

Merchantville, NJ June 11, 2018

A regular meeting of Borough Council was held at 7:30 PM, Monday, June 11, 2018. 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: Fitzgerald, Kidd, Sperrazza and McLoone. Attorney Higgins, Clerk Brouse, CFO Moules were present.

OATH OF OFFICE-Austin Regalbuto

SHADE COMMISSION: Recognition of 40 years as a Shade Tree Commission

PUBLIC

Maria Nina Scarpa-311 St. James Avenue-sidewalk program information, provide to broader audience-some people want to do the work themselves. Bridging, stopping shaving should be an option. Consider the future need of sidewalk issues should be the responsibility of the town. People should be able to choose the tree type. More clear understanding of ordinance loan vs special assessment. Special charge for late payment? Will this be happening? Include interest rate/warranty 5-10 years.

Rowland Ricketts-204 Westminster Avenue-Engineer will provide a study by resolution at the meeting tonight. Looking into the area.

Kerry Mentzer-201 St. James Ave-love the idea of No Mow zone-will not make the mowing easier. Sidewalk program-take caution when cutting tree root area. Westminster Ave-water drainage area build up bank at end of property to create a swale.

Mayor wants to provide a professional opinion. Arborist from Camden County shared service-working on. Go around the right of way for. Applied for 10,000 grant for AARP. Waiting for response.

Mary Ricketts-204 Westminster Avenue-Water was away for awhile, but when the black top was installed it fed the water to the properties, look at when lot was installed.

Mr. Higgins to reach out to attorney re Paving Plus

PUBLIC HEARING ON ORDINANCE for second reading and adoption-None

ORDINANCE 18-07 Add Article III, Special Assessments Districts, to Chapter 77, Taxation-
On a motion of Mr. Sperrazza and second of Mr. Kidd, council approved the following Ordinance.

18-07

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ADDING ARTICLE III., SPECIAL ASSESSMENT DISTRICTS, TO CHAPTER 77, TAXATION, 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 Article III., Special Assessment District, be and hereby is added to Chapter 77, Taxation, in the Code of the Borough of Merchantville, as follows:

ARTICLE I. ARTICLE III. SECTION 77-11 Purpose.

It is the intent and purpose of this Ordinance to:

- A. Authorize the Borough to finance public facilities through the levying and collection of special assessments;
- B. Provide a mechanism for the Borough to levy and collect special assessments from property to recover the cost of providing public facilities that peculiarly benefit the property upon which they are imposed;
- C. Define the procedural and substantive requirements for special assessments and special assessment districts for capital costs and service charges of public facilities covered in plan element of the Borough;
- D. Shift the financing of public facilities from all taxpayers to those who specifically benefit from such public facilities; and
- E. Authorize the Borough to establish special assessment districts and levy special assessments for the purpose of providing public facilities to benefit property owners in such designated special assessment districts.

ARTICLE II. ARTICLE III. SECTION 77-12 Definitions.

As used in this Ordinance, the term:

- COMPREHENSIVE PLAN** - means a plan adopted pursuant to the N.J.S.A. 40:48-1 et seq.
- DEVELOPMENT** - means any construction or expansion of a building or structure, any change in the use of a building or structure, or any land use change that affects the Borough's need for public facilities.
- GOVERNING BODY** - means the Borough Council of the Borough of Merchantville.
- PROPORTIONATE SHARE OF THE BENEFITS** - means that share, or portion, of the value of the total public facilities and service which specially and peculiarly benefits the property upon which they are imposed, and in no event shall such share or portion be in excess of the benefits such property receives by reason of such improvement.
- PUBLIC FACILITIES** - means capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program, that have a life expectancy of at least twenty (20) or more years.
- PUBLIC SERVICES** - means the performance by employees, consultants, or agents of functions, operations, design, engineering, planning and maintenance, and repair activities in order to provide public facilities.
- SPECIAL ASSESSMENT** - means a charge imposed upon property located within a designated special assessment district by the Borough of Merchantville to pay for public facilities and services which peculiarly and specially benefit the property upon which they are imposed.
- SPECIAL ASSESSMENT DISTRICT** - means the district in which public facilities and services are to be provided and in which special assessments and charges may be levied and collected pursuant to this Ordinance to pay for those public facilities and services.

ARTICLE III. ARTICLE III. SECTION 77-13 Authority.

Consistent with the provisions of this Ordinance, the Borough may adopt provisions authorizing that government to establish, and subsequently merge or abolish those created hereunder, special assessment districts for any part or all of the area of such local government, within which may be provided public facilities and services from funds derived from service charges, special assessments, or other charges within such special assessment district.

- A. For the purpose of providing public facilities and services, capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program, within any special assessment district, the Borough may levy and collect service charges, special assessments, or other charges within such special assessment district, and borrow and expend money, issue bonds, revenue certificates, and other obligations of indebtedness, which powers shall be exercised in such manner, and subject to such limitations, as may be provided by general law, in furtherance of the provision of the public facilities and

services authorized by this Ordinance.

B. The provisions of this Ordinance shall not affect or limit any other provisions of law authorizing or providing for the furnishing of public facilities and services or the raising of revenue for these purposes. The Borough may use the provisions of this Ordinance instead of, or in conjunction with, any other method of financing part or all of the cost of providing the public facilities and services authorized under this Ordinance.

ARTICLE IV. ARTICLE III. SECTION 77-14 Requirements for Special Assessment Districts

A special assessment district must meet the following requirements:

A. Public facilities and services for which special assessments are levied and collected must peculiarly and specially benefit the property upon which the special assessments are imposed, capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program.

B. Special assessments levied and collected pursuant to a designated special assessment district must not exceed a proportionate share of the benefits received by the property upon which the special assessments are imposed.

C. The proportionate share of the benefits received by the property upon which a special assessment is imposed shall be calculated and apportioned by using any equitable means of assessment and apportionment which the Borough Council of a local government may prescribe including, but not limited to, square footage, front-footage, increased value, number of dwelling units, distance from the public facility, traffic generation or other impact generation factors, or any combination thereof.

ARTICLE V. ARTICLE III. SECTION 77-15 Procedures for Special Assessment Districts.

Initiation of Proceeding. Proceedings for the establishment of a special assessment district may be instituted by the Borough Council when a written request is made, by the Mayor, describing the boundaries of the territory which is proposed for inclusion in the special assessment district and specifying that the special assessment district will provide capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program.

A. Ordinance Establishing Special Assessment District. Within twenty (20) days after the Mayor's written request for the institution of proceedings for the establishment of a special assessment district is filed, the Borough Council shall adopt an ordinance establishing a special assessment district in the form hereinafter specified.

B. Contents of Ordinance. Proceedings for the establishment of a special assessment district shall be instituted by the adoption of an ordinance establishing the special assessment district which shall:

(a) State that a special assessment district is established under the terms of this Ordinance and describe the proposed boundaries for inclusion in the special assessment district.

(b) State the name proposed for the special assessment district in substantially the following form: "_____ Special Assessment District."

(c) State that capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program, are proposed to be provided within the special assessment district pursuant to this Ordinance.

(d) State that, except to the extent that funds are otherwise available and committed, a special assessment sufficient to pay for all such public facilities and services will be annually levied and collected within such special assessment district.

(e) The ordinance shall specify the rate, method and length of time for the payment of the special assessment in sufficient detail to allow each property owner participating in the Program to estimate the annual amount that he or she will have to pay.

C. Boundaries of District. In establishing the boundaries of a special assessment district, the Borough Council may alter the exterior boundaries of a special assessment district to include less territory than that described in the Mayor's written request, notice of the public hearing, but it may not include any territory not described in the in the Mayor's written request.

D. Types of Public Facilities and Services Provided. The type of public facilities to be provided

in a special assessment district shall be specified in the ordinance to be limited to capital improvements for sidewalks, consistent with the Merchantville Sidewalk Replacement Program, to those property owners who choose to participate in the Program.

ARTICLE VI. ARTICLE III. SECTION 77-16 Collection of Special Assessments and Service Charges

The special assessment may be collected in the same manner as ordinary ad valorem property taxes are collected and may be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ad valorem property taxes, or another procedure may be adopted if the Borough Council of the Borough prefers. The tax collector or the appropriate Borough official responsible for collecting the special assessments may deduct a service charge for the reasonable administrative costs incurred in collecting the special assessment.

ARTICLE VII. ARTICLE III. SECTION 77-17. Use of Proceeds.

Any special assessments collected pursuant to this Ordinance may only be used, in whole or in part, for public facilities and services authorized by this Ordinance or for the payment of the principal and interest of bonds, revenue certificates, and other obligations of indebtedness for such public facilities and services.

ARTICLE VIII. ARTICLE III. SECTION 77-18. Issuance of Bonds and Other Indebtedness

After the adoption of the Ordinance establishing a special assessment district, and approving the levying and collection of the special assessments for public facilities and services as provided by this Ordinance, and as soon as a contract for the public facilities and services has been finally let, the Borough Council may, by resolution or ordinance, authorize the issuance of bonds, revenue certificates, or other indebtedness in an amount not in excess of the aggregate amount of the liens levied for such public facilities and services. Any debt issued against the bond ordinance for the purpose of financing the Sidewalk Program will be repaid, in full (principal and interest), by the special assessment levies and no other general funds of the Borough.

ARTICLE IX. ARTICLE III. SECTION 77-19. Priority of Lien

A special assessment shall be payable at the time and in the manner indicated in the Ordinance providing for the special assessment; shall remain a lien, co-equal with the lien of all state, county, district, and municipal taxes, superior in dignity to all other liens, titles, and claims until paid; shall bear interest, at a rate not to exceed 18% per year. However, the special assessments may be paid without interest at any time within 30 days after the public facility is completed and a resolution accepting the same has been adopted by the Borough.

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.

APPROVAL OF MINUTES-On a motion of Mr. Sperrazza and second of Mr. McLoone, (Mr. Kidd and Mr. Fitzgerald abstained) Council approved the regular council meeting minutes of 4/30/18. On a motion of Mr.

Kidd and second of McLoone, Council approved the regular meeting minutes of 5/14/18. On a motion of Mr. Kidd and second of Mr. Sperrazza, Council approved the caucus meeting minutes of 4/23/18.

ENGINEER REPORT-attached. Road study cost not in budget at this time, ask engineer to sharpen pencil.

CORRESPONDENCE

COUNCIL REPORTS

Mr. Fitzgerald-Nothing to report.

Mr. Kidd-Parks and Playground Program-Green team presentation-program is going strong. Planning Board-no meeting in May, one tomorrow with two apps. Mayor's designee to Planning Board. Recycle cans-positive response to purchase for business district.

Mr. Sperrazza-Calls up-equipment is fine, working on roof issue, Code clean and lien will begin.

Mr. McLoone-Public Works report-fill pot holes, mulch, move flower pots, no HPC in June. . Letter in tax bill re online payments

OLD BUSINESS

PRESENTATION Green Team for No Mow Zones

DISCUSSION Department of Public Works-table to next meeting

DISCUSSION West Maple Redevelopment Area Update-Working with a redeveloper interested in the area. Not done a plan for the area yet. Appraisal of 604 W Maple Avenue may rehab that area in need. Let Boro know if you have people interested in helping with that area.

NEW BUSINESS

APPROVAL – Use of Facility for National Night Out- On a motion of Mr. Sperrazza and second of Mr. Kidd, Council approved use of facility for National Night Out.

APPROVAL – Beer Garden for Car Show-On a motion of Mr. and second of Mr. Kidd, Council approved the use of facility for the Beer Garden for Car Show.

DISCUSSION 23 W Maple Avenue bank building-remediation site

DISCUSSION Merchantville Community Nights-call for volunteers

DISCUSSION Proposal for Traffic Calming Study for Maple Avenue and Church Road-table

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

R18-77

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO HIRE AN ENGINEER TO INVESTIGATE STORM WATER DRAINAGE AT MERCHANTVILLE COMMUNITY CENTER, 212 SOMERSET AVENUE

WHEREAS, the Mayor and Council of the Borough of Merchantville desire to hire an engineer to investigate the storm drainage in the area of the Merchantville Community Center, 212 Somerset Avenue, in the Borough of Merchantville; and

WHEREAS, Pennoni associates has provided the following pricing for the Borough of Merchantville; and

WHEREAS, the total amount allowable will not exceed \$2,500.00 and include the following tasks;

Perform site investigations during dry period as well as rain events to observe and record storm water drainage.

Provide written report of findings and recommendations

Total \$2,500.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that Pennoni Associates, 515 Grove Street, Suite 1B, Haddon Heights, NJ 08035 will provide these services.

**R18-78
RESOLUTION TO RENEW ABC PLENARY RETAIL
CONSUMPTION LICENSE**

WHEREAS, MANASUR INC., 2 South Centre Street has applied for renewal of their Plenary Retail Consumption License for the year July 1, 2018 and ending June 30, 2019, applications have been filed with the State and the check to the Borough of Merchantville in the amount of \$1,250.00; and

WHEREAS, Councilor Fitzgerald, Director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Consumption License #0424-33-003-007 to MANASUR INC.

**R18-79
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
APPOINTING PATROLMAN, POLICE OFFICER**

BE IT RESOLVED, by the Borough Council of the Borough of Merchantville, with the Mayor concurring, that Austin Regalbutto be and is hereby appointed as a patrolman, police officer of the Borough of Merchantville Police Department, effective May 16, 2018 subject to and conditioned upon his successful completion of all training required by the Statutes and certification of such.

**R18-80
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY APPOINTING
SCOTT DI SIOME TO THE JOINT LAND USE BOARD
AS MAYOR'S DESIGNEE**

WHEREAS, the Borough Council of the Borough of Merchantville desires to appoint Scott DiSiome to the Joint Land Use Board as the Mayor's Designee; and

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Merchantville does hereby appoint Scott DiSiome as Mayor's designee to the Joint Land Use Board.

RESOLUTION 18-81

WHEREAS, N.J.S.A. 40a:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year ending December 31, 2017 has been filed by a Registered Municipal Accountant with the Borough Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Findings and Recommendations"; and

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Questioned Costs" or "Findings and Recommendations", as evidenced by the group affidavit form of the governing body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:28BB-52- A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office."

NOW, THEREFORE, BE IT RESOLVED, that the Borough Council of the Borough of Merchantville, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

R18-82
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
AUTHORIZING THE PURCHASE OF A LIVSCAN SYSTEM
FOR THE POLICE DEPARTMENT

WHEREAS, the Borough Council of the Borough of Merchantville desires to purchase a Livescan Desktop System and Printer system under state contract; and

WHEREAS, Morpho Trak, LLC, can provide the system under state contract number A81520 (GS-35-0523U, Schedule 70) in the amount of \$28,724.21 for the desktop system and \$1,250.73 for the printer system, total not to exceed \$29,974.94; and

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

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted for the purchase of, Police Department Livescan Imprinting System and Printer, Morpho Trak LLC, 5515 East LA Palma Avenue, Anaheim CA 92807, attached is a copy of the specifications;

R18-83
RESOLUTION AUTHORIZING THE ISSUANCE OF A
DUPLICATE TAX SALE CERTIFICATE PURSUANT TO
N.J.S.A. 54:5-52.1

WHEREAS, the Tax Collector of the Borough of Merchantville has previously issued a tax sale certificate to US Bank Cust for PC7 Firstrust which certificate is dated October 5, 2017 covering premises commonly known and referred to as Lot 3.01 in Block 4 as set out on the municipal tax map then in use which certificate bears number 17-00005.

WHEREAS, the purchaser of the aforesaid tax sale certificate has indicated to the Tax Collector that they have lost or otherwise misplaced the original tax sale certificate and have duly filed the appropriate Affidavit of Loss with the Tax Collector, a copy of which is attached hereto.

NOW, THEREFORE, be it resolved by the Mayor and Governing Body of the Municipality of Merchantville that the Tax Collector of the municipality be and is hereby authorized, upon receipt of the appropriately executed and notarized Loss Affidavit and the payment of a fee of \$100 per certificate, to issue an appropriate duplicate tax sale certificate to the said purchaser covering the certificate lost as previously described all in accordance with the requirements of Chapter 99 of Public Laws of 1997.

BE IT FURTHER RESOLVED that a copy of this Resolution and the Loss Affidavit be attached to the duplicate certificate to be issued to said purchaser and that said duplicate certificate shall be stamped or otherwise have imprinted upon it the word "Duplicate" as required by law.
Ordinance for introduction on first reading. These Ordinances will be considered for adoption at the public hearing to be held during the June 11th council meeting.

R18-84

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE

WHEREAS, NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an appropriation for the equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2018 in the sum of \$ **8,168.15**, which is now available as a revenue from the State Pursuant to the provision of the statute, and

BE IT FURTHER RESOLVED that the like sum of \$ **8,168.15** is hereby appropriated under the caption Special items of Recreation; and

BE IT FURTHER RESOLVED that the above is a result of a donation of \$ **8,168.15** from:

Recreation Donation from Vine Community	1,200.00
2018 Clean Community Grant	6,968.15
TOTAL	8,168.15

R18-86

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO RENEW ABC PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, First Jay Sai LLC, 620-622 W Maple Avenue, Merchantville, NJ, has applied for renewal of their Plenary Retail Distribution License for the year July 1, 2018 to June 30, 2019 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Fitzgerald, director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-001-010 to First Jay Sai LLC..

R18-87-Plenary Retail Distribution License-On a motion of Mr. Sperrazza and second of Mr. Kidd, Council approved the following Resolution;

R18-87
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO RENEW
ABC PLENARY RETAIL DISTRIBUTION LICENSE

WHEREAS, Tulsi Merchantville LLC, 9-11 West park Avenue, Merchantville, NJ, has applied for renewal of their Plenary Retail Distribution License for the year July 1, 2018 to June 30, 2019 and applications have been filed with checks to the Borough of Merchantville in the amount of \$1,250.00 each and checks to the State Division of Alcoholic Beverage Control in the amount of \$200.00 each; and

WHEREAS, Councilor Fitzgerald, director of the Department of Records and Licenses, has reported that the licensed premises were inspected to ascertain that they comply with all pertinent health and safety laws and regulations, and that he recommends the granting of said licenses; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Plenary Retail Distribution License #0424-44-002-009 to Tulsi Merchantville LLC.

Ordinance 18-08 Capital Budget- On a motion of Mr. Kidd and second of Mr. Sperrazza, council introduced the following Ordinance.

BOROUGH OF MERCHANTVILLE, NEW JERSEY
ORDINANCE 2018-08

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 \$465,000 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 \$180,500, 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 \$465,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$180,500; and

- (c) a down payment in the amount of \$9,500 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 \$180,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$9,500, which amount represents the required down payment, and the sum of \$275,000, 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 \$180,500 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 \$180,500 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 \$100,000.

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.	Reconstruction and/or Repaving of Various Streets including, but not limited to Cedar and Westminister Avenues, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$313,700	\$1,935	\$275,000	\$36,765	10 years
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	20,000	1,000	0	19,000	5 years
C.	Acquisition of Various Equipment for the Police Department including, but not limited to, Sports Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	60,000	3,000	0	57,000	5 years

<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>
D. Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Brine Tank and Applicator, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	33,000	1,650	0	31,350	5 years
E. Acquisition of Various Equipment for the Fire Department including, but not limited to, Communications and Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	26,300	1,315	0	24,985	5 years
F. Acquisition of Various Equipment for Administrative Offices including, but not limited to, Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	12,000	600	0	11,400	5 years
TOTAL	\$465,000	\$9,500	\$275,000	\$180,500	

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 6.01 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 \$180,500 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.

Notice of Pending Bond Ordinance and Summary.

The bond ordinance, the summary terms of which are included herein, was introduced and passed upon first reading at a meeting of the Borough Council of the Borough of Merchantville, in the County of Camden, State of New Jersey, on June 11, 2018. It will be further considered for final passage, after public hearing thereon, at a meeting of the Borough Council of the Borough of Merchantville to be held at the Municipal Building, 1 West Maple Avenue, Merchantville, New Jersey, on July 9, 2018 at 7:30 o'clock PM. During the week prior to and up to and including the date of such meeting copies of the full ordinance will be available at no cost and during regular business hours, at the Borough Clerk's office for the members of the general public who shall request the same. The summary of the terms of such bond ordinance follows:

Title: **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 \$465,000 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 \$180,500, MAKING
CERTAIN DETERMINATIONS AND COVENANTS; AND
AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION
WITH THE FOREGOING**

<u>Purpose/Improvement</u>	<u>Estimate d Total Cost</u>	<u>Down Payment</u>	<u>Grant</u>	<u>Amount of Obligation</u>	<u>Period of Usefulness</u>
A. Reconstruction and/or Repaving of Various Streets including, but not limited to Cedar and Westminister Avenues, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$313,700	\$1,935	\$275,000	\$36,765	10 years
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	20,000	1,000	0	19,000	5 years
C. Acquisition of Various Equipment for the Police Department including, but not limited to, Sports Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	60,000	3,000	0	57,000	5 years
D. Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Brine Tank and Applicator, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	33,000	1,650	0	31,350	5 years
E. Acquisition of Various Equipment for the Fire Department including, but not limited to, Communications and Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	26,300	1,315	0	24,985	5 years
F. Acquisition of Various Equipment for Administrative Offices including, but not limited to, Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	12,000	600	0	11,400	5 years
TOTAL	\$465,000	\$9,500	\$275,000	\$180,500	

Appropriation: \$465,000
Bonds/Notes Authorized: \$180,500

Grants (if any) Appropriated: \$275,000
 Section 20 Costs: \$100,000
 Useful Life: 6.01 years

Bond Ordinance Statements and Summary

The bond ordinance, the summary terms of which are included herein, has been finally adopted by the Borough Council of the Borough of Merchantville, in the County of Camden, State of New Jersey on July 9, 2018 and the twenty (20) day period of limitation within which a suit, action or proceeding questioning the validity of such ordinance can be commenced, as provided in the Local Bond Law, has begun to run from the date of the first publication of this statement. Copies of the full ordinance are available at no cost and during regular business hours, at the Borough Clerk’s office at the Municipal Building, 1 West Maple Avenue, Merchantville, New Jersey, for members of the general public who request the same. The summary of the terms of such bond ordinance follows:

Title: **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 \$465,000 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 \$180,500, MAKING CERTAIN DETERMINATIONS AND COVENANTS; AND AUTHORIZING CERTAIN RELATED ACTIONS IN CONNECTION WITH THE FOREGOING**

	<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.	Reconstruction and/or Repaving of Various Streets including, but not limited to Cedar and Westminister Avenues, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$313,700	\$1,935	\$275,000	\$36,765	10 years
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	20,000	1,000	0	19,000	5 years

<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>
C. Acquisition of Various Equipment for the Police Department including, but not limited to, Sports Utility Vehicles, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	60,000	3,000	0	57,000	5 years
D. Acquisition of Various Equipment for the Public Works Department including, but not limited to, a Brine Tank and Applicator, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	33,000	1,650	0	31,350	5 years
E. Acquisition of Various Equipment for the Fire Department including, but not limited to, Communications and Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	26,300	1,315	0	24,985	5 years
F. Acquisition of Various Equipment for Administrative Offices including, but not limited to, Computer Equipment, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	12,000	600	0	11,400	5 years
TOTAL	\$465,000	\$9,500	\$275,000	\$180,500	

Appropriation: \$465,000
 Bonds/Notes Authorized: \$180,500
 Grants (if any) Appropriated: \$275,000
 Section 20 Costs: \$100,000
 Useful Life: 6.01 years

Payment of Bills-On a motion of Mr. Sperrazza and second of Mr. McLoone approved the payment of bills.

**R18-88
 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	2017 BUDGET		300.00

	2018 BUDGET	\$	330.00	\$	46,398.94	
	GRANTS					\$
	PFRS					2,186.35
	PERS					
	DEBT SERVICE					
	BOARD OF					
	EDUCATION*					
	CAMDEN COUNTY					
WIRE TRANSFERS						\$
PAYROLL	5/25/18-6/8/18					146,045.75
						\$
WIRES / MANUAL CHECKS						46,470.26
				\$		\$
	TOTAL CURRENT		330.00			241,401.30
SEWER UTILITY						
CHECKS SEWER FUND	2017 BUDGET					
	2018 BUDGET			\$	102,738.52	
	DEBT SERVICE					
WIRE TRANSFERS						\$
PAYROLL	5/25/18-6/8/18					1,791.40
WIRE NJEIT LOAN						
WIRES /MANUAL CHECKS						
		\$	-			\$
	TOTAL SEWER					104,529.92
GENERAL CAPITAL FUND						
CHECK CAPITAL FUND				\$	2,072.00	
						\$
MANUAL CHECK						6,184.25
WIRE TRANSFERS						
PAYROLL	5/25/18-6/8/18					
		\$	-			\$
	TOTAL CAPITAL					8,256.25
TRUST FUND						
CHECK TRUST OTHER						\$
FUND						2,722.95
WIRE TRANSFERS				\$		
PAYROLL	5/25/18-6/8/18				11,951.00	
						\$
WIRES / MANUAL CHECKS						6,400.00
		\$	-			\$
	TOTAL TRUST					21,073.95
SEWER CAPITAL FUND						
CHECK SEWER CAPITAL						
MANUAL CHECKS						
WIRE TRANSFERS						
PAYROLL	3/16/18 - 3/30/18					

TOTAL SEWER CAPITAL	\$	-	\$	-
ANIMAL TRUST FUND				
ANIMAL TRUST CHECK			\$	7.80
TOTAL ANIMAL TRUST	\$	-		\$ 7.80
TOTAL BILL LIST & MANUAL CHECKS/WIRE				
			\$	\$
		330.00		375,269.22
GRAND TOTAL			\$	375,599.22

ANNOUNCEMENTS**PRIVATE SESSION**

ADJOURNMENT: On the motion of Mr. Kidd and second of Mr. McLoone the meeting was adjourned at 9:02 P.M.

Denise Brouse, Borough Clerk