

Merchantville, NJ

December 26, 2006

A regular meeting of Borough Council was held at 7:30 PM, Monday, December 26, 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, Alloway, North, Pagano and Zeiders

Borough Clerk Thomas and Solicitor Higgins were present.

**PUBLIC: Mayor Brennan** tabled the Public session until the end of the meeting at Council's request.

**APPROVAL OF MINUTES: 11/13/06 & 11/27/06 REGULAR SESSIONS:** On the motion of Mr. Finnegan and second of Mrs. Fields, Council approved the 11/13/06 and 11/27/06 regular session minutes.

**OLD BUSINESS:** None

**NEW BUSINESS:**

**RESOLUTION – STATE CONTRACT PURCHASE OF POLICE HANDGUNS:** On the motion of Mr. North, second of Mr. Pagano and a unanimous roll call vote, Council approved the following resolution:

**R06-106**

**RESOLUTION AUTHORIZING CONTRACT WITH CERTAIN APPROVED STATE CONTRACT VENDORS FOR CONTRACTING UNITS PURSUANT TO N.J.S.A. 40A:11-12a**

**WHEREAS**, the Borough Council of the Borough of Merchantville, pursuant to N.J.S.A. 40A:11-12a and N.J.A.C. 5:34-7.29©, may by resolution and without advertising for bids, purchase any goods or services under the State of New Jersey Cooperative Purchasing Program for any State contracts entered into on behalf of the State by the Division of Purchase and Property in the Department of the Treasury; and

**WHEREAS**, the Borough Council of the Borough of Merchantville has the need on a timely basis to purchase goods or services utilizing State contracts; and

**WHEREAS**, the Borough Council of the Borough of Merchantville intends to enter into a contract with Lawman Supply Company of New Jersey through this resolution and properly executed contracts, which will be subject to all the conditions applicable to the current State contracts; and

**NOW THEREFORE, BE IT RESOLVED**, the Borough Council of the Borough of Merchantville authorizes the Purchasing Department (Merchantville Police Department) to purchase 17 SigSauer semi-automatic pistols and related materials, State Contract Vendor #A60529, pursuant to all conditions of the individual State contract; and

**BE IT RESOLVED**, that the Borough Council of the Borough of Merchantville pursuant to N.J.A.C. 5:30-5.5(b), has received a certification as to the availability of funds from the Chief Financial Officer in the amount of \$7,986.99.

**RESOLUTION – STATE CONTRACT PURCHASE OF PUBLIC WORKS TRUCK: #06-107** Tabled.

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

resolution:

**R06-108**

**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:**

|                                           |                         |
|-------------------------------------------|-------------------------|
| REVENUE ADMINISTRATION S/W                |                         |
| DEPUTY TAX COLLECTOR (6-01-20-708-103)    | \$1,200.00              |
| GENERAL ADMINISTRATION S/W                |                         |
| ADMINISTRATOR (6-01-20-701-103)           | 800.00                  |
| POLICE DEPARTMENT O/E                     |                         |
| UNIFORMS/ WORK CLOTHING (6-01-25-745-235) | 1,500.00                |
| FIRE DEPARTMENT O/E                       |                         |
| TRAINING (6-01-25-752-240)                | 400.00                  |
| SOLID WASTE COLLECTION O/E                |                         |
| APARTMENT REIMBURSEMENT (6-01-26-770-236) | 3,300.00                |
|                                           | <b>TOTAL \$7,200.00</b> |

**TO:**

|                                     |                         |
|-------------------------------------|-------------------------|
| FINANCIAL ADMINISTRATION S/W        |                         |
| PROCUREMENT CLERK (6-01-20-705-102) | \$2,000.00              |
| GASOLINE/DIESEL                     |                         |
| POLICE (6-01-31-833-282)            | 1,500.00                |
| FIRE (6-01-31-833-283)              | 400.00                  |
| PUBLIC WORKS (6-01-31-833-285)      | 3,300.00                |
|                                     | <b>TOTAL \$7,200.00</b> |

**RESOLUTION – CANCELING EXPIRED GRANT BALANCES:** On the motion of Mr. Pagano, second of Mr. Finnegan and a unanimous roll call vote, Council approved the following resolution:

**R06-109**

**RESOLUTION CANCELING EXPIRED GRANT BALANCES**

**WHEREAS**, the time period of certain grant awards have expired; and

**WHEREAS**, there remain unspent balances in grant appropriations and uncollected proceeds in grant accounts receivable relating to these expired grant awards.

**NOW, THEREFORE, BE IT RESOLVED** by the Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that the Chief Financial Officer is hereby authorized to cancel the balances of the grant appropriations and grant accounts receivable as listed below.

| Description                     | Appropriation | Receivable |
|---------------------------------|---------------|------------|
| Joint Services Initiative       |               | \$532.42   |
| COPS Universal                  | \$1,263.41    |            |
| COPS Fast                       | 20,507.67     |            |
| COPS More                       | 1,805.51      |            |
| Supplemental Fire Services      | 646.58        |            |
| Supplemental Safe Neighborhoods |               | 17.00      |

|                             |                    |                 |
|-----------------------------|--------------------|-----------------|
| Safe and Secure Communities | 19.41              |                 |
| Buckle Up South Jersey      | 174.49             | 186.05          |
| LED Rebate Program          | 3,620.00           |                 |
| <b>TOTAL</b>                | <b>\$28,037.07</b> | <b>\$735.47</b> |

**BE IT FURTHER RESOLVED** that the Chief Financial Officer is instructed to make all appropriate entries to the financial books and accounts of the Borough of Merchantville.

**RESOLUTION – REFUND DUPLICATE TAX PAYMENTS:** On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council approved the following resolution:

**R06-110**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE REFUND OF DUPLICATE OR OVERPAYMENT TAX PAYMENTS DUE TO AN APPEAL JUDGMENT**

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville that warrants be drawn to the parties listed below in the designated amount representing a duplicate or overpayments tax payment as follows:

| <b><u>BLOCK/LOT</u></b> | <b><u>NAME &amp; ADDRESS</u></b>             | <b><u>AMOUNT</u></b> |
|-------------------------|----------------------------------------------|----------------------|
| 28/13                   | 30 Chapel Ave                                | \$1077.09            |
|                         | All refunds to be made to the address below: |                      |
|                         | Wells Fargo                                  |                      |
|                         | 1 Home Campus                                |                      |
|                         | Des Moines IA 50328                          |                      |
|                         | ATTN: Kelly Lothi                            |                      |

**BE IT FURTHER RESOLVED THAT**, all parties have advised that they would like to have a refund rather than applying this payment to subsequent property taxes.

**RESOLUTION – AUTHORIZE PAYMENT OF DEBT SERVICE INTEREST:** On the motion of Mr. North, second of Mr. Zeiders and a unanimous roll call vote, Council approved the following resolution:

**R06-111**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING PAYMENT OF COMMERCE BANK DEBT SERVICE INTEREST VOUCHER**

**WHEREAS**, the Department of Accounts and Auditing has examined the following voucher in the amount of \$42,064.50 and finds same to be correct:

**BOROUGH OF MERCHANTVILLE CURRENT FUND:**

|                               |             |
|-------------------------------|-------------|
| Commerce Bank as Paying Agent | \$42,064.50 |
|-------------------------------|-------------|

**NOW, THEREFORE, BE IT RESOLVED** that this voucher be approved for payment.

**RESOLUTION – AUTHORIZE PAYMENT OF 2007 DEBT SERVICE:** On the motion of Mr. North, second of Mr. Zeiders and a unanimous roll call vote, Council approved the following resolution:

**R06-112**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING PAYMENT OF 2007 DEBT SERVICE**

**WHEREAS**, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than December 20 of the year preceding the beginning of the fiscal year; and

**WHEREAS**, the date of this resolution is subsequent to December 19, 2006; and

**WHEREAS**, principal and interest will be due January 1, 2007 on sundry bonds issued and outstanding;

**NOW, THEREFORE, BE IT RESOLVED** that the following appropriation be made to cover the period from January 1, 2007 to December 31, 2007 inclusive:

|                              |                     |
|------------------------------|---------------------|
| Payment of Bond Principal    | \$195,000.00        |
| Payment of Interest on Bonds | <u>\$ 84,130.00</u> |
|                              | \$279,130.00        |

**2007 SALVATION ARMY CAMDEN COUNTY NUTRITION PROGRAM:** On the motion of Mrs. Fields and second of Mr. Pagano, Council approved the Salvation Army/ Camden County Nutrition Project for 2007.

**PAYMENT OF PETTY CASH BILLS:** On the motion of Mr. Alloway, second of Mrs. Fields and a unanimous roll call vote, Council approved the following bills for payment:

**R06-113**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING PAYMENT OF VOUCHERS REPLENISHING THE BOROUGH CLERK HEALTH CO-PAY PETTY CASH FUND AND THE POLICE HEALTH CO-PAY PETTY CASH FUND**

**WHEREAS**, the Department of Accounts and Auditing has examined the following Petty Cash vouchers amounting to \$284.99 and finds same to be correct:

**CHECKS DELIVERED TO BOROUGH OF MERCHANTVILLE CURRENT FUND:**

|                                                  |                        |
|--------------------------------------------------|------------------------|
| Police Health Petty Cash Fund (#06-258 – 06-275) | <u>284.99</u>          |
| <b>TOTAL:</b>                                    | <b><u>\$284.99</u></b> |

**NOW, THEREFORE, BE IT RESOLVED** that these Petty Cash vouchers be approved for payment.

**RESOLUTION – OPPOSING BILL A-3857:** On the motion of Mr. North and second of Mr. Alloway, Council unanimously approved the following resolution:

**R06-114**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING OPPOSING A-3857, WHICH, IF ENACTED, WOULD ELIMINATE REGIONAL CONTRIBUTION AGREEMENTS AS A TOOL TO FACILITATE MUNICIPAL COMPLIANCE WITH MOUNT LAUREL**

**WHEREAS**, in the landmark 1975 decision commonly referred to as Mount Laurel I, the Supreme Court not only required developing municipalities to satisfy their fair shares, but also clearly implied that they could do so at least in part if a municipality could enter a “binding agreement” with another municipality (see Mount Laurel I at 189); and

**WHEREAS**, in Mount Laurel II, another landmark decision issued in 1983, the Supreme Court referenced with approval the principle embodied in Mount Laurel I that a municipality could satisfy a portion of its fair share if it could enter into a binding agreement with another municipality (see Mount Laurel II at 237-238); and

**WHEREAS**, in 1985, in the light of the landmark decisions referenced above, the Legislature enacted the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., in which it specifically authorized a

municipality to enter into a "binding agreement" with another municipality to create or rehabilitate deteriorated housing in the so called "receiving community"; and

**WHEREAS**, more specifically, N.J.S.A. 52:27D-312 expressly authorizes a "sending municipality" to satisfy up to 50 percent of its fair share by funding an agreement with a "receiving municipality", and

**WHEREAS**, N.J.S.A. 52:27D-312 includes a series of safeguards to ensure that regional contribution agreements create a realistic opportunity for the creation of new or rehabilitated affordable housing within the receiving municipalities; and

**WHEREAS**, the creation of the right of a municipality to satisfy a portion of its responsibilities via RCAs fueled a firestorm of litigation with developers and nonprofits vigorously attacking RCAs and with sending and receiving municipalities vigorously defending this affordable housing technique; and

**WHEREAS**, a Mount Laurel trial judge upheld the constitutionality of RCAs in a case entitled Morris County Fair Housing Council v. Boonton Township, 209 N.J. Super. 393, 431-32 (Law Div, October 1985) and the Supreme Court upheld the constitutionality of RCAs in Mount Laurel III, 103 N.J. 1 at 47 n. 13; and

**WHEREAS**, RCAs have proven to be an enormously useful and beneficial compliance technique to both sending and receiving municipalities and have also provided the an enormous benefit to those in need of affordable housing; and

**WHEREAS**, sending municipalities have committed to provide \$210,311,820 to fund the creation of 10,256 new or rehabilitated affordable units just in the RCAs COAH has approved to date (see COAH RCA Analysis at <http://www.state.nj.us/dca/coah/rcas.xls>); and

**WHEREAS**, in addition, many municipalities have included RCAs as an essential component of the affordable housing plans they have adopted, filed and sought approval of in response to their obligations under COAH's Cycle III regulations; and

**WHEREAS**, receiving municipalities have realized an enormous much need benefit as a result of the many millions of dollars paid or owed pursuant to RCAs COAH has already approved—benefits which are likely to increase dramatically as COAH approves the many RCAs "in the pipeline" in the hundreds of Cycle III plans awaiting Court or COAH approval; and

**WHEREAS**, sending municipalities have also benefited from RCAs in that this technique has facilitated the ability of sending municipalities to meet the enormous burden created by the substantial fair share responsibilities COAH has imposed in each of the three housing cycles; and

**WHEREAS**, many thousands of low and moderate households have also benefited from RCAs as a result of deteriorated housing being rehabilitated or new affordable housing being created—benefits that will grow dramatically as COAH approves new RCAs in cycle III plans and as monies are transferred pursuant thereto; and

**WHEREAS**, notwithstanding the benefit of RCAs, A-3857, which was introduced on December 14, 2006 seeks to eliminate RCAs as a technique by which sending municipalities can satisfy their affordable housing responsibilities and by which receiving communities can realize the benefit of the many RCAs that are essential components of many of the hundreds of municipalities that have adopted affordable housing plans and sought approval of same; and

**WHEREAS**, this bill, if enacted would radically undermine the affordable housing plans of numerous municipalities that have, at great effort and expense, adopted, filed and sought approval of their affordable housing plans from COAH or a court and which include RCAs as an essential component of the municipal strategy for compliance; and

**WHEREAS**, such an undermining of affordable housing plans would benefit developers who would seek to exploit the shortfalls that would result, but would not benefit municipalities or the those in need of affordable housing who stand to benefit from approved plans and these agreements; and

**WHEREAS** eliminating RCAs would also undermine a policy clearly embodied in COAH's Cycle III regulations: namely, that municipalities often find that it is preferable to create affordable housing by taking existing housing and making it affordable instead of having to zone for the flood of new housing that so typified affordable housing plans in the first and second housing cycles;

**WHEREAS**, for the reasons set forth above and other reasons, it is not in the interest of the State, the region or our communities A-3857 be enacted.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The Borough of Merchantville declares that A-3857 is not in the best interest of our State, our region, our community or lower income persons.
2. The Borough of Merchantville vigorously opposes A-3857, attached hereto.
3. The Borough Clerk is hereby directed to submit copies this Resolution to Senator Diane Allen and Assemblymen Herb Conaway and Jack Conners to inform the Senator and Assemblymen of our strong views on this bill and to urge them to oppose it and to the New Jersey State League of Municipalities.

**ANNOUNCEMENTS:** None

**PUBLIC:** A Scottish-dressed bag piper led a capacity sized crowd of residents into the court room in celebration of **Mayor Brennan's** final Council meeting. **Michael Brennan**, brother of the Mayor, read a statement into the record regarding his brother and his contributions to the town. **Maureen McLoone**, 17 East Chestnut Avenue, read a letter from Sister Alice (Saint Peter's Church) who could not attend this evening. Mrs. McLoone, as a member of the Historic Society has researched the Mayor's position in Merchantville and determined that Mayor Brennan is either the 21<sup>st</sup> or 22<sup>nd</sup> Mayor. **Bob Hanna**, 220 Volan Street, "an old golfing buddy" of the Mayor's, thanked Mayor Brennan for his outstanding work and many accomplishments. **Rick Taylor**, Pennsauken Deputy Mayor, read a proclamation from the Pennsauken Township governing body thanking Mayor Brennan for his service. **Joseph Brickley** and **Roy Adair**, Niagara Fire Company, read a letter of recognition and presented a framed copy to the Mayor. **Wayne Bauer**, Chief of Police, thanked the Mayor for his years of service and presented a photograph of the 2006 Police force. **Jack Morrissey**, 127 Saint James Avenue, as a former Mayor, thanked **Mayor Brennan** for "stepping up" when so few people truly do. Also thanked Joan Brennan for her contributions to Merchantville over the years. Presented a gift to Mayor Brennan and reminded him that in New Jersey, "once a Mayor, always a Mayor". **Mayor Brennan** thanked Mr. Morrissey for his assistance and education regarding the municipal budget process. **Bernie Brandt**, 12 East Walnut Avenue, read a statement into the letter thanking the Mayor for both his dedication to Merchantville over the years as well as his friendship. **Edward Brennan II**, 408 West Maple Avenue, as [one of] the Mayor's kids, thanked everyone for attending. His father has always taught him to help people in need and at the same time have fun and do your best; and it was apparent with this evening's turnout that he acted in the same way towards others. The Mayor's 16 years of service to Merchantville as well as to numerous other boards and commissions are accomplishments to be proud of, but not as proud as their family is of him. **Mayor Brennan** remarked that this reminded him of a speech President Lyndon Johnson gave late in his life. "It's a shame my parents aren't here for this, because my father would have loved to hear it and my mother would've believed it." He also thanked Joan for her support through their years together. The Mayor also noted that Mr. Pagano was stepping down after this evening and he has been a dedicated servant of the Borough for many years with such groups as the Public Events Commission which required long hours from participants.

**MERCHANTVILLE TOWN CENTRE EAST PROJECT UPDATE:** None

**ADJOURNMENT:** When Council reconvened, on the motion of Mr. Pagano and second of Mr. North the meeting was adjourned at 8:08 PM. SINE DIE.

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OREN R. THOMAS IV  
BOROUGH CLERK