

Merchantville, NJ

April 26, 2004

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 26, 2004. 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, Madden, North, Pagano, Zeiders and Finnegan

Council Absent: None

Solicitor Higgins and Borough Clerk Thomas were present.

PUBLIC HEARING:

ORDINANCE – BONDS & NOTES: REDEVELOPMENT PROJECTS: Mayor Brennan opened the public hearing on the following ordinance:

04-07

BOND ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION, RENOVATION, RESTORATION AND/OR DEMOLITION RELATED TO A REDEVELOPMENT PROJECT IN THE BOROUGH OF MERCHANTVILLE; APPROPRIATING THE SUM OF \$200,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND ANTICIPATION NOTES OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$190,000.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

There being no public comment, the hearing was closed.

PUBLIC:

Karen Milano, Shade Tree Commission, thanked the Borough for their support and budget contributions. The Tree Management Plan is needed in order to obtain grant money. Barry Emens prepared the plan. **Mayor Brennan** agreed that the plan is a necessity. The issue of "private" trees and who is responsible for them needs to be addressed by the Borough. He added that the Shade Tree Commission has done a phenomenal job.

OLD BUSINESS:

ORDINANCE ADOPTION – BONDS & NOTES: REDEVELOPMENT PROJECTS: On the motion of Mrs. Madden, second of Mr. Alloway and a unanimous roll call vote, Council adopted the following ordinance:

04-07

BOND ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION, RENOVATION, RESTORATION AND/OR DEMOLITION RELATED TO A REDEVELOPMENT PROJECT IN THE BOROUGH OF MERCHANTVILLE; APPROPRIATING THE SUM OF \$200,000.00 THEREFORE; AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OR BOND

ANTICIPATION NOTES OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, IN THE AGGREGATE PRINCIPAL AMOUNT OF UP TO \$190,000.00; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

MAYORAL APPOINTMENTS: On the motion of Mr. Alloway and second of Mr. Finnegan, Council unanimously approved the appointment of Patricia Fields, 205 Woodlawn Avenue, to the Planning Board to fill the unexpired term vacated by Samuel Slattery.

NEW BUSINESS:

INTRODUCTION OF 2004 BUDGET: Mayor Brennan explained that there would be some extraordinary expenses this year. \$634,000 in surplus was used to offset these increases. The tax rate will increase 3.3 cents over last year. The Capital Budget is included and totals \$50,000. A few amendments are needed on the budget document before it is introduced. Sheet One will list Mr. Thomas as the Borough Clerk. Sheet Ten will list the Chestnut Station Senior Housing PILOT payment as \$19,340.22. On the motion of Mrs. Madden and second of Mr. North, Council approved the following amended resolution:

R04-50

MUNICIPAL BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY FOR THE YEAR 2004

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2004;

BE IT FURTHER RESOLVED, that said Budget be published in The Retrospect in the issue of May 14, 2004. The Governing Body of the Borough of Merchantville does hereby approve the following as the Budget for the year 2004.

ORDINANCE INTRODUCTION – AMENDMENT TO CH 94, ZONING: On the motion of Mr. Alloway and second of Mrs. Madden, Council unanimously approved the introduction of the following ordinance:

04-08

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

The public hearing will be held on May 10.

ORDINANCE INTRODUCTION – SALARIES & COMPENSATION: On the motion of Mr. Alloway and second of Mrs. Madden, Council unanimously approved the introduction of the following ordinance:

04-09

AN ORDINANCE OF THE BOROUGH OF MERCHANTVILLE IN THE COUNTY OF CAMDEN AND STATE OF NEW JERSEY ENTITLED "SALARIES & COMPENSATION"

The public hearing will be held on May 10.

RESOLUTION – RECYCLING TONNAGE GRANT 2003: On the motion of Mr. Alloway and second

of Mr. Pagano, Council unanimously approved the following resolution:

R04-51

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY
AUTHORIZING THE FILING FOR A 2003 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 2003 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 – CHESTNUT STATION PILOT PROGRAM: On the motion of Mr. Pagano and second of Mr. Alloway, Council unanimously approved the following resolution:

R04-52

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY AUTHORIZING IN THE 2004 BUDGET THE
ANTICIPATION OF REVENUE FROM A PAYMENT IN LIEU OF TAXES AND AN
APPROPRIATION TO THE MERCHANTVILLE SCHOOL DISTRICT OF A PORTION
OF THE PAYMENT FOR THE PROPERTY KNOWN AND DESIGNATED AS BLOCK
22, LOTS 16, 18, 19, 20, 36, AND 38 ON THE TAX MAP OF THE BOROUGH OF
MERCHANTVILLE**

WHEREAS, CONIFER REALTY, L.L.C., a New York Limited Liability Corporation, has entered into agreement with the Borough of Merchantville to make a payment in lieu of taxes in an amount equal to Nineteen Thousand Three Hundred Forty Dollars and twenty two cents (\$19,340.22) for the property described as Block 22, Lots 16, 18, 19, 20, 36, and 38.

WHEREAS, the Mayor and Council of the Borough of Merchantville wish to compensate for the loss in revenue to the Merchantville School District resulting from the aforementioned agreement to accept a payment in lieu of taxes.

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

1. The Mayor and Council of the Borough of Merchantville intend to anticipate a revenue in the 2004 budget in an amount equal to Nineteen Thousand Three Hundred Forty Dollars and twenty two cents (\$19,340.22);

2. The Mayor and Council of the Borough of Merchantville intend to appropriate in the 2004 budget an amount equal to \$11,500 in order to pay that amount to the Merchantville School District.

RESOLUTION – COMMUNITY FORESTRY MANAGEMENT PLAN: On the motion of Mr. Finnegan and second of Mr. Alloway, Council unanimously approved the following resolution:

**R04-53
RESOLUTION
COMMUNITY FORESTRY MANAGEMENT PLAN**

BE IT RESOLVED, by the Borough Council of the Borough of Merchantville, County of Camden that the Community Forestry Management Plan, prepared by the Merchantville Shade Tree Commission and Barry C. Emmons, Forestry Management Consultant be adopted by resolution;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the Community Forestry Management Plan is hereby adopted and shall forthwith be followed by Borough Officials.

RESOLUTION – AUTHORIZING SETTLEMENT (BLOCK 22, LOT 10): Mayor Brennan stated that this resolution avoids litigation and makes Conifer Reality responsible for the costs. On the motion of Mr. North and second of Mr. Alloway, Council unanimously approved the following resolution:

**R04-54
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE
OF NEW JERSEY AUTHORIZING SETTLEMENT OF LITIGATION REGARDING BLOCK 22, LOT
20 IN THE BOROUGH OF MERCHANTVILLE**

WHEREAS, litigation was brought in the Superior Court of New Jersey, Law Division, Camden County, under Docket No. L-004815-02 by the Borough of Merchantville against, *inter alia*, the Goodman Family Partnership, relative to condemnation of Block 22, Lot 20, more commonly referred to as 12 South Centre Street in the Borough of Merchantville; and

WHEREAS, the Plaintiff, Borough of Merchantville, had deposited the sum of \$110,000 into the Court which was the amount of the estimated compensation in the Borough's Condemnation Complaint; and

WHEREAS, the parties herein, the Borough of Merchantville, the Goodman Family Partnership, by its successor entity, Conwell Limited Partnership, a New Jersey Limited Partnership, desire to finally compromise and settle their differences by entering into a Stipulation of Settlement, Dismissal and Release, which is attached hereto as Exhibit "A" and made a part of this Resolution;

NOW, THEREFORE, be it resolved by the Mayor and Borough Council of the Borough of Merchantville that the terms and conditions of the settlement as set forth in Exhibit "A", attached hereto and made a part hereof, be and hereby are approved; and

AND BE IT FURTHER RESOLVED, that Patrick J. Brennan, Mayor of the Borough of Merchantville and Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, are hereby authorized to execute the Settlement Stipulation, Dismissal and Release, and all other documents necessary thereto, consistent with the terms and conditions of the settlement reached herein, attached hereto as Exhibit "A", on behalf of the Borough of Merchantville.

RESOLUTION – PROFESSIONAL SERVICES AGREEMENT [MUSTACCHIO]: On the motion of

Mr. Pagano and second of Mr. North, Council unanimously approved the following resolution:

R04-55

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AWARDING PROFESSIONAL SERVICES CONTRACT TO KRIS MUSTACCHIO

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;

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 Kris Mustacchio, Westmont, New Jersey in an amount not to exceed \$10,000.00, paid at an hourly rate of \$27.04 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;

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

DISCUSSION – FIRE HOUSE VENTILATION SYSTEM: Tabled until May 10.

RESOLUTION – TENNIS COURT ENGINEER: On the motion of Mr. Zeiders and second of Mr.

Alloway, Council unanimously approved the following resolution:

R04-56

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY SELECTING CONSULTING ENGINEER SERVICES TO PROVIDE PROFESSIONAL SERVICES FOR THE RECONDITIONING OF THE COMMUNITY CENTER TENNIS COURTS

WHEREAS, the Borough Council of the Borough of Merchantville selected Joseph Brickley, PE, of Consulting Engineer Services, as the Borough Special Projects Engineer by resolution dated January 5, 2004; and

WHEREAS, the Borough Council of the Borough of Merchantville desires to contract with Consulting Engineer Services for the preparation of planning, design and bidding documents, procurement of applicable permits and the inspection and construction management services for the reconditioning of the Community Center Tennis Courts; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Merchantville does hereby select Consulting Engineer Services to provide the services for the reconditioning of the Community Center Tennis Courts in an amount not to exceed \$3,000 as detailed in their April 22, 2004 proposal letter.

APPOINTMENT – TAX COLLECTOR: On the motion of Mr. North and second of Mr. Finnegan, Council unanimously approved the appointment of Shari Lynn Phillips, 123 Bank Street, Red Bank, as Tax Collector.

APPOINTMENT – CROSSING GUARD: On the motion of Mr. North and second of Mr. Pagano,

Council unanimously approved the appointment of Vincent Alkis, 6411 Browning Road, Pennsauken, as a crossing guard.

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

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 \$422.79 and finds same to be correct:

CHECKS DELIVERED TO BOROUGH OF MERCHANTVILLE CURRENT FUND:

Borough Clerk Health Co-Pay Petty Cash Fund (#04-40 - 04-47)	\$182.79
Police Health Petty Cash Fund (#04-69 – 04-82)	<u>\$240.00</u>
TOTAL:	<u>\$422.79</u>

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

ANNOUNCEMENTS:

BIRTHDAY CELEBRATION: On the motion of Mr. Pagano and second of Mr. Alloway, Council unanimously approved the use of the downtown area on June 12 for the Birthday celebration. Mr. Koehler will contact the County regarding the closing of county roads.

COMMUNITY CENTER ROOF: Mr. Zeiders stated that Community Center roof has been repaired and Richard Kurkian did a superb job. Mayor Brennan asked that a thank you be published in the newsletter.

PUBLIC WORKS HELPER: A "help wanted" ad will be run in the Sunday edition of the Courier Post newspaper for a Public Works Helper. A general laborer will also be sought for the summer months.

PRIVATE SESSION: None

DISCUSSION – HEALTH BENEFITS: Mayor Brennan stated that it is currently Borough procedure to impose a 90-day waiting period before health benefits are awarded to employees. Would like to amend rules to allow immediate coverage for certain positions or to provide a COBRA payment, whichever is cheaper. Mr. North agreed and stated that it would be very difficult to recruit qualified management personnel if these benefits were not available immediately. Amending the Personnel Manual authorizing Council to determine if specific management new hires were immediately covered would rectify this situation.

RESOLUTION – WAIVE HEALTH INSURANCE WAITING PERIOD FOR MANAGEMENT: On the motion of Mr. North and second of Mrs. Madden, Council unanimously approved the following resolution:

R04-58**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING THE PERSONNEL MANUAL OF THE BOROUGH OF MERCHANTVILLE**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the "Statement of Policy" contained on Page 93 of the Personnel Manual of the Borough of Merchantville be and hereby is amended to delete the current "Statement of Policy" contained on Page 93 and substitute in its place and stead the following Statement of Policy:

STATEMENT OF POLICY:

The Borough offers medical insurance to all regular full-time employees, and all eligible dependents.

Coverage becomes effective the first day of the month following the successful completion of a ninety day probationary period. When hiring an employee, the Governing Body at its sole and exclusive discretion may waive this probationary period. Specific plan benefits are described in brochures provided to each new employee by the Borough Clerk. Medical coverage may be continued during an approved leave of absence up to three months at the employee's own expense.

RESOLUTION – WAIVE HEALTH INSURANCE REGARDING PUBLIC WORKS MANAGER AND

TAX COLLECTOR: On the motion of Mrs. Madden and second of Mr. Pagano, Council approved the following resolution by a 5-0-1 vote (Zeiders abstain):

R04-59**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY WAIVING THE TIME PERIODS FOR MEDICAL COVERAGE FOR CERTAIN NEW EMPLOYEES, PURSUANT TO THE PERSONNEL MANUAL OF THE BOROUGH OF MERCHANTVILLE**

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that medical coverage be and hereby is effective for Daniel P. Beckett, Superintendent of the Merchantville Public Works Department, and Shari Phillips, Deputy Tax Collector for the Borough of Merchantville, upon the commencement of their respective employment, waiving the ninety day probationary period as stated in the "Statement of Policy" contained on Page 93 of the Personnel Manual of the Borough of Merchantville.

Dina Turan, Shade Tree Commission invited everyone to the Arbor Day Celebration on April 30 at 11:00 AM.

CAR SHOW: **Mr. North** stated that Alexander Avenue would be open to Chestnut Avenue and Chestnut Station residents.

ADJOURNMENT: There being no further business, on the motion of Mr. Pagano and second of Mrs. Madden the meeting was adjourned at 8:31 PM.

OREN R. THOMAS IV
BOROUGH CLERK