

Merchantville, NJ

November 13, 2006

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 13, 2006. Mayor Patrick J. Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Finnegan, Fields and Alloway

Council Absent: North, Pagano and Zeiders

Borough Clerk Thomas and Solicitor Higgins were present.

PUBLIC HEARING:

ORDINANCE - CREATE MUNICIPAL HOUSING LIAISON: Mayor Brennan opened the public hearing on the following ordinance:

06-10**AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF MERCHANTVILLE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT**

Gail Ford, 135 North Centre Street, questioned Borough's need for this ordinance; the job does not seem to be specifically defined in the ordinance and it is a very lengthy ordinance. **Mr. Higgins** stated that this is a model ordinance from the state of New Jersey which satisfies Round III of the State's Affordable Housing requirements. Ms. Ford questioned if someone currently on staff could assume this roll as opposed to creating a new position and suggested that Council wait until the new year enabling the new Council to hear the ordinance. Mr. Higgins responded that Council would decide who would fill the position. **Mayor Brennan** added that the ordinance must be adopted now in order to satisfy state COAH requirements, as Mr. Higgins already stated. **Jean Collins**, 116 Poplar Avenue, asked if this ordinance established a position that was specific to affordable housing. Mayor Brennan responded in the affirmative. Mrs. Collins would like a current office staff member be appointed to fill this newly created position. **Marvin Gaskill**, 102 East Chestnut Avenue, stated that to his understanding, this ordinance isn't required under state Council On Affordable Housing statutes, requested a specific citation where said position is defined and continued that he opposes filling as a part time position. Mr. Higgins spoke with Richard Regan, Regan Design Associates, who informed him that the Borough was required to adopt this ordinance to become COAH compliant. He continued that Mr. Gaskill could locate the citation on his own. Mr. Gaskill opposed creating a part time position and that this job title should be added to an existing employee. **Mark Brunton**, 28 South Cove Road, stated his confusion as a result of the ordinance adoption process. Mayor Brennan detailed the process for clarification.

PUBLIC:

ENGINEER'S REPORT: Thomas Cundey, Remington & Vernick Engineer's, delivered an update of Borough projects. **Mayor Brennan** added that he inspected Glenwood Avenue last night during the heavy rains and it [Glenwood Avenue] drained sufficiently.

Marvin Gaskill, 102 East Chestnut Avenue, stated that AST spoke at last month's Council meeting regarding a past project at College of New Jersey. This was in response to letters the Borough received from various residents claiming culpability on the part of AST. Mr. Gaskill asked Mr. Finnegan, Council President, to bring originals of those letters to Council to be counted and read into the record. **Mr. Finnegan** stated he had the original copies of the letters in question. **Mayor Brennan** asked if the letters could be located and, if they are duplicates, give a summary or read one copy. Mr. Gaskill also provided names and phone numbers of both the County and State building inspectors. **Mark Brunton**, 28 South Cove Road, asked if the parking lot within the Town Centre East Redevelopment Zone would be sold or given to AST. **Mayor Brennan** stated that no final decision has been made yet and it would be part of the ongoing process.

Gail Ford, 135 North Centre Street, inquired to the resolution appointing a Municipal housing liaison. **Mayor Brennan** stated that if it would please Ms. Ford, Council would not offer that resolution tonight. Mrs. Ford recently met Gary Meyer, a Wharton School graduate, and requested he be given permission to review AST marketing plan for the Town Centre East project. **Mayor Brennan** stated that the marketing plan is proprietary information and since AST is unsure about what [Town Centre East] has been approved by the Planning Board, there would not be a marketing plan as of this time. **Mr. Higgins** has asked Mr. Tedesco to provide Council with financial information in accordance with the existing redeveloper's agreement and hoped to have it prior to the next Council meeting (November 27).

APPROVAL OF MINUTES: None

CORRESPONDENCE: None

COUNCIL REPORTS: Tabled until November 27.

ADMINISTRATOR REPORT: John Fry, Borough Administrator, provided a written report to Mayor and Council and outlined a few of the points.

OLD BUSINESS:

ORDINANCE ADOPTION – CREATE MUNICIPAL HOUSING LIAISON: On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council adopted the following ordinance:

06-10

AN ORDINANCE TO CREATE THE POSITION OF MUNICIPAL HOUSING LIAISON FOR THE PURPOSE OF ADMINISTERING THE BOROUGH OF MERCHANTVILLE'S AFFORDABLE HOUSING PROGRAM PURSUANT TO THE FAIR HOUSING ACT

NEW BUSINESS:

FINANCIAL REPORTS: On the motion of Mrs. Fields, second of Mr. Finnegan and a unanimous roll call vote, Council approved the Chief Financial Officer's Report of Cash Receipts for both September and

October 2006 and the Abbreviated Budget Status as of both September 30, 2006 and October 31, 2006.

RESOLUTION – APPOINT A MUNICIPAL HOUSING LIAISON: [R06-91] Tabled until November 27.

RESOLUTION - I.L.S.A. COLLINGSWOOD CONSTRUCTION CODE OFFICIAL: On the motion of Mrs. Fields, second of Mr. Alloway and a unanimous roll call vote, Council approved the following resolution:

RESOLUTION 06-92

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BY AND BETWEEN THE BOROUGH OF MERCHANTVILLE AND BOROUGH OF COLLINGSWOOD RELATIVE TO THE SERVICES OF A CONSTRUCTION CODE OFFICIAL BY AND FOR THE BOROUGH OF MERCHANTVILLE

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, the Borough of Collingswood is a municipal entity organized under the laws of the State of New Jersey and located in Camden County ("Collingswood"); and

WHEREAS, the Borough of Collingswood has in its employ a certain individual known as William Joseph who has been appointed by Collingswood as the Construction Code Official for the Borough of Collingswood; and

WHEREAS, William Joseph ("Joseph") is a licensed construction code official in the State of New Jersey pursuant to N.J.S.A. 52:27D-119 ("Construction Code") and the regulations promulgated thereunder ("Regulations"); and

WHEREAS, Collingswood has agreed to permit Joseph to act as the Construction Code Official in Merchantville in addition to the duties assigned by Collingswood to Joseph as an employee of Collingswood; and

WHEREAS, Merchantville has agreed to pay to the Borough of Collingswood in accordance with the payment schedule set forth attached hereto as exhibit "A" and

WHEREAS, Merchantville and Collingswood intend by virtue of this document to set forth the terms and conditions of this Agreement; and

WHEREAS, the proper and respective municipal officials were authorized to execute this Interlocal Services Agreement pursuant to Resolutions of their respective Councils, attached hereto and made a part of this Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Patrick J. Brennan, Mayor of the Borough of Merchantville and Oren R. Thomas, IV, Borough Clerk of the Borough of Merchantville be and hereby are authorized to execute the Interlocal Services Agreement, attached hereto as Exhibit "A," providing for the services of William Joseph to act as the Construction Code Official in Merchantville in addition to the duties assigned by Collingswood to Joseph as an employee of Collingswood.

RESOLUTION – AMEND SALARIES & WAGES: On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council approved the following resolution:

R06-93

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, ESTABLISHING SPECIFIC SALARIES AND WAGES FOR ALL EMPLOYEES FOR 2006

WHEREAS, the Mayor and Council of the Borough of Merchantville have established the maximum salaries of the employees of the Borough of Merchantville by ordinance adopted October 23, 2006, effective as of November 12, 2006 and retroactive to April 1, 2006; and

WHEREAS, funds have been made available in the 2006 budget as adopted;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Merchantville hereby establishes the following specific salaries for employees, to be effective as of November 13, 2006 and retroactive to April 1, 2006, of the Borough of Merchantville for 2006:

POSITION

Procurement Clerk

SALARY

\$23,750.00

R06-93A

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY,
AMENDING RESOLUTION 06-52**

WHEREAS, the Mayor and Council of the Borough of Merchantville have established the maximum salary of the Deputy Tax Collector of the Borough of Merchantville by ordinance (#06-06) adopted May 22, 2006 for the year 2006; and

WHEREAS, the Mayor and Council of the Borough of Merchantville have stated their desire to recognize the efforts of the Deputy Tax Collector in completing the classes for certification as a tax collector in the State of New Jersey by increasing the annual salary of the Deputy Tax Collector by the sum of \$500 per year at the completion of each class; and

WHEREAS, notification has been received on November 10, 2006 of the successful completion of Principles of Municipal Tax Collection III from the Rutgers instructor; and

WHEREAS, the prior annual salary for the Deputy Tax Collector was \$20,700 per year; and

WHEREAS, said salaries shall be subject to the appropriation of funds in the approved 2006 budget;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Merchantville hereby establishes the following specific salary for 2006 for the Deputy Tax Collector of the Borough of Merchantville, to be effective as of November 13, 2006, at \$21,200 per year.

RESOLUTION – FILE 2006 RECYCLING TONNAGE GRANT: On the motion of Mr. Finnegan, second of Mr. Alloway and a unanimous roll call vote, Council approved the following resolution:

R06-94

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN, NEW JERSEY AUTHORIZING THE FILING FOR A
2005 RECYCLING TONNAGE GRANT**

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

WHEREAS, it is the intent and 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 such tonnage grants for 2005 will memorialize the commitment of this municipality to recycling and to indicate the assent of the Borough Council of the Borough of Merchantville 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 Borough Council of the Borough of Merchantville that the Borough of Merchantville hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Paul D. Finnegan, Recycling Coordinator, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

RESOLUTION – AUTHORIZE TRANSFERS IN CURRENT FUND ACCOUNT: On the motion of Mr. Alloway, second of Mr. Finnegan and a unanimous roll call vote, Council approved the following resolution:

R06-95

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING TRANSFERS IN THE CURRENT FUND ACCOUNT

BE IT RESOLVED, that the Chief Financial Officer is hereby authorized to make the following ledger transfers in the "Current Fund" Account:

FROM:

LANDFILL/ SOLID WASTE DISPOSAL COSTS	
DUMP CONTRACT (6-01-32-837-000)	\$10,000.00
SOLID WASTE COLLECTION O/E	
APARTMENT REIMBURSEMENT (6-01-26-770-236)	800.00
TOTAL	\$10,800.00

TO:

ANIMAL CONTROL SERVICES	
DOG REGULATION (6-01-27-788-251)	10,000.00
TELEPHONE O/E	
TELEPHONE – STREETS & ROADS (6-01-31-827-287)	800.00
TOTAL	\$10,800.00

RESOLUTION – RENEWAL MUNICIPAL LIABILITY RESIDUAL CLAIMS FUND: On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council approved the following resolution:

R06-96

**RESOLUTION FOR RENEWAL OF MEMBERSHIP
IN THE MUNICIPAL LIABILITY RESIDUAL CLAIMS FUND**

WHEREAS, Municipal Excess Liability Residual Claims Fund is being organized pursuant to N.J.S.A. 40A:10-36, et seq., to provide residual risk coverage to its member joint insurance funds; and

WHEREAS, the Executive Committee of the Camden County Municipal Joint Insurance Fund has determined that renewing their membership in the Residual Claims Fund is in the best interests of the member local units.

NOW, THEREFORE, BE IT RESOLVED that the Fund Commissioners of the Camden County Municipal Joint Insurance Fund does hereby resolve and agree to renew its membership in the Residual Claims Fund for a period of three (3) years, the commencement of which shall be January 1, 2007. For the purpose of determining the term, any portion of the Fund year shall be considered a full year; and

BE IT FURTHER RESOLVED that the Camden County Municipal Joint Insurance Fund hereby adopts the Bylaws of the Residual Claims Fund. Coverage will be provided in accordance with the terms,

conditions and limitations as contained in the Residual Claim Fund's Commercial Excess Insurance or Reinsurance, and Bylaws; and

BE IT FURTHER RESOLVED that the Chairman of the Camden County Municipal Joint Insurance Fund, or other authorized representative, is authorized and directed to execute any and all written agreements necessary for membership in the Residual Claims Fund including, but not limited to, the Indemnity and Trust Agreement in order to implement membership by the Camden County Municipal Joint Insurance Fund in the Residual Claims Fund according to its Bylaws, Chapter C.372 Laws of 1983 (N.J.S.A. 40A:10-36 et seq.), administrative regulations and any other statutes or regulations pertaining thereto.

RESOLUTION – ESTABLISH SEWER CHARGES: On the motion of Mr. Finnegan, second of Mrs. Fields and a unanimous roll call vote, Council approved the following resolution:

R06-97

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY ESTABLISHING SEWER RATES**

WHEREAS, Chapter 70, Sewers, of the Code of the Borough of Merchantville provides that sewer service rates for other than residential dwellings be established by resolution of the Borough Council of the Borough of Merchantville; and

WHEREAS, the Merchantville Sewer Utility is obligated to establish certain minimum rates in accordance with a 1996 Agreement with the Pennsauken Sewerage Authority; and

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that the following rates are hereby established as of January 1, 2007:

Commercial Fee per 6 Month Billing Cycle=	\$78.00 minimum charge
	Plus a usage charge of 1.44 per
	100 cubic feet

RESOLUTION – CHANGE ORDER #1: MARTELL CONSTRUCTION COMPANY: On the motion of Mrs. Fields, second of Mr. Alloway and a unanimous roll call vote, Council approved the following resolution:

R06-98

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN, STATE OF NEW JERSEY APPROVING CHANGE
ORDER REQUEST BOROUGH HALL GARAGE**

BE IT RESOLVED, that the Borough Council of the Borough of Merchantville, Camden County, New Jersey does hereby approve the following Change Order #1 as submitted by Martell Construction Co. for the reconstruction of the Borough Hall Garage

Reductions \$ (12,991.32)

NOW, THEREFORE, BE IT RESOLVED that the adjusted contract amount based on Change Order #1 is decreased to \$170,608.68.

ORDINANCE INTRODUCTION – AMEND CHAPTER 70, SEWERS: On the motion of Mr. Finnegan and second of Mr. Alloway, Council unanimously introduced the following ordinance:

06-11

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER
70, SEWERS, IN THE CODE OF THE BOROUGH OF
MERCHANTVILLE**

The public hearing will be held on December 11.

APPROVAL OF APPLICATION – TAGGERT, THOMAS [FIRE DEPARTMENT]: On the motion of Mr. Finnegan and second of Mr. Alloway, Council unanimously approved the Fire Company application of Thomas Taggart.

DISCUSSION – COMMUNITY CENTER CARPET: Tabled until November 27.

PAYMENT OF BILLS: On the motion of Mr. Alloway and second of Mrs. Fields, Council unanimously approved the following bills for payment:

CURRENT FUND: (PER 11/13/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #12000- 12008	\$ 139,093.17
CHECK #12009- 120063	\$ 1,640,843.42
	<u>\$ 1,779,936.59</u>

DOG ACCOUNT: (PER 11/13/06 CHECK REGISTER)

CHECK #759

\$ 986.06
<u>\$ 986.06</u>

GENERAL CAPITAL ACCOUNT: (PER 11/13/06 CHECK REGISTER)

CHECK #1396

\$ 725.88
<u>\$ 725.88</u>

MERCHANTVILLE SEWER UTILITY: (PER 11/13/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #1587- 1588	\$ 1,410.04
	<u>\$ 1,410.04</u>

PUBLIC ASSISTANCE TRUST FUND: (PER 11/13/06 CHECK REGISTER)

CHECK #

\$ -
<u>\$ -</u>

RECREATION COMMISSION: (PER 11/13/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #2676- 2677	\$ 685.00
CHECK #2678- 2682	\$ 2,118.28
	<u>\$ 2,803.28</u>

TRUST ACCOUNT - OTHER FUNDS: (PER 11/13/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #1090- 1091	\$ 496.84
CHECK #1092- 1093	\$ 19,649.97
	<u>\$ 20,146.81</u>

UNEMPLOYMENT COMPENSATION: (PER 11/13/06 CHECK REGISTER)

CHECK #

<u>\$ -</u>

TOTAL: \$ 1,806,008.66

**EXAMINED AND FOUND CORRECT: (SIGNED JOHN N. ALLOWAY)
DIRECTOR, DEPARTMENT OF ACCOUNTS AND AUDITING
R06-99**

RESOLUTION that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be and is hereby authorized to pay the bills therein.

RESOLUTION – FAIR AND OPEN PROCESS: On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council approved the following resolution:

**R06-100
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY ESTABLISHING AND
IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION
OF VARIOUS PROFESSIONAL SERVICE PROVIDERS FOR THE
BOROUGH OF MERCHANTVILLE**

WHEREAS, the Borough of Merchantville requires the services of various professional service providers; and

WHEREAS, professional services are exempt from the requirement of public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Borough of Merchantville continues to find it advisable to select professionals primarily on the basis of qualification including qualifications uniquely suited to the needs of the Borough of Merchantville; and

WHEREAS, the Borough of Merchantville has determined that it is appropriate to implement a fair and open process for the awarding of professional service contracts; and

WHEREAS, to receive statements of qualification in a manner that fosters a fair and open process it is necessary and advisable to establish advance general criteria and specific minimum requirements for so many of those appointments as possible; and

WHEREAS, the Borough of Merchantville has determined that a fair and open process requires public advertisement of professional appointments in a manner and with sufficient time to provide notice in advance of the contemplation of the appointment and the criteria to be considered in making the appointment; and

WHEREAS, the Borough of Merchantville has determined that a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the governing body and then published in accordance with N.J.S.A. 40A:11-5.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Borough Council of the Borough of Merchantville as follows:

1. All professional service appointments contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause a legal notice to be published in a newspaper authorized to publish legal notices for the Borough, stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualifications will be posted on the Borough's internet website beginning no later than December 1, 2006.
3. The criteria for each position contained on Schedule A follows immediately subsequent to the listing on Schedule A. These criteria shall be disclosed together with the posting of these positions on the Borough's internet website as set forth above.
4. The website posting shall inform potential applicants that all submissions must be made to the Office of Borough Clerk and received not later than 12:00 p.m. December 15, 2006.
5. Commencing at 12:01 p.m. on December 15, 2006, or as soon thereafter as may be possible, the Borough Clerk or his designee shall publicly open and announce all submissions in the Borough's public meeting room.
6. The Mayor and Borough Council shall thereafter review all submissions.

7. Appointments shall thereafter be made at a public meeting of the Mayor and Borough Council no sooner than its annual reorganization meeting.

8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED, that the Mayor and Borough Council have determined that the terms of this Resolution constitute a fair and open process as to all positions included herein.

ANNOUNCEMENTS: New Jersey State League of Municipalities Conference: Mayor Brennan

reminded everyone that the annual conference is this week in Atlantic City at the Convention Center. It is a very informative and useful tool and the Mayor encouraged anyone who could, please try to attend.

MERCHANTVILLE TOWN CENTRE EAST PROJECT UPDATE: Mayor Brennan stated that the Planning Board will meet tomorrow night (November 14) when they will pass a Resolution of Memorialization regarding AST's application.

ADJOURNMENT: When Council reconvened, on the motion of Mr. Alloway and second of Mr. Finnegan the meeting was adjourned at 8:27 PM.

OREN R. THOMAS IV
BOROUGH CLERK