

April 6, 2009

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of April 6, 2009 called by the Mayor, Lawrence E. Pennock, in the Community Hall at 7:00 PM with the salute to the flag was included in a list of meetings notice sent to the Retrospect and the Courier Post on January 8, 2009, and advertised in the Retrospect on January 16, 2009 and in the Courier Post on January 10, 2009, posted on the bulletin board in the Municipal Building on January 7, 2009 and has remained continuously posted as the required notices under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the office of the Municipal Clerk.

Roll Call: Councilman Beeman, Councilwoman Hook, Councilwoman Jones, Councilwoman Lewis, and Councilman Passon were all present. Councilman Fisher (excused) was absent. Solicitor Marrazzo was present.

Mayor went out of the regular order of business to read the following resignation letter from Councilman Fisher:

April 6, 2009

To Mayor and Town Council:

Affective this date, I Robert D. Fisher am resigning from the seat of Town Council and Director of Public Safety. All borough property will be returned by April 30, 2009.

Sincerely,

Robert D. Fisher

Motion made by Councilwoman Jones to approve the minutes from the March 2, 2009 Regular Meeting. Seconded by Councilman Beeman. All ayes.

Motion made by Councilman Passon to approve the minutes from the Special Meeting held on March 16, 2009. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-abstained, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

Motion made by Councilman Beeman to approve the vouchers provided the proper affidavits are attached. Seconded by Councilman Passon. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

OPEN TO THE PUBLIC AT 7:03 PM:

Debra Garbrecht-Deputy Emergency Management Coordinator-reported that there isn't any new Emergency Management business to report. C.A.R.T. is sponsoring a fundraiser on May 1, 2009 at LaMartinique from 7:30 PM until 9:30 PM.

CLOSED TO THE PUBLIC AT 7:05 PM

REPORTS:

Councilwoman Lewis-reported that the interior painting of the MPB will be completed within the next 2 days.

Councilwoman Jones-reported on the 8th Annual Senior Day at the Camden Riversharks on Thursday, May 7, 2009 at 11:05 AM. You must be a Camden County resident 60 years and over.

Councilman Beeman-reported that Councilwoman Hook, Councilwoman Lewis, the Mayor, and himself attended Haddon Township's meeting and were treated like royalty. Upon speaking to many of the Audubon Park residents, Councilman Beeman believes they are happy that Haddon Township will be patrolling our town.

Councilwoman Hook-reported that the quarter report for the JIF is due.

Councilman Passon-reported he is still acquiring information on solar power and will have more to report as he gathers the information.

Mayor Larry Pennock-reported he would like to schedule a coordinating meeting on Monday, April 27, 2009, the Borough of Audubon knew 8:30 PM the results of the police contract, reminded Council that the Budget meeting will be April 20, 2009, the Borough Offices will be closed Friday, April 10, 2009 and Monday, April 13, 2009, and Chief Cavallo came across old maps from the 1900s before Route 130 even existed and he will be providing a copy for the Borough of Audubon Park to display in the Library.

COMMUNICATIONS: None reported

OLD BUSINESS: None at this time.

NEW BUSINESS:

SECOND READING OF ORDINANCE 2009-01: ORDINANCE TO EXCEED THE MUNICIPAL BUDGET COST OF LIVING ALLOWANCE AND TO ESTABLISH A CAP BANK WHEN THE COLA IS EQUAL TO OR GREATER THAN 2.5%.

OPEN TO THE PUBLIC AT 7:24 PM FOR ORDINANCE 2009-01: No comments.

CLOSED TO THE PUBLIC AT 7:24 PM

Motion made by Councilman Passon to adopt Ordinance 2009-01. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

ORDINANCE NO. 2009-02

BOROUGH OF AUDUBON PARK, NEW JERSEY

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, PROHIBITING IMPROPER DISPOSAL OF WASTE IN THE BOROUGH OF AUDUBON PARK

WHEREAS, the Mayor and Borough Council of the Borough of Audubon Park have deemed it in the best interest of the public health, safety and welfare to adopt and ordinance prohibiting the improper disposal of waste;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey, as follows:

SECTION I. Purpose:

The purpose of this Ordinance is to establish an ordinance to prohibit the spilling, dumping, or disposal of materials other than stormwater into the municipal separate storm sewer system (MS4) operated by the Borough of Audubon Park, so as to protect public health, safety and welfare, and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Ordinance clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word "shall" is always mandatory and not merely directory.

a. Municipal separate storm sewer system (MS4) – a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) that is owned or operated by the Borough of Audubon Park or other public body, and is designed and used for collecting and conveying stormwater.

b. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

c. Stormwater – water resulting from precipitation (including rain and snow) that runs off the land’s surface, is transmitted to the subsurface, is captured by separate storm sewers or other sewerage or drainage facilities, or is conveyed by snow removal equipment.

SECTION III. Prohibited Conduct:

The spilling, dumping, or disposal of materials other than stormwater into the municipal separate storm sewer system operated by the Borough of Audubon Park is prohibited. The spilling, dumping, or disposal of materials other than stormwater in such a manner as to cause the discharge of pollutants into the municipal separate storm sewer system is also prohibited.

SECTION IV. Exceptions to Prohibition:

- a. Water line flushing and discharges from potable water sources
- b. Uncontaminated ground water (e.g. infiltration, crawl space or basement sump pumps, foundation or footing drains, rising ground waters)
- c. Air conditioning condensate (excluding contact and non-contact cooling water)
- d. Irrigation water (including landscape and lawn watering runoff)
- e. Flows from springs, riparian habitats and wetlands, water reservoir discharges and diverted stream flows
- f. Residential car washing water, and residential swimming pool discharges
- g. Sidewalk, driveway and street wash water
- h. Flows from fire fighting activities
- i. Flows from rinsing of the following equipment with clean water:
 - 1- Beach maintenance equipment immediately following their use for their intended purposes; and
 - 2- Equipment used in the application of salt and de-icing materials immediately following salt and de-icing material applications. Prior to rinsing with clean water, all residual salt and de-icing materials must be removed from equipment and vehicles to the maximum extent practicable using dry cleaning methods (e.g., shoveling and sweeping). Recovered materials are to be returned to storage for reuse or properly

discarded.

Rinsing of equipment, as noted in the above situation is limited to exterior, undercarriage, and exposed parts and does not apply to engines or other enclosed machinery.

SECTION V. Enforcement:

This Ordinance shall be enforced by the authorized police department and/or Municipal Officials of Audubon Park.

SECTION VI. Penalties:

Any person(s) who continues to be in violation of the provisions of this ordinance, after being duly notified, shall be subject to a fine not to exceed \$500.00.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date:

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion made by Councilman Passon to introduce Ordinance 2009-02, Ordinance of the Borough of Audubon Park, County of Camden, and State of New Jersey, Prohibiting Improper Disposal of Waste in the Borough of Audubon Park. Seconded by Councilwoman Lewis. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

ORDINANCE NO. 2009-03

BOROUGH OF AUDUBON PARK, NEW JERSEY

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY, ADOPTING LITTER CONTROL
REGULATIONS IN THE BOROUGH OF AUDUBON PARK**

WHEREAS, the Mayor and Borough Council of the Borough of Audubon Park

have deemed it in the best interest of the public health, safety and welfare to adopt an ordinance regulating litter control;

NOW THEREFORE BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey, as follows:

SECTION I. Purpose:

The purpose of this Ordinance is to establish requirements in the Borough of Audubon Park to control littering so as to protect public health, safety and welfare and to prescribe penalties for the failure to comply.

SECTION II. Definitions:

For the purpose of this ordinance, the following terms, phrases, words and their derivations shall have the meanings stated herein unless their use in the text of this Chapter clearly demonstrates a different meaning. When not inconsistent with the context, words used in the present tense include the future, words used in the plural number include the singular number, and words used in the singular number include the plural number. The word “shall” is always mandatory and not merely directory.

a. Litter – any used or unconsumed substance or waste material which has been discarded, whether made of aluminum, glass, plastic, rubber, paper, or other natural or synthetic material, or any combination thereof, including, but not limited to, any bottle, jar or can, or any top, cap or detachable tab of any bottle, jar or can, any unlighted cigarette, cigar, match or any flaming or glowing material or any garbage, trash, refuse, debris, rubbish, grass clippings or other lawn or garden waste, newspapers, magazines, glass, metal, plastic or paper containers or other packaging or construction material, but does not include the waste of the primary processes of mining or other extraction processes, logging, sawmilling, farming or manufacturing.

b. Litter Receptacle – a container suitable for the depositing of litter.

c. Person – any individual, corporation, company, partnership, firm, association, or political subdivision of this State subject to municipal jurisdiction.

SECTION III. Prohibited acts and regulated activities:

1. It shall be unlawful for any person to throw, drop, discard or otherwise place any litter of any nature upon public or private property other than in a litter receptacle, or having done so, to allow such litter to remain.
2. Whenever any litter is thrown or discarded or allowed to fall from a vehicle or boat in violation of this ordinance, the operator or owner, or both, of the motor vehicle or boat shall also be deemed to have violated this ordinance.

SECTION IV. Enforcement:

This Ordinance shall be enforced by the authorized police department and/or Municipal Officials of Audubon Park.

SECTION V. Penalties:

Any person(s) who is found to be in violation of the provisions of this ordinance shall be subject to a fine not to exceed \$500.00.

SECTION VI. Severability:

Each section, subsection, sentence, clause and phrase of this Ordinance is declared to be an independent section, subsection, sentence, clause and phrase, and the finding or holding of any such portion of this Ordinance to be unconstitutional, void, or ineffective for any cause, or reason, shall not affect any other portion of this Ordinance.

SECTION VII. Effective Date:

This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion made by Councilwoman Jones to introduce Ordinance 2009-03, Ordinance of the Borough of Audubon Park, County of Camden, and State of New Jersey, Adopting Litter Control Regulations in the Borough of Audubon Park. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon.

**RESOLUTION AUTHORIZING CAMDEN COUNTY COMMUNITY
DEVELOPMENT BLOCK GRANT TO REALLOCATE \$2,308.29
FROM YEAR 29 FUNDING TO THE NEIGHBORHOOD FACILITY
2009:22**

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Audubon Park to reallocate \$2,308.29 from Year 29 funding, from John R. Kerfoot Building to the Neighborhood Facility on Road B, and

WHEREAS, a consensus vote of the entire Governing Body was conducted and it was unanimous that said funds be reallocated for the Neighborhood Facility, and

WHEREAS, a hearing has been conducted and any comments will be reflected in the minutes and a copy provided to Camden County Community Development Block Grant.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Audubon Park that Camden County Community Development Block Grant Program representatives are authorized to move said funds

BE IT FURTHER RESOLVED that the appropriate officials of the Borough of Audubon Park are hereby authorized to proceed with any and all necessary documentation, with appropriate signatures thereon, to move said funds.

OPEN TO THE PUBLIC AT 7:26 PM FOR RESOLUTION 2009:22: No comments.

CLOSED TO THE PUBLIC AT 7:26 PM

Motion made by Councilwoman Lewis to adopt Resolution 2009:22, Resolution Authorizing Camden County Community Development Block Grant to Reallocate \$2,308.29 from Year 29 Funding to the Neighborhood Facility. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

**RESOLUTION AUTHORIZING CAMDEN COUNTY COMMUNITY DEVELOPMENT BLOCK GRANT TO REALLOCATE \$19,655.00 FROM YEAR 30 FUNDING TO THE NEIGHBORHOOD FACILITY
2009:23**

WHEREAS, it is the desire of the Mayor and Borough Council of the Borough of Audubon Park to reallocate \$19,655.00 from Year 30 funding, from John R. Kerfoot Building to the Neighborhood Facility on Road B, and

WHEREAS, a consensus vote of the entire Governing Body was conducted and it was unanimous that said funds be reallocated for the Neighborhood Facility, and

WHEREAS, a hearing has been conducted and any comments will be reflected in the minutes and a copy provided to Camden County Community Development Block Grant.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Audubon Park that Camden County Community Development Block Grant Program representatives are authorized to move said funds

BE IT FURTHER RESOLVED that the appropriate officials of the Borough of Audubon Park are hereby authorized to proceed with any and all necessary documentation, with appropriate signatures thereon, to move said funds.

OPEN TO THE PUBLIC AT 7:28 PM FOR RESOLUTION 2009:23: No comments.

CLOSED TO THE PUBLIC AT 7:28 PM

Motion made by Councilwoman Lewis to adopt Resolution 2009:23, Resolution Authorizing Camden County Community Development Block Grant to Reallocate \$19,655.00 from Year 30 Funding to the Neighborhood Facility. Seconded by Councilwoman Jones. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

Mayor Larry Pennock informs Council that Mr. Fisher would like to purchase the Borough's scanner and cell phone.

Motion made by Councilman Beeman to send a letter to Mr. Fisher requiring the return of the scanner and cell phone to the Borough. Seconded by Councilman Passon. All ayes.

**BOROUGH OF AUDUBON PARK
COUNTY OF CAMDEN
STATE OF NEW JERSEY**

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$100,000.00 OF TAX
ANTICIPATION NOTES OF THE BOROUGH OF AUDUBON PARK, COUNTY
OF CAMDEN, STATE OF NEW JERSEY 2009:24**

BE IT RESOLVED by the Mayor and Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey (hereinafter "Borough"), as follows:

WHEREAS, the Borough duly adopted a Resolution authorizing the issuance of a Tax Anticipation Note 2008, Series B in the denomination of \$50,000.00 dated November 28, 2008 at the rate of 3.91% per annum payable at maturity on March 31, 2009; and

WHEREAS, said Tax Anticipation Note was a temporary obligation issued in anticipation of the collection of taxes; and

WHEREAS, the Mayor and Borough Council have determined to pay off and satisfy the Tax Anticipation Note 2008, Series B in the amount \$50,000.00, plus interest in the amount of \$700.54, and issue a new Tax Anticipation Note in the principal amount of \$100,000.00, bearing interest at the rate of 3.15% per annum which is to mature on

March 31, 2010,; and

WHEREAS, the purpose of this Resolution is to ratify the execution of the Tax Anticipation Note 2009, Series A by the Mayor, Clerk and Chief Financial Officer of the Borough of Audubon Park.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Audubon Park, that it hereby approves, ratifies and confirms the issuance of the Tax Anticipation Note of 2009, Series A, as stated above; and

BE IT FURTHER RESOLVED, that the Mayor of the Borough of Audubon Park is authorized to implement this resolution and execute any documents necessary in connection therewith.

Motion made by Councilwoman Lewis to adopt Resolution 2009:24, Resolution Authorizing the Issuance of \$100,000.00 of Tax Anticipation Notes of the Borough of Audubon Park, County of Camden, State of New Jersey. Seconded by Councilman Passon. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

Councilman Beeman would like Mayor and Borough Council to think about putting a two-way stop sign at the intersections of "A" & "C" Roads (School Bus Stop) to control speeding problems.

OPEN TO THE PUBLIC AT 7:37 PM:

Stephen Banchi-Emergency Management Coordinator-asked Mayor and Council what they decided to do about the scanner in the possession of Mr. Fisher.

CLOSED TO THE PUBLIC AT 7:37 PM

Motion made by Councilman Beeman to adjourn the meeting at 7:37 PM. Seconded by Councilwoman Lewis. All ayes.

DAWN M. PENNOCK, RMC

MUNICIPAL CLERK