

March 7, 2011

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of March 7, 2011 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 4, 2010, and advertised in the Retrospect on January 7, 2011 and in the Courier Post on January 6, 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 Councilman Passon were present. Councilwoman Hook and Councilwoman Jones were absent (both excused). Stuart Platt, Esquire was present.

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

OPEN TO THE PUBLIC AT 7:01 PM:

Barbara Frantz of 3 Peacock Road – expressed her disappointment at the turmoil between the Borough Council and the Board of Trustees at the General Membership Meeting on Friday, February 18, 2011.

Denise Baldarama of 1 Whippoorwill Way – stated she put out a flier to run for a position on the Board of Trustees and never once made any derogatory comments.

John Terruso, Asst. Chief of the Audubon Park Volunteer Fire Company – reported 3 calls and 2 drills in February 2011. They had their installation of officers in March. Still working on the FEMA Grant.

Frank Seney of Remington & Vernick Engineers – stated we received bids for the rehabilitation of the basketball courts and the lowest most responsible bid belongs to All Surface Asphalt Paving for their bid no. 3 in the amount of \$38,985.00. Frank also found a bid for clean-up of Peters Creek in the amount of \$10,000.00 from NJ American Water.

Joe Hoffmann of Bowman & Company – discussed the budget numbers for 2011 (\$838,617.11) and stated that to include busing to Haviland Avenue and Mansion Avenue School the increase in taxes to the average household in Audubon Park will be \$1.50 per month.

CLOSED TO THE PUBLIC AT 7:29 PM

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

Motion made by Councilman Passon to approve the minutes of the regular meeting of February 7, 2011 and the working session of February 22, 2011. Seconded by Councilman Delengowski. All ayes.

REPORTS:

Vital Statistics Report for February 2011 – 0 Marriages, 0 Births, 0 Deaths

Councilwoman Lewis – reported that the damaged shed at the MPB has been cleaned out and it will be donated to the Audubon Park Volunteer Fire Company.

Councilman Beeman – asked P.O. Kirk Earney if town watch can forward a flier to the residents asking them to lock their cars and their gas caps.

Councilman Delengowski – reported that the Audubon Park Volunteer Fire Company donated 4 tables and around 32 chairs to the Jr. Explorers Program.

Councilman Passon – stated he donated a secure safe to the Jr. Explorers Program.

Mayor Larry Pennock – reported that he contacted Camden County Parks to make a deal for their stage at no charge so that we could have two summer concerts, one with Vertigo and one with an Elvis Presley impersonator, stated he will be coordinating events with Kate Burns at Haddon Township to offer more opportunities for both our residents, Tuesday, March 8, 2011 there will be a 4th of July meeting in the Library, Dawn and Deb have been conducting a Haviland Avenue and Mansion Avenue School bus census, and Kate Sullivan is on disability and Deb has been subbing for her.

ORDINANCES:

YEAR 2011

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) – 2011-02

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 2011 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 3.5 % increase in the budget for said year, amounting to \$4,262.45 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 2011 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 \$9,945.71, and that the CY 2011 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 2011-02 YEAR 2011
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, April 4, 2011 at 7 PM. Seconded by Councilman Delengowski. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

OLD BUSINESS:

NEW BUSINESS:

RESOLUTIONS:

RESOLUTION 2011:25

**BILL RESOLUTION (PAYMENT OF CLAIMS)
(March 7, 2011)**

BE IT RESOLVED, by the Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey, that the claims for payment detailed in the attached voucher list are hereby approved.

Motion made by Councilman Delengowski to adopt Resolution 2011:25 Payment of Claims. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTION #2011:26

BE IT RESOLVED that the following statements and revenues and appropriations shall constitute the Municipal Budget for the year 2011, and

General Appropriations For:

1. Appropriations within "CAPS"	
(a) Municipal Purposes	
2. Appropriations excluded from "CAPS"	
(a) Municipal Purposes	
Total General Appropriations excluded from "CAPS"	
3. Reserve for Uncollected Taxes	0.00
4. Total General Appropriations	838,617.11
5. Less: Anticipated Revenues Other than Current Property Tax	324,546.47
6. Difference: Amount to be Raised by Taxes for Support of Municipal Budget:	
(a) Local Tax for Municipal Purposes Including Reserve for Uncollected Taxes	514,070.64

BE IT FURTHER RESOLVED that said budget be published in The Retrospect on March 11, 2011.

The Governing Body of the Borough of Audubon Park does hereby approve the following budget for the year 2011.

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 March 7, 2011. A hearing on the Budget and Tax Resolution will be held at the Borough Hall on Monday, April 4, 2011 at 7:00 p.m. at which time and place

objections to said Budget and Tax Resolution for the year 2011 may be presented by taxpayers or other interested persons.

Motion made by Councilman Passon to introduce the 2011 Municipal Budget. Seconded by Councilman Beeman. Public Hearing is set for Monday, April 4, 2011. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTION OF AUDIT 2011:27

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 2010 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.

Motion made by Councilman Beeman to adopt Resolution of Audit 2011:27. Seconded by Councilman Passon. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

**RESOLUTION AUTHORIZING THE ISSUANCE OF \$50,000.00 OF TAX
ANTICIPATION NOTES OF THE BOROUGH OF AUDUBON PARK, COUNTY
OF CAMDEN, STATE OF NEW JERSEY – No. 2011:28**

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 2010, Series A in the denomination of \$50,000.00 dated April 1, 2010 at the rate of 2% per annum payable at maturity on March 31, 2011; 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 roll-over the aforesaid Note and issue a new Tax Anticipation Note in the principal amount of \$50,000.00, bearing interest at the rate of 3% per annum which is to mature on March 31, 2012; and

WHEREAS, the purpose of this Resolution is to ratify the execution of the Tax Anticipation Note 2011, 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 2011, 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 Councilman Delengowski to adopt Resolution Authorizing the Issuance of \$50,000.00 of Tax Anticipation Notes of the Borough of Audubon Park, County of Camden, State of New Jersey – No. 2011:28. Seconded by Councilman Passon. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

**RESOLUTION AWARDING CONTRACT FOR
REHABILITATION OF THE AUDUBON PARK BASKETBALL
COURTS – NO. 2011:29**

BE IT RESOLVED that the Mayor and Borough Council of Audubon Park hereby recommends to the Community Development Block Grant that the contract for the Rehabilitation of the Basketball Courts in the Borough of Audubon Park, County of Camden, and State of New Jersey be awarded to All Surface Asphalt, whose Alternate Bid No. 3 amounted to \$38,985.00 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 rehabilitation.

Approved by the Mayor and Council of the Borough of Audubon Park on March 7, 2011.

Motion made by Councilman Passon to adopt Resolution Awarding Contract for Rehabilitation of the Audubon Park Basketball Courts – No. 2011:29. Seconded by Councilman Beeman. Roll call vote: Councilman Beeman-yes, Councilman Delengowski-yes, Councilman Lewis-yes, and Councilman Passon-yes.

OPEN TO THE PUBLIC AT 7:41 PM:

Barbara Frantz of 3 Peacock Road – wanted to know who is responsible for snow removal from the sidewalks.

P.O. Kirk Earney – briefly discussed the low number of police calls for the month of February, the town watch program, and the junior explorers.

CLOSED TO THE PUBLIC AT 7:50 PM

Motion made by Councilman Beeman to adjourn the meeting at 7:51 PM. Seconded by Councilwoman Lewis. All ayes.

DAWN M. PENNOCK, RMC
MUNICIPAL CLERK

