, 2011 at 7PM, 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 Budget. During the week prior to and up to and including the date of such meeting, copies of said budget will be made available at the Clerk's office to the members of the general public who shall request the same.

REPORT OF OFFICIALS

Committeeman Kercher:

Liaison to the Environmental:

Mr. Kercher reported the Environmental Commission will meet next Tuesday April 12th at 7:30 PM.

Liaison to the School Board:

Mr. Kercher reported and discussed the school board presentation and public hearing of the FY 2011-2012 budget; meeting was held at Ridgway School on the 29th of March.

Mr. Kercher also reported the School Board Meet and Greet is on April 6, 2011 which is co-sponsored by Edgewater Park Senior Advisory Committee, Neighborhood Watch and PTO.

Committeewoman Belgard:

Liaison to Senior Advisory:

Mrs. Belgard reported Senior Advisory in conjunction with the Neighborhood Watch and PTO will be holding a meet and greet at Ridgway to introduce candidates

Mrs. Belgard further reported the next Senior Advisory meeting is on April 13 at 3 PM.

Mrs. Belgard also reported that the senior computer classes are ongoing and invited residents to attend.

Liaison to Planning Board:

Mrs. Belgard reported the next Planning Board meeting is scheduled for Thursday April 21 and invited residents to attend.

Committeeman McElwee:

Liaison to EPAA:

Mr. McElwee reported the opening day is April 16th and the next meeting is on April 12 at 8:30 PM at the 45th Street Pub.

Mr. McElwee reported the Beef and Beer was very successful. Mr. McElwee further reported and thanked Mr. Pullion and the Elks for a wonderful job.

Mr. McElwee also reported the cheerleader fundraiser was an excellent presentation by the cheerleaders at the Sixers game.

Liaison to Neighborhood Watch:

Mr. McElwee reported the April meeting is on the 28th at 6:30 PM.

Committee Pullion:

Mr. Pullion reported Mrs. Dougherty and he worked with the Edgewater Crossings and the potential Bottom Dollar Food Developments to coordinate a meeting with various County agencies to further the project; the meeting was well received.

Mr. Pullion further requested the residents and community to support businesses in town.

Mayor Booker:

Mayor Booker reported the Breakfast with the Bunny is scheduled for April 9, 2011 at 9AM at Magowan school.

Mayor Booker further reported on April 11, 12 and 13 that he will be attending a free course on Homeland Security.

Mayor Booker also reported on March 25 he attended a Sound off for South Jersey seminar which focused on the Atlantic City Airport and how to attract more people. The expansion of the Riverline into South Jersey was also discussed.

Mayor Booker further discussed that Chief Brain, Mrs. Dougherty and he attended a meeting with Senator Diane Allen concerning the Riverline and request for funding and assistance options for the police department.

APPROVAL OF BILLS

Approval of Bills from March 11, 2011 through April 4, 2011

Moved by: Mr. McElwee Second: Mr. Kercher

Discussion: Township Committee discussed various items listed for payment.

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

APPROVAL OF MINUTES:

Public Session: January 8, 2011, January 18, 2011, February 1, 2011, February 15, 2011, March 1, 2011 and March 15, 2011.

Moved by: Mr. McElwee Second: Mr. Pullion

Hearing no discussion:

Roll Call: Mrs. Belgard-yes, Mr. Kercher-yes, Mr. McElwee-yes, Mr. Pullion-yes abstain on February 1, 2011 minutes, Mayor Booker-yes

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

Ms. Kimberly Washington, 341 S. Arthur Drive, questioned how long the gas pump repairs will last.

Mr. Painter discussed that replacement equipment for the pumps are getting difficult to find; there are no guarantees.

Mr. Jay Jones, 111 Cardinal Road, requested Committees consideration to have Cardinale Road reconstructed.

Mr. Darji, Township Engineer stated Road Program will be developed to set a priority to replace roads.

Ms. Allyson Keith, 204 Cardinal Road, discussed that she moved into Edgewater Park in 1972 and their area was very nice but now she is concerned about property values and wishes the township would fix the roads.

Mr. Darnell Moye, 103 Cardinal Road questioned why he was responsible for the large tree which damaged the sidewalk.

Mr. Lester Holley, 313 Colonial Road, stated the original trees were removed from the Williamsburg section and the township replaced them in the late 1970's or early 1980's.

Ms. Pat Sills, 205 Cardinal Road, discussed that the roadway in the jughandle on Woodlane Road is in disrepair and many potholes.

Mr. Painter discussed that the state has been contacted for the jughandle is within their jurisdiction; residents can also call 1-800-POTHOLE.

Mr. Eddie Davis, 301 Colonial discussed that the trees on his property were killed and weakened by PSE&G when they cut the limbs around the wires.

Ms. Kimberly Washington, 341 S. Arthur Drive, discussed that one of the trees on her property was marked to be removed but was later removed from the list during the S Arthur Road reconstruction project.

Mr. Darji discussed that the trees removed during the project were only removed when the tree damages the road or curb; if the tree that was removed also damaged sidewalk then those blocks of sidewalk were also replaced.

Ms. Washington further questioned the tax appeal process.

Mrs. Dougherty discussed that because of the revaluation residents have until May 1st to fill an appeal with the County and copied to the Township and Tax Assessor.

Mr. Dave Jones, 111 Cardinal Road, stated he received a tree violation for the same thing that the township corrected on the Arthur Drive project.

Mr. Darji discussed that when the township does a road reconstruction process trees are evaluated and removed were they have damaged the curb and roadway.

Mr. Sarah Cannon-Moye, 103 Cardinal Road, questioned whether the cul de sac was given less of a priority and if drainage problem was also used as a priority list.

Mr. Darji stated there are a lot of situations which determine the priority of road reconstruction. Reconstruction projects that the Township has done within the past ten years have included cul-de-sacs that abut the main road.

Mr. Eddie Davis, 301 Colonial Road, discussed that there were mark-outs for water lines on Colonial Road and questioned why his trees were not removed as part of the project.

Township Committee discussed that several years ago, approximately 2005, the Township bonded and repaired various curbs throughout the community but entire roads were not reconstructed; removal of trees and curb replacement was based on damage to the curb or roadway. Projects are also evaluated by cost and ability of down payment and repayment schedule. With the Governor's newly imposed 2% Cap levy it is going to be increasingly difficult for the Township to continue infrastructure projects.

Ms. Darrell Moye, 103 Cardinal Road, stated his tree pushes the road out why is he responsible for the removal of the tree.

Mr. Darji discussed that, he was not the engineer at the time, but the assessment for replacement would have been done at that time; over the years the trees that you are questioning could now be causing damage to the curb.

Ms. Wanda Wooden, 104 Cardinal Road, is concerned with work on Regency and Woodlane is hindering traffic.

Township Committee stated the project was the responsibility of the sewer authority project. The authority and police department are addressing that equipment and vehicles that are being stored on Regency Road. The project has stalled due to gas and sewer line location issues.

Mr. Dennis Robbins, 9 Crystal Dr. discussed the residents should write a letter to Governor Christie and the State Legislatures requesting that that state aid monies be restored.

Mr. Noel Rainey, 7 Spring Lane, discussed the Governor canceled a lot of grant programs that included a replacement tree program that would have help the community and help residents save on energy bills. The correct street trees prolong the useful life of roads and help residents with utility bills.

Ms. Kimberly Washington, 341 S Arthur Drive, discussed that people do not stop at the stop sign on the corner of Hayes and Arthur; hours that she observes is usually between 8-8:30am and 5 -7 pm.

Township Committee discussed that they are aware of roadway issues but Committee must prioritize and evaluate projects that can be completed. Financing projects is becoming increasingly difficult. The township engineer will be submitting a proposal for a complete road evaluation.

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. 2011-54
Closed Session*

Where it is necessary to discuss matters concerning personal and contractual obligations. Where it is necessary to discuss sale of public property. 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: Mr. McElwee Second: Mr. Pullion Time: 9:30 PM

Hearing no discussion:

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

ANY OTHER BUSINESS

ADJOURN

Moved by: Mr. McElwee

Second: Mr. Pullion

Time: 10:15 PM

Hearing no discussion:

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

Darrell M Booker

Darrell Booker, Mayor

Linda M. Dougherty

Linda M. Dougherty, RMC/Administrator