

Merchantville, NJ

November 22, 2004

A regular meeting of Borough Council was held at 7:30 PM, Monday, November 22, 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, and Finnegan

Council Absent: Alloway

Solicitor Higgins and Borough Clerk Thomas were present.

PUBLIC HEARING:

ORDINANCE – SALARIES & WAGES [POLICE CHIEF]: Mayor Brennan opened the public hearing on 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

There being no public comment, the hearing was closed.

ORDINANCE – AMENDMENT CHAPTER 25, FEES: Mayor Brennan opened the public hearing on 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

There being no public comment, the hearing was closed.

ORDINANCE - CHAPTER 94, ZONING: Mayor Brennan opened the public hearing on 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

There being no public comment, the hearing was closed.

PUBLIC: None

OLD BUSINESS:

ORDINANCE ADOPTION – SALARIES & WAGES [POLICE CHIEF]: On the motion of Mr. North, second of Mrs. Madden and a unanimous roll call vote, Council adopted 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

ORDINANCE ADOPTION – AMENDMENT CHAPTER 25, FEES: On the motion of Mrs. Madden, second of Mr. Pagano and a unanimous roll call vote, Council adopted 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

ORDINANCE ADOPTION - CHAPTER 94, ZONING: On the motion of Mrs. Madden, second of Mr. Finnegan and a unanimous roll call vote, Council adopted 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

NEW BUSINESS:

RESOLUTION – SALARIES & WAGES [POLICE CHIEF]: On the motion of Mr. North and second of Mrs. Madden, Council unanimously approved the following resolution:

R04-134

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY NEW JERSEY, AMENDING THE SALARY OF THE POLICE CHIEF FOR 2004

WHEREAS, the Mayor and Council of the Borough of Merchantville amended the maximum annual salary of the Police Chief by ordinance adopted November 22, 2004 and effective December 16, 2004;

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Council of the Borough of Merchantville hereby establishes the following specific salary retroactive to January 1, 2004:

POSITION
Police Chief

SALARY
\$97,718.52

RESOLUTION – APPOINTING REDEVELOPER FOR TOWN CENTER EAST PROJECT: Mr.

North noted that only AST provided preliminary plans with their completed Request for Qualifications.

Mr. Pagano and **Mayor Brennan** agreed that AST was best suited to perform the work at the proposed redevelopment site. **Mrs. Madden** stated that this is a very ambitious plan for a town of Merchantville's size. Mayor Brennan noted that the Planning Board and Historic Preservation Commission must first review the plans. Mr. Zeiders would like Council to have input into the agreement before it is signed. On the motion of Mr. North, second of Mr. Pagano and a 4-0-1 vote (Zeiders abstain), Council approved the following resolution:

R04-135

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY AUTHORIZING THE EXECUTION OF A DEVELOPER'S AGREEMENT WITH AST DEVELOPMENT CORPORATION, FOR PURPOSES OF IMPLEMENTING THE TOWN CENTRE EAST REDEVELOPMENT PLAN

WHEREAS, the Mayor and Council of the Borough of Merchantville, in the County of Camden and State of New Jersey on September 27, 2004 duly adopted a Redevelopment Plan entitled, Town Centre East Redevelopment Plan; and

WHEREAS, in order to implement the Town Centre East Redevelopment Plan and carry out the redevelopment projects in the area designated by the Redevelopment Plan, the Mayor and Council of the Borough of Merchantville has determined that it is necessary to designate a redeveloper for same; and

WHEREAS, the Borough has determined to designate AST Development Corporation as the redeveloper for the purpose of carrying out the Redevelopment Plan; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Council of the Borough of Merchantville hereby designates AST Development Corporation as the developer for the purpose of carrying out the redevelopment projects in the area designated by the Redevelopment Plan; and

IT IS FURTHER RESOLVED by the Mayor and Council of the Borough of Merchantville that this designation shall be effective immediately.

IT IS FURTHER RESOLVED that Patrick J. Brennan and Oren R. Thomas, IV, Mayor and Borough Clerk of the Borough of Merchantville, respectively, are hereby authorized to execute the appropriate Developer's Agreement with AST Development Corporation for the purpose of carrying out the redevelopment projects in the area designated by the Town Centre East Redevelopment Plan.

RESOLUTION – TRANSFER OVERPAYMENTS: On the motion of Mrs. Madden and second of Mr. Finnegan, Council unanimously approved the following resolution:

R04-136

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

WHEREAS, total tax payments for the year of 2004 resulted in overpayments and are being applied to outstanding balances in 2005 as follows:

Block	25	Norman Stinger	\$.09
Lot	7	59 Volan St	
Block	28.01	Betty Simon Trustee LLC	\$ 28.35
Lot	12	10 Chapel Ave	
Block	34	Nadine & Walter Alexandroff	\$ 1.00
Lot	4	12 E Maple-15 Maple Mews	
Qual	C0C15		
Block	40	Mr. & Mrs. Gutermuth	\$ 4.55
Lot	7	170 Prospect Ave	
Block	58	Brad Walker	\$116.22
Lot	13	13 N. Centre St	

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 stated above.

RESOLUTION – CANCELLATION OF TAXES: On the motion of Mrs. Madden and second of Mr. Finnegan, Council unanimously approved the following resolution:

R04-137

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE CANCELLATION OF TAXES DUE TO A SENIOR CITIZEN DISALLOWED IN ERROR

WHEREAS, an adjustment was erroneously made to disallow a senior citizen deduction of \$250 for 2002 on Block 43 Lot 3, resulting in misapplied payments to interest in subsequent years.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that property taxes be cancelled in the amounts shown below in the year and period of 2004, fourth quarter due to a senior citizen disallowance being added to the tax bill for 2002.

<u>BLOCK/LOT</u>	<u>NAME & ADDRESS</u>	<u>AMOUNT</u>
43/3	Grace Wheeler Estate 219 Plymouth Place Merchantville, NJ 08109	\$281.65

BE IT FURTHER RESOLVED THAT, all taxes on this property have been paid in full and on time.

RESOLUTION – 2004 RECYCLING TONNAGE GRANT: On the motion of Mr. Finnegan and second of Mr. North, Council unanimously approved the following resolution:

R04-138

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY
AUTHORIZING THE FILING FOR A 2004 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 2004 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 – APPROVING CLOSING COSTS FOR 19/21 SOUTH CENTRE STREET: On the motion of Mr. Pagano and second of Mr. Finnegan, Council approved (Zeiders abstain) the following resolution:

R04-139

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE EXPENDITURE OF SUMS RELATIVE TO 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,

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, Belgin Zafis (hereafter "Zafis") is the owner of real property more fully described as 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; and

WHEREAS, Merchantville wishes to purchase the above referenced property from Zafis for consideration in the amount of Two Hundred, Twenty-five Thousand (\$225,000.00) Dollars; and

WHEREAS, there may be the need for additional funds at the time of settlement for various closing costs, not to exceed Five Thousand (\$5,000.00) Dollars; and

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the Chief Financial Officer be and hereby is directed to issue checks in the amounts of Two Hundred, Twenty-five Thousand (\$225,000.00) Dollars and Five Thousand (\$5,000.00) Dollars, respectively, made payable to "Presidential Title" relative to the purchase of the real property by the Borough of Merchantville from Belgin Zafis, more fully described as 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.

ORDINANCE INTRODUCTION – SALARIES & WAGES [POLICE 2005]: On the motion of Mr. North and second of Mr. Finnegan, Council unanimously introduced the following ordinance:

04-25

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

The public hearing will be on December 13.

DISCUSSION – REQUEST FOR PROPOSAL'S [BOROUGH GARAGE]: Mayor Brennan stated the Borough needs to proceed with the process of reconstructing the garage in order to receive grant funds. **Mr. Zeiders** will contact Mr. Lammey regarding his plans.

DISCUSSION – 19/21 SOUTH CENTRE STREET REDEVELOPMENT: Mayor Brennan stated that closing was scheduled for December 1. A property-for-property swap is possible with Joseph Cuzzupe for Block 29, Lot 4. An appraisal must be done of Mr. Cuzzupe's property. **Mr. Pagano** noted that Mr. Cuzzupe must first inspect the 19/21 Centre Street property. Mayor Brennan stated that the Redeveloper would reimburse the Borough for property costs. Mr. Zeiders stated the Borough would need to be compensated for any difference in the appraised value of the two properties. On the motion of Mr. North and second of Mr. Pagano, Council approved that an appraisal be performed on Block 29, Lot 4.

RESOLUTION – PROFESSIONAL SERVICES CONTRACT: On the motion of Mrs. Madden and second of Mr. Pagano, Council unanimously approved the following resolution:

R04-140**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AWARDING PROFESSIONAL SERVICES CONTRACT TO ROBERT A. BAXTER**

WHEREAS, N.J.S.A. 40:87-15 authorizes appointments as the Borough Council may deem necessary; and

WHEREAS, there exists a need for certain legal services; 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 Robert A. Baxter, Mount Holly, New Jersey in an amount of \$125.00 per hour, plus out of pocket expenses. 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.

PAYMENT OF BILLS – PETTY CASH: None

ANNOUNCEMENTS:

League of Municipalities: Mayor Brennan announced that the annual conference was very productive and enjoyable.

Party – Chief of Police: Mr. North stated that a luncheon would be held for Chief Robert Ward on November 29 at Borough Hall. A party will be held for Wayne Bauer on December 11. He will be sworn in at the December 13 Council meeting.

Community Center Caretaker: Mr. Pagano would like to amend the compensation for post-party clean up from \$50 to \$60 per event.

ADJOURNMENT: There being no further business, on the motion of Mr. Zeiders and second of Mr. Pagano the meeting was adjourned at 8:32 PM.

OREN R. THOMAS IV
BOROUGH CLERK