

Merchantville, NJ

November 8, 2004

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 8, 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: Madden, North, Pagano, Zeiders, Alloway and Finnegan

Council Absent: None

Solicitor Higgins and Borough Clerk Thomas were present.

PUBLIC HEARING:

ORDINANCE – PURCHASE OF REAL PROPERTY (19/21 SOUTH CENTRE STREET): Mayor Brennan opened the public hearing on the following ordinance:

04-21

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE PURCHASE OF BLOCK 29, LOT 12 AND 10 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF MERCHANTVILLE, MORE COMMONLY KNOWN AS 19/21 SOUTH CENTRE STREET AND 7 EAST PARK AVENUE BY THE BOROUGH OF MERCHANTVILLE, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE

There being no public comment, the hearing was closed.

PUBLIC:

Paul Stridick, 112 East Walnut Avenue, was attending to mark the 10th anniversary of his election to Council.

ENGINEER'S REPORT:

Thomas Cundey, Remington & Vernick Engineer's, provided an update of Borough projects.

Borough Council has authorized the Year XXVI CDBG Project and specifications are being completed.

APPROVAL OF MINUTES: 3/8/04, 3/22/04, 4/12/04, 4/26/04 & 5/10/04 REGULAR AND 5/24/04 REGULAR AND PRIVATE MEETINGS: On the motion of Mrs. Madden and second of Mr. Zeiders, Council approved the minutes from the 3/8/04, 3/22/04, 4/12/04, 4/26/04 and 5/10/04 regular and 5/24/04 regular and private meetings were accepted.

CORRESPONDENCE:

Camden County Mayor's Breakfast: Mayor Brennan invited anyone on Council to attend on December 1.

Tax Office: Michelle McKinney has received several "thank you" notes from Merchantville residents with their tax payments.

COUNCIL REPORTS:

MRS. MADDEN reported that the B.I.D. advisory board meeting was attended by only about 60% of the members. The Board will present a report to Borough Council by June 2005. Mrs. Madden inquired to **Mayor Brennan** about the possibility of new appointments to the B.I.D. advisory board. Mayor Brennan would like town-wide representation at the same time limiting the number of members to the board.

MR. ZEIDERS delivered the Fire report. The Building and Grounds report was also given. The specifications for the Borough Hall Garage will be finished within 10 days. Significant heating bills are anticipated for the Public Works Garage after the installation of the HVAC.

MR. PAGANO reported that the Recreation Commission was preparing for the annual Breakfast with Santa, which would be held on December 18 at the Community Center. The Recreation Commission will be holding a meeting on November 16. The Public Events Committee was making final arrangements for the Tree Lighting Ceremony and Christmas Parade, December 3 and 4 respectively.

Mr. North will arrange for police presence at the Tree Lighting Ceremony. The MEMS squad posted a 32% response rate for the month of October. The previous months' personnel matters and distractions directly led to the poor response rate. **Mayor Brennan** promised not to overreact until this rate became a trend of more than one month.

MR. FINNEGAN announced that the Recycling report was being prepared and would be completed before the end of the year. The Public Works report was delivered. Would like to continue Interlocal Services with the Borough of Collingswood pertaining to the Public Works Department.

Daniel Beckett, Public Works Supervisor, reported that almost \$4,800 was spent on overtime wages in 2003 pertaining to leaf pick-up. The Borough of Collingswood can provide four machines on November 20 to remove as many leaves throughout the Borough as possible for \$1,800. **Mayor Brennan** would like to adopt a resolution regarding an Interlocal Services Agreement for Public Works Services with the Borough of Collingswood. Tree-work has been performed throughout the Borough, with 27 trees removed and another 20 – 30 trimmed. Glenwood Avenue has not encountered any drainage problems during recent storms. Mr. Beckett would like notification for when Public Works employees would be needed by other Departments. **Mr. Zeiders** recommended Wellwood Park be attended to first with the Collingswood crew. Mayor Brennan stated the parks were previously with the use of prison labor. **Mrs. Madden** inquired to the availability of prison labor for various autumn season projects. Mayor Brennan asked Mr. Beckett to contact the County Sheriff regarding the use of prison labor.

MR. ALLOWAY announced that the 2004 Rabies Clinic was held last Saturday afternoon.

MR. NORTH thanked Mrs. Madden and Mayor Brennan for their assistance with the selection of the new Chief of Police. The OEM coordinators will be meeting on December 1 at the Winslow Township Municipal Building. Mr. North spoke with Tami Barnett regarding the purchase of defibrillators for Borough police vehicles. Reviewed several personnel policy matters with John Fry and they will be

covered in Mr. Fry's report. The court report was delivered. New computers are being delivered to the court this year. The new police car has been delivered.

ADMINISTRATOR REPORT:

John Fry reported on various personnel policy matters. Currently reviewing the Borough's policy towards health benefits. The possibility of compensating employees who waive health benefits is being researched as well. A Light Duty policy will be drafted. A policy to payroll corrections is also being implemented. An accident review panel and new hire process will be created. Personnel reviews for 2004 are being passed on to Council members for their departments. The Sewer bills have been mailed for the second half of 2004. The annual Tax Sale was held and 22 liens were sold on Borough properties. The Administrative Office is automating the tax sale process through the computers. S.J. First, AAA's magazine, published an article in their recent edition about the Borough of Merchantville. Three redevelopers indicated their interest in responding to the request for Qualifications regarding the Town Centre East Redevelopment Zone by picking up copies of the redevelopment plan. The minutes are completed in draft form through the October 25 Council meeting. The Tax Office will be closing during the AM hours on November 18.

Mayor Brennan welcomed Mrs. Carmen Rodriguez, West End Avenue, who recently was elected to the Camden County Board of Freeholders.

OLD BUSINESS:

ORDINANCE ADOPTION – PURCHASE OF REAL PROPERTY (19/21 SOUTH CENTRE

STREET): On the motion of Mrs. Madden, second of Mr. Pagano and a 5-0-1 vote (Zeiders abstain), Council adopted the following ordinance:

04-21

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE PURCHASE OF BLOCK 29, LOT 12 AND 10 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF MERCHANTVILLE, MORE COMMONLY KNOWN AS 19/21 SOUTH CENTRE STREET AND 7 EAST PARK AVENUE BY THE BOROUGH OF MERCHANTVILLE, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID PURCHASE

NEW BUSINESS:

FINANCIAL REPORTS: On the motion of Mrs. Madden, second of Mr. North and a unanimous roll call vote, Council approved the Chief Financial Officer's Report of Cash Receipts for October 2004 and the Abbreviated Budget Status as of October 31, 2004.

ORDINANCE INTRODUCTION – SALARIES & WAGES [POLICE CHIEF]: On the motion of Mr. North and second of Mr. Pagano, Council unanimously introduced the following ordinance:

04-22

AN ORDINANCE TO AMEND AN ORDINANCE FOR THE BOROUGH OF MERCHANTVILLE IN THE COUNTY OF CAMDEN AND STATE OF NEW JERSEY ENTITLED "SALARIES & COMPENSATION" ADOPTED JUNE 14, 2004

The public hearing will be held on November 22.

ORDINANCE INTRODUCTION – AMENDMENT CHAPTER 25, FEES: On the motion of Mr. Alloway and second of Mr. Pagano, Council unanimously introduced the following ordinance:

04-23

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 25, FEES FOR PUBLIC DOCUMENTS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

The public hearing will be held on November 22.

ORDINANCE INTRODUCTION – CHAPTER 94, ZONING: On the motion of Mr. Alloway and second of Mrs. Madden, Council unanimously introduced the following ordinance:

04-24

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

The public hearing will be held on November 22.

RESOLUTION – AUTHORIZING PRELIMINARY INVESTIGATION OF B 58, L 23.01: On the motion of Mr. North and second of Mr. Pagano, Council unanimously approved the following resolution:

R04-125

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE PLANNING BOARD OF THE BOROUGH OF MERCHANTVILLE TO UNDERTAKE A PRELIMINARY INVESTIGATION TO ASCERTAIN WHETHER A CERTAIN PROPERTY AND AREA WITHIN THE BOROUGH OF MERCHANTVILLE IS IN NEED OF REDEVELOPMENT

WHEREAS, in its December 9, 1997 Master Plan Reexamination Report, the Planning Board of the Borough of Merchantville recognized that certain areas and properties within the Borough of Merchantville might qualify as "redevelopment areas" or "areas in need of redevelopment" as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the said Borough Council of the Borough of Merchantville desires to commence a course of action to investigate and determine whether said areas and properties within the Borough of Merchantville are in need of redevelopment; and

WHEREAS, the said Borough Council of the Borough of Merchantville recognizes that under New Jersey's Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Planning Board of the Borough of Merchantville must conduct a preliminary investigation to determine whether said properties and areas are in need of redevelopment; and

WHEREAS, the Mayor and the Borough Council of the Borough of Merchantville now desire to authorize the Planning Board of the Borough of Merchantville to undertake a preliminary investigation to determine whether a certain property and area within the Borough of Merchantville, more particularly described as Block 58, Lot 23.01 is in need of redevelopment; and

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Merchantville, that the Planning Board of the Borough of Merchantville be and hereby is authorized to undertake a preliminary investigation, pursuant to N.J.S.A. 40A:12A-6, to ascertain whether the following property and area located within the Borough of Merchantville, more particularly described as Block 58, Lot 23.01, qualifies as an area in need of redevelopment within the Borough of Merchantville.

BE IT FURTHER HEREBY RESOLVED by the Borough Council of the Borough of Merchantville that the Planning Board of the Borough of Merchantville is authorized to employ a New Jersey licensed professional planner to assist the Board in undertaking any and all actions that may be necessary to accomplish the purpose and intent of this Resolution.

RESOLUTION – ACCEPTING HAZARDOUS DISCHARGE SITE REMEDIATION GRANT: On the motion of Mr. Zeiders and second of Mrs. Madden, Council unanimously approved the following resolution:

R04-126

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND MUNICIPAL PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough of Merchantville has applied for and has been awarded a grant in the amount of \$105,609 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for the preliminary assessment and site investigation as well as report preparation of the Merchantville Senior Housing property.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the above-referenced grant is hereby accepted and that Patrick J. Brennan, Mayor of the Borough of Merchantville, is hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Borough of Merchantville.

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

RESOLUTION – AWARD OF CONTRACT [PUBLIC WORKS HEATING]: On the motion of Mr. Finnegan and second of Mr. North, Council unanimously approved the following resolution:

**R04-127
RESOLUTION**

WHEREAS, the Borough Council of the Borough of Merchantville is desirous of installing gas service at the Public Works Garage in accordance with Ordinance 01-05; and

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

NOW, THEREFORE, BE IT RESOLVED, that a contract be awarded for the installation of gas service at the Public Works Garage to Public Service Electric and Gas Company, Moorestown, New Jersey for a price not exceeding \$1,712.00.

RESOLUTION – PROPERTY MAINTENANCE LIENS: On the motion of Mr. Alloway and second of Mrs. Madden, Council unanimously approved the following resolution:

R04-128

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 forestated 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 4, Lot 5 (21 Euclid Ave):	\$456.51
Block 7, Lot 8 (22 West End Ave)	\$579.58
Block 22, Lot 1 (44 W. Chestnut St)	\$434.39
Block 26, Lot 1.02 (32 W. Maple Ave)	\$537.87
Block 36, Lot 3.03 (114 Prospect St)	\$225.46
Block 39, Lot 9 (217 Maple Terrace)	\$636.73

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 – MUNICIPAL STORMWATER REGULATION PROGRAM GRANT: On the motion of Mrs. Madden and second of Mr. North, Council unanimously approved the following resolution:

R04-129

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY BY AND FOR THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Borough Council of the Borough of Merchantville desires to further the public interest by obtaining a grant from the State of New Jersey in the amount of \$6,822.00 to fund the following project:

MUNICIPAL STORMWATER REGULATION PROGRAM

WHEREAS, the Borough Council of the Borough of Merchantville resolves that Patrick J. Brennan, Mayor of the Borough of Merchantville, is authorized to make application for such grant, and if awarded, to execute a grant agreement with the State for a grant in the amount of \$6,822.00;

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 Stormwater Regulation Program Grant application to the New Jersey Department of Environmental Protection.

RESOLUTION – CH 159, MUNICIPAL STORMWATER REGULATION PROGRAM GRANT: On the motion of Mrs. Madden and second of Mr. Finnegan, Council unanimously approved the following resolution:

R04-130

RESOLUTION

INSERTION OF SPECIAL ITEM OF REVENUE IN THE BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY PURSUANT TO N.J.S. 40A:4-87 (CHAPTER 159, P.L. 1948)

WHEREAS, N.J.S. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or

municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget, and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount,

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Merchantville in the County of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2004 in the sum of \$6,822.00 which is now available from New Jersey Department of Environmental Protection Municipal Stormwater Regulation Program Grant in the amount of \$6,822.00.

BE IT FURTHER RESOLVED, that a like sum of \$6,822.00 is hereby appropriated under the caption New Jersey Department of Environmental Protection Municipal Stormwater Regulation Program; and

BE IT FURTHER RESOLVED that the above is the result of funds from New Jersey Department of Environmental Protection Municipal Stormwater Regulation Program in the amount of \$6,822.00.

RESOLUTION – WAIVE PERMIT FEE [PSE&G]: On the motion of Mrs. Madden and second of Mr. Finnegan, Council unanimously approved the following resolution:

R04-131

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING WAIVER OF STREET OPENING PERMIT FOR PUBLIC SERVICE ELECTRIC & GAS FOR INSTALLATION OF GAS SERVICE

WHEREAS, Public Service Electric & Gas desires a Street Opening Permit for the installation of gas service at the Public Works Garage at the Railroad Tracks and Cove Road; and

WHEREAS, the Borough Council of the Borough of Merchantville desires to waive said fees;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that the \$20.00 fee is hereby waived on the above-referenced permit.

APPOINTMENT - POLICE CHIEF: On the motion of Mr. North and second of Mrs. Madden, Council unanimously approved the appointment of Wayne K. Bauer as Chief of Police, effective December 1, 2004.

RESOLUTION – INTERLOCAL SERVICES AGREEMENT [COLLINGSWOOD]: On the motion of Mr. Finnegan and second of Mr. Pagano, Council unanimously approved the following resolution:

R04-132

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 CERTAIN SERVICES TO BE PERFORMED BY THE COLLINGSWOOD DEPARTMENT OF PUBLIC WORKS 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, Merchantville has requested and Collingswood has agreed to provide certain services to Merchantville through its Department of Public Works; and

WHEREAS, Merchantville has agreed to pay to the Collingswood the actual cost incurred relative to the performance of services by employees and equipment costs incurred by the Collingswood Department of Public Works; 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 certain services of the Collingswood Department of Public Works to the Borough of Merchantville.

POLICE RESTRUCTURING: Mr. North stated that the Police Department would be hiring another patrolman and the hiring process would begin this week.

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

CURRENT FUND: (PER 11/8/04 CHECK REGISTER)

CHECKS DELIVERED

CHECK #9984 - 9998	\$ 92,990.29
CHECK #9999- 10065	\$ 1,432,134.08
	<u>\$ 1,525,124.37</u>

DOG ACCOUNT: (PER 11/8/04 CHECK REGISTER)

CHECK #	\$ -
	<u>\$ -</u>

GENERAL CAPITAL ACCOUNT: (PER 11/8/04 CHECK REGISTER)

CHECK #1294 - 1296	\$ 4,052.00
	<u>\$ 4,052.00</u>

MERCHANTVILLE SEWER UTILITY: (PER 11/8/04 CHECK REGISTER)

CHECKS DELIVERED

CHECK #1514	\$ 2,854.82
	<u>\$ 2,854.82</u>

PUBLIC ASSISTANCE TRUST FUND: (PER 11/8/04 CHECK REGISTER)

CHECK #	\$ -
	<u>\$ -</u>

RECREATION COMMISSION: (PER 11/8/04 CHECK REGISTER)

CHECKS DELIVERED

CHECK #2413	\$ 345.00
CHECK #2414 - 2420	\$ 1,717.54
	<u>\$ 2,062.54</u>

TRUST ACCOUNT - OTHER FUNDS: (PER 11/8/04 CHECK REGISTER)

CHECKS DELIVERED

CHECK #979 - 983	\$ 8,623.18
CHECK #984 - 988	\$ 2,821.36
	<u>\$ 11,444.54</u>

UNEMPLOYMENT COMPENSATION: (PER 11/8/04 CHECK REGISTER)

CHECK #320	\$ 212.95
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\$ 212.95
TOTAL: \$ 1,545,751.22

EXAMINED AND FOUND CORRECT: (SIGNED AGNES A. MADDEN)
DIRECTOR, DEPARTMENT OF ACCOUNTS AND AUDITING

R04-133

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:

NJ League of Municipalities Conference: The conference is November 16- 18 in Atlantic City.

General Election: Mayor Brennan announced that over 78% of our registered voters participated in the 2004 General Election.

Department Meeting: Will be held on November 10 at 8:00 AM.

Antonelli Litigation: Mr. Higgins announced that this case has been settled.

Zafis Litigation: The Borough has settled and December 1 is the purchase date.

PRIVATE SESSION: None

ADJOURNMENT: There being no further business, on the motion of Mrs. Madden and second of Mr. Pagano the meeting was adjourned at 8:45 PM.

OREN R. THOMAS IV
BOROUGH CLERK