

Merchantville, NJ

May 26, 2009

A regular meeting of Borough Council was held at 7:30 PM, Tuesday, May 26, 2009. 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, Brennan, Perno, Brunton, Waldron and Fields.  
Borough Clerk Brouse, and Attorney Higgins.

**PROCLAMATION**-A proclamation was read recognizing the \$1,000.00 scholarship from Comcast Foundation to Emily Sherman.

**PROCLAMATION**-A proclamation was read honoring Russell T. Mutschler.

### **PUBLIC HEARING**

### **Ordinance 09-07 Merchantville-Pennsauken Water Commission Guaranty**

#### **PUBLIC**

**Bob Disch, 23 E. Chestnut Street**, FW Grigg Post thanked Shawn for Scouts and their help with Memorial Day event. Article in newsletter about flag drop box not completely accurate. Need more info in next newsletter.

**Mayor Jack Morrissey**-Thank you for Russ's day. I've been working on the Mayor's conference. LVARC meeting is on Thursday. At this time they do not have that much authority. May need a resolution in the future to keep up with shared services.

**APPROVAL OF MINUTES:** On a motion of Mr. Brunton and second of Mr. Brennan Council approved the regular meeting minutes for 5/11/09.

#### **OLD BUSINESS**

#### **Ordinance Adoption: 09-07 Merchantville-Pennsauken Water Guaranty**

On a motion of Mr. Brunton and second of Mr. Brennan Council voted to adopt the following Ordinance.

#### **09-07**

#### **ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, GUARANTEEING PAYMENT OF CERTAIN BONDS TO BE ISSUED BY THE MERCHANTVILLE-PENNSAUKEN WATER COMMISSION IN CONNECTION WITH THE 2009 NEW JERSEY ENVIRONMENTAL INFRASTRUCTURE TRUST PROGRAM**

#### **BACKGROUND**

**WHEREAS**, the Merchantville-Pennsauken Water Commission ("Commission"), a body politic of the State of New Jersey, situated at 20 West Maple Avenue, Merchantville, New Jersey 08109, has been duly organized in accordance with the provisions of *N.J.S.A. 40:62-108 et seq.*; and

**WHEREAS**, the Commission is jointly owned by the Borough of Merchantville, County of

Camden, New Jersey ("Borough") and the Township of Pennsauken, County of Camden, New Jersey ("Township") in the following percentages:

Borough of Merchantville	11.58%
Township of Pennsauken	<u>88.42</u>
	<u>100.00%</u>

**WHEREAS**, the Commission has determined there exists a need within its service area for various improvements to its water system ("Water System") consisting of: (i) constructing a replacement well for Browning Road Well #1A; (ii) construction of a 1,650 square foot treatment facility; and (iii) reclamation of water from the Maple Shade Wastewater Treatment Plant and re-use of the water for irrigation purposes (collectively, the "2009 Project"), as described in that certain Loan Agreement ("Trust Loan Agreement") to be entered into between the Commission and the New Jersey Environmental Infrastructure Trust ("Trust") and that certain Loan Agreement ("Fund Loan Agreement" and together with the Trust Loan Agreement, the "Loan Agreement") to be entered into between the Commission and the State of New Jersey, acting by and through the New Jersey Department of Environmental Protection ("State"), all pursuant to the 2009 New Jersey Environmental Infrastructure Trust Financing Program; and

**WHEREAS**, the Commission has determined to use the proceeds of the loans to be made by each of the Trust ("Trust Loan") and the State ("Fund Loan" and together with the Trust Loan, the "Loans") pursuant to the Trust Loan Agreement and the Fund Loan Agreement, respectively, to permanently finance the costs of the 2009 Project; and

**WHEREAS**, to evidence the Loans, each of the Trust and the State require the Commission to authorize, execute and deliver its Revenue Bonds, Series 2009A, to the Trust ("2009A Bonds") and its Revenue Bonds, Series 2009B, to the State ("2009B Bonds" and together with the 2009A Bonds, the "2009 Bonds") in a total principal amount of up to \$6,510,000, pursuant to the terms of applicable law and the Loan Agreements; and

**WHEREAS**, the Borough Council, after due deliberation, has ascertained that it will be in the best interest of the Commission to accept said low interest Loans and issue the 2009 Bonds to finance the costs of the 2009 Project; and

**WHEREAS**, it is the desire of the Borough to guarantee repayment of said 2009 Bonds in the event of a default by the Commission.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOROUGH COUNCIL OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY, AS FOLLOWS:**

**Section 1.** The Borough hereby guarantees repayment of the principal of and interest on the 2009 Bonds, when due, in the event the Commission is unable to make such payment.

**Section 2.** Said unconditional guarantee by the Borough shall be to the full extent of its ownership interest in the Commission, that being 11.58% of the amount of any default by the Commission.

**Section 3.** The term of this Ordinance shall extend until the State certifies that the 2009 Bonds have been paid in full.

**Section 4.** All ordinances, or parts of ordinances, inconsistent or in conflict with the provisions of this Ordinance are hereby repealed to the extent of any such inconsistency.

**Section 5.** This Ordinance shall take effect upon publication and final enactment as provided by law.

## **NEW BUSINESS**

### **ORDINANCES FOR INTRODUCTION ON FIRST READING**

On a motion of Mrs. Fields and second of Mr. Waldron, the following Ordinance was introduced for First Reading:

**09-13****ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 60B, PROPERTY MAINTENANCE, 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 60B, Property Maintenance, is hereby amended to the Code of the Borough of Merchantville, as follows:

ARTICLE I. SECTION 60B-1 Adoption of standards by reference.

The International Property Maintenance Code (IPMC), 2006 Edition, as published by the International Code Council, Inc., be and is hereby adopted as the Property Maintenance Code of the Borough of Merchantville, in the State of New Jersey, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said IMPC are hereby referred to, adopted and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in Section 60B-4 of this Chapter, three (3) copies of which are on file in the Office of the Borough Clerk of Merchantville.

ARTICLE II. SECTION 60B-4 Amendments to standards.

The International National Property Maintenance Code, 2006 Edition, is hereby amended and revised in the following respects:

A. Section PM-101.1, Title, shall now read as follows:

PM-101.1 Title: These regulations shall be known as the Property Maintenance Code of the Borough of Merchantville, hereinafter referred to as "this code."

B. Section PM-103.1, General, shall be amended to read as follows:

PM-103.1 General: There is hereby created in the Borough of Merchantville the position of Property Maintenance Code Official (hereinafter, "Code Officer") who shall be appointed annually by the Mayor of the Borough of Merchantville. The code official shall enforce all provisions of this code.

C. Section PM-106.2, Penalties, shall read as follows:

PM-107.4 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.

D. Section PM 111.0, MEANS OF APPEAL, shall be deleted in its entirety.

E. Section PM-602.3, Heat supply, shall be amended as follows:

PM-602.3 Heat supply: Every owner and operator of any building who rents, leases or lets one (1) or more dwelling units, rooming units, dormitory or guest rooms on terms, either express or implied, to furnish heat to the occupants thereof shall supply sufficient heat during the period from October 1 to May 1 to maintain the room temperatures specified in Section PM-602.2 during the hours between 6:30 a.m. and 10:30 p.m. of each day and not less than sixty degrees (60° F.) [sixteen degrees Celsius (16° C.)] during other hours.

ARTICLE III.

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

ARTICLE IV.

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

Councilman Mark Brunton made comments regarding this ordinance.

**RESOLUTION-09-76 PARKS AND PLAYGROUND PROGRAM**

On a motion of Mr. Brennan and second of Mr. Alloway with Mrs. Fields abstaining approved the

following resolution:

**R 09-76**  
**RESOLUTION AUTHORIZING ADVANCE PAYMENT TO**  
**PATRICIA FIELDS FOR THE 2009 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 29, 2009 through July 31, 2009; and

**WHEREAS**, the Treasurer has certified that funds are available from the 2009 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.

**APPROVAL TO SELECT POLICE VEHICLE BID**

On a motion of Mr. Alloway and second of Mr. Brunton, Council approved the selection of the bid of Mall Chevy for the purchase of a new police vehicle.

**SPEED HUMP RECOMMENDATION**-On a motion of Mr. Perno and second of Mr. Brunton, Council approved the speed hump recommendation for 2 for Volan and 1 for Gilmore with a cost of \$6,125.40 per hump

**DISCUSSION**-Community Centre rental fees. There was a discussion concerning a waiver with deposit and the possibility of working on a community org list.

**APPROVAL**-Council gave approval for the use of PNC parking lot for the Farmers Market. Mayor North spoke regarding background.

**PRIVATE SESSION:** On the motion of Mrs. Fields and second of Mr. Alloway, council voted to adjourn to private session.

Council returned to public session.

On the motion of Mrs. Fields and second of Mr. Alloway, Council approved the Salary for Acting Clerk to be \$45,000.00.

**ADJOURNMENT:**

On the motion of Mr. Brennan and second of Mr. Perno the meeting was adjourned at 9:32 PM.

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DENISE BROUSE  
 BOROUGH CLERK

