

April 5, 2010

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of April 5, 2010 called by the Mayor, Lawrence E. Pennock, in the Community Hall at 7:00 PM, was included in a list of meetings notice sent to the Retrospect and the Courier Post on January 6, 2010, and advertised in the Courier Post on January 8, 2010, posted on the bulletin board in the Municipal Building on January 5, 2010 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 Lewis (arrived 7:26 PM), Councilman Passon were present. Councilman Delengowski (unexcused) and Councilwoman Jones (excused) were absent. Solicitor Joseph Marrazzo was present.

Motion made by Councilman Passon to approve the regular minutes of March 1, 2010 and March 16, 2010. Seconded by Councilman Beeman. All ayes.

Motion made by Councilman Passon to go out of the regular order of business. Seconded by Councilman Beeman. All ayes.

Frank Seney – Remington & Vernick – discussed the bids for Road A, Phase III. Work would begin on or around May 1, 2010. The bids for the Neighborhood Facility exceeded the projected costs and would have to be thrown out.

Motion made by Councilman Beeman to return to the regular order of business. Seconded by Councilman Passon. All ayes.

ORDINANCE NO. 2010-03

YEAR 2010

**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 PERCENT
(N.J.S.A. 40A:4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A:4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the

3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and members of Borough Council of the Borough of Audubon Park in the County of Camden finds it advisable and necessary to increase its CY 2010 budget by up to 3.5 % over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and members of Borough Council hereby determines that a 1.0 % increase in the budget for said year, amounting to \$9,942.52 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

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

NOW THEREFORE BE IT ORDAINED, by the Mayor and members of Borough Council of the Borough of Audubon Park, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2010 budget year, the final appropriations of the Borough of Audubon Park shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5%, amounting to \$9,942.52, and that the CY 2010 municipal budget for the Borough of Audubon Park be approved and adopted in accordance with this ordinance; and,

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

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

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

Motion made by Councilman Passon to introduce Ordinance 2010-03 YEAR 2010
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 PERCENT (N.J.S.A. 40A:4-45.14) and schedule the
public hearing for Monday, May 3, 2010 at 7 PM. Seconded by Councilman Beeman.
Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-
yes, and Mayor Larry Pennock-yes.

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY PROHIBITING THE PARKING OF
VEHICLES ON THE GRASS AND ON THE STREETS**
2010-04

NOW THEREFORE BE IT ORDAINED by the Mayor and Council of the Borough of Audubon Park, County of Camden, and State of New Jersey that parking on the grass and on the streets is prohibited, as follows:

SECTION 1. DEFINITIONS – Whenever any words or phrases are used in this Ordinance, the meaning ascribed to them respectively in Subtitle 1 of Title 39 of the Revised Statutes of New Jersey shall be deemed to apply to such words and phrases used herein.

SECTION 2. No person shall park a vehicle at any time upon any of the streets or parts thereof within the Borough of Audubon Park as follows:

Albatross Road
Bobolink Road
Eagle Road
Goldfinch Road
Hummingbird Road
Ibis Drive
Jackdaw Drive
Nightingale Road
Oriole Drive
Peacock Road
Pelican Drive
Skylark Lane
Whippoorwill Way
Wren Road
Road A
Road B
Road C
Road D

except in the authorized designated parking areas along these roadways.

Parking is prohibited along both sides of Kennedy Drive, Kennedy Drive North, and Kennedy Drive South for their entire length, except in designated parking areas.

Parking is prohibited along both sides of School Lane for its entire length.

Parking is permitted at the portion of “A” Road by the Audubon Park Tot Lot and Baseball Field.

Parking is prohibited on both sides of the unnamed roadway extending between the Community Hall and the Fire House.

Trucks over 15,000 pounds gross weight are hereby excluded from all streets

except for the pickup and or delivery of material along such street.

Parking on the public or private property grass in the Borough of Audubon Park is hereby prohibited.

Residential parking is prohibited in the John R. Kerfoot Building parking lot from 12 AM Friday until 12 AM Sunday. (Parking is only permitted for activities of the John R. Kerfoot Building only.)

SECTION 3. Any person who shall violate this Ordinance or any part thereof shall upon conviction pay a fine not exceeding Fifty (\$50.00) Dollars, or imprisonment for a term not exceeding five (5) days, or both.

SECTION 4. All Ordinances or parts of Ordinances inconsistent herewith are hereby repealed as to such inconsistency only. This Ordinance shall take effect immediately upon final passage and publication according to law.

SECTION 5. This Ordinance shall take effect immediately upon final passage and publication in accordance with law.

Motion made by Councilman Passon to introduce Ordinance No. 2010-04 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY PROHIBITING THE PARKING OF VEHICLES ON THE GRASS AND ON THE STREETS 2010-04 and schedule the public hearing for Monday, May 3, 2010 at 7 PM. Seconded by Councilwoman Hook. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-yes, and Mayor Larry Pennock-yes.

ORDINANCE NO. 2010-05

BOROUGH OF AUDUBON PARK, NEW JERSEY

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2007-3 - WILDLIFE FEEDING

WHEREAS, the Borough of Audubon Park adopted Ordinance No. 2007-03 which prohibits the feeding of unconfined wildlife in any public park or on any other property owned or operated by Audubon Park, on December 3, 2007; and

WHEREAS, effective September 9, 2009, the Haddon Township Police Department began providing police protection services to the Borough of Audubon Park; and

WHEREAS, in light of the above 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 amend, revise, and supplement Ordinance No. 2007-3.

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. Section IV of Ordinance No. 2007-3 is hereby amended, revised and supplemented in the following manner:

SECTION IV. Enforcement:

- a. This ordinance shall be enforced by the Haddon Township Police Department and/or Municipal Officials of Audubon Park
- b. *NO CHANGE*

SECTION II: Except as set forth in Section 1, the balance of Ordinance No. 2007-3 shall not be affected by this Ordinance.

SECTION III. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Motion made by Councilman Passon to introduce Ordinance 2010-05 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2007-3 - WILDLIFE FEEDING and schedule the public hearing for Monday, May 3, 2010 at 7 PM. Seconded by Councilwoman Hook. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-yes, and Mayor Larry Pennock-yes.

ORDINANCE NO. 2010-06

BOROUGH OF AUDUBON PARK, NEW JERSEY

**ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY
OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING
ORDINANCE NO. 2007-2 – CONTAINERIZED YARD WASTE**

WHEREAS, the Borough of Audubon Park adopted Ordinance No. 2007-2 which established requirements for the proper handling of yard waste in Audubon Park, on November 3, 2007; and

WHEREAS, effective September 9, 2009, the Haddon Township Police Department began providing police protection services to the Borough of Audubon Park; and

WHEREAS, in light of the above 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 amend, revise, and supplement Ordinance No. 2007-2.

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. Section V of Ordinance No. 2007-2 is hereby amended, revised and supplemented in the following manner:

SECTION V. Enforcement:

The provisions of this Ordinance shall be enforced by the Haddon Township Police Department and/or Municipal Officials of Audubon Park

SECTION II: Except as set forth in Section 1, the balance of Ordinance No. 2007-2 shall not be affected by this Ordinance.

SECTION III. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any

section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Motion made by Councilman Passon to introduce Ordinance 2010-06 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2007-2 – CONTAINERIZED YARD WASTE and schedule the public hearing for Monday, May 3, 2010 at 7 PM. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-yes, and Mayor Larry Pennock-yes.

ORDINANCE NO. 2010 -07

BOROUGH OF AUDUBON PARK, NEW JERSEY

ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2008-2 – PLACEMENT OF GARBAGE FOR COLLECTION

WHEREAS, the Borough of Audubon Park adopted Ordinance No. 2008-2 which established regulations concerning the placing of garbage, refuse and waste matter in proper receptacles for collection, on April 1, 2008; and

WHEREAS, effective September 9, 2009, the Haddon Township Police Department began providing police protection services to the Borough of Audubon Park; and

WHEREAS, in light of the above 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 amend, revise, and supplement Ordinance No. 2008-2.

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. Section IV of Ordinance No. 2008-2 is hereby amended, revised and supplemented in the following manner:

SECTION IV. Enforcement:

This ordinance shall be enforced by the Haddon Township Police Department and/or Municipal Officials of Audubon Park

SECTION II: Except as set forth in Section 1, the balance of Ordinance No. 2008-2 shall not be affected by this Ordinance.

SECTION III. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION IV. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

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

Motion made by Councilman Passon to introduce Ordinance 2010-07 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2008-2 – PLACEMENT OF GARBAGE FOR COLLECTION and schedule the public hearing for Monday, May 3, 2010 at 7 PM. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-yes, and Mayor Larry Pennock-yes.

REPORTS:

Mayor Larry Pennock – reported that police calls are down and that the school board election is Tuesday, April 20, 2010 from 2 PM until 9 PM.

OLD BUSINESS:

Mayor and Council discussed Handicapped Parking in the Borough of Audubon Park and the possibility of putting one spot on each court.

Mayor and Council discussed the fact that the Borough received complaints of Tippie Toes employees smoking on Audubon Mutual Housing Corporation's property and that they were littering the grounds with their cigarette butts. They also discussed the delinquent rent/utilities Tippie Toes Day Care owes to the Borough of Audubon Park in the amount of \$26,252.45. Joseph Marrasso will send out a certified letter giving Tippie Toes Day Care 10 days to pay the amount owed.

NEW BUSINESS:

BOROUGH OF AUDUBON PARK
COUNTY OF CAMDEN
STATE OF NEW JERSEY

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

**RESOLUTION AUTHORIZING THE BOROUGH OF AUDUBON PARK TO
ENTER INTO AND EXECUTE A UNIFORM SHARED SERVICES
AGREEMENT WITH THE COUNTY OF CAMDEN-2010:18**

WHEREAS, the Borough of Audubon Park is a municipal corporation and body politic duly organized and existing under the laws of the State of New Jersey;

WHEREAS, the County of Camden is body politic and corporate of the State of New Jersey;

WHEREAS, pursuant to the Uniform Shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq., municipalities are authorized to enter into agreements to provide or receive services; and

WHEREAS, the County of Camden is desirous to provide funds on Alcoholism and Drug Abuse to the Audubon Board of Education which benefits the children of Audubon Park;

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Audubon Park, that the aforementioned Uniform Shared Services Agreement is hereby approved; 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.

RESOLUTION 2010:19

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 2009 has been filed by a Registered Municipal Accountant with the Municipal 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 Questioned Costs” or “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. 52:27BB-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 (\$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 Mayor and Council of the Borough of Audubon Park, 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.

NEW JERSEY DEPARTMENT OF TRANSPORTATION

**BUREAU OF LOCAL AID
RECOMMENDATION OF AWARD
STATE AID PROJECT
2010:20**

BE IT RESOLVED that the Mayor and Borough Council of Audubon Park hereby recommends to the New Jersey Department of Transportation that the contract for FY2010 NJDOT Trust Fund Reconstruction of Road "A", Phase 3 in the Borough of Audubon Park, County of Camden be awarded to Asphalt Paving Systems, Inc., whose Alternate No. 1 Bid amounted to \$122,033.25 subject to the approval of the Department.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

That the presiding officer of this body be and is hereby directed to sign for and on its behalf the contract in the prescribed form for said construction.

Approved by the Mayor and Council of the Borough of Audubon Park on April 5, 2010.

RESOLUTION #2010:21

BE IT RESOLVED that the following statements and revenues and appropriations shall constitute the Municipal Budget for the year 2010, and

General Appropriations For:

1. Appropriations within "CAPS"	
(a) Municipal Purposes	282,244.75
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes	555,410.25
Total General Appropriations excluded from "CAPS"	555,410.25
3. Reserve for Uncollected Taxes	0.00
4. Total General Appropriations	837,655.00
5. Less: Anticipated Revenues Other than Current Property Tax	332,584.36
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget:	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	505,070.64

BE IT FURTHER RESOLVED that said budget be published in The Retrospect on April 23, 2010.

The Governing Body of the Borough of Audubon Park does hereby approve the following budget for the year 2010.

Notice is hereby given that the Budget and Tax Resolution was approved by the Borough Council of the Borough of Audubon Park, County of Camden on April 5, 2010. A hearing on the Budget and Tax Resolution will be held at the Borough Hall on May 3, 2010 at 7:00 p.m. at which time and place objections to said Budget and Tax Resolution for the year 2010 may be presented by taxpayers or other interested persons.

RESOLUTION 2010:22

WHEREAS, the Mayor and Borough Council of the Borough of Audubon Park received bids for the boiler at the Neighborhood Facility;

WHEREAS, these bids exceeded the funds made available for this project;

NOW, THEREFORE, BE IT RESOLVED that all bids received for the boiler at the Neighborhood Facility be rejected.

Motion made by Councilman Beeman to adopt Resolution 2010:17, 2010:18, 2010:19, 2010:20, 2010:22 and to introduce Resolution 2010:21, Budget Resolution for CY 2010, the public hearing has been scheduled for Monday, May 3, 2010 at 7 PM. Seconded by Councilwoman Hook. Roll call vote: Councilman Beeman-yes, Councilwoman Hook-yes, Councilman Passon-yes, and Mayor Larry Pennock-yes.

OPEN TO THE PUBLIC AT 7:25 PM:

Officer Kirk Earney of the Haddon Township Police Department – stated that the Haddon Township Police are enforcing the “no parking on streets”.

Debra Garbrecht – Deputy Emergency Management Coordinator – informed Mayor and Council that the cost per person for CPR class is \$40.00.

Captain John Terruso – Audubon Park Volunteer Fire Company – held a CPR class last month for the Fire Department. Looking for grants to replace the Air Pacs in excess of

\$92,000.00.

Dawn Thompson – Chief Financial Officer – will be providing Dawn and Deb with journal entries and will be submitting the Corrective Action Plan. She congratulated Mayor and Council for being one of the only towns in the area with a zero increase in their municipal taxes.

CLOSED TO THE PUBLIC AT 7:31 PM

Motion made by Councilman Beeman to adjourn the meeting at 7:35 PM. Seconded by Councilman Passon. All ayes.

DAWN M. PENNOCK, RMC
MUNICIPAL CLERK