

Merchantville, NJ November 10, 2008

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 10, 2008. Mayor Frank M. North 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, Volkert, Waldron, and Brunton
Borough Clerk Denise Brouse and Tim Higgins were present.

PUBLIC

ENGINEER REPORT-Consulting Engineer Services provided Council with a written Project Status Report.

Nicholas Gaudio, 16 S. Cove Road, Will my house be blocked when the manhole sewer work begins? Where can we park? Mr. Brickley responded that a letter will go out to everyone on the street affected and it will state dates that you will need to park your car elsewhere.

Bill Walker, 23 W. Cedar Avenue, Chapter 20 demolished Ordinance. When will we be working on this? Thank you for doing the sewer repair work.

APPROVAL OF MINUTES-On the motion of Mr. Volkert and a second of Mr. Brunton, (Mr. Perno abstained) Council approved the May 27, 2008, June 9, 2008 and the June 16, 2008 regular meeting minutes.

CORRESPONDENCE: None

COUNCIL REPORTS:

Pat Fields, working on new Personnel Manual, has asked everyone for job descriptions. Gave the EMS report, Code Enforcement update and NPP report.

Shawn Waldron, reported on Public Events, tree lighting and parade. Newsletter was printed next week. Business meeting on Tuesday night. Also reported on Shade Tree and Historical Preservation Committee.

Mark Brunton reported on the highway issue regarding trash pick. Leaves are being picked up. Office of Emergency Management had a 2009 planning meeting.

Steve Volkert gave the Fire Department report. 99 calls and 57 inspections remaining this year.

John Alloway gave the Police and Court report.

NEW BUSINESS:

INTRODUCE ORDINANCE: 08-10 CANCEL AND RE APPROPRIATE \$88,467.50

ORDINANCE 08-10
ORDINANCE OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, STATE OF NEW JERSEY,
CANCELLING CERTAIN FUNDED APPROPRIATION
BALANCES HERETOFORE PROVIDED FOR VARIOUS
CAPITAL PROJECTS AND REAPPROPRIATING SUCH
FUNDED APPROPRIATION BALANCES FOR OTHER
CAPITAL PROJECTS

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey ("Borough") (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

Section 1. The following appropriations remaining as a balance in Bond Ordinances 32795, 41497, 61499, 00-04, 01-05, and 04-05 (collectively, the "Bond Ordinances") heretofore adopted by the Borough Council are hereby cancelled:

<u>Ordinance</u>	<u>Amount of Funded Appropriation to be Cancelled</u>	<u>Amount of Unfunded Appropriation to be Cancelled</u>
32795 (Firehouse Renovation)	\$2,522.80	\$0
32795 (Recreation Equipment)	762.00	0
41497 (Fire Radios)	260.95	0
61499 (Building Renovation)	6,283.60	0
00-04 (Court Office Equipment)	523.61	0
01-05 (Building Improvements)	8,941.89	0
01-05 (Public Works Vehicles)	55,504.07	0
01-05 (Garage Renovations)	10,192.24	0
01-05 (EMS Equipment)	2,543.00	0
01-05 (Engineering Fees)	349.64	0
04-05 (Parking Meter Replacement)	583.70	0
<u>Total</u>	<u>\$88,467.50</u>	<u>\$0</u>

Section 2. The sum of \$88,467.50, which represents the funded appropriation cancelled in Section 1 hereof, is hereby reappropriated from the Bond Ordinances for: (i) the installation of speed humps in the Borough in the amount of \$33,427.56; (ii) the replacement of the Municipal Building Driveway in the amount of \$55,039.94, together with the acquisition of all

materials and equipment and completion of all work necessary therefore or related thereto.

Section 3. The period of usefulness of the purposes referred to in Section 2, within the limitations of the Local Bond Law and according to the reasonable life thereof, is not less than ten (10) years.

Section 4. The Capital Budget is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Municipal Clerk and available for inspection.

Section 5. The improvements authorized hereby are not current expenses and are general improvements that the Borough may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 6. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

RESOLUTIONS: On the motion of Mr. Volkert and second of Mr. Brunton, Council approved the following resolutions by Consent Agenda:

R08-121

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE

WHEREAS, NJS 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 appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body 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 items of revenue in the budget of the year 2008 in the sum of \$ 10,671.45, which is now available as a revenue from the State Pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$ 10,671.45 is hereby appropriated under the caption Special items of General Revenue; and

BE IT FURTHER RESOLVED that the above is a result of a State grants of \$ 10,671.45 from:

2008 Over the Limit Under Arrest (12-8-08 to 1-2-09)	5,000.00
Drunk Driving Enforcement Fund	5,221.45
2008 Division of Criminal Justice Body Armor Grant	450.00
TOTAL	10,671.45

R08-122

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING ABOVE NET COMMUNICATIONS TO INSTALL FIBER OPTIC CABLE ON POLES AND IN CONDUITS IN THE MUNICIPAL RIGHT OF WAY

Borough of Merchantville
County of Camden

Resolution No. R08-122
Date of Adoption November 10, 2008

Resolution granting permission to AboveNet Communications, Inc. to install telecommunications facilities along, under and over the public right-of-way.

Council Member _____ presents the following Resolution:

WHEREAS, AboveNet Communications, Inc. (AboveNet) is a telecommunications carrier authorized to provide service by the New Jersey Board of Public Utilities (BPU) and the Federal Communications Commission (FCC); and

WHEREAS, AboveNet, as a public utility and common carrier, has requested approval to install telecommunications facilities in Merchantville rights-of-way; and

WHEREAS, AboveNet is seeking to lease or obtain conduit space and access to poles with other utilities, particularly Verizon New Jersey Inc., and Verizon has required that AboveNet obtain Merchantville Borough Council approval as a condition of such access;

NOW THEREFORE BE IT RESOLVED BY THE MERCHANTVILLE BOROUGH COUNCIL THAT:

1. Permission and authority are hereby granted to AboveNet to install telecommunications facilities on utility poles or within underground conduits located in the public right-of-way in the Borough of Merchantville in order to provide telecommunications services to the public, and to operate, maintain and repair said facilities, subject to the following:
 - A. The facilities shall be installed in underground conduit and/or onto utility poles in the public right-of-way.
 - B. AboveNet, its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements for the use of the public right-of-way.
 - C. AboveNet, its successors and assigns, shall comply with all Federal, State, and Local laws requiring permits prior to beginning construction.
 - D. Such permission be and is hereby given upon the condition and provision that AboveNet, its successors and assigns, not only indemnify and save harmless the Borough of Merchantville, its officers, agents and servants, from any claims arising from or in any way connected to the acts or omissions of AboveNet in use of the public right-of-way but shall agree on behalf of the Borough to defend any action at law or equity which may be brought against the Borough upon such claims or from claims arising during the construction period, excluding in all instances claims arising out of gross negligence or willful misconduct on the part of the Borough.
 - E. AboveNet, its successors and assigns shall at its own cost and expense procure and keep at all times in full force and effect paid up policies for Comprehensive General Liability Insurance in

favor of the Borough, as its interests may appear, in the amount of at least \$5,000,000, in any combination of primary and excess or umbrella coverages, covering bodily injury and property damage arising out of any one accident. Proof of said coverage, naming the Borough as an additional insured shall be filed with the Borough Clerk prior to the installation of any plant. On prior notice to AboveNet, the Borough shall have the right to increase the amount of Comprehensive General Liability Insurance and to alter the terms of insurance called for under this section provided such change is implemented uniformly for all similarly situated carriers. AboveNet shall endeavor to ensure that said insurance shall not be subject to cancellation or change until thirty (30) days after the Borough Clerk has received written notice thereof as evidenced by return receipt of certified or registered letter.

- F. Such permission be and is hereby given upon the further condition that in the use of the public right-of-way AboveNet, its successors and assigns, shall become subject to any lawful Ordinance or Resolution now or hereafter adopted by the Borough.
- G. Such permission be and is hereby given upon the condition that AboveNet shall obtain all applicable permits which may be required by the Borough, and shall comply with, bear the expenses of, all applicable Borough requirements regarding traffic control and police supervision while any work in the public right of way is occurring.
- H. AboveNet shall be responsible for the repair of damage to paving, existing utility lines, or any surface or subsurface installations, etc., arising from the construction, installation or maintenance of said plant.
- I. Neither the Borough nor AboveNet shall be liable to the other for consequential, incidental, exemplary or punitive damages on account of any activity pursuant to this resolution.
- J. The adoption of this resolution on behalf of the Borough by the Borough Council shall be attested to by the Borough Clerk who shall affix the Borough Seal thereto. Said actions shall constitute the existence of public notification.
- K. The permission and authority hereby granted shall be for a period of fifteen (15) years. Such permission and authority shall be automatically extended for additional periods of five (5) years each; provided, however, that either party may cancel such permission and authority effective at the end of the currently effective term with a minimum of one (1) year's prior written notice to the other.

R08-123
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN
PROCESS FOR THE SELECTION OF PROFESSIONAL
SERVICES PROVIDERS FOR THE BOROUGH OF
MERCHANTVILLE IN THE CALENDAR YEAR 2009

WHEREAS, the Borough of Merchantville requires the services of various professional service providers; and

WHEREAS, professional services are exempt from the requirement of public bidding pursuant to N.J.S.A.40A:11-5; and

WHEREAS, the Borough of Merchantville continues to find it advisable to select professionals primarily on the basis of qualification including qualifications uniquely suited to the needs of the Borough of Merchantville; and

WHEREAS, the Borough of Merchantville has determined that it is appropriate to implement a fair and open process for the awarding of professional service contracts; and

WHEREAS, to receive statements of qualification in a manner that fosters a fair and open process it is necessary and advisable to establish advance general criteria and specific minimum requirements for so many of those appointments as possible; and

WHEREAS, the Borough of Merchantville has determined that a fair and open process requires public advertisement of professional appointments in a manner and with sufficient time to provide notice in advance of the contemplation of the appointment and the criteria to be considered in making the appointment; and

WHEREAS, the Borough of Merchantville has determined that a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the governing body and then published in accordance with N.J.S.A. 40A:11-5.

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

1. All professional service appointments contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.
2. The Borough Clerk shall cause a legal notice to be published in a newspaper authorized to publish legal notices for the Borough, stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualifications will be posted on the Borough's internet website beginning no later than November 18, 2008.
3. The criteria for each position contained on Schedule A follows immediately subsequent to the listing on Schedule A. These criteria shall be disclosed together with the posting of these positions on the Borough's internet website as set forth above.
4. The website posting shall inform potential applicants that all submissions must be made to the Office of Borough Clerk and received not later than 12:00 p.m. December 5, 2008.
5. Commencing at 12:01 p.m. on December 8, 2008, or as soon thereafter as may be possible, the Borough Clerk or his designee shall publicly open and announce all submissions in the Borough's public meeting room.
6. The Mayor and Borough Council shall thereafter review all submissions.
7. Appointments shall thereafter be made at a public meeting of the Mayor and Borough Council of the Borough of Merchantville.
8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

BE IT FURTHER RESOLVED, that the Mayor and Borough Council have determined that the terms of this Resolution constitute a fair and open process as to all positions included herein.

APPROVAL OF FIREFIGHTER APPLICATION FOR JOSHUA NORCROSS-On the motion of Mr. Volker and second of Mr. Brunton, Council unanimously approve the application of Firefighter Joshua Norcross.

PAYMENT OF BILLS- On the motion of Mrs. Fields and second of Mr. Volkert, Council unanimously approved the following resolution:

**R08-124
RESOLUTION**

RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bills approved therein.

Borough of Merchantville Bill List Summary November 10, 2008
Current Fund

Checks Current Fund	07 Budget	\$3,141.85
	2008 Budget	\$551,443.28
	State / Federal Grants	\$455.00
	Debt Service	
	Board of Education	\$1,134,890.50
	Checks Delivered	\$239,451.42
Total Current		\$1,929,382.05

Sewer Utility Fund

	2008 Budget	
	Debt Service	
	Checks Delivered	
Total Sewer		

Recreation Commission

		\$1,077.87
	2008 Budget	
	Checks Delivered	
Total Recreation		\$1,077.87

General Capital Fund

	2008 Budget	\$7,695.97
	Checks Delivered	
Total Capital		\$7,695.97

Trust-Other Fund

	2008 Budget	\$5,854.41
	Checks Delivered	
Total Trust		\$5,854.41

Animal Trust Unemployment	2008 Budget	
	2008 Budget	\$12,239.31
	Checks Delivered	
	Total	<u>\$12,239.31</u>
	Total Bill list	<u>\$1,956,249.61</u>

DIRECTOR OF ACCOUNTS & AUDITING
PATRICIA FIELDS

ATTEST:

APPROVED:

DENISE L. BROUSE
BOROUGH CLERK

FRANK M. NORTH
MAYOR

November 10, 2008

ANNOUNCEMENTS:

CCMUA public meeting notice for budget approval
MPWC public hearing for rate increase

ADJOURNMENT: On the motion of Mr. Alloway and second of Mr. Brunton, the meeting was adjourned at 8:37 PM.

DENISE L. BROUSE

DENISE BROUSE

BOROUGH CLERK
BOROUGH CLERK