

Merchantville, NJ

November 19, 2007

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 19, 2007. Council President John Alloway presided. Pledge of Allegiance was 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, Finnegan, Waldron and Zeiders

Borough Clerk Fry, Deputy Clerk Brouse and Solicitor Higgins were present.

PUBLIC HEARING:**ADMINISTER OATH OF OFFICE TO OFFICERS BRIAN CALLAWAY AND MATTHEW RULLI**

ORDINANCE-RESTRICT DOGS IN PARKS: Councilman Alloway opened the public hearing on the following ordinance:

ORDINANCE 07-19

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 53, PARKS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

ORDINANCE-FLOOD CONTROL: Councilman Alloway opened the public hearing on the following ordinance:

ORDINANCE 07-18

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ADDING ARTICLE X. TO CHAPTER 71A, STORMWATER MANAGEMENT, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE

Mr. Brunton asked what the flood ordinance does.

There being no further comment the hearing was closed.

PUBLIC:

ENGINEER'S REPORT: Thomas Cundy, Remington & Vernick Engineer's, provided a written report of the Borough projects.

There being no public comment the hearing was closed.

COORESPONDENCE:

PSE&G: Wetlands permit

ELECTION: Results

NJ TRANSIT: The Church Road bus stop will be rerouted due to the bridge construction.

COUNCIL REPORTS:

MRS. FIELDS reported that the 604-606 West Maple Avenue redevelopment plan and analysis of need has been tabled. The Rental ordinance committee will meet on November 27, 2007 and Denise Brouse will inform apartment owners of the meeting. The recreation rockers in the playground at the Community Center are being replaced for more durable equipment. The Rabies Clinic inoculated 17 dogs and cats.

MR. VOLKERT delivered the fire report for the month of October.

MR. WALDRON reported that the Public Events Committee will hold the Christmas parade. The Shade Tree Commission sent four people to training. The Arts Festival will be on May 17 and 18, the Birthday on June 7 and the Car Show July 12.

MR. ZEIDERS reported on NPP staffing and on Records management committee.

MR. FINNEGAN delivered the Public Works report. A new employee was hired, leaves have been picked up throughout the entire town and ten trees have been cut.

MR. ALLOWAY announced that the Police received a grant award of \$5,000 for DWI. Court has been discussing the use of credit cards.

OLD BUSINESS:

ORDINANCE ADOPTION-RESTRICT DOGS IN PARKS: On the motion of Mr. Zeiders, second of Mrs. Fields and a unanimous roll call vote, council adopted the following ordinance:

**ORDINANCE 07-19
ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 53,
PARKS, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE**

ORDINANCE ADOPTION-FLOOD CONTROL: On the motion of Mr. Finnegan, second of Mr. Zeiders and a unanimous roll call vote, council adopted the following ordinance:

**ORDINANCE 07-18
ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY ADDING ARTICLE X.
TO CHAPTER 71A, STORMWATER MANAGEMENT, TO THE CODE
OF THE BOROUGH OF MERCHANTVILLE**

NEW BUSINESS:

FINANCIAL REPORT: On the motion of Mr. Zeiders, second of Mr. Volkert and a unanimous roll call vote, Council approved the Chief Financial Officer's Report of Cash Receipts for October 2007.

PROCLAMATION- HONORING BOB MULHERN: Read aloud by **Mayor North:**

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Merchantville to honor those citizens of the Borough of Merchantville who have dedicated their time and efforts to the betterment of the Borough of Merchantville; and

WHEREAS, Bob Mulhern has been a Borough resident and business owner for over 20 years; and

WHEREAS, Bob Mulhern and the Auto Value Parts network of over 2,500 certified service centers have made it their mission to aid and support victims of domestic abuse. Over three million women are battered each year; and

WHEREAS, the Auto Value, Bumper to Bumper Charity Cars Campaign is a nationwide collective effort and one of the largest charitable vehicle donations to victims of domestic violence;

NOW, THEREFORE, BE IT PROCLAIMED, on this 19th Day of November 2007, the Mayor and Council of the Borough of Merchantville do hereby proclaim the recognition of Bob Mulhern for his gift of labor and parts to donate a mini-van to this program and urge the citizens of the Borough of Merchantville to join in congratulating this citizen of the Borough of Merchantville.

PROCLAMATION: SUPPORTING THE OVER THE LIMIT UNDER ARREST 2007 CRACKDOWN

Read aloud by **Mayor North**:

WHEREAS, impaired driver on our nation's roads kill someone every 30 minutes, 50 people per day, and almost 18,000 people each year; and

WHEREAS, 34% of motor vehicle fatalities in New Jersey area alcohol related; and

WHEREAS, a enforcement crackdown is planned to combat is planned to combat impaired driving; and

WHEREAS, the season at the end of the year is traditionally a time of social gatherings which often include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout several counties to participate in the Over the Limit Under Arrest 2007 Year End Crackdown; and

WHEREAS, the project will involve increased impaired driving enforcement from December 7, 2007 through January 2, 2008; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

THEREFORE, BE IT RESOLVED that the Borough of Merchantville declares its support for the Over the Limit Under Arrest 2007 Year End Crackdown from December 7, 2007 through January 2, 2008 and pledges to increase awareness of the dangers of drinking and driving.
Proclaimed this 19th day of November 2007.

RESOLUTION-ACCEPTING DCA HOUSING REHABILITATION GRANT: On the Motion of Mr. Waldron and second of Mrs. Fields, Council unanimously approved the following resolution:

R07-126

ACCEPTING DCA HOUSING REHABILITATION GRANT

WHEREAS, the Borough of Merchantville desires to apply for and obtain a grant from the New Jersey Department of Community Affairs for approximately \$100,000 to carry out a project to administer housing rehabilitation to low to moderate homeowners in a target area and;

BE IT THEREFORE RESOLVED,

That the Borough of Merchantville does hereby authorize the application for such a grant; and, Recognizes and accepts that the Department may offer a lesser or greater amount and therefore, upon receipt of the grant agreement from the New Jersey Department of Community Affairs, does further authorize the execution of any such grant agreement; and also, upon receipt of the fully executed agreement from the Department, does further authorize the expenditure of funds pursuant to the terms

of the agreement between the Borough of Merchantville and the New Jersey Department of Community Affairs.

BE IT FURTHER RESOLVED, that the persons whose names, titles, and signatures appear below are authorized to sign the application, and that they or their successors in said titles are authorized to sign the agreement and any other documents necessary in connection therewith:

RESOLUTION-APPOINTING NEW CHIEF FINANCIAL OFFICER DONNA A. CONDO:

On the Motion of Mrs. Fields and second of Mr. Volkert, Council unanimously approved the following resolution:

R07-124

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPOINTING DONNA A. CONDO AS THE CHIEF FINANCIAL OFFICER OF THE BOROUGH OF MERCHANTVILLE

WHEREAS, the Mayor and Council of the Borough of Merchantville have accepted the resignation of Susan B. Walker as the Chief Financial Officer of the Borough of Merchantville effective November 9, 2007; and

WHEREAS, N.J.S.A. 40A:9-140.10 requires the appointment of a Municipal Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville that Donna A. Condo be and is hereby appointed to the position of Municipal Chief Financial Officer, said term to conclude December 31, 2010, for the Borough of Merchantville, effective as of November 12, 2007.

RESOLUTION-SETTING THE SALARY OF THE CHIEF FINANCIAL OFFICER:

On the Motion of Mr. Zeiders and second of Mr. Volkert, Council unanimously approved the following resolution:

R07-131

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, ESTABLISHING SPECIFIC SALARIES AND WAGES FOR ALL EMPLOYEES FOR 2007

WHEREAS, the Mayor and Council of the Borough of Merchantville have established the maximum salaries of the employees of the Borough of Merchantville by ordinance adopted May 29, 2007, effective as of June 21, 2007 and retroactive to January 1, 2007; and

WHEREAS, funds have been made available in the 2007 budget as adopted; and

WHEREAS, the Chief Financial Officer resigned and a new Chief Financial Officer has been appointed; and

WHEREAS, the Borough Council of the Borough of Merchantville wishes to re-establish a specific salary for the position of Chief Financial Officer, effective November 12, 2007;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Merchantville amends Resolution #R07-73 of the Borough of Merchantville for the specific salary of Chief Financial Officer for 2007, effective as of November 12, 2007 as follows:

POSITION

Chief Financial Officer

SALARY

\$30,000.00

RESOLUTION-AUTHORIZING CFO TO SIGN WARRANTS:

On the Motion of Mr. Volkert and second of Mr. Finnegan, Council unanimously approved the following resolution:

R07-129

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY AMENDING RESOLUTION
07-14**

WHEREAS, on January 2, 2007 the Borough Council of the Borough of Merchantville approved Resolution #07-14; and

WHEREAS, the Borough Council of the Borough of Merchantville wishes to amend said resolution and allow Donna A. Condo, Chief Financial Officer, to sign warrants;

NOW THEREFORE BE IT RESOLVED, by the Borough Council of the Borough of Merchantville that Donna A. Condo, Chief Financial Officer, be permitted to sign warrants.

DISCUSSION-RECORDS MANAGEMENT JOINT GRANT APPLICATION: On the motion of Mr. Finnegan and second of Mr. Volkert, Council unanimously approved records management recommendations to apply for Paris grant with Cherry Hill.

HIRE APPROVAL- Council approved the hire of Bryan M. Parks as helper 1 in the Department of Public Works.

RESOLUTION-AUTHORIZING THE REFUND OF DUPLICATE TAX PAYMENTS:

On the Motion of Mr. Zeiders and second of Mr. Volkert, Council unanimously approved the following resolution:

R07-132

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF
NEW JERSEY AUTHORIZING THE REFUND OF DUPLICATE OR OVERPAYMENT TAX PAYMENTS**

BE IT RESOLVED by the Borough Council of the Borough of Merchantville that warrants be drawn to the parties listed below in the designated amount representing a duplicate or overpayments tax payment as follows:

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
26/6	51 Chapel Ave	\$977.45
43.03/5	209 Glenwood Ave	\$795.23

BE IT FURTHER RESOLVED THAT, all parties have advised that they would like to have a refund rather than applying this payment to subsequent property taxes.

RESOLUTION-APPROVING THE CANCELLATION OF OUTSTANDING CHECKS:

On the Motion of Mrs. Fields and second of Mr. Finnegan, Council unanimously approved the following resolution:

R07-125

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY FOR CANCELLATION OF OUTSTANDING CHECKS**

WHEREAS, there exists outstanding checks on multiple Borough accounts which have been outstanding for over one year; and

WHEREAS, the various checks have been investigated and have been determined to have been lost or otherwise destroyed;

NOW, THEREFORE BE IT RESOLVED, that the following checks be cancelled and the expenditures be cancelled to the proper fund:

FUND	ACCT NO.	CHECK NO.	CHECK DATE	AMOUNT
CURRENT FUND	0123000275	10619	6/13/05	\$ 148.68
		11248	2/13/06	100.00
		11569	6/12/06	135.00
		12105	12/11/06	100.00
SALARY ACCOUNT	0123000283	11229	5/12/06	9.04
		11376	6/23/06	196.91
		11418	6/23/06	11.00

RESOLUTION-TO RENEW ACCIDENT AND HEALTH INSURANCE FOR VOLUNTEERS:

On the Motion of Mrs. Fields and second of Mr. Waldron, Council unanimously approved the following resolution:

R07-130

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING RENEWAL OF ACCIDENT AND HEALTH INSURANCE FOR VOLUNTEERS OF THE BOROUGH

WHEREAS, Mayor and Council of the Borough of Merchantville desire to provide adequate insurance to their volunteers while acting in the line of duty;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that John C. Fry, Administrator of the Borough of Merchantville be and hereby is authorized to execute the accident and health insurance agreement effective December 1, 2007 and terminating December 1, 2008, attached hereto as Exhibit "A," providing for the services of Commerce Insurance Services, Toms River, NJ.

RESOLUTION-APPROVING THE TRANSFER OF LIQUOR LICENSE TO MANASOR, INC:

On the Motion of Mr. Volkert and second of Mr. Finnegan, Council unanimously approved the following resolution:

R07-128

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE IN THE COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING PERSON-TO-PERSON PLENARY RETAIL CONSUMPTION LICENSE TRANSFER FROM JVS LIQUOR, INC. TO MANASOR, INC.

WHEREAS, an application has been filed for a Person-to-Person Transfer of Plenary Retail Consumption License Number 0424-33-003-004, heretofore issued to JVS Liquor, Inc. for premises located at 2 South Centre Street, Merchantville, New Jersey; and

WHEREAS, the submitted application form is complete in all respects, the transfer fees have been paid and the license has been properly renewed for the current license term; and

WHEREAS, the applicant is qualified to be licensed according to all standards established by Title 33 of the New Jersey Statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with Title 33; and

WHEREAS, the applicant is fully aware and accepts the terms and conditions of the Resolution adopted by the Borough Council of the Borough of Merchantville on September 22, 1997, attached hereto and made a part of this Resolution; and

WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and all additional financing obtained in connection with the license business;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Merchantville does hereby approve, effective December 18, 2007, the transfer of the aforesaid Plenary Retail Consumption License to Manasor, Inc., and does hereby direct the Borough Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to Manasor, Inc., effective December 18, 2007".

AND IT IS FURTHER RESOLVED that this applicant acknowledges and accepts the terms and conditions of this historically issued Plenary Retail Consumption License Number 0424-33-003-003, as issued to PLK, Inc. for premises located at 2 South Centre Street, Merchantville, New Jersey, by Resolution adopted by the Borough Council of the Borough of Merchantville on September 22, 1997, attached hereto and made a part of this Resolution.

RESOLUTION-AUTHORIZING A FAIR AND OPEN PROCESS FOR SELECTING PROFESSIONALS:

On the Motion of Mr. Volkert and second of Mr. Finnegan, Council unanimously approved the following resolution:

R08-127

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

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 23, 2007.

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 10, 2007.

5. Commencing at 12:01 p.m. on December 10, 2007, 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.

PAYMENT OF BILLS:

On the motion of Mr. Zeiders, second of Mr. Volkert and a unanimous roll call vote, Council approved the following bills for payment:

EXAMINED AND FOUND CORRECT: (SIGNED ROBERT H. ZEIDERS)

November 19,2007

DEPARTMENT OF ACCOUNTS AND AUDITING HAS EXAMINED THE FOLLOWING BILLS AMOUNTING TO \$1,882,238.96 AND FINDS SAME TO BE CORRECT:

CURRENT FUND: (PER 11/19/07 CHECK REGISTER)

CHECKS DELIVERED

CHECK # 013048-013059 & 6 & 7
CHECK # 013060-013139

\$	168,172.97
\$	1,691,374.81
\$	1,859,547.78

DOG ACCOUNT: (PER 11/19/07 CHECK REGISTER)

CHECK # 000763

\$	22.80
\$	22.80

GENERAL CAPITAL ACCOUNT: (PER 11/19/07 CHECK REGISTER)

CHECK # 001426-001428

\$	15,602.72
\$	15,602.72

MERCHANTVILLE SEWER UTILITY: (PER 11/19/07 CHECK REGISTER)

CHECKS DELIVERED

CHECK #
CHECK #

\$	-
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PUBLIC ASSISTANCE TRUST FUND: (PER 11/19/07 CHECK REGISTER)

CHECK #

\$	-
\$	-

RECREATION COMMISSION: (PER 11/19/07 CHECK REGISTER)

CHECKS DELIVERED

CHECK # 002786

29.92

CHECK # 002787-002793

\$ 2,920.15

\$ 2,950.07

TRUST ACCOUNT - OTHER FUNDS: (PER 11/19/07 CHECK REGISTER)

CHECKS DELIVERED

CHECK #

CHECK #001140 & 001142

\$ -

\$ 836.40

\$ 836.40

UNEMPLOYMENT COMPENSATION: (PER 11/19/07 CHECK REGISTER)

CHECK #000340

\$ 3,279.19

\$ 3,279.19

TOTAL: \$ 1,882,238.96

DIRECTOR, DEPARTMENT OF ACCOUNTS AND AUDITING**R07-77**

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:

DISCUSSION-The Arts Festival would like to close Centre Street from Maple to Walnut Avenues on May 17 and 18, 2008. On the motion of Mr. Waldron and second of Mrs. Fields, Council unanimously approved the street closing.

ADJOURNMENT:

On the motion of Mr. Volkert and second of Mr. Finnegan, the meeting was adjourned at 8:46 PM.

 JOHN C. FRY
 BOROUGH CLERK