

Merchantville, March 27, 2017

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, March 27, 2017. Mayor Edward 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: Swann, Kidd, Grasso, Sperrazza and McLoone. Clerk Brouse, CFO Moules and Attorney Higgins were present.

PUBLIC

PUBLIC HEARING ON ORDINANCE (for second reading and adoption) NONE

17-03 Amend Chapter 25, Fees

ADOPT ORDINANCE-17-03 Amend Chapter 25, Fees-On a motion of Mr. Grasso and second of Mr. Kidd, council adopted the following Ordinance.

17-03

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 25, FEES, 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 25, Article III, Subsection 14, FEES, of the Code of the Borough of Merchantville, is amended as follows:

ARTICLE III. CHAPTER 25 SECTION 25-14 Municipal Fees.

Article III, Chapter 25, Section 25-14 related solely to professional review fees associated with the review of applications made to the Joint Land Use Board of the Borough of Merchantville shall be amended to provide for the payment of the professional review escrow fees in accordance with Exhibit A attached hereto and made a part hereof.

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

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

ARTICLE III. CHAPTER SECTION 25-14 Municipal Fees.

The following schedule of fees is hereby added to the fees so listed in Section 14 of Article III. of Chapter 25 of the Code of the Borough of Merchantville, as follows:

<i>Alcoholic beverage licenses</i>	
Annual license: plenary retail consumption	\$1,500.00
Annual license: plenary distribution	\$1,500.00

Registration of defaulted Mortgage Property
\$500.00

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

PUBLIC HEARING ON ORDINANCE (for second reading and adoption) NONE

17-04 Amend Chapter 18A, Crane Operation and Licensing

ADOPT ORDINANCE-17-04 Amend Chapter 18A, Crane Operation and Licensing-On a motion of Mr. Sperrazza and second of Mr. Grasso, council adopted the following Ordinance.

17-04

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING ARTICLE III, MAINTENANCE OF VACANT PROPERTIES, IN CHAPTER 18A, CRANE OPERATION AND LICENSING, IN 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 18A, Crane Operation and Licensing, is hereby added to the Code of the Borough of Merchantville as follows:

ARTICLE I. SECTION 18A-21 Definitions.

As used in this Chapter, the following terms shall have the meanings indicated:

"Board" means: the Crane Operators License Advisory Board established pursuant to N.J.S.A. 45:26-3.

"Certification" means: certification from the National Commission for the Certification of Crane Operators or any other organization found by the Board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies.

"Commissioner" means: the Commissioner of Labor.

"Crane" shall be defined in accordance with N.J.S.A. 45:26-1 through 45:26-17 (Licensure of Crane Operators Act), hereafter referred to as the Crane Operator Licensure Act and the 1926 OSHA Crane and Derricks in Construction also known as OSHA Subpart CC.

"Crane operator" means: an individual engaged in the operation of a crane.

"Crane related experience" means: operating, inspecting, training and maintenance experience acceptable to the board.

"Practical examination" means: an examination demonstrating the applicant's ability to safely operate a particular category or type of crane. Practical examinations shall be conducted for the following crane categories: the lattice boom crawler cranes (LBC) lattice boom truck cranes (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), Tower cranes and Overhead cranes.

ARTICLE II. SECTION 18A-2 General Requirements.

A. Five (5) days before any crane operator, contractor or other person or company initiates the use of a crane within the Borough of Merchantville, a permit shall be obtained. In emergent situations the Construction Code Official may waive this requirement in his or her own discretion if the operator meets the balance of the requirements of this Ordinance.

B. The permit will be maintained with the Borough of Merchantville as well as with the crane operator at all times; a copy of the permit shall be produced on the work site when requested.

C. The following documents must first be provided to the Borough of Merchantville in order to be granted a permit:

1. Copy of crane operator certificate from one of the following organizations:
 - a. National Commission for the Certification of Crane Operators (NCCCO); or
 - b. Operating Engineers Certification Program (OECF); or
 - c. Crane Institute of America Certification;
2. New Jersey Crane License;
3. Current Medical Examiner's Card;
4. A copy of the most recent and current proof of inspection; (Crane owner);
5. Insurance required as follows:
 - a. Bodily Injury:
 - i. For any one (1) person in the amount of \$500,000.00
 - ii. For any occurrence in the amount of \$1,000,000.00
 - b. Property Damage:
 - i. For any one (1) accident in the amount of \$500,000.00
 - ii. For any aggregate of occurrences in the amount of \$2,000,000.00;
6. Proof that Crane Operator submits to a random drug testing program;
7. Proof of Completion of Signal Person Qualification or Certification course;

8. Upon receipt of a properly completed application and compliance with the requirements of this Section, the Construction Code Official shall issue or deny the requested permit within five (5) business days. If the application is denied the reasons for the denial are furnished to the application in writing.

ARTICLE III.

SECTION 18A-3

Registration of cranes; crane inspection; licensure of crane operators, pursuant to N.J.S.A. 45:26-7

A. No person shall engage in the operation of a crane, offer himself for employment as a crane operator or otherwise act, attempt to act, present or represent himself as a crane operator unless licensed as such under the provisions of this act.

B. A crane operator's license shall be valid only in conjunction with a current certification and only in the specialty or specialties for which the crane operator is certified. The specialties are lattice boom crawler crane (LBC), lattice boom truck crane (LBT), telescopic boom cranes (TLL, Swing Cab) & (TSS, Fixed Cab), Tower cranes and Overhead cranes.

C. To be eligible for a license as a crane operator in the Borough of Merchantville, an applicant shall fulfill the following requirements:

1. Be at least eighteen (18) years of age;
2. Receive certification from the National Commission for the Certification of Crane Operators or any other organization found by the board to offer an equivalent testing and certification program meeting the requirements of the American Society of Mechanical Engineers ASME B30.5 and the accreditation requirements of the National Commission for Certifying Agencies;
3. Have at least 1,000 hours of crane--related experience; and
4. Maintain a current medical examiner's certification card.

D. The crane operator should reside in the Borough of Merchantville. If not, the crane operator they should reside in Camden County. The crane operator shall reside in New Jersey.

ARTICLE IV.

SECTION 18A-4

Fee schedule.

The permit fee for each crane shall be Five Hundred (\$500.00) Dollars. Each permit is valid for sixty (60) days and may be extended and/or renewed provided that compliance with the requirements of this Ordinance continues to be met. Fee for an extended or renewal permit is Two Hundred, Fifty (\$250.00) Dollars for each sixty-day extension.

ARTICLE V.

SECTION 18A-5

Notification of accident or safety issue- Required.

The owner of the building shall immediately notify the Borough of Merchantville of every accident causing personal injury or damage to property involving a construction crane covered by this chapter and shall afford the municipal official every facility for investigating such accident. When an accident involves the failure, breakage, damage or destruction of any part of the apparatus, it shall be unlawful to use such device until after an examination by the Borough of Merchantville is made and approval of the equipment for continued use is granted. It shall be the duty of the Borough of Merchantville to make a prompt examination into the cause of the accident and to enter a full and complete report thereof in the records of the Borough of Merchantville. Such records shall be open for public inspection during regular business hours.

ARTICLE VI.

SECTION 18A-6

Safety equipment- Required.

A. All crane equipment shall be kept in safe working condition at all times by the owner and licensee.

B. If any safety or operational aid used or required to be used in connection with the operation of a crane is not working properly, the person operating such crane shall immediately shut down the crane until such time that the required safety or operational aid is repaired or replaced and the crane is restored to property working order.

C. Any and all safety requirements promulgated by the Mayor and/or Borough Council of the Borough of Merchantville must be adhered to at all times.

D. Every crane shall be thoroughly inspected by a competent designated employee or authorized agent of the owner or lessee if such mobile crane, tower crane or derrick at intervals not exceeding one month. Such inspection shall include but not be limited to all blocks, shackles, sheaves, wire rope, connectors, and various devices on the master boom, controls and breaking mechanisms.

E. A written, dated and signed record of each such inspection shall be completed by the competent designated employee or authorized agent who made the inspection. The most recent record of such inspection shall be posted inside the cab of such crane and shall be filed with the Borough of Merchantville. Attached to such record of inspection shall be a written designation naming the competent employee or authorized agent. Such attached

designation shall be signed by the owner or lessee of such.

- F. Every crane shall be inspected before being erected or operated for the first time on any job.
- G. Adjustments and repairs to cranes shall be made only by competent designated persons.

ARTICLE VII. SECTION 18A-7 Administration; enforcement.

A. The Mayor and/or Borough Council may issue rules and regulations for the administration of the provisions of this Chapter.

B. The provisions of this Chapter shall be enforced by the Construction Code Official or any other law enforcement officer within the Borough of Merchantville.

ARTICLE VIII. SECTION 18A-8 Unsafe cranes.

A. Any crane which is or hereafter becomes unsafe or otherwise dangerous to human life or public safety, or which involves inadequate maintenance shall be deemed in unsafe condition by the Municipal Engineer. All unsafe cranes shall be taken down or removed or made safe, as the Municipal Engineer deems necessary and as provided for in this section.

B. The Municipal Engineer shall cause a report to be filed on an unsafe crane. The report shall state the nature of the unsafe condition.

C. If an unsafe condition is found, the Municipal Engineer shall serve on the owner, agent or person in control of the crane, a written notice that describes the condition being unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition. Such notice shall require the person thus notified to declare immediately to the Municipal Engineer exceptions or rejection of the terms of the order.

D. Such order shall be deemed properly served if a copy is delivered to the owner personally, or sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested. If a certified or registered letter is returned showing that the letter has not been delivered, a copy shall be posted in a conspicuous place in or on the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the crane shall constitute service of notice upon the owner.

E. The equipment determined to be unsafe by the Municipal Engineer may be restored to a safe condition. To the extent that repairs, alterations or additions are made during restoration of such equipment, such repairs, alterations or additions shall comply with all applicable codes.

F. Any person who refuses or neglects to comply with the requirements of an order to abate an unsafe condition shall be subject to a fine in accordance with Chapter 18A-9 of this Ordinance.

ARTICLE IX. SECTION 18A-9 Violations; penalties.

A. Any person who operates a crane without meeting the requirements of this ordinance or any rule or regulation promulgated thereunder shall be subject to a fine of not less than One Thousand (\$1,000.00) Dollars and no more than Ten Thousand (\$10,000.00) Dollars for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

B. Any person or company who employs an unlicensed person as a crane operator or who permits or directs an unlicensed person to operate a crane shall be subject to a fine of not less than Two Thousand (\$2,000.00) Dollars nor more than Twenty Thousand (\$20,000.00) Dollars for each violation. Each day of illegal operation shall constitute a separate and distinct offense.

ARTICLE X.

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

ARTICLE XI.

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

DISCUSSION ITEMS

OLD BUSINESS

Sign Ordinance update-defer to next meeting- "A" frames & flags

NEW BUSINESS

Public Works Plan-April meeting

Approve Market Off Centre June 3rd – October 28th 10-12-On a motion of Mr. Kidd and second of Ms. Swann, council approved the Market Off Centre.

Resolutions to be approved during the caucus meeting-On a motion of Ms. Swann and second of Mr. Kidd, Council approved the following resolutions:

R17-55
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE
COUNTY OF CAMDEN, STATE OF NEW JERSEY, AUTHORIZING VERIZON WIRELESS TO USE
POLES ERECTED WITHIN THE PUBLIC RIGHT OF WAY

No. 20

Date of Adoption March 27, 2017

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may use such poles erected within the public right-of-way in the Borough of Merchantville; and

WHEREAS, New Jersey law permits such use provided that there is the consent of the relevant municipality;

NOW THEREFORE BE IT RESOLVED, BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Borough of Merchantville, subject to the following:
 - A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.
 - B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Borough of Merchantville.
 - C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Borough of Merchantville, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Borough of Merchantville.
 - D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than \$1,000,000 for injury to or death of one or more persons in any one occurrence and \$500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Borough of Merchantville as an additional insured.
 - E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.
 - F. Notwithstanding any provision contained herein, neither the Borough of Merchantville nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.
 - G. This instrument shall be adopted on behalf of the Borough of Merchantville by the Borough Council of the Borough of Merchantville and attested to by Borough of Merchantville Clerk who shall affix the Borough of Merchantville Seal thereto.
 - H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is using.

STATEMENT

This resolution authorizes Verizon Wireless to use poles erected within the public right-of-way of the Borough of Merchantville by parties that have the lawful right to maintain such poles.

