

Merchantville, NJ

June 9, 2008

A budget workshop was conducted beginning at 6:30PM

A regular meeting of Borough Council was held at 7:31 PM, Monday, June 9, 2008. Mayor Frank M. North presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL:

Council Present: Alloway, Fields, Volkert, Waldron and Brunton

Borough Clerk Fry, Deputy Clerk Brouse and Denise Moules were present.

PUBLIC HEARING ON ORDINANCE 08-04-ADOPT AMENDMENT TO ORDINANCE 53-2 NIGHT USE OF PARK/ COMMUNITY CENTER RESTRICTED**ORDINANCE 08-04****BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 53, PARKS, OF THE CODE OF THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 53, Parks, of the Code of the Borough of Merchantville, is hereby amended as follows:

ARTICLE I. SECTION 53-2 Night use of park and community center restricted.

It shall be unlawful for any person to enter or remain upon the grounds of Wellwood Park or the Merchantville Community Center for any purpose between 5:00 pm and 8:00 am during the time period in which Eastern Standard Time (EST) is being utilized, and between 8:00 pm and 8:00 am during the time period in which Eastern Daylight Time (EDT) is being utilized, except during the time such person is attending or participating in an event, program or other activity for which permission has been obtained from the appropriate authority.

ARTICLE II.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

ARTICLE III.

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

Tom Evaul, 25 St. James Place, regarding \$950,000 for PNC, what type of negotiations was there? Mayor North said they were protecting Boro financial interests. Mr. Evaul asked did Conifer sign an agreement to pay \$1500 for each unit sold? Mayor North stated that he will get the agreement. Mr. Evaul looked at budget, saw accounts that were increased over 25% of prior expenditures also asked about surplus.

ENGINEER'S REPORT:

Jay Simms of Consulting Engineer Services gave a written project status report. Mr. Alloway asked Mr. Brickley to reach out to the Chief on speed humps.

APPROVAL OF MINUTES:

On the Motion of Mr. Volkert and second of Mr. Alloway (Mr. Brunton abstained), council approved the 10/22/07 regular meeting minutes.

CORRESPONDENCE: none**COUNCIL REPORTS:**

Mrs. Fields reported that the Planning Board meeting will be tomorrow also the Code Enforcement meeting. EMS reported 80% response.

Mr. Waldron reported that there was good support for the birthday celebration & car show. May move Public Events meetings to Community Center. Shade Tree Committee meeting on May 8th. MBPA donated \$500 to Public Events.

Mr. Brunton reported there was no Office of Emergency Management activity. No report on Department of Public Works & Licenses.

Mr. Volkert gave the Fire Department report. There were 10 calls, 68 fire inspections & 9 life hazards. Airfill install is working. Kevin, Joe & Roy passed ICS 400. Mayor North asked if others could help in inspections.

Mr. Alloway gave the Police Report. There was a new record for traffic summons. Juvenile problems have been reduced. DARE graduation was June 12th. New County radio system will be installed on June 17th. Also reported on Court revenue.

ADMINISTRATOR REPORT:

John Fry, Borough Administrator, provided Council with a written report and outlined a few of the points.

NEW BUSINESS:

PROCLAMATION-HONORING LOCAL FIREFIGHTERS DEPLOYING TO IRAG-Mayor Frank North read the proclamation to Sean Donahue and Mike Lippincott and presented the originals to each of them.

ADOPT ORDINANCE 08-04 AMENDMENT TO ORDINANCE 53-2 NIGHT USE OF PARK/COMMUNITY CENTER RESTRICTED: On the motion of Mr. Alloway and second of Mrs. Fields, Council adopted the following Ordinance:

**ORDINANCE 08-04
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF
NEW JERSEY AMENDING CHAPTER 53, PARKS, OF THE CODE OF
THE BOROUGH OF MERCHANTVILLE**

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 53, Parks, of the Code of the Borough of Merchantville, is hereby amended as follows:

ARTICLE I. SECTION 53-2 Night use of park and community center restricted.

It shall be unlawful for any person to enter or remain upon the grounds of Wellwood Park or the Merchantville Community Center for any purpose between 5:00 pm and 8:00 am during the time period in which Eastern Standard Time (EST) is being utilized, and between 8:00 pm and 8:00 am during the time period in which Eastern Daylight Time (EDT) is being utilized, except during the time such person is

attending or participating in an event, program or other activity for which permission has been obtained from the appropriate authority.

ARTICLE II.

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

ARTICLE III.

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

RESOLUTION-ABC LIQUOR LICENSE RENEWALS: On the motion of Mr. Alloway and second of Mrs. Fields, Council unanimously approved the following resolution:

**R08-65
RESOLUTION TO RENEW ABC PLENARY RETAIL
DISTRIBUTION AND CONSUMPTION LICENSES**

WHEREAS, Mitchell Z Liquors, Inc., 11 West Park Avenue, and Shivani Beverage Corporation, 620-622 West Maple Avenue, have applied for renewal of their Plenary Retail Distribution License for the year ending June 30, 2009 and applications have been filed with checks to the Borough of Merchantville in the amount of \$800.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Brunton, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-002-008 to Mitchell Z Liquors, Inc. and Plenary Retail Consumption License #0424-44-001-007 to Shivani Beverage Corporation.

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted to award a contract to the lowest bidder, Paramount Enterprises, Cherry Hill, NJ, for the purpose of installation of handicapped accessible ramps at various locations for the amount of \$50,021.75.

RESOLUTION-TRANSFER BUDGET APPROPRIATIONS: On the motion of Mrs. Fields and second of Mr. Alloway, Council unanimously approved the following resolution:

**RESOLUTION R08-66
RESOLUTION AUTHORIZING BUDGET TRANSFERS**

WHEREAS, there are certain 2007 Budget Appropriations of the Borough of Merchantville with balances insufficient to meet requirements for operating Borough Affairs as indicated on the attached schedule; and

WHEREAS, there are 2007 Budget Appropriations with unexpended balances that are not needed for such purposes; and

WHEREAS, Revised Statutes 40A:4-59 provides for Transfers to those accounts having insufficient balances.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville that the following transfers are hereby approved as indicated on the attached schedule effective March 31, 2008.

Budget Description	Account Number	Transfer Out	Transfer In
Tax Collector S&W	7-01-20-708-101	10,000.00	
Code Enforcements Third Party Insp	7-01-22-725-253	11,000.00	

Group Insurance	7-01-23-733-000	37,000.00	
Finance Office Equipment/Services	7-01-20-705-203	5,000.00	
Stormwater Management	7-01-26-510-290	7,000.00	
Social Security			70,000.00

RESOLUTION-OPPOSSING-1455: On the motion of Mr. Brunton and second of Mrs. Fields, Council unanimously approved the following resolution:

**RESOLUTION 08-67
OPPOSING S-1455**

WHEREAS, Senate Bill 1455 calls for a referendum to consolidate the municipal tax assessor, municipal tax collector, municipal health services and municipal animal control services at the county, and;

WHEREAS, Senate bill 1455 does not give the municipality any option if the voters cast a majority to consolidate, and;

WHEREAS, consolidation would cause unnecessary hardship on citizens who rely on the municipal tax office for information and assistance, particularly the community's senior citizens who depend on tax offices for assistance in completing tax freeze and rebate forms. Without proper study there is no proof that consolidation will save any public money, and;

WHEREAS, Senate bill 1455 calls for a master plan for the consolidation of the tax assessment and tax collection functions after enactment of the proposal thus failing to provide voters with a factual basis on which to make a decision on the referendum, and;

WHEREAS, current state statutes place responsibility for tax assessment and tax collection under municipal jurisdiction, and;

WHEREAS, it is the municipality's responsibility to collect all property taxes due and distribute same to the other taxing authorities, as well as enforcing laws on delinquents, and;

WHEREAS, current statute provide for the reserve for uncollected taxes to be included in the municipal budget;

NOW, THEREFORE, BE IT RESOLVED, that the governing body of the Borough of Merchantville does hereby oppose the passage and enactment of Senate Bill 1455.

BE IT FURTHER RESOLVED, that a certified copy of this resolution be sent to Senate President Richard Codey, Senator Ronald Rice, Chairman of the Community & Urban Affairs Committee and Senator Diane B. Allen representing this district as a sign of our opposition to this proposal.

RESOLUTION-APPOINTING SPECIAL COUNCIL: On the motion of Mr. Volkert and second of Mr. Alloway, Council unanimously approved the following resolution:

**R08-68
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AWARDDING
PROFESSIONAL SERVICES CONTRACT TO JAMES B. EVANS, JR.**

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

WHEREAS, there exists a need for Special Council;

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 James B. Evans, Jr. in an amount not to exceed \$5,000.00. 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.

RESOLUTION-EMPLOYMENT SEPARATION AGREEMENT WITH BOROUGH ADMINISTRATOR:

On the motion of Mr. Alloway and second of Mr. Volkert, Council unanimously approved the following resolution:

RESOLUTION 08-69

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY RELATIVE TO THE SEPARATION FROM EMPLOYMENT OF THE BOROUGH ADMINISTRATOR OF THE BOROUGH OF MERCHANTVILLE

WHEREAS, N.J.S.A. 40A:9-138 provides the procedure for the separation of a Municipal Administrator from his office within a municipality; and

WHEREAS, the Borough Council of the Borough of Merchantville wishes to exercise its discretion under this statute relative to the employment of the Borough Administrator, John C. Fry; and

WHEREAS, it has been determined by the Mayor and Borough Council of the Borough of Merchantville that this Resolution is effective June 1, 2008; and

WHEREAS, it has been determined by the Mayor and Borough Council of the Borough of Merchantville that the ninety (90) day statutory time period will commence on June 1, 2008 and end on August 29, 2008; and

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to N.J.S.A. 40A:9-138, the Borough Council of the Borough of Merchantville wishes to exercise its discretion under this statute relative to the employment of the Borough Administrator, John C. Fry; and

BE IT FURTHER RESOLVED that the separation of a Municipal Administrator from his office within the Borough of Merchantville will occur on August 29, 2008.

BE IT FURTHER RESOLVED that this Resolution shall be and is effective June 1, 2008.

RESOLUTION-AUTHORIZING EXECUTION OF THE NEW JERSEY HISTORIC TRUST GRANT

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

R08-70

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY FOR EXECUTION OF THE NEW JERSEY HISTORIC TRUST GRANT APPLICATION

WHEREAS, the Borough Council of the Borough of Merchantville will apply for a grant from the New Jersey Department Historic Trust; and

WHEREAS, the Borough Council of the Borough of Merchantville desires to have Frank M. North, Mayor of the Borough of Merchantville, sign and execute any and all documents required with the completion and filing of said application and assurances;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Merchantville that Frank M. North, Mayor of the Borough of Merchantville, is authorized to sign the agreement and required assurances, as well as any other documents necessary in connection therewith.

RESOLUTION-COMMITTING TO MATCHING FUNDS FOR NEW JERSEY HISTORIC TRUST

GRANT: On the motion of Mr. Waldron and second of Mr. Volkert, Council unanimously approved the following resolution:

R08-71**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY PROVIDING MATCHING FUNDS FOR A NEW JERSEY HISTORIC TRUST PRESERVATION GRANT**

WHEREAS, the Merchantville Community Center possesses exceptional architectural and historical significance of great value for our Borough and Camden County; and

WHEREAS, the Community Center served as the clubhouse for the Merchantville Country Club for approximately 100 years; and

WHEREAS, the Community Center was originally part of the Burleigh estate prior to its relocation to the current site at Somerset and Greenleigh Avenues; and

WHEREAS, the Borough of Merchantville plans to submit a grant application to the New Jersey Historic Trust to cover 50% of the estimated total cost of \$1,500,000 to complete construction documents to specify the work needed and to carry out the restoration described in the Preservation Plan completed in 2007; and

WHEREAS, the Mayor and Council have recognized the need to maintain this historic asset for the Borough of Merchantville;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville that the Borough commits to funding 50% of the project costs, i.e., up to \$750,000; and

BE IT FURTHER RESOLVED, the commitment of \$750,000 should be further reduced by the acceptance as a cash match by the New Jersey Historic Trust of over \$60,000 of which has been previously expended to complete the 2007 Preservation Plan and improve the drainage at the Community Center; and

BE IT FURTHER RESOLVED, that the total commitment may be further reduced by an appropriation of \$500,000 that has been requested in the Federal budget and by a grant application for \$50,000 to the Camden County Open Space Trust Fund for building preservation.

RESOLUTION-PARKS AND PLAYGROUND PROGRAM SUPPLIES: On the motion of Mr. Alloway and second of Mr. Volkert, (Mrs. Fields abstained) Council approved the following resolution:

RESOLUTION 08-72**RESOLUTION AUTHORIZING ADVANCE PAYMENT TO PATRICIA FIELDS FOR THE 2008 PARKS AND RECREATION PROGRAM**

WHEREAS, N.J.S.A. 40A:5-16.1 permits the governing body of any local unit to authorize payment in advance toward expenses for authorized expenditures for Borough programs; and

WHEREAS, Patricia Fields of the Borough of Merchantville will need funds to purchase supplies for the Parks and Recreation Program scheduled from June 23, 2008 through July 25, 2008; and

WHEREAS, the Treasurer has certified that funds are available from the 2008 Recreation Commission budget, Recreation Commission Parks and Playgrounds, not to exceed \$500.00 to provide advance expense payments; and

WHEREAS, the Borough will verify their expenses and any excess cash will be repaid to the Borough along with a detailed bill of items or demand, and the certification or affidavit required by N.J.S.A. 40A:5-16 shall be submitted within 10 days after the completion of the Parks and Recreation Program for which the advance was made.

NOW, THEREFORE, BE IT RESOLVED that the treasurer is hereby instructed to make the above said payment to Patricia Field for Parks and Recreation Program expenses.

DISCUSSION-Shared Service-No police, no Court, No Fire. Public Works do now, want to keep control; Leave Collection=yes, Code Enforcement-need knowledge of town.

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

Borough of Merchantville	Bill List Summary	9-Jun-08
-------------------------------------	------------------------------	-----------------

Current Fund

Checks Current Fund	2007 Budget	
	2008 Budget	\$342,035.65
	State / Federal Grants	\$2,025.07
	Debt Service	0
	Board of Education	0.00
	Checks Delivered	\$113,486.83
Total Current		\$457,547.55

Sewer Utility Fund	2007 Budget	0
	2008 Budget	\$1,959.23
	Debt Service	0.00
	Checks Delivered	\$5,046.67
Total Sewer		\$7,005.90

Recreation Commission	2008 Budget	\$1,026.53
	Checks Delivered	\$685.00
Total Recreation		\$1,711.53

General Capital Fund	2008 Budget	\$4,345.20
	Checks Delivered	
Total Capital		\$4,345.20

Trust-Other Fund	2008 Budget	\$62.50
	Checks Delivered	\$486.84
Total Trust		\$549.34

Total Bill list		\$471,159.52
------------------------	--	---------------------

DIRECTOR OF ACCOUNTS & AUDITING
PATRICIA FIELDS

ANNOUNCEMENTS: Municipal Alliance has Riversharks tickets. Boy Scouts need help to send kids to camp.

PRIVATE:On the motion of Mr. Alloway and second of Mr. Volkert and a unanimous roll call vote, council adjourned into private session to discuss matters of personnel.

ADJOURNMENT:On the motion of Mr. Alloway and second of Mr. Volkert, the meeting was adjourned at 9:20 PM.

JOHN C. FRY
BOROUGH CLERK