

**MINUTES**  
**COUNCIL MEETING**  
**NOVEMBER 01, 2006**  
**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 council meeting of the Mayor and Council was scheduled for Wednesday, November 01, 2006 at 7:00 P.M. The Municipal Clerk took the roll call and showed that all were present. Steve Bach, the Engineer was also present.

The agenda was reviewed during the work session beginning at 7:00 PM.

No one from the public was present to speak at the 7:00 session.

At this time the Engineer gave his report. He gave the contact information for the State representatives for the CFO to speak to regarding the Infrastructure Trust. He stated the tax map updates would be done by November 16, 2006 meeting. The Megan Law mapping was done. The Bryant Avenue preconstruction meeting was set for Friday, November 03, 2006. The core test results for Monroe Avenue were still no completed yet. Gloucester Avenue was to start next week. He also gave information regarding the State Infrastructure Grant. The Mayor and Council agreed on the items listed. A meeting was to be set to meet informally with the State DEP, and the application would be submitted soon after that meeting.

Motion was made by Councilman Whalen to go into Closed Session (Resolution 2006:173), seconded by Councilwoman Martz. All Council voted aye. Motion made by Councilman DePrince to come out of Closed Session, seconded by Councilman D'Amico, with all Council voting aye.

The Regular Session of the Council Meeting began. Motion was made by Councilwoman Martz to open this portion of the meeting to the public. Councilwoman Bonamassa seconded. All Council voted aye.

Peg Millisky of 318 Otterbranch Avenue expressed she was pleased to read in the previous month's minutes regarding the financial agreement that was adopted between FedEx and the Borough.

Motion by Councilman Whalen, seconded by Councilman Wilson to close the public portion, with all Council voting aye.

Motion made by Councilman Wilson to approve the October 19, 2006 minutes as presented, seconded by Councilwoman Bonamassa, with all Council voting aye.

## OLD BUSINESS:

None.

## NEW BUSINESS:

Motion by Councilman DePrince, seconded by Councilwoman Martz to adopt:

**Resolution 2006-174 Chapter 159 to allow for the revenue from the Camden County Open Space Grant of \$25,000. received for the Tavener Park.**

All Council voted aye by roll call vote.

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

**Resolution 2006-175 Chapter 159 to allow for the revenue from the State Treasury Grant of \$50,000. for sewer line work on the forced main along Evesham Avenue.**

All Council voted aye by roll call vote.

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

RESOLUTION 2006:176

WHEREAS, N.J.S.A. 19:44A-20.5 et seq. was created to regulate "pay-to-play" in the branches of NJ government including counties and municipalities; and

WHEREAS, on or after January 01, 2006, the Law prohibits a municipality from awarding contracts with a value in excess of \$17,500. to a business entity that makes certain reportable contributions one year prior to the contract; and

WHEREAS, the contractor can be awarded a contract even though he may have reportable contributions, if the award is made through a "fair and open" process; and

WHEREAS, to be "fair and open" the contract should be advertised to give notice in advance of the contract, and publicly opened and announced when awarded; and

WHEREAS, the minimum requirements of a "fair and open" process are:

Publicly advertised with sufficient time of 10 calendar days to give notice, and

Awarded under a process that provides for public solicitation of proposals, and

Established on the basis of an award and disclosure process documented in writing prior to any solicitation, and

Publicly opened and announced when awarded.

WHEREAS, the notice should include:

A description of the requested goods or services;

The time, date, and place proposals must be submitted;

Contract information for obtaining the proposal document;

The name of the agency requesting the proposal; and

A statement that the proposal is being solicited through fair and open process in accordance with N.J.S.A. 19:44A-20.5 et

seq.

WHEREAS, there are several alternatives in choosing their basis for award under a fair and open process such as:

Choosing the lowest responsible bidder as in traditional bidding

The standard used by both state government and the competitive contracting model "most advantageous, price and other factors considered

Other fair and open process established by the agency

WHEREAS, the bids do not have to be opened and awarded at the same time, do not have to be opened at a public meeting, and can be awarded at a separate time by resolution by the Governing Body with wording stating to a "fair and open" process or a "non-fair and open process"; and

NOW, THEREFORE, BE IT RESOLVED by Mayor and Council to authorize the Borough Clerk to advertise to receive proposals under the "fair and open process" of the pay-to-play law, and have resolutions to award ready for the Reorganization Meeting to be held on January 03, 2007.

All Council voted aye by roll call vote.

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

**Resolution 2006:177 Transfer Resolution to allow \$4,500. from Audit Services to General Liability Insurance \$1,500.; Fire Department O/E \$1,500.; Construction Code Official O/E \$1,500.; Celebration of Public Events \$1,500.**

All Council voted aye by roll call vote.

Motion by Councilman D'Amico, seconded by Councilman DePrince to introduce:

**ORDINANCE 2006-17**

**AN ORDINANCE AMENDING A REDEVELOPMENT PLAN PURSUANT TO NJSA 40A:12A-7**

WHEREAS, the Governing Body of the Borough of Magnolia received a request to investigate Block 6, Lot 1&2 and Block 7, Lot 2, along West Atlantic Avenue for redevelopment and has referred same to the Planning Board; and

WHEREAS, the Planning Board held a hearing on June 29, 2005 and determined that this delineated area is in need of redevelopment and referred the matter for redevelopment to the Borough; and

WHEREAS, the Borough has adopted resolution 2005:120 on July 06, 2005 designating this area as a redevelopment area; and

WHEREAS, the redevelopment plan has been presented to Mayor and Council and has been adopted by ordinance 2005:13;

WHEREAS, the Mayor and Council has now received a request to investigate the same parcels for an amendment to the original redevelopment plan, and has referred same to the Planning Board; and

WHEREAS, the Planning Board held a hearing and determined that this area is in need of being amended on October 25, 2006 and referred the matter to the Borough Governing Body; and

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Magnolia, that it hereby adopts the amended redevelopment plan prepared by Bach Associates for Block 6, Lots 1&2, and Block 7, Lot 2 along West Atlantic Avenue, pursuant to NJSA 40A:12A-7 as this area is in need for an amendment to the original redevelopment plan; and

FURTHERMORE, is referring Ordinance 2006:17 to the Planning Board for review and acceptance at their meeting on November 15, 2006;

BE IT FURTHER ORDAINED, that this ordinance will take effect after adoption and publication to law.

All Council voted aye by roll call vote.

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

**RESOLUTION 2006-178**

**RESOLUTION ADOPTING A REDEVELOPMENT AREA**

WHEREAS, the governing body of the Borough of Magnolia referred to the Planning Board for a Public Hearing, a proposed redevelopment area known as Block 3.02, Lots 14, 18, and 19; Block 3.10, lot 14 and Block 4.06, lots 9,10,19, 20,21 and 22 at the Lion's Head Shopping Center to determine if there was a need for redevelopment; and

WHEREAS, on June 29, 2005 the Borough of Magnolia Planning Board held a Public Hearing and determined that this area was in need of redevelopment and made such recommendation to the governing body of the Borough of Magnolia; and

WHEREAS, no written objections were made to the designated delineated area for redevelopment at the planning board hearing; and

WHEREAS, pursuant to NJSA 40A:12A-6 the Borough of Magnolia must adopt a resolution determining that this delineated area is a redevelopment area;

NOW, THEREFORE BE IT RESOLVED, by Mayor and Council for the Borough of Magnolia, Camden County, New Jersey that it hereby determines the delineated area known as Block 3.02, Lots 14, 18, and 19; Block 3.10, lot 14 and Block 4.06, lots 9,10,19, 20,21 and 22 at the Lion's Head Shopping Center is a redevelopment area based on the recommendation from the Magnolia Planning Board; and

BE IT FURTHER RESOLVED that a copy of this resolution shall be forwarded to the Commissioner of Community Affairs for review;

All Council voted aye by roll call vote.

Motion made by Councilman D'Amico, seconded by Councilwoman Bonamassa to introduce:

**ORDINANCE 2006-18**

**AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN PURSUANT TO NJSA 40A:12A-7**

WHEREAS, the Governing Body of the Borough of Magnolia received a request to investigate Block 3.02, Lots 14,18 and 19;Block 3.10, Lot 14 and Block 4.06, Lot29, 10, 19, 20, 21, and 22, known as Lion's Head Plaza for redevelopment and has referred same to the Planning Board; and

WHEREAS, the Planning Board held a hearing on June 29, 2005 and determined that this delineated area is in need of redevelopment and referred the matter for redevelopment to the Borough; and

WHEREAS, the Borough has adopted a resolution designating this area as a redevelopment area; and

WHEREAS, the redevelopment plan has been presented to Mayor and Council and requires adoption by ordinance;

NOW, THEREFORE, BE IT ORDAINED by the Borough Council of the Borough of Magnolia, that it hereby adopts the redevelopment plan prepared by Bach Associates for Block 3.02, Lots 14,18 and 19;Block 3.10, Lot 14 and Block 4.06, Lot29, 10, 19, 20, 21, and 22 known as Lion's Head Plaza, pursuant to NJSA 40A:12A-7 as this area is in need for redevelopment; and

BE IT FURTHER ORDAINED that Mayor and Council hereby authorizes the redevelopment plan is forwarded to the Borough of Magnolia Planning Board for its review; and

BE IT FURTHER ORDAINED, the Planning Board shall provide a report within 45 days to the Borough Council containing its recommendations concerning the redevelopment plan;

BE IT FURTHER ORDAINED, that this ordinance will take effect after adoption and publication to law.

All Council voted aye by roll call vote.

Motion made by Councilman Whalen, seconded by Councilwoman Martz to adopt: Resolution 2006:179 Camden County Rehab Recipient 602 Lincoln Avenue. All Council voted aye.

Motion made by Councilman Whalen, seconded by Councilwoman Martz to adopt: Resolution 2006:180 to appoint Temporary Aide Dori Daiutolo at the rate of \$10.40 per hour. All Council voted aye.

Treasurer's Report:

Councilman Whalen read the Treasurer's Report prepared by Treasurer Robin Sarlo stating the balances of the accounts as well as the revenue and expenses for the month prior.

Committee Reports:

Councilwoman Bonamassa stated the lighting in Albertson Park had been repaired. The Movie in the Park event was held in the Borough Hall due to the weather. Fun was had by all. There were about 150 kids at the Halloween Parade. The Halloween House judging has been completed and all the winner info will be in to the Borough Hall by tomorrow. The tree lighting is set for Friday, December 01, 2006. December 10, 2006 is the day for lunch with Santa for the children, and the Senior Dinner at the Fire Hall. The Recreation Center has begun to be erected. The Borough Hall has been decorated for the holidays early since the weather is good now, rather than do it when the weather is colder.

Councilman Wilson read the DPW report submitted by Steve Pacella. The DPW patched pot holes, and the labeling of the storm drains has been completed by the local Eagle Scout.

Councilwoman Martz stated her report was not available due to the vacation of the Construction Technician and Official. The Code Official has been in court for summons issued. The dog and cat census has been completed. November 04, 2006 is the rabies clinic at the ambulance building. The Codification Meetings will resume soon.

Councilman D'Amico stated the Planning Board had met on October 25, 2006 regarding the Atlantic Avenue amendment to the Redevelopment Plan which was adopted. The COAH Housing Element was continued to the next meeting on November 15, 2006. The meetings for November and December have been moved due to the holidays. The meetings are the third Wednesday of the month. The White Horse Coalition is working on creating a Chamber of Commerce for the businesses along the White Horse Pike. He reported he is still working on the security camera project for the Borough Hall and the Train Station.

Councilman DePrince read the monthly Police Report submitted by Police Chief Doyle, as well the Court Report submitted by Court Administrator Barbara Marshall. The Fire Report was already sent to the website. The Written Hazard Communication Meetings have been completed. Mischief Night was uneventful with no major incidents.

Councilman Whalen stated he is preparing for the 2007 budget. He asked all departments to get their budget requests to the CFO Maureen Mitchell by December 15, 2006. The Pay to Play ad will be posted in December for the professional service contracts to be awarded at the 2007 Reorganization Meeting.

The Solicitor stated he had reviewed the Affidavit for the road construction projects.

Motion by Councilwoman Martz, seconded by Councilman DePrince to open the meeting to the public, all Council voted aye.

No one spoke.

Motion made by Councilman D'Amico, seconded by Councilman Whalen to close the meeting to the public, all Council voted aye.

Motion made by Councilman Whalen, seconded by Councilman DePrince to approve the payment of the bills as listed on the bill list. All Council voted aye by roll call vote.

Motion made by Councilman D'Amico, seconded by Councilman DePrince to adjourn the meeting, all Council voted 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.