

12-20-10

Merchantville, NJ

December 20, 2010

A regular meeting of Borough Council was held at 7:30 PM, Monday, December 20, 2010. 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: Brennan, Perno, Brunton, Brickley, Fields, Clerk Brouse, CFO Moules, Attorney Joyce.

NEW BUSINESS

Terika Floyd of Merchantville would like to hold art workshops in the Merchantville community center two times a month at Community Center with no charge to residents. She will sponsor paint and paper, 1 hour sessions. Council will discuss.

PRIVATE SESSION: On the motion of Mr. Brickley and second of Mr. Brunton, council voted to adjourn to private session to discuss matters of contract negotiation, Personnel and possible litigation.

R10-132
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AUTHORIZING A PRIVATE SESSION OF COUNCIL

Mr. Brickley offered the following resolution and moved its adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:
Matters of contract negotiation, personnel and possible litigation
3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by Mr. Brunton and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Alloway	()	()	()	(x)
Mr. Brennan	(x)	()	()	()
Mr. Perno	(x)	()	()	()
Mr. Brunton	(x)	()	()	()
Mr. Waldron	(x)	()	()	()
Mrs. Fields	(x)	()	()	()

RETURN TO PUBLIC SESSION: On the motion of Mr. Brickley and second of Mr. Brunton Council voted to return to public session.

New Business

Discussion- Trash bid with Cherry Hill & Gloucester- bids were opened Dec 16th-over 20 options with a 5 year contract. Option 1 will include all three towns and offer the best price of \$895,298.00 for the five years. Reviewed and discussed options and would like to enter into co-op and will see a gradual savings.

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

**R10-129
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY AUTHORIZING SUBMISSION OF AN
APPLICATION TO THE NJBPU FOR EECEBG FUNDS**

WHEREAS the New Jersey Board of Public Utilities has funding available to municipalities for energy conservation projects through the Energy Efficiency and Conservation Block Grants (EECEBG) program; and
WHEREAS the Borough of Merchantville desires to apply for said funding for various energy conservation projects to be completed at municipal facilities;
NOW, THEREFORE, IT IS HEREBY RESOLVED that the Borough Clerk is hereby authorized to prepare an application to be submitted to the NJBPU for EECEBG funds for energy conservation projects at municipal facilities.

**R10-131
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY AUTHORIZING 2010 BUDGET TRANSFERS**

WHEREAS, there are certain 2010 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 2010 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:

<u>Operating Budget Description</u>	<u>Account Number</u>	<u>Transfer Out</u>	<u>Transfer In</u>
Group Employee Insurance	0-01-23-733-000	10,115.00	
Planning/Zoning Legal Services	0-01-21-720-252	2,000.00	
Code Enforcement S & W	0-01-22-735-101	1,200.00	
Fire Dept Fireman S & W	0-01-25-752-101	700.00	
Solid Waste Apartment Reimb	0-01-26-770-236	3,000.00	
Assessor Salary & Wages	0-01-20-710-100		15.00
UCC Third Party Inspections	0-01-22-725-253		2,000.00
Unemployment	0-01-23-734-000		15,000.00
	TOTAL	17,015.00	17,015.00

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 above schedule.

12-20-10

RESOLUTION 10-130 Exempt the reserve for uncollected taxes from the 2% CAP-On a motion of Mr. Brennan and second of Mr. Brickley, council approved the following resolution:

R10-130

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,
NEW JERSEY CALLING ON THE STATE LEGISLATURE AND THE GOVERNOR TO
EXEMPT THE RESERVE FOR UNCOLLECTED TAXES FROM THE 2% CAP**

WHEREAS, on July 13, 2010, Governor Christie signed into law P.L. 2010, c. 44, which reduced the cap on the property tax levy from 4% to 2% and limited the number of exemptions; and

WHEREAS, when the property tax levy was reduced, the exemption for the Reserve for Uncollected Taxes was removed; and

WHEREAS, in addition to collecting property taxes for its own operations, the municipality also serves as the collection agent for the county, school districts, fire districts and other special local entities; and

WHEREAS, the municipality must provide those entities with the full amount they deem necessary for their operations, regardless of the actual collection rate; and

WHEREAS, due to myriad factors beyond local control, the actual collection rate never equals the total local levy, especially during an economic downturn, when unemployment soars and property values plummet, causing an increase in tax appeals, which the municipality must defend and which subject the municipal budget to further losses, when successful; and

WHEREAS, to account for the shortfall and potential losses, State law requires the municipality to budget an appropriation in a line item known as the Reserve for Uncollected Taxes, which is generally determined through a formula driven calculation in which the variables change year to year; and

WHEREAS, without a levy cap exemption, municipalities will be forced to further cut their own operations, in order to meet the 2% tax levy cap to provide the county, school districts, fire districts and other special local entities the full amount they deem necessary for their operations; and

WHEREAS, those other local entities, which do not have to budget for collection rate short-falls or the impact of declining property values, have been granted levy cap exceptions to address factors beyond their control; and

WHEREAS, Assemblymen McKeon and Burzichelli has recently introduced A-3603, which excludes increases in appropriations to the Reserve for Uncollected Taxes in excess of two percent, from calculations of the municipal adjusted tax levy;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville hereby urge the swift passage and signing of A-3603;

BE IT FURTHER RESOLVED, that consideration also be given to providing a levy cap exception to account for the impact of tax appeals on local operations; and

BE IT FURTHER RESOLVED, that copies of this Resolution be forwarded to New Jersey Governor Christopher Christie, to Senate President Stephen Sweeney, to Assembly Speaker Sheila Oliver, to our State Senator, to our two Representatives in the General Assembly, and to the New Jersey League of Municipalities.

RESOLUTION 10-133 Enter into trash collection contract Option #1-On a motion of Mr. Brickley and second of Mr. Brunton, council approved the following resolution:

R10-133

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND
STATE OF NEW JERSEY FOR AWARD OF BID FOR THE SOLID WASTE AND**

**RECYCLABLE MATERIALS COLLECTION SERVICE FOR THE BOROUGH OF
MERCHANTVILLE**

WHEREAS, the Townships of Cherry Hill and Gloucester and the Borough of Merchantville created a cooperative purchasing group to allow for a combined effort in securing solid waste and recyclable materials collection services; and

WHEREAS, bids were received and opened on December 16, 2010 for the solid waste and recyclable material collection services for all participating municipalities; and

WHEREAS, it has been determined that bid option #1, "Standard Solid Waste Collection Services" provides all municipalities the mutual benefit of cooperative purchasing for all participating municipalities; and

WHEREAS, the bids have been evaluated by the Director of Public Works, and the recommendation is made as herein after provided to the lowest responsible bidder to comply with the uniform bid specifications, Republic Services of NJ, LLC; and

WHEREAS, bid option #1 provided for a total bid value of \$28,633,295; and

WHEREAS, each individual participating municipality is responsible for their individual "fair share" obligation of the total bid price as listed above; and

WHEREAS, the Borough of Merchantville fair share obligation of the bid for solid waste and recyclable material collection service is \$895,298 for a total of five years; and

WHEREAS, this award is subject to consenting awards by the Township of Gloucester and the Township of Cherry Hill to secure the bid price for these services; and

WHEREAS, as documented within the bid specifications, the Borough reserves the right to eliminate solid waste and recyclable materials collection services to various entities throughout the term of the contract; and

WHEREAS, the Borough CFO has certified in the Current Fund Budget that sufficient, available and legally appropriated funds for this expenditure under Sanitation and are subject to the necessary funds being appropriated by the governing body for all fiscal years and successful passage and adoption of each subsequent budget; and

WHEREAS, Local Public Contract Law 40A:11-15 permits the issuance of a contract for a term not to exceed five years.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Merchantville that the contract be and it is hereby awarded subject to the necessary funds being appropriated by the governing body for all fiscal years as follows:

TO: REPUBLIC SERVICES OF NJ, LLC
4100 CHURCH ROAD
MOUNT LAUREL, NJ 08054

FOR: TOTAL FIVE YEAR CONTRACT: \$18,961,574

BE IT FURTHER RESOLVED, that the Borough Council of the Borough of Merchantville, do hereby authorize the Mayor and Borough Clerk to execute a contract to Republic Services of NJ, LLC, for a five year agreement will run from January 1, 2010 to December 31, 2015, consistent with this Resolution.

BE IT FURTHER RESOLVED, that this contract is awarded subject to the State Treasurer approving the Affirmative Action of the successful bidder.

ANNOUNCEMENTS:

ADJOURNMENT:

On the motion of Mr. Brickley and second of Mrs. Fields the meeting was adjourned at 8:27 PM.

DENISE BROUSE
BOROUGH CLERK