

Merchantville, NJ October 8, 2018

A regular meeting of Borough Council was held at 7:30 PM, Monday, October 8th, 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: Kidd, Fitzgerald, Sperrazza and Perno. Attorney Higgins, CFO Moules and Clerk Brouse were present.

#### **PUBLIC**

**Maria Nina Scarpa**, 311 St. James Ave-status update in safe routes to school application. Mayor provided an overview of why we are not applying for Safe Route to School.

**APPROVAL OF MINUTES** Council 8/13/2018 - On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved minutes.

#### **ENGINEER REPORT**

**Reconstruction of Gilmore and East Cedar Phase II NJDOT Municipal Aid FY 2016 (MERB 1603)** – working with the Borough to determine closeout of the contract

**General Engineering (MERCH 18000)** – assisted Borough with HDSRF and Park Grant application, submitted a proposal to complete a speed study on Church Rd. and Maple Ave., submitted a proposal for a lighting feasibility study along the multi-use path from Merchantville to Pennsauken.

**FY2018 NJDOOT Municipal Aid Road Program (MERCH 18001)** – modified scope and schedule of the proposed work. My office will coordinate with the Borough on selection of advertising and bid opening dates.

**Community Stormwater Study (MERCH 18002)** – completed an investigation of the flow of stormwater at the Community Center in relation to neighboring properties. A copy of the report has been submitted to the Borough for review. A meeting was conducted with residents on Sept. 24<sup>th</sup> to review the results of the study.

**NJDOT Municipal Aid FY2019 Application (MERCH 18004)** – grant application was submitted on October 3<sup>rd</sup>. The streets identified included Westminster, Holly, Ivins, Clifton, and Woodland

**CORRESPONDENCE** - Resignation letter from Council Member John J. Grasso effective as of October 1, 2018

#### **COUNCIL REPORTS**

**Mr. Kidd**-JLUB meeting cancelled. Green Team had great turn out for no-mow zone with residents as well as students from Jr Green Team, and press.

**Mr. Fitzgerald**- Meeting with Council Member Kidd and Boro Clerk Denise Brouse regarding website, social media, and updates needed. Looking to reduce call to borough hall by adding opening message with hours, rearrange extensions, community calendar, etc. Mr. Fitzgerald will over-see public events to the end of the year.

**Mr. Sperrazza**- Fire 18 calls, drills will be taking place, Roy in hospital, Octoberfest, code enforcement had 9 resales. Air BNB Ordinance-Currently no state fire code

**Mr. Perno**-Abandoned properties list getting smaller, Working on Volan and Chestnut properties with St. Joe's Carpentry Society. Letter being sent out to multi-family properties to provide a record that it exists. Tee ball field at Wellwood Park had sand added to fields which may cause some dust to surrounding properties from baseball games. Donation of labor and materials of baseball seats from Campbell's Field to be installed along Roker Field.

#### **OLD BUSINESS**

#### **NEW BUSINESS**

**DISCUSSION-** Health Insurance Cost. Next meeting JIF

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

**R18-133**  
**RESOLUTION APPROVING A PILOT AGREEMENT BY AND**  
**BETWEEN THE COUNTY OF CAMDEN AND BOROUGH OF MERCHANTVILLE FOR PROJECT**  
**SAVE REFERRAL SERVICES**

**WHEREAS**, statistics have shown a significant number of municipal court defendants suffer from drug and/or alcohol addiction, which has in large measure contributed to the defendant's commission of non-violent crimes; and

**WHEREAS**, the Parties have studied various measures available to respond to the substance abuse crisis and have worked with each of their police departments and municipal court officials to determine the best way to connect defendants suffering with addiction with information and options for assessment and/or treatment; and

**WHEREAS**, after careful consideration, the Parties have determined that a cooperative approach to implement the Project SAVE program, a voluntary substance abuse treatment referral and intervention strategy for municipal court defendants arrested for non-violent crimes, would offer the Parties an effective and efficient means of providing these services; and

**WHEREAS**, to properly manage and coordinate the Project SAVE program, the Parties have decided to enter into a Pilot Agreement to authorize the County to procure a vendor on behalf of the Municipality for this purpose; and

**WHEREAS**, the costs for the professional services performed pursuant to this Pilot Agreement shall be paid by the County; and

**WHEREAS**, the term of the Pilot Agreement will be for a period of one (1) year, commencing on or about January 1, 2019 and terminating on December 31, 2019; and

**WHEREAS**, this Pilot Agreement is authorized pursuant to N.J.S.A. 40A:65-1, *et seq.* ("Uniform Shared Services and Consolidation Act") which permits two or more local units to enter into an Agreement for any service which any party to the Agreement is empowered to render within its jurisdiction; and

**WHEREAS**, the Parties agree that their mutual public purposes and their best interests will be promoted by the execution and delivery of a Pilot Agreement pursuant to the powers conferred by the Uniform Shared Services and Consolidation Act; and

**NOW THEREFORE, BE IT RESOLVED**, by Resolutions adopted on October 18, 2018, by the County, and on October 8, 2018, by the Municipality, the Parties respectively authorized preparation and execution of the attached Pilot Agreement by and between the parties;

Ordinances for introduction on first reading. These ordinances will be considered for adoption at the public hearing to be held during the October 22<sup>nd</sup> council meeting:

**Ordinance 18-12:** On a motion of Mr. Kidd and second of Mr. Sperrazza, Council introduced the following ordinance.

## 18-12

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF  
CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 38, HAWKING AND PEDDLING, 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 Chapter 38, Hawking and Peddling, in the Code of the Borough of Merchantville, is hereby amended as follows:

**ARTICLE I. SECTION 38-3 Restrictions.**

Canvassing, soliciting and peddling in the Borough of Merchantville, in the County of Camden, are prohibited:

Between the hours of 9:00 p.m. and 9:00 a.m. on any day of the week.

At any other time or place unless each such canvasser, solicitor or peddler shall have first registered under the provisions of this Chapter.

**ARTICLE II. SECTION 38-3.1 Establishment, Display and Distribution of a "Do Not Knock Registry."**

The Police Clerk shall prepare a list of addresses of those premises where the owner and/or occupant has notified the Police Clerk that peddling, soliciting, canvassing, hawking and door-to-door sales enterprising as set forth in this Chapter are not permitted on the premises (hereinafter referred to as the "Do Not Knock Registry"). Notification shall be by completion of a form available at the Police Department office during normal business hours.

Any owner and/or occupant who has requested enlistment on the Do Not Knock Registry, pursuant to this Chapter herein, shall be able to obtain from the Police Department office a sticker for display at his/her/its premises indicating enlistment on the Do Not Knock Registry.

Owners and/or occupants who are placed on the Do Not Knock Registry at their request, shall remain on the Do Not Knock Registry until such time as they advise the Police Clerk in writing that they wish to be removed from the list. The Police Clerk shall distribute the current Do Not Knock Registry to a licensee under this Chapter at the time of issuance of a license to peddle, solicit, canvas, hawk or otherwise door-to-door sell pursuant to the provisions of this Chapter. The Do Not Knock Registry provided to licensees shall only include the physical address of the enlisted premises. The licensee shall not peddle, solicit, canvas, hawk or conduct door-to-door sales at any premises identified on the then current Do Not Knock Registry.

**ARTICLE III. SECTION 38-18 Violations; penalties.**

Unless another penalty is expressly provided by New Jersey statute, every person, firm, association or corporation violating any provision of this Article shall, upon conviction thereof, be subject to the fines and/or penalties as are set forth in the Chapter 1-9 of the Code of the Borough of Merchantville. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this Article.

To the extent the conduct prohibited under this Article also violates other provisions of the Borough Code, those violations constitute separate offenses subject to additional fines and penalties as prescribed.

**ARTICLE IV.**

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

**ARTICLE V.**

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

**Ordinance 18-13:** On a motion of Mr. Fitzgerald and second of Mr. Kidd, Council introduced the following ordinance.

## 18-13

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF  
NEW JERSEY AMENDING CHAPTER 54, PEACE AND GOOD ORDER, 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 Section 54-9, Establishment and Maintenance of a “Special Assistance Registry,” in hereby added to Chapter 54, Peace and Good Order, is hereby added to the Code of the Borough of Merchantville, as follows:

**ARTICLE I. SECTION 54-9 Establishment and Maintenance of a “Special Assistance Registry.”**

The Borough Clerk shall prepare and maintain a “Special Assistance Registry,” which shall consist of the names and addresses of those residents identifying themselves as in need of special assistance in the event of an emergency. This Registry shall be cross-indexed by the name and address of each resident that opts onto the Registry, identifying the special circumstances for each, and is to be used solely for public safety purposes.

The Borough Clerk shall provide the Registry, which must be updated at least monthly, to the Chief of the Merchantville Police Department, the Chief of the Merchantville Fire Department, the Captain of the Pennsauken First Aid Squad, and to any Emergency Services agency that may be called to serve the residents of the Borough. Any Borough resident has requested enlistment on the Special Assistance Registry, pursuant to this Chapter, shall be able to obtain from the Borough Clerk’s office a sticker for display at his or her premises, indicating enlistment on the Special Assistance Registry.

Any Borough resident who has requested placement on the Special Assistance Registry shall remain on the Special Assistance Registry until such time as he or she advises the Borough Clerk, in writing, that they wish to be removed from the Registry.

Any information contained in the Special Assistance Registry is exempt from disclosure under the Open Public Records Act, N.J.S.A. 47:1A-1 et seq.

**ARTICLE II.**

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

**ARTICLE III.**

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

**Ordinance 18-14:** On a motion of Mr. Sperrazza and second of Mr. Kidd, Council introduced the following ordinance.

**18-14**

**BOROUGH OF MERCHANTVILLE, NEW JERSEY**

**ORDINANCE 2018-14**

**BOND ORDINANCE AUTHORIZING THE REPAIR AND/OR REPLACEMENT OF SIDEWALKS IN AND FOR THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY; APPROPRIATING THE SUM OF \$50,000 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 \$47,500, 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 \$50,000;
- (b) the estimated amount of bonds or bond anticipation notes to be issued for the purposes stated in Section 7 hereof is \$47,500; and

a down payment in the amount of \$2,500 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 \$47,500, to be raised by the issuance of bonds or bond anticipation notes, together with the sum of \$2,500, which amount represents the required down payment, 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 \$47,500 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 \$47,500 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 \$10,000.

**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>Amount of Obligations</u>	<u>Period of Usefulness</u>
A. Repair and/or Replacement of Sidewalks in and for the Borough, together with the acquisition of all materials and equipment and completion of all work necessary therefore or related thereto	\$50,000	\$2,500	\$47,500	10 years

**Section 8.** 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 9.** 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 \$47,500 and that the obligations authorized by this Bond Ordinance will be within all debt limitations prescribed by said Local Bond Law.

**Section 10.** 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 11.** 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 12.** 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 13.** 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;

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

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 14.** 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 15.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of any such inconsistency.

**Section 16.** In accordance with the Local Bond Law, this Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

**Date of Introduction: October 8, 2018**

**Date of Final Adoption: October 22, 2018**

**Payment of Bills**-On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the payment of bills.

**R18-134  
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			
	2018 BUDGET	\$ 3,877.36	\$ 96,642.94
	GRANTS		\$ 797.04
	PFRS		
	PERS		
	DEBT SERVICE		\$ 4,663.74
	BOARD OF EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	9/14/18-9/28/18		\$ 128,316.65
WIRES / MANUAL CHECKS			\$ 18,971.02
<b>TOTAL CURRENT</b>		<b>\$ 3,877.36</b>	<b>\$ 249,391.39</b>
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<b>SEWER UTILITY</b>			
CHECKS SEWER FUND	2017 BUDGET		
	2018 BUDGET		
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	9/14/18-9/28/18		\$ 3,216.00
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
<b>TOTAL SEWER</b>		<b>\$ -</b>	<b>\$ 3,216.00</b>
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<b>GENERAL CAPITAL FUND</b>			
CHECK CAPITAL FUND			\$ 19,969.79
MANUAL CHECK			
WIRE TRANSFERS PAYROLL	9/14/18-9/28/18		
<b>TOTAL CAPITAL</b>		<b>\$ -</b>	<b>\$ 19,969.79</b>
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<b>TRUST FUND</b>			
CHECK TRUST OTHER FUND			\$ 3,731.98
WIRE TRANSFERS PAYROLL	9/14/18-9/28/18		\$ 8,033.50
WIRES / MANUAL CHECKS			\$ 8,001.40
<b>TOTAL TRUST</b>		<b>\$ -</b>	<b>\$ 19,766.88</b>
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<b>SEWER CAPITAL FUND</b>			
CHECK SEWER CAPITAL			
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL			
<b>TOTAL SEWER CAPITAL</b>		<b>\$ -</b>	<b>\$ -</b>
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<b>ANIMAL TRUST FUND</b>			

ANIMAL TRUST CHECK		\$		1,047.00
TOTAL ANIMAL TRUST		\$	-	\$ 1,047.00
TOTAL BILL LIST & MANUAL CHECKS/WIRE		\$	3,877.36	\$ 293,391.06
GRAND TOTAL		\$		<b>297,268.42</b>

**ANNOUNCEMENTS**

**PRIVATE SESSION**

**ADJOURNMENT:** On the motion of Mr. Kidd and second of Mr. Fitzpatrick the meeting was adjourned at 8:23 P.M.

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Denise Brouse, Borough Clerk