

Merchantville, NJ

April 27, 2009

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 27, 2009. Mayor Frank 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 CFO Denise Moules and Mr. Gulligan were present.

PUBLIC:

Gail Ford, 135 N. Centre Street, spoke regarding bond /bike path, \$150,000, Pilot Money? Chestnut Station & Maple Chapel. Budget showed actual \$11,500 or \$12,500 2008 vs 2009. Maple Chapel \$11,500 and school will receive \$7,000 based on land value & building value to school. What is it based on? Is it making the school whole. Budget recommendations from public? Did council look at job descriptions regarding job certs.? We have job descriptions on file.

OLD BUSINESS: None**NEW BUSINESS:**

RESOLUTION 09-63 Read Budget by Title Only: On the motion of Mr. Alloway and second of Mrs. Fields, Council approved the following resolution:

09-63

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
GIVING APPROVAL TO READ BUDGET BY TITLE ONLY**

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that the budget shall be read by title only.

RESOLUTION 09-62 Authorizing Temporary Emergency Appropriations: On the motion of Mr. Alloway and second of Mr. Brennan, Council approved the following resolution:

09-62

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AUTHORIZING TEMPORARY EMERGENCY APPROPRIATIONS**

WHEREAS, adoption of the 2009 Municipal Budget has been delayed; and
WHEREAS, no provision was made in the 2009 Temporary Budget for budget appropriations beyond March 31, 2009; and

WHEREAS, NJSA 40A:4-20 provides for the creation of an emergency temporary appropriation for operating expenditures when the adoption of the Municipal Budget has been delayed; and

WHEREAS, the total emergency operating expenditures for the second quarter of 2009 are expected to be \$ 1,061,874.44 for the Current Fund and \$ 89,656.61 for the Sewer Fund;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville in accordance with the provisions of NJSA 40A:4-20 that:
 An emergency temporary appropriation in the amount of \$1,061,874.44 for the Current Fund and \$ 89,656.61 for the Sewer Fund is hereby made.

That said emergency temporary appropriations have been provided for in the 2009 Municipal Budget.

RESOLUTION 09-64 Introduce 2009 Budget: On the motion of Mr. Brennan and second of Mr. Perno, Council approved the following resolution:

R09-64

MUNICIPAL BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY FOR THE FISCAL YEAR 2009

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2009;

BE IT FURTHER RESOLVED, that said Budget be published in The Retrospect in the issue of May 1, 2009. The Governing Body of the Borough of Merchantville does hereby approve the following as the Budget for the year 2009.

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

R09-65

AMENDING RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE PURCHASE OF BOROUGH OFFICE EQUIPMENT AND FURNITURE

WHEREAS, the Borough Council of the Borough of Merchantville is desirous of purchasing office equipment and furniture for the Borough Hall in accordance with Ordinance 07-09, 04-12 account C-04-55-824-905; and

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

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted for the purchase of office equipment and furniture for the Borough Hall from Concord Products, 251 Benigno Avenue, Bellmawr, NJ 08031, State Contract #A57048 & #A69976 estimate #A57048, at a total cost of \$22,236.13.

09-66

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE 2009 SHARED SERVICE AGREEMENT WITH CAMDEN COUNTY FOR ACCESS TO THE COUNTY ARMORED VEHICLE FOR CERTAIN CRITICAL INCIDENTS

WHEREAS, the Mayor and Council of the Borough of Merchantville wish to participate in the shared service agreement with Camden County for Access to the County's Armored Vehicle for Certain Critical Incidents; and

WHEREAS, the Camden County Board of Chosen Freeholders authorized the agreement on January 22, 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 agreement effective May 1, 2009 to December 31, 2009, attached hereto as Exhibit "A," providing for participation with Camden County Armored Vehicle for Certain Critical Incidents.

ORDINANCES FOR INTRODUCTION ON FIRST READING

09-08

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN STATE OF NEW JERSEY FOR THE CALENDAR YEAR 2009 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Governing Body of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2009 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Governing Body hereby determines that a 1 % increase in the budget for said year, amounting to \$ 34,462.79 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Governing Body hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Governing Body of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2009 budget year, the final appropriations of the Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5 %, amounting to \$ 122,828.92, and that the CY 2009 municipal budget for the Merchantville be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

09-09

BOROUGH OF MERCHANTVILLE, NEW JERSEY BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS PIECES OF EQUIPMENT AND COMPLETION OF VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY;

APPROPRIATING THE SUM OF \$679,300 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 \$189,335; 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, 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 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 \$679,300;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$189,335; and
- (c) a down payment in the amount of \$9,965 for the purposes stated in Section 7 hereof is currently available in accordance with the requirements of Section 11 of the Local Bond Law, N.J.S.A. 40A:2-11.

Section 3. The sum of \$189,335, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,965, which amount represents the required down payment, and the sum of \$480,000, which amount represents grants from the New Jersey Department of Transportation, 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 \$189,335 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 \$189,335 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 \$135,000.

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 amount of down payment for each said purpose; the amount of available grants for each said purpose; the maximum amount obligations to be issued for each said purpose 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>Down Payme nt</u>	<u>Grant / Aid</u>	<u>Amount of Obligations</u>	<u>Period of Usefulnes s</u>
A.	Reconstruction of and Improvements to Morris Avenue and Prospect Avenue, together with the installation of Curb Cuts along Maple Avenue, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$494,300	\$8,215	\$330,000	\$156,085	10 years
B.	Reconstruction of and Improvements to the Borough's Bike Path, all as more particularly described in the records on file in the office of the Borough Clerk, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	150,000	0	150,000	0	N/A
C.	Acquisition of Various Equipment for the Police Department including, but not limited to Vehicle Camera Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	35,000	1,750	0	33,250	7 years
	TOTAL	\$679,300	\$9,965	\$480,000	\$189,335	

Section 8. The average period of useful life of the several purposes for the financing of which this bond ordinance authorizes the issuance of bonds or bond anticipation notes, taking into consideration the respective amounts of bonds or bond anticipation notes authorized for said several purpose, is not less than 9.47 years.

Section 9. Grants in addition to those identified in Section 7 above or other monies received from any governmental entity, if any, 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 10. 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 \$189,335 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

Section 11. 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 12. The applicable 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 13. 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 14. 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 authorized by the Bond Ordinance 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;

(d) it shall timely file with 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 15. 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 16. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 17. In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication after final passage.

09-10

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 71A, STORMWATER MANAGEMENT, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Chapter 71A, Stormwater Management, in the Code of the Borough of Merchantville is hereby amended as follows:

ARTICLE VII.

Yard Waste Collection Program

ARTICLE I. ARTICLE VII. SECTION 71A-23. Yard Waste Collection

It shall be a violation of this Ordinance to sweep, rake, blow, or otherwise place yard waste that is not containerized at the curb or along the street except on days designated by the Borough for scheduled yard waste vacuum pickup. Materials may be placed between the curb and the sidewalk (commonly referred to as the "grass strip") seven (7) days in advance of the posted days for yard waste vacuum pickup. The Borough Department of Public Works will post notification on each street ten (10) days in advance of the posted yard waste pickup. Placement of such yard waste at the curb or along the street at any other time or in any other manner is a

violation of this ordinance. If such placement of yard waste occurs, the party responsible for placement of the yard waste must remove the yard waste from the street within twenty-four (24) hours of formal notification or said party shall be deemed in violation of this ordinance.

ARTICLE VIII.

General Provisions

ARTICLE II. ARTICLE VIII.

SECTION 71A-25. Violations and penalties.

Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Borough of Merchantville, or such other court having jurisdiction, be liable to a fine not exceeding \$2,000.00, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding 90 days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.

ARTICLE X.

Private Storm Drain Retrofitting

ARTICLE III. ARTICLE X.

SECTION 71A-43. Purpose

An ordinance requiring the retrofitting of existing storm drain inlets which are in direct contact with repaving, repairing, reconstruction, or resurfacing or alterations of facilities on private property, to prevent the discharge of solids and floatables (such as plastic bottles, cans, food wrappers and other litter) to the municipal separate storm sewer system(s) operated by the Borough of Merchantville so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE IV.

ARTICLE X.

SECTION 71A-44. Definitions

For the purpose of this Article, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying stormwater.

B. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

C. Storm drain inlet – an opening in a storm drain used to collect stormwater runoff and includes, but is not limited to, a grate inlet, curb-opening inlet, slotted inlet, and combination inlet.

D. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE V. ARTICLE X.

SECTION 71A-45. Prohibited Conduct

No person in control of private property (except a residential lot with one single family house) shall authorize the repaving, repairing (excluding the repair of individual potholes), resurfacing (including top coating or chip sealing with asphalt emulsion or a thin base of hot bitumen) reconstructing or altering any surface that is in direct contact with an existing storm drain inlet on that property unless the storm drain inlet either:

A. Already meets the design standard below to control passage of solid and floatable materials; or

B. Is retrofitted or replaced to meet the standard in Section 71A-46 below prior to the completion of the project.

ARTICLE VI. ARTICLE X. SECTION 71A-46. Design Standards

Storm drain inlets identified in Section 71A-45 above shall comply with the following standard to control passage of solid and floatable materials through storm drain inlets. For purposes of this paragraph, "solid and floatable materials" means sediment, debris, trash, and other floating, suspended, or settleable solids. For exemptions to this standard, see Section 71A-46(C) below.

A. Design engineers shall use either of the following grates whenever they use a grate in pavement or another ground surface to collect stormwater from the surface into a storm drain or surface water body under the grate:

1. The New Jersey Department of Transportation (NJDOT) bicycle safe grate, which is described in Chapter 2.4 of the NJDOT Bicycle Compatible Roadways and Bikeways Planning and Design Guidelines (April 1996); or

2. A different grate, if each individual clear space in that grate has an area of no more than seven (7.0) square inches, or is no greater than 0.5 inches across the smallest dimension.

Examples of grates subject to this standard include grates, in grate inlets, the grate portion (non-curb-opening portion) of combination inlets, grates on storm sewer manholes, ditch grates, trench grates, and grates of spacer bars in slotted drains. Examples of ground surfaces include surfaces of roads (including bridges), driveways, parking areas, bikeways, plazas, sidewalks, lawns, fields, open channels, and stormwater basis floors.

B. Whenever design engineers use a curb-opening inlet, the clear space in that curb opening (or each individual clear space, if the curb opening has two or more clear spaces) shall have an area of no more than seven (7.0) square inches, or be no greater than two (2.0) inches across the smallest dimension.

C. This standard does not apply:

1. Where the municipal engineer agrees that this standard would cause inadequate hydraulic performance that could not practicably be overcome by using additional or larger storm drain inlets that meet these standards.

2. Where flows are conveyed through any device (e.g. end of pipe netting facility, manufactured treatment device, or a catch basin hood) that is designed, at a minimum, to prevent delivery of all solid and floatable materials that could not pass through one of the following:

i. A rectangular space four and five-eighths inches long and one and one-half inches wide (this option does not apply for outfall netting facilities); or

ii. A bar screen having a bar spacing of 0.5 inches.

3. Where flows are conveyed through a trash rack that has parallel bars with one-inch (1") spacing between the bars; or

4. Where the New Jersey Department of Environmental Protection determines, pursuant to the New Jersey Register of Historic Places Rules at N.J.A.C. 7:4-7.2(c), that action to meet this standard is an undertaking that constitutes an encroachment or will damage or destroy the New Jersey Register listed historic property.

**ARTICLE XI.
Refuse Containers/Dumpsters**

ARTICLE VII. ARTICLE XI. SECTION 71A-47. Purpose

An ordinance requiring dumpsters and other refuse containers that are outdoors or exposed to stormwater to be covered at all times, and prohibits the spilling, dumping, leaking, or otherwise discharge of liquids, semi-liquids or solids from the containers to the municipal separate storm sewer system(s) operated by the Borough of Merchantville and/or the waters of

the State so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

ARTICLE VIII. ARTICLE XI. SECTION 71A-48. Definitions

For the purpose of this ordinance, the following terms, phrases, words, and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

A. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Merchantville or other public body, and is designed and used for collecting and conveying stormwater.

B. Person – any individual, corporation, company, partnership, firm association, or political subdivision of this State subject to municipal jurisdiction.

C. Refuse container – any waste container that a person controls whether owned, leased, or operated, including dumpsters, trash cans, garbage pails, and plastic trash bags.

D. Stormwater – means water resulting from precipitation (including rain and snow) that runs off the land's surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

E. Waters of the State – means the ocean and its estuaries, all springs, streams and bodies of surface or ground water, whether natural or artificial, within the boundaries of the State of New Jersey or subject to its jurisdiction.

ARTICLE IX. ARTICLE XI. SECTION 71A-49. Prohibited Conduct

Any person who controls whether owned, leased, or operated, a refuse container or dumpster must ensure that such container or dumpster is covered at all times and shall prevent refuse from spilling out or overflowing. Any person who owns, leases or otherwise uses a refuse container or dumpster must ensure that such container or dumpster does not leak or otherwise discharge liquids, semi-liquids or solids to the municipal separate storm sewer system(s) operated by the Borough of Merchantville.

ARTICLE X. ARTICLE XI. SECTION 71A-50. Prohibition; Exceptions:

A. Permitted temporary demolition containers;
 B. Litter receptacles (other than dumpsters or other bulk containers);
 C. Individual homeowner trash and recycling containers;
 D. Refuse containers at facilities authorized to discharge stormwater under a valid NJPDES permit; or

E. Large bulky items (e.g. furniture, bound carpet and padding, white goods placed outside for pickup).

ARTICLE XI.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE XII.

This Ordinance shall take effect upon passage and publication according to law.

ANNOUNCEMENTS:

Clean up day is Saturday, April 25, Financial Disclosure Statements are due April 30th, there will be a web site meeting. Would anyone like to attend? There is a transportation infrastructure questionnaire, Summer Council meeting dates will be only the 2nd Monday of June, July and August. Borough summer hours will be beginning the week after Memorial Day. Windows are scheduled to be installed the end of April.

PRIVATE SESSION:

On the motion of Mr. Brennan and second of Mrs. Fields council adjourned to private session regarding matters of contract negotiations and possible litigation.

On a Motion of Mrs. Fields and second of Mr. Perno, Council voted to return to public session.

RESOLUTION 09-67 Authorizing Mayor to sign PSWMA documents: On the motion of Mr. Alloway and second of Mr. Brunton, Council approved the following resolution:

09-67

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE MAYOR, BOROUGH CLERK AND BOROUGH ATTORNEY TO EXECUTE THE SETTLEMENT DOCUMENTS RELATIVE TO THE PENNSAUKEN SOLID WASTE MANAGEMENT AUTHORITY (PSWMA) LITIGATION

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") was named as a Defendant in litigation brought in 1991 for certain damages as a result of its usage of the facility known as the "Pennsauken Landfill," (hereinafter "PSWMA"), then owned and operated by the Pollution Control Financing Authority of Camden County (hereinafter PCFACC), as successor in interest to the Pennsauken Solid Waste Management Authority; and

WHEREAS, a settlement has been reached in this litigation between the PCFACC and the eight (8) municipal defendants for a gross amount of \$1.25 million dollars; and

WHEREAS, the proportionate share of this settlement for Merchantville is \$242,165.00, representing the apportioned volume deposited by Merchantville at the Pennsauken Landfill during its operation by both Ward Sand and the PSWMA; and

WHEREAS, the settlement amount to be paid by Merchantville is subject to insurance coverage through The Hartford Insurance Company (75%), Travelers Insurance Company (18%) and ACE Property & Casualty Insurance Company (7%), who have tentatively agreed to pay this indemnity on behalf of Merchantville, subject to the completion of a contract regarding same; and

WHEREAS, the municipal defendants, including Merchantville, and PCFACC intend by virtue of this document to set forth the terms and conditions of this Agreement; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Frank M. North, Mayor of the Borough of Merchantville, Denise Brouse, Borough Clerk of the Borough of Merchantville and Timothy J. Higgins, Esquire, Borough Attorney of the Borough of Merchantville, be and hereby are authorized to execute the settlement documents, attached hereto as Exhibits "A" and "B", providing for the settlement of the above-referenced litigation on behalf of the Borough of Merchantville.

ADJOURNMENT: On the motion of Mr. Brennan and second of Mr. Alloway, the meeting was adjourned at 8:18 PM.

DENISE L. BROUSE

DENISE BROUSE

BOROUGH CLERK
BOROUGH CLERK