

Merchantville, NJ

March 27, 2006

A regular meeting of Borough Council was held at 7:30 PM, Monday, March 27, 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: Alloway, Fields, North, Pagano, Finnegan and Zeiders (seated 8:33 PM)

Borough Clerk Thomas and Solicitor Higgins were present.

PUBLIC: On the motion of Mr. Alloway and second of Mr. Pagano, Council entered directly into a Public session. **Mayor Brennan** read aloud a letter from Marvin Gaskill, 102 East Chestnut Avenue, in its entirety. He then referenced a letter from the Local Finance Board regarding the Local Government Ethics Law and Mayor Brennan's requested advisory opinion, approving the business dealings of the Mayor. Mayor Brennan continued on illustrating the public disclosure of Borough Council with regards to the Town Centre East Redevelopment Project citing numerous interviews and published articles.

PUBLIC HEARING:

ORDINANCE – RESCINDING ORDINANCE #05-09: Mayor Brennan opened the public hearing on the following ordinance:

06-01

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 86, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE

There being no public comment, the hearing was closed.

ORDINANCE – CREATING OVERLAY ZONE WITHIN TOWN CENTRE EAST REDEVELOPMENT

ZONE: Mr. Higgins explained the content of the ordinance. Mayor Brennan opened the public hearing on the following ordinance:

06-02

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 94, ZONING, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE

Monica Sohler, 5 Clifton Avenue, stated her opposition to a sixty feet building height. **Isabelle Watson**, 12 E. Park Avenue, stated that the town belongs to the residents, not Council. The old Bell Telephone building should be the tallest building in town. This development would lead to traffic issues on Park Avenue. **Gene Wallace**, 6 Fithian Avenue, was born in town and Merchantville is a unique place to live. Sixty feet is too high. **Mrs. Malone**, 45 W. Chestnut, apologized for not getting involved in the process earlier. Believes people will pay for quality and therefore are willing to pay higher taxes to live in Merchantville. **Benjamin Fratto**, 15 Alexander Avenue, thanked Borough Council for their efforts but

opposes the height and setback allowances in the ordinance. Believes that thirty-five feet should be the maximum height for all zones in town. **Catherine Sohler**, 5 Clifton Avenue, stated that there isn't open space in the downtown area. A sixty foot height restriction would take away needed space as well as sunlight and lead to the destruction of certain trees. Traffic in the downtown area would become dangerous as a result of the development. Asked Council to keep the town open, with its historic architecture and small town feel, by not adopting the ordinance in question. **Emily Corse**, 31 Fithian Avenue, stated that the Triangle is not aesthetically pleasing and is in need of redevelopment; however sixty feet is too high with such limited space. **Mayor Brennan** explained that the suggested redevelopment of the Town Centre East Zone originally grew from a conversation between Mr. Brooks Oakford and the Mayor regarding the town's lack of parking options. Spaces cost approximately \$1,000 each. A background to the Town Centre East Redevelopment Project was given. **Roland Ricketts**, 204 Westminster Avenue, asked if any traffic impact studies had been performed yet. What would the property tax impact be on the Borough? Mayor Brennan stated that there currently is not a PILOT agreement nor has there been a traffic study. The development will consist of two and three bedroom units in the \$200,000 - \$300,000 range. Council has done a great job holding taxes in line, as education is very expensive. **Monica Sohler**, asked why zoning code was being changed prior to submission of any plans. **Brooks Oakford**, Aunt Charlotte's Candies, stated that the Mayor appeared shaken. Mayor Brennan responded that he is personally affronted by the accusation that has been made. As a longtime merchant in town, agrees that town does lack parking; however sixty feet is too high for new construction. Retail space is not the problem; if all the other merchants in town had a desire to do as well as Aunt Charlotte's, Merchantville would have better merchants. Council will not help downtown by creating a monster. **Robert Watson**, 12 E. Park Avenue, recalled that the town voted down 32 story apartment building in the early 1970's and the town is against another high rise project. Over 200 people work in downtown Merchantville and will be affected by the construction. Mayor Brennan corrected Mr. Watson that there are 34 municipal parking spots not 90. **Richard Leach**, 19 Alexander Avenue, has been a resident for the past seven years and agrees that something must be done with the Town Centre East Zone but believes that sixty feet is too tall. **Paul Stridick**, 112 E. Walnut Avenue, acknowledged and appreciates the work of Council towards the betterment of the town. Was a member of Council for nine years. Thrilled to hear all of the wonderful comments about downtown Merchantville. The triangle is quite a sow's ear and is capable of being turned into a wonderful silk purse, and can help several issues that Merchantville faces. The triangle lot is the last frontier of Merchantville and is an opportunity to include a lot of different issues. Density also provides the town with an opportunity. As an architect, Mr. Stridick would consider the triangle our urban core. It is where the town should be "densified". Nobody's backyard, home or apartment building is being taken for this project. No plans have been presented to the Planning Board as of yet only some renderings. Without the ordinances being in place, it would difficult to entice a developer to become involved in a project in town. Creating and modifying

the Borough Code is a job of the Borough Council. Merchantville is a small town with big town issues and needs to be reinvented; we can finally deal with some of the problems that have plagued the town for several generations. The clock cannot be turned back; Merchantville of 1930 is gone and is not returning. However, the town can be redefined and Merchantville of 2030 is far more important than the Merchantville of 1930. It has been done before, with the Clifton Commons Redevelopment Project; in the process of taking the old Shell Station and the neighboring lot and turning it into opportunities. **Brandy Oakford**, Aunt Charlotte's Candies, agrees parking is an issue. A large building would also be an issue and ground floor retail would find it difficult to survive, similarly to the troubles that Main Street in Voorhees experienced. Sixty foot height limit is main reservation, how tall are The Collins House and the Senior Center? Mayor Brennan clarified that The Collins House and the Senior Center are both sixty feet high. The proposed building will not touch the railroad tracks. Ms. Oakford lives in a townhouse in Delran and although the inside is nice, it is quite atrocious from the outside and would not look nice in Merchantville. Thanked Council for their work for the town. **Gail Ford**, 135 N. Centre Street, provided a small model of the downtown area in an attempt to show the effects of the proposed sixty foot height allowance. A sixty foot height allowance seems to be a little bit high for Merchantville. **Jeanne Collins**, 116 Poplar Avenue, believes people want to have an impact on the process. Has researched similar redevelopment projects in Haddonfield and Collingswood. Haddonfield posted a survey on their website relative to their redevelopment project. Would like to utilize the website resources for projects like this one. Believed the maximum allowable height in the C.C.I.A. report was fifty feet. **Brooks Oakford**, would like the buildings to be reduced by fifty percent before being built. **Isabelle Watson**, stated that the proposed project does not compliment the town and has no objection to a smaller building. **Richard Warrington**, 221 Victoria Street, believes that Merchantville is the highest point in Camden County. Stated the town is losing its historic eye line and this project will destroy it. Have any studies been done on runoff, traffic or parking? What problems will occur from the shadow of the building? The building will create television and radio interference, blocking reception. Also stated a concern for parking by the Fire Company members if the Verizon Lot is developed. Stated that Merchantville is becoming a "Little Camden" and should strive towards being a "Little Moorestown". This project would create a white elephant in the downtown. **Marvin Gaskill**, 102 E. Chestnut Avenue, has written several letters to the Borough Council, Historic Preservation Commission and the Planning Board regarding this project. There being no further public comment, the hearing was closed. Mr. Gaskill asked Council to publish AST's plans as they are submitted to the Borough. Also, believes that Philly Fruit and neighboring stores should be included in the project. Would like Borough to recover the property at 19/21 South Centre Street and include it in the Town Centre East Redevelopment Plan. Would like an exit and entrance along Chestnut Street where the railroad right of way currently sits. Mayor Brennan corrected Mr. Gaskill, stating that the project will not be built upon the railroad right of way. Mr. Gaskill added that he is opposed to the sixty foot height limit. **Paul Stridick**, personally opposes including Philly Fruit and Coar

Jewelers in the project. They are a fabric in the "quilt" that is downtown Merchantville and removing them would irreparably harm the area. These buildings are part of the history of Merchantville. **Bill Lammey**, 26 E. Rogers Avenue, commented on Ms. Oakford's previous statement that a large amount of people suddenly appearing at Council, attributing it to the literature circulated by Mr. Gaskill. Mr. Lammey also received a piece of this correspondence and the drawings that Mr. Gaskill included in his circulation are not accurate as to size of structures in reference to conceptual drawings that Mr. Lammey has inspected. Stated that he considers himself friends not only with Mayor Brennan but with every member of Council because of the efforts they've made to make this town a better place. Declared his amazement that after hearing Mayor Brennan clarify his position to Mr. Gaskill, there was not even a whimper of an apology for impugning the Mayor's integrity. Has every confidence in the Mayor and Borough Council and their integrity. **Mrs. Malone**, is concerned that the town is rushing to support condominium projects. She is a president of two condominium associations and stated that they are one of the stupidest ideas ever conceived. They have many problematic issues and the town should consider supporting them. **Margaret Disch**, 23 E. Chestnut Avenue, recently completed a project that required a variance and therefore notification of all residents within 200 feet. Questioned why the Borough Newsletter wasn't utilized to disclose information along with the Beacon, Courier Post and others? Mayor Brennan stated that the Town Centre East Project has been published in the Newsletter. Mrs. Disch responded not enough to her liking. Sixty feet is too high for a small town. **Monica Sohler**, believes that people are getting off the subject. The issue at hand is altering the allowable forty feet to the sixty feet in the redevelopment study. **Dina Turan**, 213 N. Centre Street, stated her concern for the black oak tree located in front of the MEMS building.

ORDINANCE – AUTHORIZING PAYMENTS FROM MEDICAL PETTY CASH FUND:

PUBLIC: Mayor Brennan opened the public hearing on the following ordinance:

06-03

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY PERMITTING THE PAYMENT OF CERTAIN MEDICAL DEDUCTIBLES AND CO-INSURANCE PAYMENTS TO THE EMPLOYEES OF THE BOROUGH OF MERCHANTVILLE

There being no public comment, the hearing was closed.

PUBLIC II:

Mark Brunton, 28 South Cove Road, asked if Council would publish a summary of Borough Dog regulations in the next edition of the newsletter.

BID STEERING COMMITTEE: Tabled until April 10.

APPROVAL OF MINUTES: 2/13/06 REGULAR SESSION: On the motion of Mr. Finnegan and second of Mrs. Fields, Council approved the minutes from the 2/13/06 regular session.

OLD BUSINESS:

ORDINANCE ADOPTION – RESCINDING ORDINANCE #05-09: On the motion of Mr. North, second of Mr. Alloway and a unanimous roll call vote, Council adopted the following ordinance:

06-01

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 86, VEHICLES AND TRAFFIC, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE

ORDINANCE ADOPTION – CREATING OVERLAY ZONE WITHIN TOWN CENTRE EAST

REDEVELOPMENT ZONE: On the motion of Mr. North, second of Mr. Alloway and a 6-0 roll call vote against, Council rejected the following ordinance:

06-02

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 94, ZONING, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE

ORDINANCE ADOPTION – AUTHORIZING PAYMENTS FROM MEDICAL PETTY CASH FUND: On the motion of Mr. Finnegan, second of Mr. Pagano and a unanimous roll call vote, Council adopted the following ordinance:

06-03

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY PERMITTING THE PAYMENT OF CERTAIN MEDICAL DEDUCTIBLES AND CO-INSURANCE PAYMENTS TO THE EMPLOYEES OF THE BOROUGH OF MERCHANTVILLE

NEW BUSINESS:

RESOLUTION – AUTHORIZING AWARD OF BID TO OFFICE BASICS FOR OFFICE SUPPLIES: On the motion of Mr. Finnegan and second of Mr. Alloway, Council unanimously approved the following resolution:

R06-29

RESOLUTION AUTHORIZING AWARD CONTRACTS WITH OFFICE BASICS INC. FOR PRICE ONLY CONTRACTS FOR BID A-16, OFFICE SUPPLIES FOR VARIOUS CAMDEN COUNTY DEPARTMENTS UNDER THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEM, SYSTEM IDENTIFIER #57-CCCPS

WHEREAS, the County of Camden, as the Lead Agency for the Camden County Cooperative Pricing System, System Identifier #57-CCCPS (Cooperative), received and opened bids at its Division of Purchasing on January 4, 2006 at 11:00 AM, Prevailing Time, for Bid A-57, Office Supplies for various Camden County Departments and municipalities under The Camden County Cooperative Pricing System, System Identifier #57-CCCPS, the receipt of which bids were duly advertised in accordance with law; and

WHEREAS, bids were received from the following vendors:

Office Basics
Allied Office
Office Depot

WHEREAS, Office Basics is the lowest responsible bidder who complied with the specifications for bidding, who bid a discount of 74% off catalog prices for both the County and participating municipalities in the Cooperative, and

WHEREAS, it is the desire of the Board of Chosen Freeholders to award contracts to the lowest responsible bidders, for items listed herein for the needs of the County of Camden and other Cooperative Purchasing Members for a term of two (2) years from the date of execution of the master copy by the County of Camden with the option for two additional one year contracts, said options to be utilized at sole discretion of the County; and

WHEREAS, it is the desire of the Borough Council of the Borough of Merchantville to award contracts to the lowest responsible bidders, for the items listed herein for the needs of the Borough of Merchantville; and

WHEREAS, funding for this purpose for the Borough of Merchantville shall not exceed the maximum line items for office supplies in the Borough's 2006, 2007 and 2008 temporary and/or permanent budget and shall be encumbered prior to incurring the obligation pursuant to NJAC 5:30-5.3(b)(2); and

BE IT FURTHER RESOLVED by the Borough Council of the Borough of Merchantville that, contingent upon funding as described herein, the aforementioned Bid A-57, be and is hereby awarded to Office Basics, Boothwyn, Pennsylvania, at a cost of 74% off of the catalog prices specified in said bid for a term of two years, with an additional two one year options to be utilized at the sole discretion of the County, from the date of execution of the master contract; and

BE IT FURTHER RESOLVED THAT the proper Borough officials be and are hereby authorized to execute all documents necessary to effect this award.

RESOLUTION – EMERGENCY TEMPORARY APPROPRIATION: On the motion of Mr. Finnegan and second of Mr. Alloway, Council unanimously approved the following resolution:

06-30

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE
COUNTY OF CAMDEN, STATE OF NEW JERSEY
EMERGENCY TEMPORARY APPROPRIATION**

WHEREAS, introduction and adoption of the 2006 Budget of the Borough of Merchantville was unexpectedly delayed and as a result adequate provisions were not made in the 2006 temporary appropriations for the purposes for which appropriations may lawfully be made for the period between the beginning of the current fiscal year and the date of the adoption of the budget for said year, and NJSA 40A:4-20 provides for the creation of emergency temporary appropriations for the purposes above mentioned; and

WHEREAS, the total emergency temporary resolutions adopted in the year 2006 pursuant to the provisions of Chapter 96, PL 1951 (NJSA 40A:4-20) including this resolution total \$900,000.00 in the Current Fund;

NOW, THEREFORE, BE IT RESOLVED (not less than two-thirds of all the members thereof affirmatively concurring) that in accordance with the provisions of NJSA 40A:4-20:

1. Emergency temporary appropriations be and the same are hereby made for:

TOTAL GENERAL APPROPRIATIONS FOR MUNICIPAL PURPOSES: \$900,000.00

TOTAL ADDITIONS TO 2006 TEMPORARY BUDGET \$900,000.00

2. That said emergency temporary appropriations will be provided for in the 2006 budget under the titles as indicated above.

3. That one certified copy of this resolution be filed with the Director of Local Government Services.

RESOLUTION – TRANSFER OVERPAYMENTS TO OUTSTANDING BALANCES: On the motion of Mr. Pagano and second of Mrs. Fields, Council unanimously approved the following resolution:

R06-31**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO TRANSFER OVERPAYMENTS TO OUTSTANDING BALANCES**

WHEREAS, total sewer payments for the year of 2005 have resulted in overpayments and are being applied to outstanding balances in 2006 as attached:

<u>Block/lot</u>	<u>Address</u>	<u>Amount</u>
8.01/3	728 W Maple	\$ 75.17
10/7	109 Myrtle Ave	160.02
15/7	40 Myrtle Av	.09
22/3	9 Alexander Ave	85.00
26/6	51 Chapel Ave	72.63
34/1.01	2 E Maple Ave	15.32
34/14	153 S. Centre St	.35
41/1.03	304 E Maple Ave	37.00
44/8	222 St. James Ave	159.12
57/7	34 W. Walnut Ave	72.64
57/29	24 N. Centre St	36.17
58/22	18 Glimore Ave	80.83

BE IT FURTHER RESOLVED THAT, any and all credits will be forwarded to 2006 first half of sewer not yet due.

NOW, THEREFORE BE IT RESOLVED, that the Tax Collector is hereby authorized by the Mayor and Council of the Borough of Merchantville to adjust the amounts as stated above.

RESOLUTION – INTERLOCAL SERVICES AGREEMENT TO MAINTAIN SCHOOL FIELDS: On the motion of Mr. Finnegan and second of Mr. Zeiders, Council unanimously approved the following resolution:

R06-32

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 MERCHANTVILLE BOARD OF EDUCATION RELATIVE TO THE SERVICES OF THE MERCHANTVILLE PUBLIC WORKS DEPARTMENT

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 Merchantville Board of Education (hereinafter "Board of Education") is a municipal school board organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, said the Mayor and Borough Council of the Borough of Merchantville, duly elected pursuant to statute, after a careful survey, have concluded that the residents of Merchantville will best be served when certain professional services on the grounds of and the athletic fields of the Board of Education are performed by the Public Works Department of the Borough of Merchantville; and

WHEREAS, by negotiations previously had between Board of Education and Merchantville, the terms and provisions hereafter set forth were determined and agreed thereto;

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

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

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 certain services to be provided by the Merchantville Public Works Department to the Merchantville Board of Education.

MUNICIPAL PLANNER: Mr. Zeiders suggested that the Borough contact Planners regarding the content of Ordinance #06-02. **Mayor Brennan** asked Mr. Zeiders to find a Planner to examine Ordinance #06-02. On the motion of Mr. Zeiders and second of Mr. North, Council unanimously approved the hiring of a Professional Planner.

PAYMENT OF BILLS – PETTY CASH: On the motion of Mr. Alloway and second of Mr. North, Council unanimously approved the following resolution:

R06-33

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 \$250.00 and finds same to be correct:

CHECKS DELIVERED TO BOROUGH OF MERCHANTVILLE CURRENT FUND:

Police Health Petty Cash Fund (**#06-41 - 52**)

TOTAL: **250.00**
\$250.00

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

ANNOUNCEMENTS:

Birthday Celebration: Mr. Pagano reminded Council that the Annual Birthday Celebration is scheduled for June 10. On a motion of Mr. Pagano and second of Mr. North Council approved the closure of certain streets required to hold the celebration.

ADJOURNMENT: On the motion of Mr. Pagano and second of Mrs. Fields the meeting was adjourned at 10:15 PM.

OREN R. THOMAS IV
BOROUGH CLERK