

2-9-09

Merchantville, NJ

February 9, 2009

A regular meeting of Borough Council was held at 7:30 PM, Monday, February 9, 2009. 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, Brennan, Perno, Brunton, Waldron, and Fields
Borough Clerk Denise Brouse and Tim Higgins were present.

PUBLIC HEARING ON ORDINANCES-On a motion of Mr. Alloway and second of Mrs. Fields, Council opened the public hearing on the following Ordinance.

ORDINANCE-09-05 Authorizing financing of redevelopment project

ORDINANCE 09-05

BOND ORDINANCE AUTHORIZING THE FINANCING OF A REDEVELOPMENT PROJECT IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,200,000 THEREFOR; 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 \$1,200,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), and the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State of New Jersey, as amended and supplemented, as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$1,200,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,200,000.

Section 3. The sum of \$1,200,000, to be raised by the issuance of bonds or bond anticipation notes, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$1,200,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$1,200,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the

purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$150,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the maximum amount of obligations to be issued for each said purpose; the maximum rate of interest the obligations are to bear; and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Amount of Obligation s</u>	<u>Maximu m Rate of Interest on Obligatio ns</u>	<u>Period of Usefulnes s</u>
A Implementation of a Redevelopment Project in the Borough of Merchantville, including, but not limited to the Acquisition <u>9 S. Centre St., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 2,</u> <u>5-7 E. Park Ave., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 3,</u> <u>13 S. Centre St., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 6 & 11,</u> <u>19 E. Park Ave., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 8,</u> <u>9 S. Centre St., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 9 & 15,</u> <u>15 S. Centre St., identified on the Official Tax Map of the Borough of Merchantville as Block 29, Lot 14,</u> <u>16 E. Park Ave., identified on the Official Tax Map of the Borough of Merchantville as Block 33, Lot 5,</u> <u>E. Park Ave., identified on the Official Tax Map of the Borough of Merchantville as Block 33, Lot 6 & 7,</u> <u>Railroad right of way, identified on the Official Tax Map of the Borough of Merchantville as Block 61, Lot 4 & 5,</u> all as a part of the Borough's previously adopted redevelopment plan and together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as more particularly described in the documentation on file and available for inspection during normal business hours in the office of the Borough Clerk .	\$1,200,000	\$1,200,000	8.00%	40 years

Section 8. Grants or other monies received will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,200,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 Clerk and available for inspection.

Section 12. The Borough hereby declares its intent to reimburse itself from the proceeds of the bonds or bond anticipation notes authorized by this Bond Ordinance pursuant to Income Tax Regulation Section 1.150-2(e), promulgated under the Internal Revenue Code of 1986, as amended ("Code"), for "original expenditures", as defined in Income Tax Regulation Section 1.150-2(c)(2), made by the Borough prior to the issuance of such bonds or bond anticipation notes.

Section 13. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

(b) it will not make any use of the proceeds of the bonds or bond anticipation notes or do or suffer any other action that would cause the bonds or bond anticipation notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Code and the Regulations promulgated thereunder;

(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes; it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are 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 15. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

Section 16. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

Date of Introduction: January 26, 2009

Date of Adoption: February 9, 2009

Notice of Pending Bond Ordinance and Summary

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Mayor and Borough Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, on January 26, 2009. It will be further considered for final passage, after public hearing thereon, at a meeting of the Mayor and Borough Council of the Borough of Merchantville to be held at the Merchantville Borough Municipal Building, 1 West Maple Avenue, Merchantville, New Jersey, on February 9, 2009 at 7:30o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Borough Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: BOND ORDINANCE AUTHORIZING THE FINANCING OF A REDEVELOPMENT PROJECT IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,200,000 THEREFOR; 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 \$1,200,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Amount of Obligation s</u>	<u>Maximu m Rate of Interest on Obligatio ns</u>	<u>Period of Usefulness</u>
A Implementation of a Redevelopment Project in the Borough of Merchantville, including, but not limited to the Acquisition <u>9 S. Centre St.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 2</u>, <u>5-7 E. Park Ave.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 3</u>, <u>13 S. Centre St.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 6 & 11</u>, <u>19 E. Park Ave.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 8</u>, <u>9 S. Centre St.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 9 & 15</u>, <u>15 S. Centre St.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 14</u>, <u>16 E. Park Ave.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 33, Lot 5</u>, <u>E. Park Ave.</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 33, Lot 6 & 7</u>, <u>Railroad right of way</u>, identified on the Official Tax Map of the Borough of Merchantville as <u>Block 61, Lot 4 & 5</u>, all as a part of the Borough's previously adopted redevelopment plan and together with the acquisition	\$1,200,000	\$1,200,000	8.00%	40 years

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<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Amount of Obligation</u>	<u>Maximum Rate of Interest on Obligations</u>	<u>Period of Usefulness</u>
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of all materials and equipment and completion of all work necessary therefore or related thereto, all as more particularly described in the documentation on file and available for inspection during normal business hours in the office of the Borough Clerk .

Appropriation:	\$1,200,000
Bonds/Notes Authorized:	\$1,200,000
Grants (if any) Appropriated:	None
Section 20 Costs:	\$150,000
Useful Life:	40.00 years

PUBLIC HEARING:

Gail Ford, 135 N. Centre Street, represented Merchantville Tax Payer's league for 20 years. They have sponsored events. They didn't try to stop the Maple/Chaple redevelopment. Believes it is a sound investment. Dismayed by Mayor's letter and she supports the town businesses. Applauds sewer repair plan. They have 8 questions for the Mayor.

Alice Dymond, 105 Westminster Avenue, are we obligated to buy PNC Bank? Do you think you will use extra money to purchase Verizon buildings? Approximately how many years on Bond? **Mayor North** responded that we may purchase Verizon lot with this. Are proceeds from Maple/Chaple being used to Town Center East,? Mr. Higgins replied yes, \$60,000. We should be careful purchasing properties that are paying school taxes.

Robert Disch, 23 E. Chestnut Avenue, read from website. What is Merchantville Tax Payer League info.? He thinks he owes Gail an apology.

Marvin Gaskill, 102 Chestnut Avenue, Redevelopment Plan conforms to Master Plan (should date the copy "2007" of Master Plan) Will the Historic Preservation Committee have future input on the project?

Tom Evaul, 25 St. James Place, asked several times regarding \$950,000 for sale of PNC and land adjacent to it. We have a possible deal with a Restaurant. Do we have a contract?

Mayor North responded that they are working on state funding and can't sign a contract until this is approved. Mr. Evaul asked have you run figures? Will you share them with Council and with the Public? Does Council want to approve at this time? Council states yes. Do we have a plan B? Please update residents on web site regarding EMS, etc. Residents are stockholders.

Mr. Brunton met with Mayor and is in full agreement on Ordinance.

Jane Howell, 121 Leslie Avenue, asked when will it be purchased? Will taxes be collected on property? **Mayor North** replied that we will work out a deal.

Thomas Woltjen, 23 W. Walnut Avenue, it is a great opportunity for town and families. Unique industry, supports project.

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Karen Foster, 51 Volan Street, questioned return on investment. Maple/Chaple did we make \$60,000? In support of project.

Walt Werner, 207 Hamilton, concerned about the project knowing about current economy. It scares me. **Mayor North** responded that he is trying to keep Merchantville an ongoing community by making investments for the Borough. This is an ongoing business that they feel will succeed. **Mr. Werner** asked do we have guarantees? Make sure Council is aware of economy.

Kevin Barnett, 121 Browning Road, regarding Maple/Chaple what time frame did we buy and sell. **Mr. Higgins** replied between 18 and 24 months time frame.

Gail Ford, 135 N. Centre Street, asked if they were our properties for 4 or 5 years? Lost taxes of about \$15, 000 per year. Will we sell PNC lots? **Mayor North** replied that property in back is up for Redevelopment Plan. **Ms. Ford** asked is Brew Pub what we are looking at doing? Liquor license is needed? How? Will the Borough have to own the property? **Mayor North** replied yes and leased for 15 years.

George Moore, 24 W. Cedar Avenue, the letter brought me out tonight. Do we only have a verbal agreement? Can it be broken? **Mayor North** replied I don't believe it will be broken. They lose financing if they sign.

Dick Leach, 19 Alexander Avenue, here because of flyer. Understands what is being proposed but has many questions. We don't belong in the real estate business, there should be a separation.

Tom Evaul, 25 St. James Place, Thanks to Mayor and Council for information tonight. Need and will have official website and newsletter for information.

Alex Woschenko, 8 Morris Street, What happens in 15 years if they go bankrupt? Similar to Lobster Trap in Pennsauken. Economy is tough, consider it.

Gene DePasco, 20 W. Chestnut, can letter from town homes be changed in Ordinance?

George Shay, 20 W. Chestnut, mouthpiece for all residents. Does state over ride the Boro Ordinance?

Tom Evaul, 25 St. James Place, letter that Conifer signed may be rewritten and add the statement not to have group homes in townhouses.

Engineer's Report-Consulting Engineer Services provided a written project status report to Council.

CORRESPONDENCE: none

COUNCIL REPORTS:

Mr. Alloway gave the Police report. Website for Police listing drunk driving. OSHA items complete.

Mr. Brennan reported on Fire Dept. and met to revamp fire inspection costs. February 10-17 fire drills. Also reported on the Court, met and discussed objectives. Public events meeting February 5th and set date every 3rd Monday of Month. March 16th Newsletter & web site

negotiations.

Mr. Perno reported Borough property inspection was conducted by Mayor and Anthony. Roof repair at Community Center and Contract with PSE & G will maintain our Boiler Contract. CDBG waiting for money's & budget. What we got last year.

Mr. Brunton reported that records & license not able to do a report on Emergency Management last month. Also gave the Public Works report, roads salted, removed trees, Santa house removed. DOT inspections began. Emissions refit for trucks on vehicle that will be paid by State. Personnel- Mr. Bajaka terminated, Mr. Hebler gave 2 weeks notice. Add in Courier Post for two positions.

Mr. Waldron reported that Shade Tree will meet on 2nd Thursday. Tree survey is being completed. Will plant 50 trees in spring. April 4th is egg hunt.

Mrs. Fields gave EMS update from Pennsauken. There are no problems. Held Time Card & Personnel Meeting. Planning Board meeting on 2/10 was cancelled. Auditors are here.

OLD BUSINESS: Ordinance for second reading and adoption.

RESOLUTION: On the motion of Mr. Brennan and second of Mr. Waldron, Council approved the amending of following Ordinance to remove certain properties.

On the motion of Mrs. Fields and second of Mr. Brennan, Council unanimously approved the following Ordinance as amended:

ORDINANCE 09-05

BOND ORDINANCE AUTHORIZING THE FINANCING OF A REDEVELOPMENT PROJECT IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$1,200,000 THEREFOR; 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 \$1,200,000; MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING

BE IT ORDAINED by the Borough Council of the Borough of Merchantville, County of Camden, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), pursuant to the provisions of the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Bond Law"), and the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State of New Jersey, as amended and supplemented, as follows:

Section 1. The purposes described in Section 7 hereof are hereby authorized as general improvements to be made or acquired by the Borough of Merchantville, County of Camden, New Jersey ("Borough").

Section 2. It is hereby found, determined and declared as follows:

- (a) the estimated amount to be raised by the Borough from all sources for the purposes stated in Section 7 hereof is \$1,200,000; and
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$1,200,000.

Section 3. The sum of \$1,200,000, to be raised by the issuance of bonds or bond anticipation notes, are hereby appropriated for the purposes stated in this bond ordinance ("Bond Ordinance").

Section 4. The issuance of negotiable bonds of the Borough in an amount not to exceed \$1,200,000 to finance the costs of the purposes described in Section 7 hereof is hereby authorized. Said bonds shall be sold in accordance with the requirements of the Local Bond Law.

Section 5. In order to temporarily finance the purposes described in Section 7 hereof, the issuance of bond anticipation notes of the Borough in an amount not to exceed \$1,200,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell part or all of the bond anticipation notes from time to time at public or private sale and to deliver the same to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their date to delivery thereof. The Chief Financial Officer is hereby directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the bond anticipation notes pursuant to this Bond Ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the bond anticipation notes sold, the price obtained and the name of the purchaser.

Section 6. The amount of the proceeds of the obligations authorized by this Bond Ordinance which may be used for the payment of interest on such obligations, accounting, engineering, legal fees and other items as provided in Section 20 of the Local Bond Law, N.J.S.A. 40A:2-20, shall not exceed the sum of \$150,000.

Section 7. The improvements hereby authorized and the purposes for which said obligations are to be issued; the estimated costs of each said purpose; the maximum amount of obligations to be issued for each said purpose; the maximum rate of interest the obligations are to bear; and the period of usefulness of each said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Amount of Obligation s</u>	<u>Maximum Rate of Interest on Obligation s</u>	<u>Period of Usefulness</u>
A Implementation of a Redevelopment Project in the Borough of Merchantville, including, but not limited to the Acquisition <u>9 S. Centre St.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 2</u> , <u>5-7 E. Park Ave.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 3</u> , <u>13 S. Centre St.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 6 & 11</u> , <u>19 E. Park Ave.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 8</u> , <u>9 S. Centre St.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 9 & 15</u> , <u>15 S. Centre St.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 29, Lot 14</u> , <u>16 E. Park Ave.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 33, Lot 5</u> , <u>E. Park Ave.</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 33, Lot 6 & 7</u> , <u>Railroad right of way</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 61, Lot 4 & 5</u> ,	\$1,200,000	\$1,200,000	8.00%	40 years

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all as a part of the Borough's previously adopted redevelopment plan and together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as more particularly described in the documentation on file and available for inspection during normal business hours in the office of the Borough Clerk .

Section 8. Grants or other monies received will be applied to the payment of, or repayment of obligations issued to finance, the costs of the purposes described in Section 7 above.

Section 9. The supplemental debt statement provided for in Section 10 of the Local Bond Law, N.J.S.A. 40A:2-10, was duly filed in the office of the Clerk prior to the passage of this Bond Ordinance on first reading and a complete executed duplicate original thereof has been filed in the Office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. The supplemental debt statement shows that the gross debt of the Borough, as defined in Section 43 of the Local Bond Law, N.J.S.A. 40A:2-43, is increased by this Bond Ordinance by \$1,200,000 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 10. The full faith and credit of the Borough are irrevocably pledged to the punctual payment of the principal of and interest on the bonds or bond anticipation notes authorized by this Bond Ordinance, and to the extent payment is not otherwise provided, the Borough shall levy ad valorem taxes on all taxable real property without limitation as to rate or amount for the payment thereof.

Section 11. The Capital Budget is hereby amended to conform with the provisions of this Bond 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 Clerk and available for inspection.

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Section 13. The Borough hereby covenants as follows:

(a) it shall take all actions necessary to ensure that the interest paid on the bonds or bond anticipation notes is exempt from the gross income of the owners thereof for federal income taxation purposes, and will not become a specific item of tax preference pursuant to Section 57(a)(5) of the Code;

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(c) it shall calculate or cause to be calculated and pay, when due, the rebatable arbitrage with respect to the "gross proceeds" (as such term is used in Section 148(f) of the Code) of the bonds or bond anticipation notes;

(d) it shall timely file with the Ogden, Utah Service Center of the Internal Revenue Service, such information report or reports as may be required by Sections 148(f) and 149(e) of the Code; and

(e) it shall take no action that would cause the bonds or bond anticipation notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 14. The improvements authorized hereby are not current expenses and are 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.

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Date of Introduction: January 26, 2009

Date of Adoption: **February 9, 2009**

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2-9-09

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Amount of Obligations</u>	<u>Maximum Rate of Interest on Obligations</u>	<u>Period of Usefulness</u>
Borough of Merchantville as <u>Block 33, Lot 6 & 7,</u> <u>Railroad right of way</u> , identified on the Official Tax Map of the Borough of Merchantville as <u>Block 61, Lot 4 & 5,</u> all as a part of the Borough's previously adopted redevelopment plan and together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as more particularly described in the documentation on file and available for inspection during normal business hours in the office of the Borough Clerk .				
Appropriation:	\$1,200,000			
Bonds/Notes Authorized:	\$1,200,000			
Grants (if any) Appropriated:	None			
Section 20 Costs:	\$150,000			
Useful Life:	40.00 years			

NEW BUSINESS:

RESOLUTIONS to be approved by consent agenda: On the motion of Mr. Perno and second of Mrs. Fields, Council approved the following resolutions by Consent Agenda:

R09-29

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE 2009 HELO TELECOMMUNICATION CONTRACT

WHEREAS, the Mayor and Council of the Borough of Merchantville wish to provide certain telecommunication service for the Police Department; and

WHEREAS, a contract has been offered to the Borough of Merchantville from Helo Innovative Telecom, Moorestown, New Jersey to allow a charge-for-call telephone and service for the police jail and detention facility for 2009;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville, be and hereby is authorized to execute the 2009 contract, attached hereto as Exhibit "A," providing for certain telecommunications service and equipment.

R09-30

RESOLUTION AUTHORIZING A ONE YEAR CONTRACT WITH OFFICE BASICS, INC. FOR (BID A-57, 2nd ONE YEAR OPTION) FOR OFFICE SUPPLIES UNDER THE CAMDEN COUNTY COOPERATIVE PRICING SYSTEMS, SYSTEM IDENTIFIER #57-CCCPs FOR A TERM COMMENCING FEBRUARY 1, 2009 THROUGH JANUARY 31, 2009

WHEREAS, by resolution adopted July 19, 2006, the Camden County Board of Chosen Freeholders awarded the low bid of Office Basics, 22 Creek Circle, Boothwyn, PA 19061, for A-57, Copy and Computer Paper and Envelopes for Camden County and for the Camden County

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Cooperative Pricing System, Section A, Item Number 1, 2, 3 & 4; Section B, Item Number 1; Section D, Item Number 1 and Section E, Item Numbers 1, 2, 3, 4, 5 & 7; and

WHEREAS, the Camden County Board of Chosen Freeholders has awarded an extension of the contract at a cost of 74% off of the catalog prices specified in Bid A-57 for a one year term commencing February 1, 2009 and terminating January 31, 2009; and

WHEREAS, Camden County has authorized each participating municipality to enter into a contract directly with Office Basics pursuant to the terms and conditions of this after award by its governing body in accordance with applicable law;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that the proper officials be and are hereby authorized to extend the contract with Office Basics, 22 Creek Circle, Boothwyn, PA pursuant to the terms and conditions of this bid for a period of one-year; and

BE IT FURTHER RESOLVED that funding for this purpose for the Borough of Merchantville shall not exceed the maximum line items for office supplies in the Borough's 2009 temporary and/or permanent budget and shall be encumbered prior to incurring the obligation pursuant to NJAC 5:30-5.3(b)(2).

R09-31

**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>
20/8	16 Morris St	\$2082.74

Check to be made to: Rosetta & Christopher Clarke
9 Euclid Ave
Merchantville NJ 08109

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.

R09-32

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE BOROUGH TO
GO OUT TO BID FOR TOWING SERVICES**

WHEREAS, the Mayor and Council of the Borough of Merchantville wish to go out to bid for towing services;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby is authorized to requests bids for towing services for the Borough.

Resolution 09-33

2-9-09

WHEREAS, the Borough Council of the Borough of Merchantville, County of Camden, desires to constitute the 2009 Temporary Capital budget of said municipality by inserting therein

Financing a Redevelopment Project

Estimated Total Cost	\$1,200,000
Amount of Obligations	1,200,000
Period of Usefulness	40 Years

NOW, THEREFORE, BE IT RESOLVED that the Borough Council of the Borough of Merchantville, County of Camden as follows:

Section 1. 2009 Temporary Capital Budget of the Borough of Merchantville, County of Camden is hereby constituted by the adoption of a schedule to read as follows:

Financing a Redevelopment Project

Estimated Total Cost	\$1,200,000
Amount of Obligations	1,200,000
Period of Usefulness	40 Years

Section 2. The Clerk be and is authorized and directed to file a certified copy of this resolution with the Division of Local Government Services, Department of Community Affairs, State of New Jersey, within three days after the adoption of these projects for 2009 Temporary Capital Budget, to be included in the 2009 Permanent Capital Budget as adopted.

The following Resolution was a Walk On Resolution that was added to the Consent Agenda:

R09-35

RESOLUTION OF SUPPORT

2009 RECREATIONAL TRAILS PROGRAM GRANT APPLICATION

CHESTNUT AVENUE PEDESTRIAN/ BIKEWAY EXTENSION

BOROUGH OF MERCHANTVILLE, CAMDEN COUNTY, NEW JERSEY

WHEREAS, the Borough of Merchantville has prepared and submitted an application to the New Jersey Department of Environmental Protection, Office of Natural Lands Management for the 2009 Recreational Trails Program Grant;

WHEREAS, the National Recreational Trails Program, a part of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU), provides monies to states for developing trails and trail facilities;

WHEREAS, these funds will be made available to federal, state, county and local governments, and non-profit agencies. New Jersey's program is administered by the Office of Natural Lands Management in the Division of Parks and Forestry;

WHEREAS, the Borough of Merchantville has applied for funding for the construction of a new, 8 feet wide bikeway to parallel the existing shared use path along Chestnut Avenue, from Euclid Avenue to Alexander Avenue. This new path would be designated for bicycle use only. Bicycles would be restricted from the existing path.

The project further consists of the construction of an 8 feet wide bikeway and a separate 8 feet wide pedestrian use path continuing from Alexander Avenue and extending to Cove Road and will include various bikeway amenities including benches, bike racks and trash receptacles.

APPROVAL- Council discussed and approved St. Peter's request to have processions on April 10, 2009, May 3, 2009 and June 13. 2009.

FINANCIAL REPORTS

2-9-09

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

**R09-34
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 Current Fund	Bill List Summary	February 9, 2009
Checks Current Fund	2008 Budget	\$28,700.46
	2009 Budget	\$518,243.39
	State / Federal Grants	\$6,114.60
	Debt Service	
Revenue Current Fund	Board of Education	\$1,061,176.50
		\$1,635.99
	Checks Delivered	241.09
Total Current		\$1,616,112.03
Sewer Utility Fund	2008 Budget	\$1,426.50
	2009 Budget	
	Debt Service	
	Checks Delivered	\$10,571.75
Total Sewer		\$11,998.25
Recreation Commission	2008 Budget	
	2009 Budget	\$740.89
	Checks Delivered	
	Total Recreation	\$740.89
General Capital Fund	2008 Budget	
	2009 Budget	\$33,530.60
	Checks Delivered	
	Total Capital	\$33,530.60
Trust-Other Fund	2009 Budget	\$6,966.73
	Checks Delivered	
	Total Trust	\$6,966.73
Animal Trust Unemployment	2009 Budget	\$4.80
	2009 Budget	
	Checks Delivered	
	Total	\$4.80
Total Bill list		\$1,669,353.30

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DIRECTOR OF ACCOUNTS & AUDITING
PATRICIA FIELDS

ATTEST:

APPROVED:

FRANK M. NORTH
MAYOR

DENISE L. BROUSE
BOROUGH CLERK

February 9, 2009

ANNOUNCEMENTS:

ADJOURNMENT: On the motion of Mrs. Fields and second of Mr. Waldron, the meeting was adjourned.

DENISE L. BROUSE

DENISE BROUSE

BOROUGH CLERK
BOROUGH CLERK