

MINUTES
COUNCIL MEETING
MARCH 15, 2007

7:00 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 special council meeting of the Mayor and Council was scheduled for Thursday, March 15, 2007 at 7:00 P.M. The Municipal Clerk took the roll call and showed that all were present, except Councilman DePrince. The Engineer Mr. Basehore was present and also Police Chief Doyle.

A motion was made by Councilwoman Martz to open this portion of the meeting to the public. Councilman Whalen seconded. All Council voting aye. No one was present. Motion made by Councilman Whalen to close the meeting to the public, seconded by Councilwoman Martz, with all Council voting aye.

Old Business:

Motion made by Councilwoman Martz, seconded by Councilman Wilson to open the Public Portion for Ordinance 2007:04. All Council voted aye. No one spoke. Motion made by Councilwoman Martz, seconded by Councilman Wilson to close the Public Portion. All Council voted aye.

Motion made by Councilman Wilson, seconded by Councilwoman Martz to adopt:

ORDINANCE 2007:04

AN ORDINANCE VACATING ALL PORTIONS OF A CERTAIN STREET KNOWN AS OLD EGG HARBOR ROAD KNOWN TO EXIST IN THE BOROUGH OF MAGNOLIA, COUNTY OF CAMDEN, AND STATE OF NEW JERSEY WHEREAS, it appears to the Mayor and Council of the Borough of Magnolia that the public interest will be better served by releasing and vacating the public right in the land hereafter described. Note that all utility easements including drainage easements are not extinguished.

NOW, THEREFORE, the Mayor and Borough Council of the Borough of Magnolia, County of Camden, State of New Jersey do ordain:

SECTION 1. That all public rights in the land situate in the Borough of Magnolia, more particularly described hereafter, be and the same are hereby released and vacated, but not to extinguish any utility easements or drainage easements.

All certain tract or parcel of land situate in the Borough of Magnolia bounded and described as follows:

BEGINNING at a point on the Southwesterly right-of-way line of Old Egg Harbor Road (variable width right-of-way), at its intersection with the Northeasterly right-of-way line of White Horse Pike (A.K.A: U.S. Highway Route 20, 66 foot wide right-of-way), and from said point of beginning, running thence:

1. Along the Northeasterly right-of-way line of White Horse Pike, North 29 degrees 26 minutes 49 seconds West, a distance of 46.58 feet to a point on the Northeasterly right-of-way line of Old Egg Harbor Road, thence;
2. Along the Northeasterly right-of-way line of Old Egg Harbor Road, South 69 degrees 32 minutes 19 seconds East, a distance of 259.71 feet to a point, thence;
3. Along a line through the bed of Old Egg Harbor Road and along the approximate location of the municipal dividing line between Magnolia and Somerdale Boroughs, South 29 degrees 25 minutes 00 seconds East, a distance of 46.55 feet to a point on the Southwesterly right-of-way line of Old Egg Harbor Road, thence;
4. Along the Southwesterly right-of-way line of Old Egg Harbor Road, North 69 degrees 32 minutes 19 seconds West, a distance of 259.67 feet to the point and place of beginning.

Containing 7,791 square feet or 0.179 acres.

This property is subject to restrictions, covenants and/or easements either written or implied.

This legal description is based upon a map entitled "Preliminary/Final Subdivision Plat, Center 48 Limited Partnership, Evesham Ave, White Horse Pike & Old Egg Harbor Road, Somerdale & Magnolia Boroughs, Camden County, State of New Jersey, "Prepared by Control Point Associates, Inc., dated 12/20/06, Sheet 3 of 4. File no. CP05082.03.

SECTION 2. All public rights of passage and easement of the Borough of Magnolia for street purposes be and the same are hereby extinguished with the exception of any and all utility easements including drainage easements and the said public rights are released to the abutting property owners known as Block 3.10, lots 1 and 14 of the street aforesaid.

SECTION 3. It is further ordained that the aforesaid vacation of the said street shall not affect rights of the Borough of Magnolia or any other party who holds an easement over any part of the said property.

Nothing in this Ordinance shall affect the private rights in said street and the right of public utility companies which may have installation in said aforesaid property;

This Ordinance shall become effective immediately after final passage and publication as required by law.

All Council voted aye by roll call vote.

Motion made by Councilwoman Martz, seconded by Councilwoman Bonamassa to open the Public Portion for Ordinance 2007:05. All Council voted aye. No one spoke. Motion made by Councilwoman Martz, seconded by Councilman D'Amico to close the Public Portion, with all council voting aye.

Motion made by Councilman Whalen, Seconded by Councilman Wilson to adopt: Ordinance 2007:05 to Create Chapter 253 entitled Towing.
All Council voted aye by roll call vote.

Motion made by Councilwoman Martz, seconded by Councilman D'Amico to open the Public Portion for Ordinance 2007:06. All Council voted aye. No one spoke. Motion made by Councilman Whalen, seconded by Councilwoman Martz to close the Public Portion, with all Council voting aye.

Motion made by Councilwoman Martz, seconded by Councilman Wilson to adopt:

**BOROUGH OF MAGNOLIA
ORDINANCE 2007:06**

AN ORDINANCE SUPPLEMENTING CHAPTER 89 OF THE REVISED GENERAL ORDINANCES OF THE BOROUGH OF MAGNOLIA TO REGULATE UNDERAGE DRINKING ON PRIVATE PROPERTY.

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

ARTICLE III. Chapter 89 "ALCOHOLIC BEVERAGES" of the Revised General Ordinances of the Borough of Magnolia is hereby supplemented by addition of the following:

89-15 Possession, consumption of alcoholic beverages by person under legal age on private property.

- A. It is hereby unlawful for any person under the legal age to, without legal authority, knowingly possess or knowingly consume an alcoholic beverage on private property.
- B. Any individual who purposely and unknowingly offers or serves alcoholic beverage to an individual under the legal age for consuming alcoholic beverages, shall be guilty of violating this ordinance.
- C. Any individual who purposely and knowingly permits or entices an individual under the legal age for consuming alcoholic beverages, to consume alcoholic beverages, shall be guilty of violating this ordinance.

89-16 Exceptions.

- A. This ordinance shall not apply to parents or grandparents of the individual under the legal age; or
- B. To a brother or sister of the individual under the legal age, provided such brother and/or sister are of legal age to consume alcoholic beverage; or
- C. To guardians of the individual under the legal age; or
- D. To a religious observance, ceremony or rite; or
- E. To any person who serves, offers, entices, permits, etc., and individual under legal age to consume alcoholic beverages wherein such act is done in the presence of the aforementioned parent or guardian or the individual under the legal age, and with express permission of such parent or guardian of such individual under legal age.

89-17 Violation.

Any person, firm, corporation, or other entity, upon conviction for a violation of this ordinance, shall be fined not more than five hundred dollars (\$500.00) or imprisoned for a term not to exceed six (6) months or both, such being in discretion of the Court.

All Council voted aye by roll call vote.

New Business:

Motion made by Councilman D'Amico, seconded by Councilwoman Martz to adopt:

RESOLUTION 2007:62

WHEREAS, the Borough of Magnolia is entitled to Community Development Block Grant funding; and
WHEREAS, the Mayor and Council have chosen to submit an application for Program Year 29 (2007-2008); and
WHEREAS, the grant allocation for Year 29 (2007-2008) for the Borough of Magnolia is \$28,340.; and
WHEREAS, the governing body has agreed to apply for funding for the following activity;
Reconstruction of Bryant Avenue from White Horse Pike 210 linear feet north east toward the beginning of previous awarded project. This will include ADA ramps at intersection, concrete curbing, and new driveway aprons.
NOW, THEREFORE, BE IT RESOLVED by Mayor and Council of the Borough of Magnolia, that the Mayor is hereby authorized to sign the Project Description Form for Program Year 29 (2007-2008).

All Council voted aye.

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

RESOLUTION 2007:63

WHEREAS, the Borough of Magnolia has notified the New Jersey Department of Personnel of the promotional announcement of Police Sergeant due to the future retirement of an existing Sergeant; and
 WHEREAS, the Department of Personnel has sent the Borough a Certified List of Eligibles #PL070493 for Police Sergeant; and
 WHEREAS, there has been only one respondent interested in the position at this time; and
 WHEREAS, the Police Chief has recommended the appointment of Officer Scott Paris the only one who has responded to the promotional announcement as being interested,
 NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to appoint Scott Paris as Police Sergeant effective March 15, 2007.

All Council voted aye.

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

RESOLUTION 2007:64

WHEREAS, the Municipal Court of Magnolia has checks that have not been cashed; and
 WHEREAS, the auditor requests a resolution be adopted to clear these checks of record,
 NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to authorize the Magnolia Court Administrator to cancel the following checks:

#2631	93.00
#2974	78.00

All Council voted aye.

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

RESOLUTION 2007:65

WHEREAS, the Borough of Magnolia have sent out the semi-annual invoices for sewer to the property owners; and
 WHEREAS, there exists a property at 536 N. White Horse Pike, B. 5,04, L. 4 where the structure has been demolished ; and
 WHEREAS, the property owner has requested the invoiced amount of \$75.00 be removed since the structure no longer exists,
 NOW, THEREFORE, BE IT RESOLVED, by Mayor and Council to authorize the cancellation of the open balance of \$75.00 and to cancel any future billing until a new structure is given a certificate of occupancy.

All Council voted aye.

Motion made by Councilman D'Amico, seconded by Councilman Wilson to adopt:
 Ordinance 2007:08 for Fees of \$150.00 for each Marriage/Civil Union Performed by the Mayor. All Council voted aye by roll call vote.

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

Resolution 2007:66

**Resolution Requesting Approval of the Director of the Division of
 Local Government Services to Establish Trust by Rider
 for the donations to the Magnolia Community Center.**

WHEREAS, permission is required of the Director of the Division of Local Government Services for approval as a dedication by rider of revenues received by a municipality when the revenues received by a municipality are not subject to reasonable estimate; and

WHEREAS, N.J.S.A. 40A:50-29 et seq. allows municipalities to receive amounts and make expenditures from the donations for the Magnolia Community Center; and

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of the Division Local Government Services may approve expenditure of monies by dedicated by rider;

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of the Borough of Magnolia that such fees received by the municipality be placed in a specific trust fund and such trust fund shall be considered a "Dedication by Rider" to the budget of the local unit per N.J.S. 40A:4-39 for the sole purpose stated above.

BE IT FURTHER RESOLVED that the Borough Clerk is hereby directed to forward two certified copies of this resolution to the Director of Local Government Services forthwith.

All Council voted aye.

Motion made by Councilman Wilson, seconded by Councilwoman Martz to adopt:
 Resolution 2007:68 Change Order #1 on Bryant Avenue Road Reconstruction to DeMeglio in the amount of \$27,620.00. All Council voted aye.

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

RESOLUTION 2007:69
A RESOLUTION AUTHORIZING THE SALE OF REAL PROPERTY KNOWN AS
BLOCK 5.02, LOTS 26 and 27
LOCATED ON CRESTVIEW AVENUE, BOROUGH OF MAGNOLIA,
COUNTY OF CAMDEN, AND STATE OF NEW JERSEY
TO THE HIGHEST BIDDER

WHEREAS, State Law, N.J.S.A. 40A:12-13 et seq., requires municipalities to sell real property no longer needed for a public purpose by open public sale at auction to the highest successful bidder; and

WHEREAS, the Borough of Magnolia owns property located on Heaney Avenue, Magnolia, New Jersey, and known as Block 5.02, Lots 26 and 27 on the tax map;

WHEREAS, the Borough fixes a minimum bid for such property at \$9,194.51, with a \$5,000.00 deposit made by the successful bidder; and

WHEREAS, the Borough reserves the right to reject all bids;

WHEREAS, the property is sold "as is";

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Magnolia, County of Camden, and State of New Jersey that the Borough is hereby authorized to sell by public auction, the properties located on Crestview Avenue, Block 5.02, Lots 26 and 27 in Magnolia, New Jersey, on Thursday, April 19, 2007 at 7 pm, at the Borough Hall, 438 W. Evesham Avenue, Magnolia, New Jersey; and

BE IT FURTHER RESOLVED, the Borough fixes the minimum bid for such properties at \$9,194.51 and reserves the right to reject any and all bids; and

BE IT FURTHER RESOLVED, the highest successful bidder shall post cash or a certified check in the amount of \$5,000.00 at the time of the public auction with the Borough Clerk; and

BE IT FURTHER RESOLVED, the successful bidder shall make settlement on the properties within 30 days of approval of the bid by the Governing Body; and

BE IT FURTHER RESOLVED, that the proper Borough Officials are hereby authorized to implement this Resolution by appropriate action as may be necessary and that it shall become effective upon final passage and adoption of this Resolution.

All Council voted aye.

Motion made to approve the minutes of March 07, 2007 was made by Councilman Wilson, seconded by Councilwoman Martz, with all Council voting aye.

Motion made by Councilman Whalen to approve the bill list as submitted by the Treasurer, seconded by Councilwoman Martz with all Council voting aye by roll call vote.

Councilman Wilson stated the trash collection in Laurel Springs is going very well.

Councilwoman Martz stated the Construction Office is running well, and her and Councilman D'Amico would be conducting interviews soon for the Assistant to the Construction Official position.

Councilman D'Amico stated the camera purchase is moving forward for the parks. He noted the Planning Board applications coming forth this month. Also D'Anastasio application was expected soon.

The Engineer Mr. Basehore went over the Bryant Avenue Change Order, and status on the current road reconstruction projects.

Councilwoman Bonamassa stated the equipment was installed at Tavener Park.

The Solicitor stated the audit letter was returned by his office on status of lawsuits pending, and also the tax appeal at Walgreens was withdrawn.

Councilman Whalen had nothing to report.

The Clerk informed the Borough of Laurel Springs withdrawing from their fair share of funding for the annual fireworks. The three towns remaining Stratford, Somerdale, and Magnolia were upset at the delayed notice Laurel Springs gave the remaining towns since they had already adopted their budgets. The additional amount was \$1100. to each town, and that was after Commerce Bank donated \$1000. to assist in the shortfall. Also the Sterling High School budget info was given out. There was an increase for Magnolia of about \$56. for the average home. This was due to the increase in Magnolia students attending.

Motion by Councilwoman Whalen to adjourn, seconded by Councilwoman Bonamassa, with all Council voting aye.



Unofficial Copy

Official copies should be requested through the Borough Clerks Office by completing an Open Public Record Act Request Form. Contact us at (856)783-1520 for additional information.