

May 3, 2010

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of May 3, 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, Councilman Delengowski, Councilwoman Lewis, and Council Passon were present. Councilwoman Hook (excused) and Councilwoman Jones (excused) were absent. Solicitor Stuart Platt was present.

Motion made by Councilman Passon to approve the regular minutes of April 5, 2010 and the working session minutes of April 19, 2010. Seconded by Councilman Delengowski. All ayes.

ORDINANCES:

2010-03 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.

OPEN TO THE PUBLIC AT 7:01 PM: No comments.
CLOSED TO THE PUBLIC AT 7:01 PM

Motion made by Councilman Passon to adopt Ordinance 2010-03. Seconded by Councilman Beeman. Roll call vote: Beeman-yes, Delengowski-yes, Lewis-yes, and Passon-yes.

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.

OPEN TO THE PUBLIC AT 7:03 PM: No comments.
CLOSED TO THE PUBLIC AT 7:03 PM

Motion made by Councilman Passon to adopt Ordinance 2010-04. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

2010-05 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO 2007-3 – WILDLIFE FEEDING.

Motion made by Councilman Passon to adopt Ordinance 2010-05. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

2010-06 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING ORDINANCE NO. 2007-2 2010CONTAINERIZED YARD WASTE.

Motion made by Councilman Passon to adopt Ordinance 2010-06. Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

2010-07 ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, AMENDING AN ORDINANCE NO. 2008-02 – PLACE OF GARBAGE FOR COLLECTION.

Motion made by Councilman Passon to adopt Ordinance 2010-07. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

2010-08 AMENDED ORDINANCE OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY, DESIGNATING HANDICAPPED PARKING SPACES IN THE BOROUGH OF AUDUBON PARK.

Motion made by Councilwoman Lewis to Introduce Ordinance 2010-08 and have the public hearing on June 7, 2010. Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

REPORTS:

Councilman Beeman – briefly discussed the basketball courts.

Councilman Delengowski – complimented the volunteers on the rabies clinic.

Mayor Larry Pennock – asked the Council to please participate with the creek clean up on Saturday, May 22, 2010.

OLD BUSINESS:

Brief discussion took place on Tippie Toes Day Care's delinquency with rent and utilities.

NEW BUSINESS:

Motion made by Councilman Beeman to pay for three days lodging for Debra Garbrecht, Deputy Emergency Management Coordinator, at the Atlantic City Convention. Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTION OF THE BOROUGH OF AUDUBON PARK, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY DONATING \$400.00 TO THE AUDUBON PARK 4TH OF JULY COMMITTEE 2010 No. 2010:30

BE IT RESOLVED that the Borough of Audubon Park will donate \$400.00 to the 2010 Audubon Park 4th of July Committee.

Motion made by Councilman Passon to \$400.00 to the Audubon Park 4th of July Committee. Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTIONS:

**RESOLUTION TO READ THE YR 2010
BUDGET BY TITLE ONLY
2010:21A**

WHEREAS, N.J.S. 40A:4-8, as amended by Chapter 259, P.L. 1995 provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within our municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED, that budget shall be read by title only.

ROLL CALL:

Charles Beeman-Yes

Dennis Delengowski-Yes
Sandra Hook-Absent
Gloria Jones-Absent
Karen Lewis-yes
Fred Passon-yes

Motion made by Councilman Passon to adopt Resolution 2010:21A to read the budget by title only. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

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.

OPEN TO THE PUBLIC TO 7:20 PM: No comments.
CLOSED TO THE PUBLIC AT 7:20 PM.

Motion made by Councilman Passon to adopt the 2010 Budget. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

BOROUGH OF AUDUBON PARK
COUNTY OF CAMDEN
STATE OF NEW JERSEY

**RESOLUTION OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY ALLOCATING \$600.00 TO HIRE
A BAND FOR THE SUMMER CONCERT 2010:24**

BE IT RESOLVED that the Borough of Audubon Park will hire Vertigo to perform at the Audubon Park Summer Concert at the Soccer Field on "A" & "B" Roads on August 4, 2010 for \$600.00.

**RESOLUTION OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY TO UTILIZE CLEAN
COMMUNITIES MONEY FOR AUDUBON PARK DAY 2010:25**

BE IT RESOLVED that the Borough of Audubon Park will utilize Clean Communities Money for Saturday, May 22, 2010 "Audubon Park Day" to clean-up Peter's Creek area.

**RESOLUTION OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY TO HIRE A HANDYMAN 2010:26**

BE IT RESOLVED that the Borough of Audubon Park will hire a handyman to do some miscellaneous jobs throughout the Borough for \$31.00 per hour for up to 50 hours.

**RESOLUTION OF THE BOROUGH OF AUDUBON PARK, COUNTY OF
CAMDEN, AND STATE OF NEW JERSEY TO HIRE A FENCE COMPANY
TO REPAIR THE CHAIN LINKED FENCE BETWEEN THE RIVIERA AND**

AUDUBON PARK 2010:27

BE IT RESOLVED that the Borough of Audubon Park will hire a fence company to repair the holes in the chain linked fence that runs between the Riviera Parking Lot and the Borough of Audubon Park.

RESOLUTION OF THE CORRECTIVE ACTION PLAN
2010:28

WHEREAS, the Borough of Audubon Park has received a report of audit for the year 2009; and

WHEREAS, the State of New Jersey requires that the Chief Financial Officer submit a Corrective Action Plan for all findings in the audit; and.

WHEREAS, the Chief Financial Officer has completed a Corrective Action Plan relating to the findings of the 2009 Audit;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Audubon Park, that the Corrective Action Plan be approved.

BE IT FURTHER RESOLVED that the Borough Clerk be directed to forward a copy of the Corrective Action Plan to the New Jersey Division of Local Government Services.

CORRECTIVE ACTION PLAN
REPORT OF AUDIT
FOR YEAR ENDING 12/31/09

Borough of Audubon Park, County of Camden
Date of Audit Report: February 17, 2010
Date of Receipt of Audit: February 23, 2010
Date of Plan: April 30, 2010

CORRECTIVE ACTION PLAN

Finding No. 2009-1

Condition

The audit of expenditures indicated the following:

1. Not all individuals receiving travel expense advances provided a detailed bill

with a signed certification, within 10 days after their return.

Analysis

Without a proper accounting of travel advances within 10 days of return, there is a likelihood that unauthorized expenditures could be made and funds that were unexpended may be due back to the Borough.

Corrective Action

The Chief Financial Officer will continue to work closely with the Treasurer and the Borough Clerk to implement more effective control procedures that are placed in operation to insure that individuals receiving travel expense advances provide a detailed bill with a signed certification within the statutory 10 days after their return.

Implementation Date

March 1, 2010

**RESOLUTION AUTHORIZING THE BOROUGH SOLICITOR TO
TAKE LEGAL ACTION 2010:29**

WHEREAS, Tippie Toes Child Development Center, a New Jersey Corporation located in the County of Camden, State of New Jersey (the “Tenant”) entered into a Lease Agreement with the Borough of Audubon Park (the “Borough”) with a commencement date of September 1, 2006, and an Addendum to the Lease, dated October 24, 2007; and

WHEREAS, the above-mentioned Lease and Addendum require the Tenant to make monthly rent and utilities payments to the Borough; and

WHEREAS, pursuant to the Borough’s May 5, 2010 itemization of charges (Exhibit “A”) as of May, 2010, the Tenant is in arrears in the amount of \$10,813.53; and

WHEREAS, the Governing Body has been advised that the Tenant has failed to comply with the Borough Solicitor’s repeated attempts to obtain the arrears due;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Audubon Park for the reasons set forth above, the Borough Solicitor is hereby authorized to take any and all appropriate legal action, including filing of suit, if necessary, against Tippie Toes Child Care Development Center for termination of lease as well as all unpaid rent and utilities.

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

EXHIBIT “A”

**TIPPIE TOES DAY CARE
(May 5, 2010)**

<u>O/S UTILITIES/RENT</u>	<u>DATE</u>	<u>AMOUNT</u>
Utilities	11/16/09	\$0
Utilities	12/15/09	\$0
Utilities	1/15/10	\$0
Utilities	2/16/10	\$0
Utilities	3/17/10	\$0
Utilities	4/19/10	\$0
Rent	1/2010	\$0
Rent	2/2010	\$0
Rent	3/2010	\$ 813.53
Rent	4/2010	\$5,000.00
Rent	5/2010	\$5,000.00
		\$ 10,813.53

Motion made by Councilwoman Lewis to adopt Resolutions 2010:23 through 2010:29.
Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes,
Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

OPEN TO THE PUBLIC AT 7:25 PM: No comments.

CLOSED TO THE PUBLIC AT 7:25 PM.

Councilwoman Jones requested that her thank you card to Mayor and Council be read at the meeting and included in the minutes:

Mayor, Dawn & Council:

From the bottom of my heart, thank you for the beautiful flowers. I really enjoyed them. Hope all of you are well. I'm getting better every day. Hope to see you all soon! Love, Gloria.

Motion made by Councilman Beeman to adjourn the meeting at 7:30 PM. Seconded by Councilman Passon. All ayes.

DAWN M. PENNOCK, RMC
MUNICIPAL CLERK