

**MINUTES OF THE WORKING SESSION OF THE MAYOR AND BOROUGH COUNCIL
OF THE BOROUGH OF AUDUBON PARK, IN THE COUNTY OF CAMDEN, NEW
JERSEY, HELD MARCH 18, 2013 IN THE MUNICIPAL BUILDING AT 7:00 PM.**

A regular meeting of the Mayor and Borough Council of the Borough of Audubon Park was convened in the Municipal Building, 20 Road C, 2nd Floor, Audubon Park, NJ on Monday, March 18, 2013, at 7:00 PM.

Mayor Pennock requested all stand for the flag salute.

Mayor Pennock requested that everyone remain standing for a moment of silence for the passing of Paul Hartstein.

Mayor Pennock announced that Chapter 231, Public Law 1975 requires adequate notice of this meeting be provided. This was done by placing Annual Notice in the Courier-Post and Retrospect Newspapers and by posting on the bulletin board in the Municipal Building.

ROLL CALL: Councilwoman DiPasquale, Councilman Delengowski, Councilwoman Hook, Councilwoman Jones, Councilwoman Lewis, and Councilman Passon were present.

Mayor and Borough Council went out of the regular order of business to allow Councilman DiPasquale to introduce the new librarian, Therese O'Connell. Ms. O'Connell introduced herself to and explained some of the ideas she has to bring more residents into the Dorathea Zeoli Public Library.

John Terruso, Chief of the Audubon Park Fire Company – Mr. Terruso reported that everything is going well with the Fire Dept., they are seeking out grants for equipment, and the Fire Company is looking to replace the Bronco.

ORDINANCES:

RESOLUTIONS:

RESOLUTION NO. 2013:29

RESOLUTION OF THE BOROUGH COUNCIL OF THE BOROUGH OF AUDUBON PARK, IN THE COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE ISSUANCE AND SALE OF TAX ANTICIPATION NOTES OF THE BOROUGH OF AUDUBON PARK IN THE PRINCIPAL AMOUNT OF UP TO \$50,000; MAKING CERTAIN COVENANTS TO EFFECT AND MAINTAIN THE EXEMPTION OF INTEREST ON SAID NOTES FROM FEDERAL INCOME TAXATION; AND AUTHORIZING SUCH FURTHER ACTIONS AND MAKING SUCH DETERMINATIONS AS MAY BE NECESSARY OR APPROPRIATE TO EFFECTUATE THE ISSUANCE AND SALE OF THE NOTES

BACKGROUND

WHEREAS, the Borough of Audubon Park, in the County of Camden, New Jersey ("Borough") is authorized, pursuant to Section 64 of the Local Budget Law, Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented ("Local Budget Law"), N.J.S.A. 40A:4-64, to borrow money in any fiscal year through the issuance of its negotiable notes in anticipation of the receipt by the Borough of taxes and other revenues for such fiscal year; and

WHEREAS, the cash flow forecast prepared with respect to the budget requirements of the Borough, a copy of which is attached hereto as Exhibit "A" and made a part hereof, indicates that the Borough will experience a cash flow deficit pending the receipt of taxes and other revenues; and

WHEREAS, the Borough desires to authorize the issuance and sale of tax anticipation notes of the Borough to provide funds necessary to meet the projected cash flow deficit.

NOW, THEREFORE, BE IT RESOLVED BY THE BOROUGH COUNCIL OF THE BOROUGH OF AUDUBON PARK, IN THE COUNTY OF CAMDEN, NEW JERSEY (NOTH

LESS THAN TWO-THIRDS OF THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING), AS FOLLOWS:

Section 1. The estimate of taxes and other revenues of the Borough to be received and the expenditures to be made, as presented to this meeting, is hereby accepted.

Section 2. In accordance with Section 66 of the Local Budget Law, N.J.S.A.40A:4-66, the Chief Financial Officer has certified that the net borrowing power of the Borough is \$406,040.41. The Chief Financial Officer's certification, a copy of which is attached hereto as Exhibit "B" and made a part hereof as if set forth at length herein, has been filed in the office of the Borough Clerk as required by Section 66 of the Local Budget Law, N.J.S.A. 40A:4-66.

Section 3. Pursuant to the Local Budget Law, the issuance of up to \$50,000, principal amount, of tax anticipation notes of the Borough, is hereby authorized and approved ("Notes").

Section 4. Each Note to be issued hereunder shall be designated "Tax Anticipation Note of 2013, Series A", shall refer by date of adoption to the resolution pursuant to which it is issued, shall recite that it is issued in anticipation of the collection of taxes, shall be dated the date of delivery thereof, shall mature within 120 days of the end of the current fiscal year, shall not be subject to redemption prior to maturity, shall be in the denomination of \$10,000 or more, and shall be in the form permitted by the Local Budget Law and as Bond Counsel shall approve.

Section 5. The Chief Financial Officer, with the assistance of Parker McCay P.A., Bond Counsel, is hereby authorized and directed to award and sell the Notes at public or private sale, in such amount as may be determined, at a price not less than par, plus accrued interest, and to deliver the same to the purchaser thereof, upon receipt of the purchase price for the Notes.

Section 6. The Notes shall be executed in the name of the Borough by the manual or facsimile signatures of the Mayor and Chief Financial Officer, and the corporate seal of the Borough shall be affixed, imprinted or reproduced thereon, and attested by the manual signature of the Borough Clerk.

Section 7. The proceeds from the sale of the Notes shall be applied only to the purposes provided for in the Borough's current budget or for which taxes are levied or to be levied for the current fiscal year and shall not be applied to any other purpose.

Section 8. The power and obligation of the Borough to pay the principal of and interest on the Notes shall be unlimited, and the Borough, to the extent payment is not otherwise paid is obligated to levy ad valorem taxes upon all taxable real property within the Borough for the payment of the principal of and interest on the Notes without limitation as to rate or amount.

Section 9. The Chief Financial Officer is hereby authorized and directed to report, in writing, to the Borough Council at the meeting next succeeding the date of the sale of the Notes, the amount, description, interest rate, maturity date of the Notes sold, the price obtained and the name of the purchaser of the Notes.

Section 10. The Borough hereby covenants that it will not make any use of the proceeds of the Notes or do or suffer any other action that would cause: (i) the Notes to be "arbitrage bonds" as such term is defined in Section 148(a) of the Internal Revenue Code of 1986, as amended ("Code"), and the Regulations promulgated thereunder; (ii) the interest on the Notes to be included in the gross income of the owners thereof for federal income taxation purposes; or (iii) the interest on the Notes to be treated as an item of tax preference under Section 57(a)(5) of the Code.

Section 11. The Borough hereby covenants as follows: (i) it shall timely file, or cause to be filed, 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 (ii) it shall take no action that would cause the Notes to be "federally guaranteed" within the meaning of Section 149(b) of the Code.

Section 12. The Borough hereby designates the Notes as "qualified tax-exempt obligations" as defined in and for the purposes of Section 265(b)(3) of the Code. For purposes of this designation, the Borough hereby represents that it reasonably anticipates that the amount of tax-exempt obligations to be issued by the Borough during the period from January 1, 2013 to

December 31, 2013, and the amount of obligations designated as "qualified tax-exempt obligations" by it, will not exceed \$10,000,000 when added to the aggregate principal amount of the Notes.

For purposes of this Section 12, the following obligations are not taken into account in determining the aggregate principal amount of tax-exempt obligations issued by the Borough: (i) a private activity bond as defined in Section 141 of the Code (other than a qualified 501(c)(3) bond, as defined in Section 145 of the Code); and (ii) any obligation issued to refund any other tax-exempt obligation (other than to advance refund within the meaning of Section 149(d)(5) of the Code) as provided in Section 265(b)(3)(c) of the Code.

Section 13. To the extent not otherwise exempt, the Borough hereby covenants that it shall make, or cause to be made, the rebate required by Section 148(f) of the Code in the manner described in Treasury Regulation Sections 1.148-1 through 1.148-11, 1.148-11A, 1.149(b)-1, 1.149(d)-1, 1.149(d)-1A, 1.149(g)-1, 1.150-1, 1.150-1A and 1.150-2, as such regulations and statutory provisions may be modified insofar as they apply to the Notes.

Section 14. All actions heretofore taken and documents prepared or executed by or on behalf of the Borough by the Mayor, Chief Financial Officer, Borough Clerk, other Borough officials or by the Borough's professional advisors, in connection with the issuance and sale of the Notes are hereby ratified, confirmed, approved and adopted.

Section 15. The Mayor, Chief Financial Officer and Clerk are hereby authorized and directed to determine all matters and execute all documents and instruments in connection with the Notes not determined or otherwise directed to be executed by the Local Budget Law, or by this or any subsequent resolution, and the signature of the Mayor, Chief Financial Officer or Borough Clerk on such documents or instruments shall be conclusive as to such determinations.

Section 16. All other resolutions, or parts thereof, inconsistent herewith are hereby rescinded and repealed to the extent of any such inconsistency.

Section 17. This Resolution shall take effect immediately upon adoption this 18th day of March, 2013.

Motion made by Councilman Passon to adopt Resolution #2013:29, seconded by Councilman Delengowski. Roll call vote: Councilman Delengowski-yes, Councilwoman DiPasquale-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTION #2013:30

SUBJECT: AUTHORIZED SIGNATURES UPON CHECKS FOR
ACCOUNTS OF THE BOROUGH OF AUDUBON PARK

BE IT RESOLVED, by the Mayor and Borough Council of the Borough of Audubon Park, County of Camden, State of New Jersey, that all checks upon accounts of the Borough of Audubon Park in 1st Colonial Community Bank shall require the following signatures, effective March 18, 2013.

Mayor, Lawrence E. Pennock
Margaret King, Treasurer
Dawn M. Pennock, Municipal Clerk

-or-

Councilwoman Karen Lewis
Gail Barnett-Wolenter

BE IT FURTHER RESOLVED, that the said 1st Colonial Community Bank is hereby authorized and instructed to honor checks, executed as aforesaid, upon any of the checking accounts of the Borough of Audubon Park, until further notice, unless specifically otherwise authorized by Resolution of the Mayor and Borough Council.

Motion made by Councilman Passon to adopt Resolution #2013:30, seconded by Councilman Delengowski. Roll call vote: Councilman Delengowski-yes, Councilwoman DiPasquale-yes,

Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.

RESOLUTION TO EXTEND THE 2013 TEMPORARY BUDGET
2013:31

WHEREAS, the 2013 Municipal Budget for the Borough of Audubon Park has not been adopted; and

WHEREAS, appropriation balances provided for under the 2013 Temporary Budget are not sufficient to meet the needs of the Borough of Audubon Park, until the adoption of the 2013 Municipal Budget; and

WHEREAS, R.S. 40:4-20 provides for the creation of an Emergency Temporary Appropriation for said purpose; and

THEREFORE, BE IT RESOLVED by the Mayor and Borough Council of the Borough of Audubon Park, that pursuant to N.J.S.A. 40A:4-20, the Emergency Temporary Appropriation is established in the amount of 52.50% of the adopted 2012 budget.

Motion made by Councilman Passon to adopt Resolution #2013:31, seconded by Councilwoman Jones. Roll call vote: Councilman Delengowski-yes, Councilwoman DiPasquale-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon.

GENERAL DISCUSSION:

The Mayor and Borough Council discussed the following topics:

- Borough Clerk's Time Off – Mayor and Borough Clerk excused themselves from the meeting so this topic could be discussed. Motion made by Councilman Passon that Borough Clerk and Office Personnel time off is as follows: no more than 2 weeks' vacation time can be taken in sequence (without a doctor's note), no more than 2 personal days can be taken in sequence (without a doctor's note), personal days can be taken either in ½ day or full day increments only, Borough Clerk and Office Assistant cannot be absent the same day (without a doctor's note), two weeks' notice is required for vacation time off other than an emergency, one week notice is required for personal days off other than an emergency, and Borough Clerk can roll over 5 vacation days to subsequent year and those days must be used prior to the year ending, seconded by Councilwoman DiPasquale. Roll call vote: Councilman Delengowski-yes, Councilwoman DiPasquale-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.
- Correspondence from NJ Senate and General Assembly regarding Veterans and Awarding Contracts.
- Speed bumps – the Council discussed re-installing the speed bumps one week after the Council Connection is sent out to the residents and also installing two new speed bumps. Motion made by Councilman Delengowski to reinstall the speed bumps one week after delivery of the Council Connection to the residents and checking into purchasing two more speed bumps, seconded by Councilwoman Hook. Roll call vote: All ayes.
- School/Infrastructure Loan – the Mayor provided information on reasons that the Borough would need an infrastructure loan and some checklist items that need to be dealt with regarding the school building. Motion made by Councilman Delengowski to enter into the concept to apply for the Infrastructure Loan through Greg Fusco, PE of Key Engineers, seconded by Councilwoman Hook. (The Mayor agrees with this decision.) Roll call vote: Councilman Delengowski-yes, Councilwoman DiPasquale-yes, Councilwoman Hook-yes, Councilwoman Jones-yes, Councilwoman Lewis-yes, and Councilman Passon-yes.
- SCUCS Amendment – Councilwoman Lewis reports that at this time the Borough has not received a response from SCUCS. Motion made by Councilwoman Jones to send a letter informing SCUCS that the Borough will be terminating the agreement for the Senior Lunch Program, seconded by Councilman Passon. All ayes.
- Parking – the fine for violation of the parking ordinance in the Borough of Audubon Park is \$50.00 and should be placed in the Council Connection to warn the residents due to the fact that parking will be enforced.

- Rabies Clinic – the Mayor reported that the rabies clinic will be held on April 20th from Noon to 1 PM and volunteers are needed to help.
- Concerts scheduled for Audubon Park: May 15th Kid Felix, June 26th, the Mango Men, and July 19th, Eastbound and Down.
- Town Clean-up scheduled for April 27th along Peter’s Creek Embankment.

OPEN TO THE PUBLIC: No Comments.

CLOSED TO THE PUBLIC

Motion made by Councilwoman Lewis to adjourn the meeting at 8:12 PM. Seconded by Councilman Passon. All ayes.

DAWN M. PENNOCK, RMC
MUNICIPAL CLERK