

TOWNSHIP OF EDGEWATER PARK
Minutes
APRIL 6, 2010

Mayor Johnson called the meeting to order at 7:07 PM

FLAG SALUTE

Open Public Meetings Act Statement

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

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

- A. By posting written notice on the Official Bulletin Board at the Municipal Building 400 Delanco Road Edgewater Park, New Jersey on January 6, 2010.
- B. By e-mailing written notice to the Burlington County Times and Courier Post on January 6, 2010.
- C. By filing written notice with the Clerk of the Township of Edgewater Park on January 6, 2010.

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

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

DISCUSSION(S)/PRESENTATION(S):

Fibertech Networks-Request for consent of the Township Of Edgewater Park to use and occupy the public rights of way with the Township for the purpose of constructing a fiber optic network.

Upon discussion, Township Committee tabled the discussion until the April 20, 2010 meeting providing Mr. Kearns the opportunity to review the agreements.

Review of the Personnel Policies and Procedures

Upon discussion it was noted jury duty appears on page 30 and page 22.

Storm Drain located at 1644 Bridgeboro Road

Mr. Donald Stevens of 1644 Bridgeboro Road submitted a letter with pictures attached hereto concerning a storm drain which causes flooding on his property. It was discussed that any improvements would have to be a capital project.

Township Committee requested that Mr. Painter look at the storm drain to see if cleaning it out would provide temporary assistance.

REPORTS

The Solicitor reported there were no changes since his last report; further discussion for closed session.

Report from the Engineer is appended hereto.

Cooper Street – Tea 21 Project

Mr. Darji discussed that a tentative meeting with the County and Contractor is scheduled concerning the crosswalks on April 19, 2010.

Weimann Field Project

Upon discussion, Committee authorized a resolution for the award of the irrigation project to be placed on the April 20, 2010 meeting agenda.

Report from Municipal Clerk/Administrator is appended hereto.

Sign Ordinance-interchangeable messages

Mrs. Dougherty discussed the interchangeable sign is standard for Route 130 in our area.
Mr. Kearns discussed that the message usually changes every eight seconds. Another option would be to offer incentives for the use of a monument sign to have a digital changing copy. Upon further discussion Township committee requested examples from other communities.

Smoking Draft Ordinance

Upon discussion Township Committee requested further discussion.

Report: Tax Collector's Annual Statement Year End 2009 appended hereto

Report from the Superintendent of Public Works is appended hereto.

Report from the Chief of Police is appended hereto.

There were no other reports.

REPORT ACCEPTANCE

Moved by: Mayor Johnson

Second: Mr. Pullion

Hearing no discussion:

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

AUTHORIZATIONS:

Burlington City High School Project Graduation Donation Request; \$100 to be appropriated from the Recreation Trust Fund.

Moved by: Mayor Johnson

Second: Mr. Pullion

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

APPOINTMENTS/RESIGNATIONS:

Resignation of Jeanne Ritts, substitute crossing guard.

Moved by: Mr. Booker

Second: Mr. McElwee

Hearing no discussion:

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

**FUNCTION APPLICATIONS:
PUBLIC FUNCTIONS: NONE**

SOLICITOR'S PERMIT:

2010-8 Knights of Columbus, Dates April 23, 2010- April 25, 2010;

Pathmark Wawa and Cramps (Letters of Authorization on file) Requesting waiver of all fees. 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.

Moved by: Mrs. Belgard Second: Mayor Johnson

Hearing no discussion:

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

REPORT OF OFFICIALS

Committeeman McElwee:

Liaison to the EPAA: Mr. McElwee reported April 17 is EPAA's Opening day. The parade will start at Magowan and end at Memorial Field.

Committeewoman Belgard:

Liaison to Senior Advisory: Mrs. Belgard reported Senior Advisory met on March 17 but did not have a quorum to reorganize. The next meeting is on April 21st.

Liaison to Planning Board: Mrs. Belgard reported Planning Board's next meeting is on April 15th at 7:00 PM.

Committeeman Booker:

Liaison to the School Board: Mr. Booker reported the School Board Elections will be held on April 20, 2010 any one with election or budget questions should reach out to Scott Streckenbien.

Liaison to the Recreation Committee: Mr. Booker reported the Breakfast with the Bunny was successful. Mr. Booker further discussed with limited funding and great volunteers the day went well.

Mayor Johnson:

Liaison to Neighborhood Watch: Mayor Johnson reported Neighborhood Watch next meeting will be on April 22, 2010 at Silver Park West; topic will be on gang awareness.

Liaison to the Memorial Day Parade: Mayor Johnson further reported the next parade meeting is Monday April 12, 2010 at 307 Cardinal Road at 7PM.

Committeeman McElwee:

Liaison to the EPAA: Mr. McElwee reported EPAA's next meeting on April 13, 2010 will be held at the 45th Street Pub.

RESOLUTIONS

Motion to table Resolution No. 2010 -46: Police Association Patrol Officers Contract and Resolution No. 2010-47: Police Association Superior Officers Contract by consent agenda until the April 20, 2010 meeting; if any items on the consent agenda require discussion it shall

be removed from the consent agenda. Resolutions are tabled due to the Township's budgetary constraints and inability to execute the contracts.

Moved by: Mr. Pullion Second: Mr. McElwee

Hearing no discussion:

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

ORDINANCES:

**ORDINANCE NO. 2010-5- FIRST READING
CALENDAR YEAR 2010
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 2.5% 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 2010 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 \$161,710.15 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 2010 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 \$161,710.15, and that the CY 2010 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.

NOTICE

The foregoing will be consider for adoption of final reading and public hearing to be held on May 4, 2010 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: Mr. Booker

Second: Mayor Johnson

Hearing no discussion:

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

APPROVAL OF BILLS

Approval of Bills from March 15, 2010 through April 1, 2010

Moved by: Mayor Johnson

Second: Mr. McElwee

Discussion: Mrs. Belgard questioned payment of a few items which were addressed by Mr. Painter and Mrs. Dougherty.

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

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

Mrs. Lisa Morrell, 107 N. Garden Blvd, questioned whether there could be a noise ordinance for the volume of music in cars; cars are sitting at Dinoia Park after school with their music playing loudly.

Mrs. Morrell further stated the budget should not hit safety first when the police are concerned.

Mrs. Morrell further questioned if Township Committee could put information about the background of each committee member on the website and the Beverly Bee.

Mr. Ken Cramer, 406 N Garden Blvd, discussed that he is not in favor of the layoffs of police officers.

Mr. Noel Rainey, 7 Spring Lane questioned the stimulus money available to the River Communities for economic development.

Mrs. Dougherty discussed the stimulus money and Route 130 funding and that the prospective develop of the medical arts facility (Cardinale Project) applied for the funding.

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

ANY OTHER BUSINESS

Mrs. Dougherty and Mr. Pullion explained the budget process, the loss of state aid and the downsizing of the clerical and crossing guard departments that have already occurred.

Resolution No. 2010-48
Closed Session

Where it is necessary to ascertain legal advice and discuss matters concerning personnel and contractual obligations. Where it is necessary to ascertain legal advice concerning Township of Edgewater Park vs Silver Park West, LLC et seq. Where it is necessary to discuss matters regarding Township of Edgewater Park to Miller Group. Where it is necessary to discuss matters regarding Carena vs Township of Edgewater Park. 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. Booker Second: Mayor Johnson Time: 8:21 PM

Hearing no discussion:

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

RE-ENTER PUBLIC SESSION

Moved by: Mayor Johnson Second: Mrs. Belgard Time: 10:40 PM

Hearing no discussion:

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

RE-ROLL CALL: Mrs. Belgard Mr. Booker Mr. McElwee Mr. Pullion Mayor Johnson

ADJOURN

Moved by: Mr. McElwee Second: Mrs. Belgard Time: 10:40 PM

Hearing no discussion:

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

Kevin Johnson

Kevin Johnson, Mayor

Linda M. Dougherty

Linda M. Dougherty, RMC/Administrator