

Merchantville, October 22, 2018

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, October 22, 2018. Council Member Daniel Sperrazza 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. Clerk Brouse, CFO Moules and Attorney Higgins were present.

**PUBLIC**

**Cindy Hertneck, 15 Clifton Ave.** - Interested in creating rain garden on bike path near the Station, which would be at no cost to the borough though contributions and man power are requested. Phase 1 could be in by Thanksgiving. Green Team would like to partner with this project if approved. Need to do a 200 word write-up for Sustainably NJ. Also looking into rain garden plaque.

Planting of daffodils on November 10<sup>th</sup> 8am to 11am on the bike path. Boy Scouts will be helping with lunch in the gazebo. Pre-ordered flowers have been ordered and will be available for pick-up between 11-1pm. Will be using fire department generators again. Cindy will also take care of "Call before You Dig".

On a motion of Mr. Kidd, followed by a second of Mr. Fitzpatrick the above projects were approved.

**Maria Nina Scarpa 311 St James Ave.** – Concerned that Ordinances 18-2 and 18-3 was not advertised. Clerk Brouse answered that ordinances were advertising but separated out.

**PUBLIC HEARING ORDINANCE for second reading and adoption- none**

18-12 Amend Chapter 38, Hawking and Peddling

**ADOPT ORDINANCE 18-12** -On a motion of Mr. Perno and second of Mr. Kidd, Council adopted 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.

**PUBLIC HEARING ORDINANCE for second reading and adoption-None**

18-13 Amending Chapter 54

**ADOPT ORDINANCE 18-13 Amending Chapter 54**-On a motion of Mr. Fitzgerald and second of Mr. Kidd, Council adopted 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.

#### **PUBLIC HEARING ORDINANCE for second reading and adoption-None**

18-13 Amending Chapter 54

Councilman Kidd reported that Safe Route To School Grants do not do what we want with project. Looking into working with DVRPC on future possible projects but Borough will have to match 20%.

**ADOPT ORDINANCE 18-14 Bond Ordinance for Sidewalk Repair and Replacement-** On a motion of Mr. Fitzgerald and second of Mr. Kidd, Council adopted the following Ordinance.

#### **18-14**

#### **BOROUGH OF MERCHANTVILLE, NEW JERSEY**

#### **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>Estimate<br/>d Total<br/>Cost</u> | <u>Down<br/>Payme<br/>nt</u> | <u>Amount of<br/>Obligation</u> | <u>Period of<br/>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.

**DISCUSSION ITEMS - none**

**OLD BUSINESS - none**

**NEW BUSINESS**

Resolutions to be approved during the caucus meeting. On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved the following resolution.

**R18-135**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ESTABLISHING AND IMPLEMENTING A FAIR AND OPEN PROCESS FOR THE SELECTION OF PROFESSIONAL SERVICES PROVIDERS FOR THE BOROUGH OF MERCHANTVILLE IN THE CALENDAR YEAR 2019**

**WHEREAS**, the Borough of Merchantville requires the services of various professional service providers for the calendar year 2019; and

**WHEREAS**, professional services are exempt from the requirement of public bidding pursuant to N.J.S.A.40A:11-5; and

**WHEREAS**, the Borough of Merchantville continues to find it advisable to select professionals primarily on the basis of qualification including qualifications uniquely suited to the needs of the Borough of Merchantville; and

**WHEREAS**, the Borough of Merchantville has determined that it is appropriate to implement a fair and open process for the awarding of professional service contracts; and

**WHEREAS**, to receive statements of qualification in a manner that fosters a fair and open process it is necessary and advisable to establish advance general criteria and specific minimum requirements for so many of those appointments as possible; and

**WHEREAS**, the Borough of Merchantville has determined that a fair and open process requires public advertisement of professional appointments in a manner and with sufficient time to provide notice in advance of the contemplation of the appointment and the criteria to be considered in making the appointment; and

**WHEREAS**, the Borough of Merchantville has determined that a fair and open process requires that all responses be publicly opened and announced and thereafter that all appointments be made at a public meeting of the governing body and then published in accordance with N.J.S.A. 40A:11-5.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and the Borough Council of the Borough of Merchantville as follows:

1. All professional service appointments contained on Schedule A attached to and made a part hereof shall be subject to a fair and open process as set forth below.

2. The Borough Clerk shall cause a legal notice to be published in a newspaper authorized to publish legal notices for the Borough, stating that a full listing of all professional service appointments subject to a fair and open process together with the criteria established for the consideration of qualifications will be posted on the Borough's internet website beginning no later than October 24, 2018.

3. The criteria for each position contained on Schedule A follows immediately subsequent to the listing on Schedule A. These criteria shall be disclosed together with the posting of these positions on the Borough's internet website as set forth above.

4. The website posting shall inform potential applicants that all submissions must be made to the Office of Borough Clerk and received not later than 11:00 a.m. November 21, 2018.

5. Commencing at 11:01 a.m. on November 21, 2018, or as soon thereafter as may be possible, the Borough Clerk or his designee shall publicly open and announce all submissions in the Borough's public meeting room.

6. The Mayor and Borough Council shall thereafter review all submissions.

7. Appointments shall thereafter be made at a public meeting of the Mayor and Borough Council of the Borough of Merchantville.

8. Subsequent to appointments, appropriate notices shall be published in accordance with the requirements of N.J.S.A. 40A:11-5.

**BE IT FURTHER RESOLVED** that the Mayor and Borough Council have determined that the terms of this Resolution constitute a fair and open process as to all positions included herein.

On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved the following resolution.

**R18-136**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**CAMDEN COUNTY, NEW JERSEY REFUND OF**  
**PROPERTY TAX PAYMENT**

**WHEREAS**, the Merchantville Tax Collector has called to Mayor and Council's attention a request to refund the property tax payment to the property owner at 107 Poplar Avenue, Merchantville, New Jersey:

**WHEREAS**, the Merchantville property owner paid their Pennsauken property tax payment to Merchantville in error for the rental property that they own in Pennsauken;

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Merchantville that the following refund be approved on this account in the amount of \$700.00 and be forwarded to Nuris Mercado, 107 Poplar Avenue, Merchantville, NJ 08109:

| <u>NAME</u>   | <u>ADDRESS</u>    | <u>AMOUNT</u> |
|---------------|-------------------|---------------|
| Nuris Mercado | 107 Poplar Avenue | \$700.00      |

On a motion of Mr. Kidd and second of Mr. Fitzgerald,, Council approved the following resolution.

**R18-137**  
**Borough of Merchantville**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2019 Road Program project.

NOW, THEREFORE, BE IT RESOLVED that Council of Merchantville formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2019 Road Program-00355 to the New Jersey Department of Transportation on behalf of the Borough of Merchantville.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Merchantville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

Certified as a true copy of the Resolution adopted by the Council  
On this 22nd day of October, 2018

On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved the following resolution.

**R18-138**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN AND STATE OF NEW JERSEY**  
**CANCELLING CONTRACT BALANCE**

**WHEREAS**, certain authorized Contract balances remain dedicated to projects now completed; and

**WHEREAS**, it is necessary to formally cancel said balances so that the unexpended balances may be unencumbered;

|           |          |                         |           |                             |
|-----------|----------|-------------------------|-----------|-----------------------------|
| Ord 12-07 | C5-00012 | Pennoni Associates Inc. | 509.75    | Prepare CDBG Application    |
| Ord 13-14 | C5-00016 | RWD Consultant, LLC     | 16,500.00 | Comm Ctr Construction Mgmt. |
| Ord 13-14 | C5-00017 | Pennoni Associates Inc. | 2,613.41  | Comm Ctr Flooring Abatement |
| Ord 13-14 | C7-00004 | MRC Recreation          | 1,740.00  | Gazebo Installation         |

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the above listed unexpended contract balances are hereby canceled.

On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved the following resolution.

**R18-139**  
**RESOLUTION OF THE BOROUGH OF**  
**MERCHANTVILLE, CAMDEN COUNTY, NEW JERSEY**  
**REFUND OF INTEREST IN PROPERTY TAX**

WHEREAS, the Merchantville Tax Collector has called to Mayor and Council's attention a request to refund the property interest to the property owner at 220 St. James Avenue, Merchantville, New Jersey:

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Merchantville that the following refund be approved on this account in the amount of \$50.79:

| NAME                  | ADDRESS              | AMOUNT  |
|-----------------------|----------------------|---------|
| Gail and James Murray | 220 St. James Avenue | \$50.79 |

On a motion of Mr. Kidd and second of Mr. Perno, Council approved the following resolution.

**R18-140**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN AND STATE OF NEW JERSEY**  
**APPOINTMENT OF NEW COUNCIL MEMBER**

**WHEREAS**, there is a vacancy on Borough Council, and

**WHEREAS**, N.J.S.A. 40A:16-11, et seq. allows the Mayor and Council select from a list provided by the party affiliated with the vacancy and appoint a new councilmember; and

**WHEREAS**, Mayor and Council have received a nomination of one party member, Maria Nina Scarpa and no other nomination made;

**NOW, THEREFORE BE IT RESOLVED**, by the Mayor and Council of the Borough of Merchantville, that Maria Nina Scarpa is hereby appointed to Borough Council and shall fill the vacancy until the next election.

**MOTION TO ADJOURN:**

On the motion of Mr. Perno and second of Mr. Fitzgerald, the meeting was adjourned at 8:05 PM.

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Denise Brouse, Borough Clerk