

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 9, 2012. Mayor Frank 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: Fields, Volkert, Brennan, Madden and Perno. Clerk Brouse, Attorney Higgins and CFO Moules were present.

**PUBLIC HEARING ON ORDINANCE**

12-03 Budget Appropriation limit to establish a CAP Bank

**ADOPT ORDINANCE 12-03** Budget Appropriation limit to establish a CAP bank

On a motion of Mr. Volkert and second of Mr. Perno, Council adopted the following Ordinance

**ORDINANCE 12-03  
CALENDAR YEAR 2012  
MODEL ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS  
AND TO ESTABLISH A CAP BANK  
(N.J.S.A. 40A: 4-45.14)**

**WHEREAS**, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 1.0% over the previous year's final appropriations, subject to certain exceptions; and,

**WHEREAS**, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 1.0% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

**WHEREAS**, the Borough Council of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2012 budget by up to 1.0% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

**WHEREAS**, the Borough Council hereby determines that a 1.0% increase in the budget for said year, amounting to \$33,649.42 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

**NOW THEREFORE BE IT ORDAINED**, by the Borough Council of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2012 budget year, the final appropriations of the Borough of Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 1.0%, amounting to \$33,649.42, and that the CY 2012 municipal budget for the Borough of Merchantville be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

**BE IT FURTHER ORDAINED**, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be file with said Director within 5 days after such adoption.

## **PUBLIC**

**Tom Evaul**, 125 St. James Avenue, Cost for Verizon agreement? \$1.00 with length of possibly twenty five years and additional twenty five year option.

**ENGINEER'S REPORT**-provided a written report.

**APPROVAL OF MINUTES**- On a motion of Mrs. Fields and second of Mrs. Madden, Council approved the caucus meeting minutes for 3-5-12 and regular meeting minutes for 3-12-12.

## **CORRESPONDENCE**

### **COUNCIL REPORTS**

**Mr. Perno**-The Verizon lot agreement needs to consider the environmental situation, should we modified and consider rejecting language regarding verbage? Do our due diligence phase1 or negotiate to get language out? Try to negotiate out? It has been a year and a half to get to this agreement and could be about \$2,500 to do phase 1? Spread over time of lease if issues are found we want exceptions to lease. Bring to attention if we have issues. Bach will do Phase 1 of study up to \$5,000 for environmental study. Capital landscaping for Morrissey Park, Borough Hall and Community Center and consider adopting a brick to renovate the park. Many good plants can stay. The Community gardens have metal stakes in the area around the outfield of the baseball field, we should consider moving the gardens away from the field. Are pesticides being used in garden? 2 x 2 ties separate beds –piped water to site and sign up at Borough Hall for plot use. Guidelines for people using plots to regulate who uses the plot. Will have a location in the next 30 days. Application form available. Remove dangerous items. Drainage to get to playground and a rain garden around swing set.

**Mrs. Madden**-Shade Tree-Arbor day, April 28 for Vern Collins at the Merchantville Circle beginning 11:00 AM. HPC-sign change for auto repair. April 19<sup>th</sup> West End Meeting will have the tree federation attending. The garden club needs volunteers.

**Mr. Brennan**-Court-March \$19,479, added 432 cases, disposed 458 cases. Back log is one of the lowest in County. Police-313 calls, 267 traffic, 101 parking, 3 DWI. April 28<sup>th</sup> is Operation take back drugs. Pennsauken arrested the graffiti person.

**Mr. Volkert**-Fire February 13 calls, March 18 calls, 12 in Borough, no engine problems. Total of 57 calls for the year. Public Events-Egg Hunt had a great turnout. We will have four meetings between now and the birthday celebration. Public Works hauled 46 tons of brush this Month and leaves are up at Wellwood Park. Working on east side now. Meter poles have been installed and the yellow paint will be sand blasted off. The MBA met and over twenty people attended, good spirit and taking responsibilities.

**Mrs. Fields**-Recreation had no report. Passed out new list for fee charges for review. Parks and Playgrounds June 25 – July 27<sup>th</sup>. No Planning Board meeting. Code Enforcement getting busier and will split between Bill and Fred for abandon property issues. The RFP is out for 29 Volan Street and two properties will be out next month.

**Mrs. Moules**-Capital budget items

**Clerk's Report**-911 Reverse Notification System training has taken place and the system should be in place within the month. The Borough received notification that an NJ DOT grant was awarded for Victoria and Leslie in the amount of \$190,000. The FEMA funds were received in the amount of a little over \$8,000. The Borough received a JIF safety award at the annual meeting last week. Recycle cans need to be ordered, other towns charge \$10.00 each for replacements, do we want to consider charging? Reminder, the elected officials meeting MPWC April 12, 5:00 PM. X-tel right of way request will allow the Borough to received 25% discount on the phone bill.

**OLD BUSINESS****NEW BUSINESS**

**R12-46 READ BUDGET BY TITLE ONLY**-On a motion by Mrs. Madden and second of Mr. Volkert, Council authorized the Budget to be read by title only.

**R12-46**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

**WHEREAS**, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995, provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public office delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requiring them; and

**WHEREAS**, these two conditions have been met;

**NOW, THEREFORE, BE IT RESOLVED**, that the Budget shall be read by title only.

**PUBLIC-BUDGET**

**Tom Evaul**-Surplus-down to \$84,000? Crump Lane listed separately. Sewer utility-change in due date for sewer due date. Energy receipts from state? yes

**R12-47 Adopt 2012 Budget**-On a motion of Mr. Brennan and second of Mr. Volkert, council voted to adopt 2011 Budget.

**R12-47**

**RESOLUTION ADOPTING THE 2012 MUNICIPAL BUDGET OF THE  
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN IN THE STATE  
OF NEW JERSEY**

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville, County of Camden that the budget hereinafter set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$4,898,467.36 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

**SUMMARY OF REVENUES:**

Surplus	84,775.00
Total Miscellaneous Revenues	1,547,292.36
Receipts from Delinquent Taxes	409,989.00
Local tax for Municipal Purposes	2,386,411.00
<b>TOTAL GENERAL REVENUES</b>	<b>\$ 4,428,467.36</b>

**SUMMARY OF APPROPRIATIONS:**

Operating Expenses: Salaries & Wage	1,496,383.00
Other Expenses	1,623,404.36
Deferred Charges & Other Appropriations	452,495.00
Capital Improvements	24,000.00
Debt Service (Including for School Purposes)	368,680.00
Reserve for Uncollected Taxes	<u>463,505.00</u>

TOTAL GENERAL APPROPRIATIONS	\$4,428,467.36
TOTAL NUMBER OF EMPLOYEES	48
2012 Dedicated Sewer Utility Budget	
SUMMARY OF REVENUES	
Surplus	4,000.00
Rents	456,000.00
Miscellaneous Revenues	10,000.00
Total Revenues	470,000.00
SUMMARY OF APPROPRIATIONS	
Operating Expenses: Salaries and Wages	60,000.00
Other Expenses	220,850.00
Capital Improvements	15,000.00
Debt Service	167,150.00
Deferred Charges & Other Appropriations	6,000.00
Surplus (General Budget)	
Total Appropriations	470,864.53

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

**R12-48**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN, STATE OF NEW JERSEY AWARDDING A**  
**CONTRACT TO REPLACE THE SENIOR CENTER ROOF**

**WHEREAS**, the Borough Council of the Borough of Merchantville is desirous of replacing the roof at the Senior Center; and

**WHEREAS**, bids have been solicited and received for this project with council accepting the base bid of \$128,434.00; and

**WHEREAS**, the Chief Financial Officer has certified as to the availability of funds;

**NOW, THEREFORE, BE IT RESOLVED**, that the contract is awarded to Laurant Construction Co., Inc. 3 Meadows Ct., Pennington NJ 08534 in an amount not to exceed \$128,434.00.

**R12-49**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE**  
**REJECTING ALL BIDS FOR THE ROOF REPLACEMENT AT**  
**THE MERCHANTVILLE FIRE DEPARTMENT**

**WHEREAS**, the Borough of Merchantville requested bids for the roof replacement at the Fire Department in the Borough of Merchantville ("Project") in accordance with the requirements of N.J.S.A. 40A:11 et seq ("Local Public Contracts Law"); and

**WHEREAS**, the Borough Council of the Borough of Merchantville has determined that the bids did not meet the requirements regarding proper documents;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Merchantville does hereby reject all bids because the bids were not reasonable.

**R12-50**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE**  
**REJECTING ALL BIDS FOR THE RENOVATION OF THE LADIES**  
**BATHROOM AT THE MERCHANTVILLE SENIOR CENTER**

**WHEREAS**, the Borough of Merchantville requested bids for the renovation of the at the Merchantville Senior Center in the Borough of Merchantville ("Project") in accordance with the requirements of N.J.S.A. 40A:11 et seq ("Local Public Contracts Law"); and

**WHEREAS**, the Borough Council of the Borough of Merchantville has determined that the three lowest bids did not meet the requirements regarding proper documents;

**NOW, THEREFORE, BE IT RESOLVED** that the Borough Council of the Borough of Merchantville does hereby reject all bids because the bids were not reasonable.

**R12-52**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE CLERK TO ADVERTISE AND THE SOLICITOR TO PREPARE RFP FOR 29 VOLAN STREET**

**WHEREAS**, the Borough of Merchantville will take possession of 29 Volan Street, Merchantville, NJ 08109; and

**WHEREAS**, the Governing Body desires to have an RFP and advertisement completed; and

**WHEREAS**, it is necessary for the Borough Solicitor to perform the necessary professional services to prepare the RFP documents for 29 Volan Street;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, hereby authorize the Borough Solicitor to prepare the RFP documents and the Clerk to advertise.

**R12-54**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE DEPARTMENT OF PUBLIC WORKS TO REMOVE PARKING SPACE FROM BOROUGH LOT**

**WHEREAS**, the Borough municipal parking lot located at Centre Street off of Maple Avenue has had accidents occur at the area of the parking lot where the first parking space begins and the stop sign is located; and

**WHEREAS**, the police and public safety officer have determined that the first parking space closest to the sidewalk at Centre Street, does not have clear site to back up from the parking spot; and

**WHEREAS**, the police and public safety officer has recommended to council that the first parking space be removed for the safety of pedestrians and drivers;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Merchantville does hereby approve the removal of the first parking space at the Centre Street entrance to the left, by the fence and addition of a planter or curbing in the space.

**R12-55**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES**

**WHEREAS**, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

**WHEREAS**, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

**WHEREAS**, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

**WHEREAS**, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

**WHEREAS**, while that right should be the exception, it has become the rule; and

**WHEREAS**, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

**WHEREAS**, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

**WHEREAS**, in 2008, 2009 and 2010 (SFY 2009, 2010 and 2011), funding for municipal revenue replacement was slashed by about \$26 million in 2008 and \$32 million in 2009, followed by losses of about \$271 million in 2010; and

**WHEREAS**, the cumulative impact of years of underfunding has left many municipalities with serious needs and burdensome property taxes; and

**WHEREAS**, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

**NOW THEREFORE BE IT RESOLVED**, by the Mayor and Governing Body of the Borough of Merchantville, that we join with the League of Municipalities in calling for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

**BE IT FURTHER RESOLVED**, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

**BE IT FINALLY RESOLVED**, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

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

Ordinance 12-04 Amend Chapter 86 Vehicle and Traffic: On a motion of Mrs. Madden and second of Mr. Volkert, the following Ordinance was introduced:

**BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY AMENDING CHAPTER 86,  
VEHICLES AND TRAFFIC, 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 Article X of Chapter 86, Vehicles and Traffic, of the Code of the Borough of Merchantville, is amended as follows:

**ARTICLE I. ARTICLE X. SECTION 86-23 Schedule I – No Parking**

In accordance with the provisions of Section 86-3, the following described streets or parts of streets are hereby deleted from the list of streets or parts of streets whereupon no person shall park a vehicle at any time upon any of the following described streets or parts of streets:

<b>Street</b>	<b>Side</b>	<b>Location</b>
Poplar Avenue	West	From Myrtle Avenue to Maple Avenue

**ARTICLE II. ARTICLE X. SECTION 86-24 Schedule II – Time Limit Parking**

In accordance with the provisions of Section 86-4, the following described streets or parts of streets are hereby added to the list of streets or parts of streets whereupon no person shall park a vehicle for longer than the time limit shown upon any of the following described streets or parts of streets:

<b>Street</b>	<b>Side</b>	<b>Time Limit (minutes)</b>	<b>Hours</b>
Maple Avenue west	North	15 minutes 10:00 p.m.	8:00 a.m. to to Pennsauken Euclid Street boundary

**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.

**APPROVAL-Niagara Fire Volunteer Joshua A. Seib.** On a motion of Mr. Volkert and second of Mr. Brennan, Council approved Niagara Fire Volunteer Joshua A. Seib.

**APPROVAL-Niagara Fire Volunteer Jeffrey M. Kirk.** On a motion of Mr. Volkert and second of Mr. Brennan, Council approved Niagara Fire Volunteer Jeffrey M. Kirk.

**APPROVAL-Community Center-free use.**

**PAYMENT OF BILLS:** On the motion of Mrs. Fields and second of Mr. Brennan, Council approved the following resolution:

**R12-56  
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.

<b>CURRENT FUND</b>		<b>REVENUE</b>	<b>BUDGET</b>
CHECKS CURRENT FUND	2011 BUDGET		1,496.25
	2012 BUDGET		72,080.86
	GRANTS		12,115.70
	PFRS		224,228.00
	PERS		55,786.00
	DEBT SERVICE		
	BOARD OF EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	3/23/12-4/6/12		117,256.74
WIRES / MANUAL CHECKS			52,753.95
<b>TOTAL CURRENT</b>		<b>0.00</b>	<b>535,717.50</b>
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<b>SEWER UTILITY</b>			
CHECKS SEWER FUND	2011 BUDGET		
	2012 BUDGET		812.91
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	3/23/12-4/6/12		4,508.07
WIRE NJEIT LOAN			0.00
WIRES / MANUAL CHECKS			
<b>TOTAL SEWER</b>		<b>0.00</b>	<b>5,320.98</b>
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<b>GENERAL CAPITAL FUND</b>			
CHECK CAPITAL FUND			6,670.51
MANUAL CHECK			
WIRE TRANSFERS PAYROLL			0.00
<b>TOTAL CAPITAL</b>		<b>0.00</b>	<b>6,670.51</b>
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<b>TRUST FUND</b>			
CHECK TRUST OTHER FUND			285.99
WIRE TRANSFERS PAYROLL	3/23/12-4/6/12		
WIRES / MANUAL CHECKS			2,000.00
<b>TOTAL TRUST</b>		<b>0.00</b>	<b>2,285.99</b>

<b>SEWER CAPITAL FUND</b>			
CHECK SEWER CAPITAL			
MANUAL CHECKS			115,600.00
WIRE TRANSFERS PAYROLL			0.00
<b>TOTAL SEWER CAPITAL</b>		0.00	115,600.00
<b>RECREATION TRUST</b>			
CHECK RECREATION TRUST	2011 BUDGET		
CHECK RECREATION TRUST	2012 BUDGET	150.00	228.63
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL	3/23/12-4/6/12		701.44
<b>TOTAL RECREATION</b>		150.00	930.07
<b>ANIMAL TRUST FUND</b>			
ANIMAL TRUST CHECK			
<b>TOTAL ANIMAL TRUST</b>		0.00	0.00
<b>UNEMPLOYMENT</b>			
UNEMPLOYMENT CHECK			67.55
<b>TOTAL UNEMPLOYMENT</b>		0.00	67.55
<b>TOTAL BILL LIST &amp; MANUAL CHECKS/WIRE</b>		150.00	666,592.60
<b>GRAND TOTAL</b>			<b>666,742.60</b>

**ANNOUNCEMENTS:****PRIVATE SESSION**

On a motion of Mr. Brennan and second of Mr. Volkert, Council adjourned into private session to discuss contract negotiations

**R12-57**

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

Edward Brennan offered the following resolution and Steve Volkert 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 negotiations**
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 Steve Volkert and adopted on roll call by the following vote:**

	Yes	No	Abstain	Absent
Mrs. Fields	( x )	( )	( )	( )
Mr. Volkert	( x )	( )	( )	( )
Mr. Grasso	( )	( )	( )	( x )
Mr. Brennan	( x )	( )	( )	( )
Mrs. Madden	( x )	( )	( )	( )
Mr. Perno	( x )	( )	( )	( )

**Back into public session**

On a motion of Mr. Volkert and second of Mrs. Madden council returned to public session

**ADJOURNMENT:** On the motion of Mr. Volkert and second of Mr. Brennan, the meeting was adjourned at 9:11 PM.

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DENISE BROUSE  
BOROUGH CLERK