

Merchantville, NJ August 14, 2017

A regular meeting of Borough Council was held at 7:30 PM, Monday, August 14, 2017. Mayor Ted 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, McLoone and Perno. Attorney Higgins, Clerk Brouse, CFO Moules were present.

PUBLIC-NONE

APPROVAL OF MINUTES-On a motion of Mr. Perno and second of Mr. Kidd, Council approved the regular Council meeting minutes of 7/10/17.

ENGINEER REPORT- Engineer provided written report

CORRESPONDENCE-Hand delivered mail-Chief Bauer-retiring Feb 28, 2018.

COUNCIL REPORTS

Ms. Swann-Events-Sept 16th yard sale, Sept 23rd toy and collectible show, October fest, October 7th music fest, masquerade ball, October 28th Farmer's Market. Antique fair November 11th.

Chicken-foster chicken is doing well, eggs should be produced soon.

Shade Tree=Trees on borough property, budget outside the shade tree budget, anything in the buildings and grounds budget?

Mr. Kidd- Planning board had-2 meetings July, one application, 4 ft pool approved, August-one app, 19 St. James-2 car shed-application pulled, Sweet Shop change of use approved. Green team Tuesday, September 19th 7:30, banner borough hall.

Mr. McLoone- PW-July 4.6 tons, 45 yard waste. Filling pot holes-Community Center repairs, bee spray, new nets at tennis court, crosswalk painting. Some storm grate cleaning, quotes for cleaning inside of drains, asking for Cherry Hill, Pennsauken and private vendor. Public Works-flex schedule (4 days) Roy and Jason, PW trash meeting last week and a union meeting next week.

Mr. Perno-Buildings and grounds- Community Center meeting-review proposals next month, had a good meeting. Community Center-volley ball court cleaned and recommendations-separators, benches. Wellwood Park project, benches, plans, pavers-discussion. Fire Dept-raised funds to redo area around bell memorial. Abandoned property-all sheets done for meeting-23 properties, 3 more for action for next meeting possibly 4 more to St. Joe's, 9-11 months many that were multi family converted to single family, 7 more on list. Properties broken into, some in lieu of boarding up, use clear lexann and can't be broken into, want Council to consider passing Ordinance. Property maintenance on rear yards as well as front. Quote for property maintenance jobs. Bills list.

Mayor for Grasso-Police report-Chapel Avenue construction started. No update on PSE & G project. National Night out-Thanks to everyone-great event as always and everyone enjoyed parks and playground.

Clerk-Town Wide Yard Sale-Sept. 16th

9/11 Memorial, Legion 100 yr kick off 9/9/17 at 9:00AM
 Court assistant position available
 Registration for League

NEW BUSINESS

APPROVAL Use of Facility for 100 Year American Legion/9/11-On a motion of Mr. Perno and second of Mr. Kidd, Council approved the use of facility for 100 Year American Legion/9/11.
 No approval needed for use of facility vigil on Maple Avenue-Hate Crimes.

Resolutions to be read by consent agenda: On a motion of Mr. Kidd and second of Mr. Perno, Council approved the following resolutions by consent agenda:

R17-94

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY DIRECTING AND AUTHORIZING THE MERCHANTVILLE JOINT LAND USE BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO ASCERTAIN WHETHER CERTAIN PROPERTIES AND AREAS WITHIN THE BOROUGH OF MERCHANTVILLE ARE IN NEED OF REDEVELOPMENT

WHEREAS, in the Master Plan Report, adopted by Resolution on October 23, 2007, the Joint Land Use Board of the Borough of Merchantville recognized that certain areas and properties within the Borough of Merchantville might qualify as “redevelopment areas” or “areas in need of redevelopment” as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the said Borough Council of the Borough of Merchantville desires to commence a course of action to investigate and determine whether certain properties and areas within the Borough of Merchantville are in need of redevelopment; and

WHEREAS, the said Borough Council of the Borough of Merchantville recognizes that under New Jersey’s Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., the Joint Land Use Board of the Borough of Merchantville must conduct a preliminary investigation to determine whether said properties and areas are in need of redevelopment; and

WHEREAS, the Borough Council of the Borough of Merchantville now desire to authorize the Joint Land Use Board of the Borough of Merchantville to undertake a preliminary investigation to determine whether certain properties and areas within the Borough of Merchantville, as more particularly described as Block 3, Lot 5 (701 West Maple Avenue), Block 3, Lots 6 & 7 (703 West Maple Avenue): Block 4, Lot 6 (675 West Maple Avenue) and Block 4, Lot 12 (607 West Maple Avenue) on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment; and

WHEREAS, the redevelopment area determination shall authorize the Borough of Merchantville to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”);

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the Borough Council of the Borough of Merchantville, that the Joint Land Use Board of the Borough of Merchantville be and hereby is directed and authorized to undertake a preliminary investigation, pursuant to N.J.S.A. 40A:12A-6, to ascertain whether certain properties and areas within the Borough of Merchantville, as more particularly described as Block 3, Lot 5 (701 West Maple Avenue), Block 3, Lots 6 & 7 (703 West Maple Avenue): Block 4, Lot 6 (675 West Maple Avenue) and Block 4, Lot 12 (607 West Maple Avenue) on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment; and

BE IT FURTHER HEREBY RESOLVED by the Borough Council of the Borough of Merchantville that the Joint Land Use Board of the Borough of Merchantville redevelopment area determination, if appropriate, shall authorize the Borough of Merchantville to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain (hereinafter referred to as a “Condemnation Redevelopment Area”); and

BE IT FURTHER HEREBY RESOLVED by the Borough Council of the Borough of Merchantville that the Joint Land Use Board of the Borough of Merchantville is authorized to utilize a New Jersey licensed professional planner to assist the Board in undertaking any and all actions that may be necessary to accomplish the purpose and intent of this Resolution.

R17-95

RESOLUTION ADOPTING THE 3-YEAR COOPERATION AGREEMENT WITH THE COUNTY OF CAMDEN

WHEREAS, the Borough of Merchantville and the County of Camden wish to establish a cooperative means of conducting certain eligible community development and affordable housing activities; and

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

WHEREAS, Title 1 of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, the HOME Program Act of 1991, and the Emergency Solutions Grant, as amended, provides federal funds being made available to Camden County for use to carry out eligible Community Development Activities therein; and

WHEREAS, the Borough of Merchantville will propose certain activities to be carried out under the 39th, 40th and 41st year Community Development, HOME Programs and Emergency Solutions Grant programs; and

WHEREAS, the aforesaid activities are in the best interest of the Borough of Merchantville and the County of Camden;

NOW, THEREFORE, BE IT RESOLVED, by the GOVERNING BODY of the Borough of Merchantville that the 37th, 38th and 39th Year Cooperation Agreement be adopted;

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately upon its enactment.

R17-96

CHANGE ORDER NUMBER ONE TO WHIRL CONSTRUCTION UNDER THE EDUCATIONAL SERVICES COMMISSION OF NEW JERSEY PURCHASING COOPERATIVE FOR THE GAZEBO AT THE MULTI USE PATH

WHEREAS, it was necessary to make changes in the scope of work to be done in completing the Gazebo project in the Borough of Merchantville, Camden County, New Jersey;

WHEREAS, a change Order was developed to itemize and authorize those changes; Additional, cut existing footings to grade level;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Merchantville that the following Change Order, which is considered to be change order number one (1), is hereby authorized and approval is hereby granted to revise the contract amount from \$48,659.00 to the change order increase amount of (\$250.00) for a total contract of \$48,909.00.

R17-97

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING EXECUTION OF THE 2017 DEER CARCASS REMOVAL INTER-LOCAL AGREEMENT WITH CAMDEN COUNTY

WHEREAS, the Mayor and Council of the Borough of Merchantville wish to participate in the Camden County Cooperative agreement for Deer Carcass removal; and

WHEREAS, the Camden County Board of Chosen Freeholders approved and awarded the bid of deer carcass removal at the Division of Purchasing on July 21, 2016 awarding the bid between Camden County Cooperative Members and Deer Carcass Removal Services for the removal of Deer Carcass, Bid A-25/2016;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Edward F. Brennan, Mayor of the Borough of Merchantville, be and hereby is authorized to enter into a contract directly with Deer Carcass Removal Services LLC. P.O. Box 328, Cream Ridge, NJ 08514 August 1, 2017 to July 31, 2018, at a cost of \$65.00 per deer carcass removal with Camden County in the Deer Carcass Removal Services.

Ordinance for introduction on first reading. This Ordinance will be considered for adoption at the public hearing to be held during the September 11th council meeting.

Ordinance 17-07 Capital Ordinance-On a motion of Ms. Swann and second of Mr. Kidd, council approved the introduction of the following ordinance:

**BOROUGH OF MERCHANTVILLE, NEW JERSEY
ORDINANCE 2017-07**

**BOND ORDINANCE AUTHORIZING THE ACQUISITION OF VARIOUS
PIECES OF CAPITAL EQUIPMENT AND THE COMPLETION OF
VARIOUS CAPITAL IMPROVEMENTS IN AND FOR THE BOROUGH
OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY;
APPROPRIATING THE SUM OF \$1,061,000 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 \$190,000, 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"), 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 \$1,061,000;
 - (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$190,000; and
 - (c) a down payment in the amount of \$10,000 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 \$190,000, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$10,000, which amount represents the required down payment, and the sum of \$861,000, which represents a grant 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 \$190,000 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 \$190,000 is hereby authorized. Pursuant to the Local Bond Law, the Chief Financial Officer is hereby authorized to sell all or part 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 \$250,000.

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; the maximum amount of obligations to be issued for said purpose and the period of usefulness of said purpose within the limitations of the Local Bond Law are as follows:

<u>Purpose/Improvement</u>	<u>Estimated Total Cost</u>	<u>Down Payment</u>	<u>Grant</u>	<u>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Pedestrian Street Project, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as further described in the documentation on file and available for review at the Borough Clerk's office	\$861,000	\$0	\$861,000	\$0	--
B. Preliminary Costs Associated with a Redevelopment Study in and for the Borough, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto, all as further described in the documentation on file and available for review at the Borough Clerk's office	32,000	1,600	0	30,400	5 years
C. Acquisition of Various Equipment for the Police Department including, but not limited to, Sports Utility Vehicles, Cameras and Protective Gear, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	38,000	1,900	0	36,100	5 years
D. Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Dump Truck, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	130,000	6,500	0	123,500	5 years
TOTAL	\$1,061,000	\$10,000	\$861,000	\$190,000	

Section 8. The average period of useful life of the purposes for the financing of which the Bond Ordinance authorizes the issuance of bonds or bond anticipation notes authorized for such several purposes, is not less than 5.00 years.

Section 9. Except for those described in Section 7. above, grants 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 \$190,000 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 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 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 any such inconsistency.

Section 17. 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: August 14, 2017

Date of Final Adoption: September 11, 2017

Payment of Bills-On a motion of Mr. Perno and second of Mr. Kidd, council approved the payment of bills.

**R17-98
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 bill approved therein.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND	2016 BUDGET		\$ 150.00
	2017 BUDGET	\$ -	\$ 106,666.62
	GRANTS		\$ 1,907.88
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF EDUCATION*		\$ 2,619,688.00
	CAMDEN COUNTY		\$ 549,367.73
WIRE TRANSFERS PAYROLL	7/21/17-8/4/17		\$ 138,072.13
WIRES / MANUAL CHECKS			\$ 49,504.03
TOTAL CURRENT		\$ -	\$ 3,465,356.39

SEWER UTILITY

CHECKS SEWER FUND	2016 BUDGET			
	2017 BUDGET		\$	1,500.00
	DEBT SERVICE		\$	127,459.51
WIRE TRANSFERS PAYROLL	7/21/17-8/4/17		\$	3,469.03
WIRE NJEIT LOAN				
WIRES /MANUAL CHECKS				
TOTAL SEWER			\$	-
TOTAL SEWER			\$	132,428.54
GENERAL CAPITAL FUND				
CHECK CAPITAL FUND			\$	7,371.45
MANUAL CHECK			\$	2,800.00
WIRE TRANSFERS PAYROLL	7/21/17-8/4/17			
TOTAL CAPITAL			\$	-
TOTAL CAPITAL			\$	10,171.45
TRUST FUND				
CHECK TRUST OTHER FUND			\$	3,914.90
WIRE TRANSFERS PAYROLL	7/21/17-8/4/17		\$	3,566.00
WIRES / MANUAL CHECKS			\$	16,951.51
TOTAL TRUST			\$	-
TOTAL TRUST			\$	24,432.41
SEWER CAPITAL FUND				
CHECK SEWER CAPITAL				
MANUAL CHECKS				
WIRE TRANSFERS PAYROLL	7/21/17-8/4/17			
TOTAL SEWER CAPITAL			\$	-
TOTAL SEWER CAPITAL			\$	-
ANIMAL TRUST FUND				
ANIMAL TRUST CHECK			\$	1,054.20
TOTAL ANIMAL TRUST			\$	-
TOTAL ANIMAL TRUST			\$	1,054.20
TOTAL BILL LIST & MANUAL CHECKS/WIRE			\$	-
TOTAL BILL LIST & MANUAL CHECKS/WIRE			\$	3,633,442.99
GRAND TOTAL			\$	3,633,442.99

ANNOUNCEMENTS**PRIVATE SESSION-**

ADJOURNMENT: On the motion of Mr. Kidd and second of Mr. Perno the meeting was adjourned at 8:28 P.M.

Denise Brouse, Borough Clerk