

MINUTES
COUNCIL MEETING
JANUARY 05, 2011
6:00 p.m.

In compliance with N.J.S.A. 10:4, Open Public Meetings Law, notice was given to two newspapers and posted, that a council meeting of the Mayor and Council was scheduled for Wednesday, January 05, 2011 at 6:00 P.M. The Municipal Clerk took the roll call and showed that all were present. The Engineer Mr. Basehore was also present.

The two re-elected Council people were sworn in.

Motion was made by Councilman Wilson, seconded by Councilwoman Martz to open the meeting to the public. All Council voted aye.

No one from the public spoke.

Motion made by Councilman Whalen, seconded by Councilman Brandt to close the meeting to the public. All Council voted aye.

A motion was made by Councilman Whalen to adopt Resolution 2011:28 to go into Closed Session, seconded by Councilman DePrince. All Council voted aye.

Motion made by Councilman Brandt, seconded by Councilman Whalen to come out of Closed Session. All Council voted aye.

Council Committee Appointments for 2011 were tabled to the January 20, 2011 meeting.

The following appointments were made by the Mayor, with confirmation of Council taken in small groups:

Planning Board Councilperson: Councilwoman Martz

Insurance Commissioners: Richard Michielli, Rob Brandt

School Board Liaisons: Councilman DePrince and Councilwoman Martz
Motion was made by Councilman Whalen, seconded by Councilwoman Bonamassa with all Council voting aye.

Borough Auditor: Bowman and Associates, Todd Saler

Manager of Borough Services: John D. Keenan, Jr.

Affirmative Action Official: John D. Keenan, Jr.

Payroll Administrator: Denise O'Kane

Registrar – Vital Statistics: John D. Keenan, Jr.

Motion made by Councilman Whalen, seconded by Councilman DePrince, with all Council voting aye.

Borough Planner: Steven Bach, Bach Associates

Community Development Rep: Mayor Cowling-Carson and Councilman Wilson

Clean Communities Coordinator: Councilwoman Bonamassa

Borough Prosecutor: Howard Long

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Borough Public Defender: Michael Bonamassa

Deputy Court Administrator/Violations Clerk: Patricia Riebel

Alternate Deputy Court Administrator: Cathy Dobbins

Court Tape Operators: Maureen Bordzuk, Kerren Shelley
Motion made by Councilman DePrince, seconded by Councilman Wilson, with all council voting aye. Councilwoman Bonamassa abstaining from the vote relating to the Public Defender.

Fire Chief: Paul Wolf
Emergency Management Coordinator: Robert Doyle
E-911 Coordinator: Robert Doyle
Animal Registrar: John D. Keenan, Jr.
Code Enforcement Inspector: Eric Weist
Housing Inspection: Dan Wassenaar
Motion made by Councilwoman Martz, seconded by Councilman Brandt, with all Council voting aye.

Planning Board Members: Richard Krause – Mayor Liaison Class I
Steven Previterra Class II
Lawrence Barrar Class IV
Joyce Albrecht Class IV
Edward Hoban Alternate #1
Robert Mastalski Alternate #3

Appointed by the Mayor without any confirmation from Council required.

Councilwoman Martz as Class III Planning Board Member.
Recommendation of David Kreck for Planning Board Engineer, and Michael Ward as the Planning Board Solicitor. Motion was made by Councilman Whalen, seconded by Councilman DePrince for Councilwoman Martz, with all Council voting aye.

Borough Safety Office (JIF): Councilman Robert Brandt
CDL Drug Test Coordinator: John D. Keenan, Jr.
Motion made by Councilman DePrince, seconded by Councilwoman Martz, with all Council voting aye.

Special Class II Police Officers – Quarterly Appointment:
Eric Weist – 40 Hour
Andrew Weist
Daniel Colombaro
James Swan

Police Records Clerk: Andrew Weist
Police Matron: Grace Doyle
Crossing Guards: Patricia Cowling
Edward McCabe

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Substitute Crossing Guards: Irmgard Lank
Dorothy Davis
Eleanor Park
Kathleen Hovern
Charles O’Kane
Meredith Gogolski
Pamela C. Peoples
Cathy Dobbins
Sharon Henderson
Sharon Delecce

Motion made by Councilwoman Bonamassa seconded by Councilwoman Martz with all Council voting aye.

Fire Police James Brownlow
Anthony Comella
William Pease
Fire Officers Deputy Chief Don Ebersole
Captain Michael Wolf
Lt. Michael Millisky
Lt. Brian Worthington
Lt. Gregg DiBartolomeo
Safety Officer Steve Previterra

Motion by Councilman Whalen, seconded by Councilman DePrince, with all Council voting aye.

Treasurer's Report: Councilman Whalen stated the report was submitted in writing.

Committee Reports: Councilman DePrince stated he submitted his report in writing.

Councilman Wilson stated he had submitted his report in writing.

Councilman Brandt would submit his report in writing.

Councilwoman Martz had submitted her report in writing.

Councilman Whalen stated his report would be submitted.

Councilwoman Bonamassa stated her report would be submitted.

Solicitor's Report: Solicitor had nothing to report.

The Engineer, Mr. Basehore stated his report was submitted in writing.

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6:00PM REORGANIZATION MEETING

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Old Business: None.

New Business:

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-01

RESOLUTION DESIGNATING MEETING SCHEDULE FOR 2011

WHEREAS, the Mayor and Council shall convene regular monthly meetings and regular monthly caucus sessions during each month in the year 2011, unless otherwise determined by the governing body; and
WHEREAS, pursuant to N.J.S.A. 10:4-18, the governing body must designate the time and date of each meeting and location of same to the extent it is known; and

WHEREAS, pursuant to N.J.S.A. 10:4-18 public advertisement of the meeting schedule must follow the annual reorganization meeting of the above public body;

NOW THEREFORE BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that the Mayor and Council shall conduct a work session of the governing body on the first Wednesday of each month at 7:00 P.M. in the Magnolia Municipal Building situated at 438 W. Evesham Avenue, Magnolia, New Jersey. At said meeting formal action may or may not be taken.

BE IT FURTHER RESOLVED that the regular council meeting of the governing body shall be held at the same location on the first Wednesday of each month, commencing at 8:00 P.M. Formal action will be taken.

BE IT FURTHER RESOLVED that an additional work session of the governing body shall be held at the same location on the third Thursday of each month, commencing at 7:00 P.M. Formal action may or may not be taken.

BE IT FURTHER RESOLVED that the governing body reserves the right to enact extraordinary emergent legislation at the regular caucus session conditional upon complete compliance with the mandate Title 10.

BE IT FURTHER RESOLVED that the Clerk is hereby authorized to post and mail to the respective newspapers, the attached meeting schedule for the year 2011.

BE IT FURTHER RESOLVED that all members of the general public are invited to attend all such regular, caucus and special meetings of the Mayor and Council of the Borough of Magnolia during the year 2011.

All Council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-02

RESOLUTION ESTABLISHING ORDER OF BUSINESS

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that the following order of business be adopted for the conduct of all meetings during 2011.

1. Call meeting to order
2. Opening ceremony – prayer – flag salute
3. Roll call
4. Opening meeting to the public
5. Consideration and adoption of pending ordinances and receipt of sealed proposals
6. Consideration of adoption of minutes of prior meetings
7. Treasurer's report
8. Communications
9. Committee reports
10. Old business
11. New business
12. Opening meeting to the public
13. Payment of bills
14. Adjournment

BE IT FURTHER RESOLVED that Robert's Rules of Order be and are hereby adopted as procedure to be utilized at all Borough Council meetings whenever they are not to be in conflict with the Law of the State of New Jersey or Ordinances or Resolutions of the Borough of Magnolia.

All council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-03

RESOLUTION ESTABLISHING COMMITTEES

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that the following committees be and are hereby designated for the Administration of the Borough of Magnolia for the year 2011:

COMMITTEE OF PUBLIC SAFETY

COMMITTEE OF FINANCE & ADMINISTRATION

COMMITTEE OF CODES, LICENSING, ZONING AND PLANNING BOARDS & STREET LIGHTING

COMMITTEE OF PUBLIC WORKS

COMMITTEE OF PUBLIC EVENTS, RECREATION & TECHNOLOGY

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COMMITTEE OF ECONOMIC DEVELOPMENT, FACILITIES & COMPLIANCE

COMMITTEE OF PUBLIC SAFETY

Shall include general supervision, coordination and liaison over activities of Police, Fireman, Civil Defense and all matters relating to the keeping of the peace and security and protection of the residents of the Borough of Magnolia and their property, as well as visitors to or transients in the Borough.

COMMITTEE OF FINANCE & ADMINISTRATION:

Shall include supervision, coordination and liaison of the budget, Borough CFO, Treasurer, Tax Collector, Borough Clerk, and Insurance and all employees assigned to such offices or agencies.

COMMITTEE OF CODES, LICENSING ZONING AND PLANNING BOARDS & STREET LIGHTING:

This committee/department will maintain along with the Borough Clerk, all borough ordinances and assist with the effective enforcement of Borough ordinances and assist with the effective enforcement of Borough codes. This committee will also be concerned with the supervision of the Construction Official and subordinates, Health and Nuisance personnel, including the animal control officer, animal registrar and vital statistics. This committee will also deal with all issues and concerns related to street and other public lighting.

COMMITTEE OF PUBLIC WORKS:

Shall have general supervision over the highways, roads, streets, maintenance, and upkeep of all Borough buildings, recreation maintenance, garbage and trash collections and shade tree programs and shall direct and coordinate the employees assigned to such activities.

COMMITTEE OF PUBLIC EVENTS, RECREATION & TECHNOLOGY:

This committee/department will supervise the maintenance, care and construction of all Borough buildings, grounds, and property.

This committee will work closely with the Public Works Department in carrying out its charge. This committee/department is responsible for the organization of all Borough sponsored public events and recreation programs. This committee will also assist and support all programs and initiatives of the Magnolia Recreation Committee.

ECONOMIC DEVELOPMENT, FACILITIES & COMPLIANCE:

This committee/department will oversee Borough economic development initiatives. Provide and liaison information to the Planning Board. This committee will also deal with all issues and concerns relating to technology for all borough facilities.

All council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-04

RESOLUTION DESIGNATING DEPOSITORIES

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia that during the year 2011, the following Bank and Financial Institutions and hereby designated as depositories of the funds of the Borough of Magnolia:

SUSQUEHANA BANK

TD BANK

BE IT FURTHER RESOLVED that the above named Banking Institutions are authorized and directed to honor all documents including checks and drafts issued against the funds of the Borough of Magnolia, County of Camden, bearing the signatures of the Mayor, Councilperson, President of Council, Borough Clerk, CFO and/or Treasurer of Magnolia. The President of the Council may execute said documents in the absence of the Mayor.

All Council voted aye, with Councilwoman Bonamassa abstaining.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-05

RESOLUTION DESIGNATING AUTHORIZED SIGNATURES

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that during the year 2010 or until further notice, the signatures of the following Borough officials shall appear on all checks or drafts against Borough funds:

MAYOR: BettyAnn Cowling-Carson
BOROUGH CLERK: John D. Keenan, Jr.
CFO: Sharon Smith
TREASURER: Gregory Anderson
COUNCIL PRESIDENT: Steven Whalen
COUNCIL: Donald Wilson

The President of the Borough Council, Steven Whalen, is authorized to execute said checks or drafts in the absence of the Mayor.

BE IT FURTHER RESOLVED that the depositories set forth in Resolution 2011-04 be forwarded a certified copy of this resolution at the time of opening any account.

All Council voted aye.

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Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-06

RESOLUTION DESIGNATING NEWSPAPERS AS LEGAL ADVERTISEMENTS

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that the following newspapers are hereby designated for the advertisement of all legal notice and advertisements as the newspapers in which

legal notices for the Borough of Magnolia may be placed during the year 2011:

1. COURIER POST
2. RECORD BREEZE

All Council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-07

DELINQUENT TAXES, SEWER AND ASSESSMENT PAYMENTS

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that eight percent (8%) interest per annum shall be charged on all delinquent taxes, delinquent sewer rents, as well as delinquent local improvement assessments for the year 2011, except that eighteen percent (18%) per annum shall be charged whenever the accumulated charges exceed the total amount of \$1,500.00 until the date actual payment, and further that the borough shall allow an additional grace period of ten days (10) before imposing said interest charged on delinquent taxes in accordance with N.J.S.A. 54:4-67. Also a year end penalty of 6% will be charged on amounts in excess of \$10,000.00.

All Council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-08

2011 Temperary Budget submitted by the CFO. Resolution 2011:08

All Council voted aye.

Motion made by Councilman DePrince, seconded by Councilwoman Bonamassa for:

RESOLUTION 2011-09

RESOLUTION DESIGNATING THE HOLIDAY POLICY FOR THE YEAR 2011

BE IT FURTHER RESOLVED that all permanent employees shall have the following paid holidays during the year 2011:

NEW YEARS DAY	INDEPENDENCE DAY
MARTIN LUTHER KING DAY	LABOR DAY
PRESIDENT'S DAY	COLUMBUS DAY
GOOD FRIDAY	FLOATING HOLIDAY IN LEIU
MEMORIAL DAY	OF GENERAL ELECTION
FRIDAY AFTER THANKSGIVING	THANKSGIVING
CHRISTMAS DAY	ONE PERSONAL DAY

All Borough offices will be closed on each of the above holidays unless otherwise provided by law.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-10

RESOLUTION RESERVING BALANCES

BE IT RESOLVED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey, that the

unexpended balance of the 2011 budget be reserved.
All Council voted aye.

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Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-11

RESOLUTION AUTHORIZING APPOINTMENT OF AUDITORS

WHEREAS, there exists a need for an annual audit for the year 2011 of the Borough of Magnolia books, accounts and financial transactions required by N.J.S. 40:5-4 to be performed by a Registered Municipal Accountant, and

WHEREAS, the Local Public Contract Law (N.J.S.A. 40:A11-1 et seq) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids and the contract itself must be available for public inspection.

NOW THEREFORE BE IT RESOLVED by the council of the Borough of Magnolia, County of Camden as follows:

1. The Mayor is hereby authorized and directed to execute the attached agreement with Bowman and Associates, and
2. This contract is awarded without competitive bidding as a "Professional Services" in accordance with 40:A11-5(1)(a) of the Local Public Contracts Law because Mr. Todd Saler is a person authorized by law to practice a recognized profession in the State of New Jersey, Profession of Registered Municipal Accountants. These professional services are necessary and are required by this municipality.
3. This professional contract was advertised under the fair and open process, and it is being awarded pursuant to a fair and open process.
4. A notice of this action shall be printed in the newspaper.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-12

RESOLUTION AUTHORIZATION AN AGREEMENT
FOR PROFESSIONAL SERVICES
SOLICITOR

WHEREAS, there exists a need for a Borough Solicitor; and

WHEREAS, funds are available for the purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11 et seq) requires that the

Resolution authorizing the award of contracts for "Professional Services" with competitive bids must be publicly advertised.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Agreement with Salvatore Siciliano.
2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because this contract is to be performed by a person authorized by Law to practice a recognized profession and it is not possible to obtain competitive bids.
3. This professional contract was advertised under the fair and open process, and it is being awarded pursuant to a fair and open process.
4. A copy of this resolution shall be published as required by law within ten (10) days of its passage.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-13

RESOLUTION AUTHORIZATION AN AGREEMENT
FOR PROFESSIONAL SERVICES
ALTERNATE SOLICITOR

WHEREAS, there exists a need for a Borough Solicitor; and

WHEREAS, funds are available for the purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11 et seq) requires that the

Resolution authorizing the award of contracts for "Professional Services" with competitive bids must be publicly advertised.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached Agreement with John Kennedy.
2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because this contract is to be performed by a person authorized by Law to practice a recognized profession and it is not possible to obtain competitive bids.
3. A copy of this resolution shall be published as required by law within ten (10) days of its passage.

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All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-14
RESOLUTION AUTHORIZING AN AGREEMENT
PROFESSIONAL SERVICE
ENGINEER

WHEREAS, there exists a need for a Borough Engineer; and

WHEREAS, funds are available for the purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11 et seq) requires that the resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute the attached agreement with Bach Associates;
2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because this contract is to be performed by a person authorized by law to practice a recognized professional and it is not possible to obtain competitive bids.
3. This professional contract was advertised under the fair and open process, and it is being awarded pursuant to a fair and open process.
4. A copy of this resolution shall be published as required by Laws within ten (10) days of its passage.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-15
RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT BY THE
BOROUGH OF MAGNOLIA TO PARKER - MC KAY
ATTORNEYS AT LAW FOR PROFESSIONAL SERVICES IN
CONNECTION WITH THE FINANCING OF CAPITAL PROJECTS IN
ACCORDANCE WITH THE ATTACHED AGREEMENT (CONTRACT
AWARDED WITHOUT COMPETITIVE BIDDING PURSUANT TO THE
LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40:A11-1 ET SEQ)

WHEREAS, N.J.S.A. 40A:2-38.1 provides for the compensation of an attorney for services rendered in connection with the issuance of bonds; and

WHEREAS, there exists a need for specialized legal services in connection with the authorization and the issuance of bonds and other obligations and other matters relating to capital financing by the Borough of Magnolia, County of Camden, New Jersey (herein

the "Borough"); and

WHEREAS, such specialized legal services can be provided only by a recognized Bond Counsel firm, and the law firm of Parker, McKay is so recognized by the financial community;

WHEREAS, the services to be performed are "Professional Services" as defined in the Local Public Contracts Law, N.J.S.A. 40A:11-2(6) and therefore are accepted from the Local Public Contracts Law requirements for competitive bidding, pursuant to

N.J.S.A. 40:A11-5(1)(a)(i); and

WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-5(1)(a)(i), requires the public advertisement of notice with respect to contracts for professional services awarded without competitive bids; and

WHEREAS, funds are or will be available for this purpose.

NOW THEREFORE BE IT RESOLVED BY THE BOROUGH COUNCIL OF MAGNOLIA, COUNTY OF CAMDEN, NEW JERSEY AS FOLLOWS:

That the Borough Council hereby appoints the firm of Parker, McKay to serve as Bond Counsel to the Borough and awards the contract which is annexed hereto and made a part hereof in accordance with N.J.S.A. 40A:2-38.1 and N.J.S.A. 40:A11-1 et seq. This contract is awarded without competitive bidding as a professional service under the provisions of the Local Public Contracts Law, N.J.S.A. 40:A11-5 (1)(a)(i), because legal services are a recognized profession licensed and regulated by law.

This professional contract was advertised under the fair and open process, and it is being awarded pursuant to a fair and open process.

A notice in accordance with the resolution and the Local Public Contracts Law of New Jersey, shall be published in the official newspaper or newspapers of the Borough.

That an executed copy of the Contract between the Borough and Parker, McKay, and a copy of this resolution shall be filed in the office of the Clerk and be available for public inspection in accordance with the law.

This professional contract was advertised under the fair and open process, and it is being awarded pursuant to a fair and open process.

This resolution shall take effect immediately.

All Council voted aye.

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6:00PM REORGANIZATION MEETING JANUARY 05,

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-16
RESOLUTION DESIGNATING A
SUPPLEMENTAL FIRE SERVICE
PROGRAM COORDINATOR AND APPROVING
THE UTILIZATION REPORT

WHEREAS, the Division of Local Government Services in the Department of Community Affairs has been designated to effect Implementation of P.L. 1985, c.295 which created the Supplemental Fire Services Program; and

WHEREAS, the Borough of Magnolia is eligible to receive funding under said program; and

WHEREAS, in order for the Borough of Magnolia to apply for funding, it is necessary to submit to the Division of Local Government Services the Utilization Report, approved by the Governing Body; and

WHEREAS, in order for the Borough of Magnolia to apply for funding it is necessary to designate an individual as the

Supplemental Fire Services Program Coordinator;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body that the Utilization Report as prepared, be and is hereby approve; and

BE IT FORTHER RESOLVED that Paul Wolf be and is hereby designated Program Coordinator for the calendar year 2011.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2010-17
RESOLUTION AUTHORIZING AN AGREEMENT
PROFESSIONAL SERVICES
MUNICIPAL REPRESENTATIVE FOR THE
JOINT INSURANCE FUND AND THE MUNICIPAL
EXCESS LIABILITY FUND

WHEREAS, there exists a need for a Municipal Representative for the Joint Insurance Fund and the Municipal Excess Liability Fund; and

WHEREAS, funds are available for the purpose; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40:11 et seq.) requires that the Resolution authorizing the award of contracts for "Professional Services" without competitive bids must be publicly advertised.

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

1. The Mayor and Borough Clerk are hereby authorized and directed to execute an agreement with Peter Dee.
2. This contract is awarded without competitive bidding as a "Professional Service" under the provisions of the Local Public Contracts Law because this contract is to be performed by a person authorized by law to practice a recognized profession and it is not possible to obtain competitive bids.

This contract was done as a Non-Open and Fair Process.

3. A copy of this resolution shall be published as required by Law within ten (10) days of its passage.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-18
APPOINTMENT OF FUND COMMISSIONER
AND ALTERNATE FUND COMMISSIONER
CAMDEN/BURLINGTON REGIONAL EMPLOYEE BENEFITS FUND

WHEREAS, the Borough of Magnolia, County of Camden, State of New Jersey (Hereinafter known as "Local Unit") has resolved and agreed to become an initial member in the Camden/Burlington Regional Employee Benefits Fund on January 1, 1994 for the purpose of establishing health insurance coverage in accordance with N.J.S.A. 17B:17-4; and

WHEREAS, it is necessary that a Fund Commissioner and Alternate Fund Commissioner be appointed to the Camden/Burlington Regional Employee Benefits Fund to Represent the Local Unit; and

NOW, THEREFORE, BE IT RESOLVED by the Council Members of the Local Unit that the following named individuals are appointed to serve as Fund Commissioner and Alternate Fund Commissioner for the Local Unit from January 1, 2011 to December 31, 2011:

FUND COMMISSIONER

RICHARD MICHIELLI

ALTERNATE FUND COMMISSIONER **COUNCILMAN ROBERT BRANDT**

All Council voted aye by roll call vote.

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6:00PM REORGANIZATION MEETING JANUARY 05,

Motion made by Councilwoman Martz, seconded by Councilman Wilson for:

RESOLUTION 2011-19
RESOLUTION OF THE BOROUGH OF
MAGNOLIA AUTHORIZING SUBMISSION
OF MUNICIPAL RECYCLING TONNAGE
GRANT APPLICATION AND DESIGNATING
OFFICIAL THEREFORE

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L. 1987, c 102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and expand existing programs; and

WHEREAS, the New Jersey Department of Environmental Protection is promulgating recycling regulations to implement the Mandatory Source Separation and Recycling Act; and

WHEREAS, the recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including, but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and

WHEREAS, a resolution authorizing this municipality to apply for such tonnage grants will memorialize the commitment of this municipality of recycling and indicate the assent of Borough Council of the Borough of Magnolia, Camden County, State of New Jersey that the Borough of Magnolia to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed.

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Magnolia hereby endorsed the submission of a Municipal Recycling Tonnage Grant Application of the New Jersey Department of Environmental Protection, Office of Recycling and designates John D. Keenan, Jr., to ensure that the said Application is properly filed.

All Council voted aye.

Motion made by Councilman Whalen, seconded Councilman DePrince for:

RESOLUTION 2011-20
RESOLUTION AUTHORIZING THE APPOINTMENT OF
REPRESENTATIVE AND ALTERNATE TO THE CAMDEN
COUNTY COMMUNITY DEVELOPMENT ADVISORY BOARD

WHEREAS, there is hereby established an annual requirement of a Municipality to appoint a voting representative, and alternate to the Camden County Community Development Board of Directors; and

WHEREAS, the Borough of Magnolia wishes to continue to be a voting member of said Board in conjunction with the existing Cooperation Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Borough of Magnolia that BETTYANN COWLING-CARSON is hereby appointed to serve as the representative from the Borough of Magnolia to the Camden County Community Development Board of Directors; and

BE IT FURTHER RESOLVED that Councilman Donald Wilson is hereby appointed to serve as the alternate member;

BE IT FURTHER RESOLVED that a certified copy of this resolution be submitted to the County Division of Community Development.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-21
Appoint Public Defender for Municipal Court. Michael Bonamassa.
RESOLUTION AUTHORIZATION AN AGREEMENT
FOR PROFESSIONAL SERVICES
PUBLIC DEFENDER

WHEREAS, there exists a need for a Borough Public Defender; and

WHEREAS, the Local Public Contracts Law N.J.S.A. 40:11 et seq) requires that the Resolution authorizing the award of contracts for "Professional Services" with competitive bids must be publicly advertised.

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

- 1 This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because this contract is to be performed by a person authorized by Law to practice a recognized profession and it is not possible to obtain competitive bids.
- 2 A copy of this resolution shall be published as required by law within ten (10) days of its passage.

All Council voted aye by roll call vote, with Councilwoman Bonamassa abstaining.

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Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-22
RESOLUTION APPOINTING A MUNICIPAL
PROSECUTOR PURSUANT TO N.J.S.A. 2B:12-17
IN THE BOROUGH OF MAGNOLIA, COUNTY OF CAMDEN
STATE OF NEW JERSEY

WHEREAS, the municipality may employ an attorney-at-law as a prosecutor, under the supervision of the Attorney General or county prosecutor, who may represent the State, County or municipality in any matter within the jurisdiction of the central municipal court of any other municipal court; and

WHEREAS, the Borough of Magnolia wishes to appoint Howard Long, Esquire, Pursuant to N.J.S.A. 2B:12-27 is appointed municipal prosecutor of the Borough for the term of January 1, 2011 to December 31, 2011, under the supervision of the Attorney General or county prosecutor and may represent the State, county of municipality in any matter within the jurisdiction or the central municipal court of any other municipal court;

NOW, THEREFORE, BE IT RESOLVED, that Howard Long be and is hereby appointed as the Borough of Magnolia Municipal Court Prosecutor for 2011.

All Council voted aye.

Motion made by Councilman Martz, seconded by Councilman Whalen to adopt:

RESOLUTION 2011-23

WHEREAS, the Magnolia Historical Society has completed a Rail Station Reconstruction, Library/Park Project, and;

WHEREAS, the Borough of Magnolia supports this project, and;

WHEREAS, the Magnolia Historical Society applied for and was awarded government grants to support this project; and

WHEREAS, the Magnolia Historical Society's application for said funding was contingent upon a resolution formalizing the position of the municipality;

NOW, THEREFORE, BE IT RESOLVED on this 5th day of January, 2011 that:

1. The Magnolia Historical Society in conjunction with the Borough of Magnolia is hereby committed to a continuous program to maintain and operate the Rail Station reconstruction, Library/Park project.
2. The Borough of Magnolia will act as a secondary responsible entity if the Historical Society ceases to operate.
3. Upon approval of all parties involved with the project, the Magnolia Historical Society will create with its own funds, a trust fund of a sufficient amount as determined by the estimated cost of the operation, and to be evaluated yearly, to be used for the purpose of maintaining the physical property and programming. This fund will not be used for any other purpose. Other funds derived from other sources may be used whenever possible.
4. The Borough government must approve any changes in the trust fund, and expenditures from it or related to it. Each year the trust fund will be audited by the Municipal Auditor.

5. The Borough of Magnolia will not use its own funds to maintain the program.
6. In the event that the Historical Society disbands and the trust fund is exhausted, the Borough of Magnolia will determine either the destruction of the building(s) and contents or create another entity to operate it.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-24

Authorizing Tax Assessor for added tax assessments and appeals for 2011.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman DePrince to appoint Richard Krouse as Planning Board Appointee (Resolution 2011:25). All Council voted aye.

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Motion made by Councilman Whalen, seconded by Councilman DePrince for:

RESOLUTION 2011-26

CASH MANAGEMENT PLAN FOR THE BOROUGH OF MAGNOLIA

This plan is established to comply with the requirements of NJSA 40A:5-14 and to provide a guide to municipal officials and employees in carrying out their duties concerning the receipt and disbursement of all funds of the Borough of Magnolia.

The following requirements shall be adhered to:

- . The Mayor and Council shall annually, at its reorganization meeting designate the legal depositories for all municipal funds. Such resolution(s) shall be deemed a part of the Cash Management Plan.
- . The Mayor and Council shall annually establish by Resolution adopted at its annual Reorganization meeting the required signatories to all municipal bank accounts.
- . All Municipal funds received by an official or employee shall be either deposited within 48 hours to an interest bearing account in the name of the Borough of Magnolia, or shall be turned over to the Municipal Finance Officer within 48 hours of receipt.
- . All revenues received by the Municipal Financial Officer shall be deposited to interest bearing accounts in the legal depositories.
- . The following funds shall not be required to be maintained in interest bearing accounts:
 1. Change Funds
 2. Petty Cash Funds
 3. Payroll Funds
 4. Trust Funds to the extent that the deposit of such funds to an interest bearing account would require by law the payment of interest to the provider of funds.
 5. Checking accounts established for the express purposes of paying bills approved by the governing body. The balances in these funds shall be kept at the minimum amount required for the orderly operations of the account.
- . The Tax Collector shall deposit all funds to an interest bearing account.
- . No municipal funds shall be disbursed by the Municipal Financial Officer prior to approval of Mayor and Council except for:
 1. Debt Service Payments
 2. Investments
 3. Payroll Turnovers to Agencies
 4. Discount Vouchers Debt Service Payments and discount vouchers must be ratified after payment.

It shall be the responsibility of the Municipal Financial Officer to analyze the cash flow and to invest funds in legal investments so as to maximize interest earnings. When investing funds in commercial banks, savings and loans, etc. the Municipal Financial Officer or Comptroller shall obtain a minimum of three quotations and shall invest at the institution offering the highest effective rate. The Municipal Financial Officer or Comptroller shall determine which type of legal investment will best serve the needs of the Municipality and is authorized to place the funds in any such legal investments, unless otherwise restricted by the governing body. The Municipal Financial Officer shall report monthly all investment transactions as required by NJSA 40A:5-15.2 to the Mayor and Council.

All Council voted aye.

Motion made by Councilwoman Whalen, seconded by Councilman DePrince for:

Appointment of P. Nick D'Amico as IT Coordinator/Webmaster. All Council voted aye for Resolution 2011-27.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa to adopt Resolution 2011:29 for the Municipal Clerk appointment for five year term of John D. Keenan, Jr. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:30 for appointment of Tax Collector for 4 years of Kathleen Andress.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:31 for appointment of Construction Official of Daniel Wassenaar. All Council voted aye.

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Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:32 for appointment of Licensed Sewer Operator of Jack Bailey. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:33 for appointment of Plumbing Sub-Code Official James McHugh. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:34 to award the 2011 Tow Contract to Magnolia Towing. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:35 for appointment of Animal Control Officer as James McCleery. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:36 for appointment of Animal Shelter as the Camden County Animal Shelter in Blackwood, NJ. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for Resolution 2011:37 to approve the refund of tax overpayments on ten properties as All Council voted aye.

ORD 2011-01 CAP Bank to 3.5% adopted by Councilman Whalen, seconded by Councilwoman Bonamassa, with all Council voting aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa for:

ORDINANCE 2011-02
ORDINANCE REGULATING THE SALARIES OF THE OFFICIALS AND EMPLOYEES OF THE BOROUGH OF
MAGNOLIA, COUNTY OF CAMDEN
STATE OF NEW JERSEY

BE IT ORDAINED by the Mayor and Council of the Borough of Magnolia, County of Camden, State of New Jersey as follows:

SECTION 1: The following titles shall be paid within the listed ranges at the designated times to officials and employees of the Borough of Magnolia, County of Camden, State of New Jersey while in the employ of the Borough who hold or are appointed to positions below effective January 01, 2011:

ADMINISTRATIVE/EXECUTIVE & FINANCIAL ADMINISTRATIVE			
MAYOR	SEMI-ANNUAL	\$	5,000.00 - \$ 8,000.00
COUNCILPERSON	SEMI-ANNUAL	\$	5,000.00 - \$ 8,000.00
BOROUGH CLERK	BI-WEEKLY	\$	20,000.00 - \$ 45,000.00
DEPUTY BOROUGH CLERK	BI-WEEKLY	\$	-0 - \$ 37,000.00
TREASURER	BI-WEEKLY	\$	-0 - \$ 45,000.00
TAX COLLECTOR/CFO	BI-WEEKLY	\$	10,000.00 - \$ 40,000.00
TAX ASSESSOR	MONTHLY	\$	9,000.00 - \$ 14,000.00
BOROUGH ATTORNEY	MONTHLY	\$	8,000.00 - \$ 14,000.00
INSURANCE COMMISSIONER	ANNUAL	\$	100.00 - \$ 300.00
PAYROLL ADMINISTRATOR	WEEKLY/PER HOUR	\$	15.00 - \$ 25.00
TEMP. CLERK	BI-WEEKLY/PER HOUR	\$	10.00 \$ 15.00

PUBLIC SAFETY

MUNICIPAL PROSECUTOR	MONTHLY	\$	10,000.00 - \$	20,000.00
PUBLIC DEFENDER	MONTHLY	\$	1,000.00 - \$	7,000.00

SPECIAL COURTS:

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MUNICIPAL PROSECUTOR	MONTHLY/PER	\$	100.00 - \$	200.00
PUBLIC DEFENDER	MONTHLY/PER	\$	100.00 - \$	200.00
POLICE CHIEF	BI-WEEKLY	\$	55,000.00 - \$	85,000.00
EMERGENCY MGMT.CDNR.	BI-WEEKLY	\$	2,000.00 - \$	4,000.00
CROSSING GUARD	BI-WEEKLY/PER DAY	\$	25.00 - \$	40.00
POLICE RECORDS CLERK	BI-WEEKLY/PER HOUR	\$	10.00 - \$	15.00
SPCL.OFFICER CL. I	BI-WEEKLY/PER HOUR	\$	8.00 - \$	15.00
SPCL.OFFICER CL. II	BI-WEEKLY/PER HOUR	\$	10.00 - \$	15.00
SPCL.OFFICER CL. II 40 HRS.	BI-WEEKLY	\$	25,000.00 - \$	40,000.00
FIRE CHIEF	MONTHLY	\$	-0- \$	3,000.00

COURT

MUNICIPAL MAGISTRATE	MONTHLY	\$	8,000.00 - \$	14,000.00
COURT ADM./VIOLATIONS CL.	BI-WEEKLY	\$	20,000.00 - \$	35,000.00
DEPTY. ADMINISTRATOR	BI-WEEKLY/PER HOUR	\$	10.00 - \$	15.00
DEPTY. ADMIN.(COURT TIME)	BI-WEEKLY/PER	\$	-0- - \$	50.00
DEPTY. ADMIN. (CALL OUTS)	BI-WEEKLY/PER	\$	-0- - \$	20.00
ASST.VIOLATIONS CLERK	BI-WEEKLY/PER HOUR	\$	10.00 - \$	15.00
ASST.VIOL. CLK(CALL OUTS)	BI-WEEKLY/PER	\$	-0- - \$	20.00

SPECIAL COURTS:

MUNICIPAL MAGISTRATE	MONTHLY/PER	\$	-0- - \$	200.00
COURT ADM./VIOL.CLERK	BI-WEEKLY/PER	\$	-0- - \$	105.00
DEPTY. ADMIN.	BI-WEEKLY/PER	\$	-0- - \$	50.00
DEPTY. VIOLATIONS CLERK	BI-WEEKLY/PER	\$	-0- - \$	50.00
TAPE OPERATOR	MONTHLY/PER COURT	\$	-0- - \$	35.00

CODES, LICENSING & ECONOMIC DEVELOPMENT

CODE ENFORCEMENT INSP.	MONTHLY	\$	2000.00 - \$	4000.00
CODE ENFORCEMENT CRT.	MONTHLY	\$	-0- - \$	600.00
CONSTRUCTION OFFICIAL	MONTHLY	\$	8000.00 - \$	12000.00
MECHANICAL INSPECTOR	MONTHLY/PER HR.	\$	15.00 - \$	20.00
TECHNICAL ASSISTANT	BI-WEEKLY	\$	25000.00 - \$	35000.00
FIRE SUB-CODE INSP.	MONTHLY	\$	2000.00 - \$	5000.00
CONSTR. CLERK TEMP.	BI-WEEKLY	\$	6.00 - \$	12.00
ELECTRIC SUB-CODE INSP.	MONTHLY	\$	4000.00 - \$	8000.00
PLUMBING SUB-CODE OFFC.	MONTHLY	\$	2000.00 - \$	5000.00
PLUMBING INSPECTOR	MONTHLY	\$	2000.00 - \$	5000.00
HOUSING INSPECTOR	MONTHLY	\$	2000.00 - \$	5000.00
HOUSING INSPECTOR COURT	MONTHLY	\$	-0- - \$	8000.00
BLDG. SERVICE WORKER	BI-WEEKLY/PER HOUR	\$	10.00 - \$	100.00
PLANNING BOARD SECRTY	BI-WEEKLY	\$	-0- \$	9,000.00
PLANNING BOARD SOLICITR	MONTHLY	\$	-0- \$	4,000.00
STEEL LABORER	BI-WEEKLY/PER HOUR	\$	50.00 \$	65.00
TEMP. CLERK	BI-WEEKLY/PER HOUR	\$	10.00 \$	15.00

PUBLIC WORKS

SUPERINTENDENT	BI-WEEKLY	\$	40000.00 - \$	60000.00
FOREMAN	BI-WEEKLY/PER HOUR	\$	15.00 - \$	25.00

WITH CDL LICENSE:

LABORER – AFTER 3 YEARS	BI-WEEKLY/PER HOUR	\$	14.00 - \$	25.00
LABORER – 24-36 MONTHS	BI-WEEKLY/PER HOUR	\$	13.00 - \$	20.00
LABORER – UP TO 24 MONTHS	BI-WEEKLY/PER HOUR	\$	12.00 - \$	16.00

WITHOUT CDL LICENSE:

TEMPORARY LABORER	BI-WEEKLY/PER HOUR	\$	10.00 - \$	14.00
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LABORER – AFTER 24 MNTHS	BI-WEEKLY/PER HOUR	\$	11.00 - \$	15.00
LABORER 12-24 MONTHS	BI-WEEKLY/PER HOUR	\$	10.00 - \$	14.00
LABORER UP TO 12 MNTHS.	BI-WEEKLY/PER HOUR	\$	8.00 - \$	13.00
TEMPORARY LABORER	BI-WEEKLY/PER HOUR	\$	8.00 - \$	13.00
SEASONAL LABORER	BI-WEEKLY/PER HOUR	\$	7.00 - \$	10.00
CLEAN COMM. DIRECTOR	BI-WEEKLY	\$	300.00 - \$	500.00

SELF-LIQUIDATING UTILITY

PURCHASING AGENT	BI-WEEKLY	\$	1000.00 - \$	3000.00
DEPUTY COLLECTOR	BI-WEEKLY	\$	25000.00 - \$	35000.00
UTILITY CLERK	BI-WEEKLY	\$	3000.00 - \$	5000.00
UTILITY ADMINISTRATOR	BI-WEEKLY	\$	3000.00 - \$	5000.00
UTILITY AIDE/TEMPORARY	BI-WEEKLY/PER HOUR	\$	7.00 - \$	10.00

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OPERATOR	MONTHLY	\$	4000.00 - \$	8000.00
DEPUTY FINANCE ADMIN.	BI-WEEKLY	\$	30000.00 - \$	40000.00

SUMMER RECREATION PROGRAM

COORDINATOR	BI-WEEKLY/PER WEEK	\$	150.00 - \$	300.00
ASST. COORDINATOR	BI-WEEKLY/PER WEEK	\$	125.00 - \$	250.00
RECREATION AIDE	BI-WEEKLY/PER WEEK	\$	100.00 - \$	200.00

SECTION 2. In the event that emergency snowplowing is necessary, the Superintendent of Public Works will be paid overtime at a regular hourly rate.

SECTION 3. The salaries and wages herein specified shall take effect January 1, 2011. They shall apply to the year 2011 and all subsequent thereto unless and until the same has been changed as provided by law.

SECTION 4. All ordinances or parts of ordinances or resolutions or parts of resolutions inconsistent with the terms thereto, are repealed hereby to the extent as such.

SECTION 5. This ordinance shall take effect upon approval of the 2011 annual budget by the governing body and the State of New Jersey upon due passage and publication of this ordinance according to law.

All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Bonamassa to adopt Ordinance 2011:03 to amend 17.270-59 Permitted Principal Uses to remove F. Auto Service Stations. All Council voted aye.

Motion made to open the meeting to the public by Councilwoman Martz seconded by Councilwoman Bonamassa with all Council voting aye. No public spoke.

Motion made by Councilman Whalen, seconded by Councilman Wilson to close the meeting to the public. All Council voted aye.

Motion made by Councilman Whalen to approve the payment of the bills as listed on the bill list provided, seconded by Councilwoman Bonamassa, with all members voting aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilwoman Martz to adjourn the meeting, with all Council voting aye.