

Merchantville, NJ

July 10, 2006

A regular meeting of Borough Council was held at 7:30 PM, Monday, July 10, 2006. Mayor Patrick J. Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Mayor Brennan asked everyone in attendance to remember Edith Silberstein, a longtime borough resident who recently passed away. 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, Alloway, Fields and North

Council Absent: Zeiders and Pagano

Borough Clerk Thomas and Solicitor Higgins were present.

PUBLIC HEARING:

ORDINANCE – EMERGENCY APPROPRIATION FOR PREPARATION OF MASTER PLAN: Mayor Brennan opened the public hearing on the following ordinance:

06-08

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53 FOR ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION, AND THE PREPARATION OF A MASTER PLAN OR PLANS, WHEN REQUIRED IN ORDER TO CONFORM TO THE PLANNING LAWS OF THE STATE

Gail Ford, 135 North Centre Street, asked for an explanation of the ordinance. **Mayor Brennan** stated that this ordinance enables the borough to pay the costs of the professional services over a five year period.

There being no further public comment, the hearing was closed.

PUBLIC: None

ENGINEER'S REPORT: **Thomas Cundey**, Remington & Vernick Engineer's, provided an update of borough projects. The CDBG application is complete.

APPROVAL OF MINUTES: 4/24/06 & 5/8/06 REGULAR MEETINGS: On the motion of Mr. Finnegan and second of Mrs. Fields, Council unanimously approved the 4/24/06 and 5/8/06 regular minutes.

CORRESPONDENCE:

BANS: Mrs. Walker notified Mayor and Council that she will be selling Bond Anticipation Notes in the near future in the approximate amount of \$800,000. The notes will be issued to enable the borough to liquidate various interfunds as directed in the 2005 audit report.

New Jersey League of Municipalities: Notified all local municipalities of the 2007 State Budget situation.

COUNCIL REPORTS:

MR. FINNEGAN stated that the Public Works Department did a fabulous job before, during and after the

annual car show. Daniel Beckett is coordinating various tree trimming activities with the Borough of Collingswood. Mr. Beckett will be having surgery to repair his injured shoulder on July 25. **Mayor Brennan** agreed that the Car Show volunteers did a phenomenal job.

MRS. FIELDS delivered the Planning Board report. Thanked all those involved with the very successful Car Show.

MR. ALLOWAY announced that there are additional CDBG monies available in 2006. Mayor Brennan asked Mr. Alloway to examine the borough's animal control issues.

MR. NORTH delivered the Police report. Michael Haigh will be returning to duty on July 11. Eric Schmidt will be retiring on September 1 after 27 years as a police officer. Delivered the Court report.

ADMINISTRATOR REPORT: John Fry, Borough Administrator, delivered a written report to Mayor and Council, highlighting some significant points.

OLD BUSINESS:

ORDINANCE ADOPTION – EMERGENCY APPROPRIATION FOR PREPARATION OF MASTER

PLAN: On the motion of Mr. North, second of Mr. Alloway and a unanimous roll call vote, Council adopted the following ordinance:

06-08

AN ORDINANCE AUTHORIZING AN EMERGENCY APPROPRIATION N.J.S.A. 40A:4-53 FOR ENGAGEMENT OF SPECIAL CONSULTANTS FOR THE PREPARATION, AND THE PREPARATION OF A MASTER PLAN OR PLANS, WHEN REQUIRED IN ORDER TO CONFORM TO THE PLANNING LAWS OF THE STATE

NEW BUSINESS:

Wednesdays in Wellwood: Denise Brouse, requested the closure of Linden and Myrtle Avenues around Wellwood Park on July 12 during the "Wednesday in Wellwood" program. Has spoken with residents and informed them of the potential closure, from 4:30 PM until 9:30 PM. **Mayor Brennan** would like to have more notice in the future to notify residents. On the motion of Mr. North and second of Mr. Alloway, Council unanimously approved the closure of Linden and Myrtle Avenues (surrounding Wellwood Park) on July 12 from 4:30 PM until 9:30 PM.

FINANCIAL REPORTS: On the motion of Mr. Alloway, second of Mr. Finnegan and a unanimous roll call vote, Council approved the Chief Financial Officer's Report of Cash Receipts for June 2006 and the Abbreviated Budget Status as of June 30, 2006.

RESOLUTION – SPECIAL EMERGENCY APPROPRIATION [MASTER PLAN]: On the motion of Mr. North and second of Mr. Alloway, Council unanimously approved the following resolution:

R06-58

SPECIAL EMERGENCY RESOLUTION N.J.S.A. 4A:4-53, 54, 55.1 AND 55.13

WHEREAS, it has been found necessary to make an Emergency Appropriation to meet certain extraordinary expenses incurred, or to be incurred, for the engagement of special consultants for the preparation, and the preparation of the master plan or plans, when required in order to conform to the

planning laws of the State of New Jersey and shall be deemed a special emergency appropriation as defined and provided for in N.J.S.A. 40A:4-55; and

WHEREAS, N.J.S.A. 40A:4-53 provides that it shall be lawful to make such appropriation, which appropriation and/or the "special emergency notes" issued to finance the same shall be provided for in succeeding annual budgets by the inclusion of an appropriation of at least one-fifth of the amount authorized pursuant to this act;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Merchantville in the County of Camden, New Jersey, that in accordance with the provisions of N.J.S.A. 40A:4-55:

1. An emergency appropriation is hereby made for the Master Plan in the total amount of \$10,000.00.
2. That the emergency appropriation shall be provided for in the budgets of the next succeeding years by the inclusion of not less than \$2,000.00.
3. That two (2) certified copies of this resolution will be filed with the Director of the Division of Local Government Services; however, no approval is required from the Division.

RESOLUTION – PROFESSIONAL SERVICES CONTRACT [MASTER PLAN]: On the motion of Mrs. Fields and second of Mr. North, Council unanimously approved the following resolution:

R06-59

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AWARDED PROFESSIONAL SERVICES CONTRACT TO RAGAN DESIGN GROUP

WHEREAS, N.J.S.A. 40:87-15 authorizes appointments as the Borough Council may deem necessary; and

WHEREAS, there exists a need for certain legal services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "professional services" without competitive bids must be publicly advertised;

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

(1) The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Ragan Design Group, Medford, NJ in an amount not to exceed \$10,000.00. The Chief Financial Officer has certified as to the availability of funds;

(2) This contract is awarded without competitive bidding as a "professional service" under the provision of the Local Public Contracts Law because the services to be rendered pursuant thereto are performed by a person authorized by law to practice a recognized profession;

(3) A copy of this resolution shall be published in the Retrospect as required by law within ten (10) days of its passage.

RESOLUTION – PROFESSIONAL SERVICES CONTRACT [SMART GROWTH PLAN]: On the motion of Mr. North and second of Mr. Finnegan, Council unanimously approved the following resolution:

R06-60

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AWARDED PROFESSIONAL SERVICES CONTRACT TO RAGAN DESIGN GROUP

WHEREAS, N.J.S.A. 40:87-15 authorizes appointments as the Borough Council may deem necessary; and

WHEREAS, there exists a need for certain legal services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "professional services" without competitive bids must be publicly advertised;

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

(1) The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Ragan Design Group, Medford, NJ in an amount not to exceed \$25,000.00. The Chief Financial Officer has certified as to the availability of funds;

(2) This contract is awarded without competitive bidding as a "professional service" under the provision of the Local Public Contracts Law because the services to be rendered pursuant thereto are performed by a person authorized by law to practice a recognized profession;

(3) This contract is awarded pursuant to a "fair and open process" and criteria established pursuant to N.J.S.A. 19:44A-20.7 et seq;

(4) A copy of this resolution shall be published in the Retrospect as required by law within ten (10) days of its passage.

RESOLUTION – ADOPT YEAR XXVIII CDBG AGREEMENT: On the motion of Mr. Alloway and second of Mrs. Fields, Council unanimously approved the following resolution:

R06-61

**A RESOLUTION TO ADOPT THE YEAR 28
COMMUNITY DEVELOPMENT GRANT AGREEMENT**

WHEREAS, a cooperative agreement was hereto entered into between the Borough of Merchantville, and the County of Camden for the establishment of a cooperative means of conducting certain community development activities; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 as amended, and the Housing and Urban-Recovery Act, of 1983, provides federal funds being made available to Camden County to carry out eligible community development and affordable housing activities therein; and

WHEREAS, the Interlocal Services Act (NJSA 40:8A-1, et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provisions of joint services; and

WHEREAS, the Borough of Merchantville has proposed certain eligible activities to be carried out under the 28th Year Community Development Program; and

WHEREAS, the aforesaid activities are in the best interest of the Borough of Merchantville, and the County of Camden; now therefore

BE IT RESOLVED by the Governing Body, that the Year 28 Grant Agreement be adopted between the Borough of Merchantville, and the County of Camden, a copy of the Agreement which is attached hereof; and

BE IT FURTHER RESOLVED, that this resolution shall take effect immediately upon its enactment as provided by law.

RESOLUTION – LIQUOR LICENSE TRANSFER: Tabled until August 14.

RESOLUTION – ANNUAL AUDIT REPORT: On the motion of Mr. Alloway and second of Mr. North, Council unanimously approved the following resolution:

R06-62

RESOLUTION

WHEREAS, N.J.S. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2005 has been filed by a Registered Municipal Accountant with the Municipal Clerk of the Borough of Merchantville as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5 a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Recommendations" or "Findings and Recommendations" ; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board, N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 – to wit:

R.S. 52:27BB-52 – "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year or both, in addition shall forfeit his office."

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Merchantville, hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

RESOLUTION – PROPERTY MAINTENANCE LIEN [BLOCK 5, LOT 12]: On the motion of Mr.

Finnegan and second of Mr. Alloway, Council unanimously approved the following resolution:

R06-63

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY IMPOSING A MUNICIPAL LIEN ON CERTAIN PROPERTIES PURSUANT TO CHAPTER 14 AND CHAPTER 60B OF THE CODE OF THE BOROUGH OF MERCHANTVILLE

WHEREAS, Chapter 14 of the Code of Borough of Merchantville indicates that should the Borough incur a cost for the removal of brush, grass, weeds, and other obnoxious growths as defined in section 14-1 of the Code, that the amount so charged shall forthwith become a lien upon such lands and shall be added to and become part of and form a part of the taxes next to be assessed and levied upon such lands; and

WHEREAS, Chapter 60B of the Code of the Borough of Merchantville, in adopting the BOCA standards, also provides for the similar relief in terms of a municipal lien,

WHEREAS, The Borough has expended such funds as set forth in Exhibit A attached here to this lien, and

WHEREAS, The Borough Council of the Borough of Merchantville hereby desires to state, by Resolution, that these funds be and shall become a lien against the property pursuant to the aforesaid Borough Ordinances and New Jersey State Statues.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville that the following municipal liens in the following amounts shall be placed on the properties so listed below:

Block 29, Lot 5 (17 E. Park Ave):	\$175.24
Block 5, Lot 19 (503 W Maple Ave):	\$175.24

BE IT FURTHER RESOLVED that the Tax Collector of the Borough of Merchantville be and hereby is directed to place upon these properties a municipal lien in like amounts, with the same bearing interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.

RESOLUTION – EXTENDING 3RD QUARTER 2006 TAX DUE DATE: On the motion of Mr. Finnegan and second of Mr. Fields, Council unanimously approved the following resolution:

R06-64

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY
EXTENDING THE DUE DATE FOR THIRD QUARTER 2006 PROPERTY TAXES**

WHEREAS, the final 2006 tax bill mailing may be delayed due to lack of information from the County of Camden concerning the annual tax rate; and

WHEREAS, the Borough Council of the Borough of Merchantville will not meet again until August 14, 2006;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that if the tax bills are mailed after July 16, 2006, then payment of the third quarter property taxes that are due August 1, 2006 shall have a grace period of 10 days plus the same number of days as the number of days that the tax bills are mailed after July 16, 2006; and

BE IT FURTHER RESOLVED that any payments received after the extended grace period, if any, shall be subject to interest payments from August 1, 2006.

STREET LIGHT – VOLAN AND MORRIS STREETS: Mr. North spoke with Chief Bauer; waiting for a letter from the Police Department stating need for new light. On the motion of Mr. North and second of Mr. Alloway, Council unanimously approved the installation of an additional street light at Volan and Morris Streets.

DISCUSSION – FIRE GRANT APPLICATION: The deadline was June 30 and would be effective in 2007.

DISCUSSION – BOROUGH VOLUNTEER(S) ACCESS TO BUILDING: Mayor Brennan stated that this topic arose as a result of the car show. Would like the Public Events Committee to take a lead role and coordinate a discussion with borough volunteers on this subject.

RESOLUTION – HUMMEL PROFESSIONAL SERVICES: On the motion of Mrs. Fields and second of Mr. Finnegan, Council unanimously approved the following resolution:

R06-65

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF
NEW JERSEY AWARING A PROFESSIONAL SERVICES CONTRACT TO RYAN HUMMEL**

WHEREAS, N.J.S.A. 40:87-15 authorizes appointments as the Borough Council may deem necessary; and

WHEREAS, there exists a need for information technology services in the Administrative Offices of the Borough; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "professional services" without competitive bids must be publicly advertised; and

WHEREAS, the Borough Council previously awarded a contract to Ryan Hummel in 2005 at an hourly rate of \$50.00; and

WHEREAS, the Mayor and Borough Council recognize the need to increase the hourly rate in order to continue a contract with Ryan Hummel for \$60.00 in 2006; and

WHEREAS, the established total expenditure is subject to the availability of funds in the 2005 current fund budget as adopted;

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

(1) The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Ryan Hummel, Merchantville, New Jersey at an hourly rate of \$60.00 for services performed under this agreement. The Chief Financial Officer has certified as to the availability of funds;

(2) This contract is awarded without competitive bidding as a "professional service" under the provision of the Local Public Contracts Law because the services to be rendered pursuant thereto are performed by a person authorized by law to practice a recognized profession;

AND BE IT FURTHER RESOLVED that the total amount to be paid to Ryan Hummel shall not exceed \$5,000.

(1) A copy of this resolution shall be published in the Retrospect as required by law within ten (10) days of its passage.

PAYMENT OF BILLS: On the motion of Mr. Alloway, second of Mr. North and a unanimous roll call vote, Council unanimously approved the following bills for payment:

CURRENT FUND: (PER 7/10/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #11654- 11663	\$ 147,609.89
CHECK #11664- 11729	\$ 89,881.99
	\$ 237,491.88

DOG ACCOUNT: (PER 7/10/06 CHECK REGISTER)

CHECK #

\$	-
\$	-

GENERAL CAPITAL ACCOUNT: (PER 7/10/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #138, 1386	\$ 10,322.00
CHECK #1387- 1389	\$ 17,145.68
	\$ 27,467.68

MERCHANTVILLE SEWER UTILITY: (PER 7/10/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #1577- 1578	\$ 5,644.93
CHECK #1579	\$ 43,977.10
	\$ 49,622.03

PUBLIC ASSISTANCE TRUST FUND: (PER 7/10/06 CHECK REGISTER)

CHECK #

\$	-
\$	-

RECREATION COMMISSION: (PER 7/10/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #2620- 2622	\$ 2,253.75
CHECK #2623- 2630	\$ 2,082.38
	\$ 4,336.13

TRUST ACCOUNT - OTHER FUNDS: (PER 7/10/06 CHECK REGISTER)

CHECKS DELIVERED

CHECK #1070- 1072
CHECK #1073- 1075

\$ 496.84

\$ 18,029.50

 \$ 18,526.34

UNEMPLOYMENT COMPENSATION: (PER 7/10/06 CHECK REGISTER)

CHECK #

 \$

-

 TOTAL: \$ 337,444.06

**EXAMINED AND FOUND CORRECT: (SIGNED JOHN N. ALLOWAY)
DIRECTOR, DEPARTMENT OF ACCOUNTS AND AUDITING
R06-66**

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.

ANNOUNCEMENTS: None

PRIVATE SESSION: On the motion of Mrs. Fields and second of Mr. Alloway, Council adjourned to a private session to discuss matters of personnel.

ADJOURNMENT: When Council reconvened, on the motion of Mr. North and second of Mr. Finnegan the meeting was adjourned at 8:35 PM.

 OREN R. THOMAS IV
BOROUGH CLERK