

April 11, 2017
COMMISSION MEETING MINUTES
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held at the Grand Ballroom at the Scottish Rite Auditorium 315 White Horse Pike, Collingswood, NJ, on the second floor, at 7:00 P.M. Mayor M. James Maley, Jr., called the meeting to order, with Commissioner Joan Leonard *present* and Commissioner Robert Lewandowski *present*. Mayor Maley read the Sunshine Notice stating that the Borough has complied with provisions of the Sunshine Law by adopting by January 10 of this year, a resolution prescribing the dates, times and locations of all regular meetings of the Commission. This meeting was one of the meetings listed on the resolution. Mayor Maley led the Pledge of Allegiance. The Tax Collector, Municipal Court, Tax Collector and Zoning Official reports were approved and seconded.

The Commissioners called for the Second Reading and Public Hearing of Ordinance 1613 to Exceed the Municipal Budget Appropriation Limits and the Establish Cap Bank

**CALENDAR YEAR 2017
ORDINANCE 1613 TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION
LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5% over the previous year's final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Mayor and Commissioners of the Borough of Collingswood in the County of Camden finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Mayor and Commissioners hereby determines that a 3% increase in the budget for said year, amounting to \$ 338,191 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS the Mayor and Commissioners hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Mayor and Commissioners of the Borough of Collingswood, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Borough of Collingswood shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 394,556, and that the CY 2017 municipal budget for the Borough of Collingswood be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

Mayor Maley opened the Ordinance to the public.

With no comments Mayor Maley moved the public hearing closed and the ordinance be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Commissioners called for the First Reading of 1614:

Ordinance 1614

APPROPRIATING \$300,000.00 FROM THE GENERAL CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF PROPERTY, PURCHASE OF EQUIPMENT AND REPAIRS TO BOROUGH ROADS

AND

APPROPRIATING \$165,000.00 FROM THE SEWER CAPITAL IMPROVEMENT FUND FOR THE PURCHASE OF EQUIPMENT AND THE PRELIMINARY SEWER COST ON HADDON AVE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Collingswood, County of Camden, State of New Jersey, (not less than 2/3 of all members thereof affirmatively concurring) as follows:

SECTION 1. The Borough Council of the Borough of Collingswood hereby authorizes the following improvement:

General Capital

Purchase Property Block 30.01/Lot 7	\$110,000.00
Purchase DPW and Police Equipment	\$ 90,000.00
Repairs to Chelsea and Ventnor Ave	\$100,000.00

Sewer Capital

Purchase of DPW Equipment	\$ 65,000.00
Preliminary Costs on Haddon Costs	\$100,000.00

The useful life of this equipment is at least five (5) years. No Supplemental Debt Statement is required since there is no authorization of any debt within this Capital Ordinance. The gross debt of the Municipality as defined by law is not increased by this ordinance, and no obligation in the matter of bonds or notes are authorized by this ordinance.

SECTION 2. This Capital Ordinance shall take effect immediately after publication following the final adoption as provided by law.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on May 1, 2017, which was seconded and approved by the following call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Commissioners called for the First Reading of 1615:

ORDINANCE NO. 1615

AN ORDINANCE AMENDING CHAPTER 141-15.1 OF THE BOROUGH MUNICIPAL CODE ENTITLED "PROHIBITED USES"

WHEREAS, Section 141-15.1 of the Code of the Borough of Collingswood establishes various businesses and other establishments that are prohibited from operating within the Borough, and

WHEREAS, the Borough Commissioners have determined that it is in the interest of the residents of the Borough to expand the list of prohibited uses to include fortune telling, tarot card and psychic readings and similar or related services;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Collingswood that Chapter 141-15.1 shall be amended to include as prohibited uses the services of fortune telling, tarot card and psychic readings and similar or related services.

This Ordinance shall take effect immediately upon final adoption and publication provided by law.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on May 1, 2017, which was seconded and approved by the following call of the roll:

**Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski**

The Commissioners called for the First Reading of 1616:

**AN ORDINANCE ESTABLISHING A FEE SCHEDULE
FOR EMERGENCY RESPONSE**

WHEREAS, the Board of Commissioners for the Borough of Collingswood have established procedures for cost recovery by first responders in emergency situations under Chapter 155 of the municipal code, and

WHEREAS, the Borough Commissioners wish to establish a fee schedule for such cost recovery;

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Board of Commissioners of the Borough of Collingswood that Chapter 155 of the Borough Code is amended to include the following:

§ 155-12 **Fee Schedule.**

- A. For emergency responses to emergency incidents, the fee schedule shall be the following:
 - (1) Vehicle collision and hazard mitigation: \$500.00
 - (2) Extrication from vehicles: \$750.00
 - (3) Extrication from vehicles, submerged vehicles or vehicle fire response: \$1,000.00
 - (4) For each hour of time on scene for items 1-3 above, there shall be an additional fee of \$250.00.
- B. The following fees shall also apply:
 - (1) If Borough firefighters are dispatched or summoned to respond to an illegal fire: \$250
 - (2) Bomb threat: the actual cost of an emergency response.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on May 1, 2017, which was seconded and approved by the following call of the roll:

**Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski**

The Commissioners called for the First Reading of 1617:

ORDINANCE NO. 1617

**AN ORDINANCE AMENDING CHAPTER 155 OF THE BOROUGH
MUNICIPAL CODE ENTITLED STATE OF EMERGENCY**

WHEREAS, Chapter 155 of the Code of the Borough of Collingswood ("Borough") provides for the declaration of an emergency in certain situations, and

WHEREAS, the Borough's first responders are called upon to serve and assist the residents of the Borough during such emergencies and the Borough incurs costs in providing such aid; and

WHEREAS, the Borough wishes to provide for the recovery of such costs whenever a state of emergency is officially declared as provided in this chapter and in such other emergent situations where the Borough's first responders provide aid and other assistance;

NOW, THEREFORE, BE IT ORDAINED by the Board of Commissioners of the Borough of Collingswood that Chapter 155 of the Borough Code shall be amended as follows:

§ 155-6 **Cost Recovery.**

C. The Borough shall be authorized to require reimbursement from:

1). Those responsible for (either intentionally, accidentally, or as a result of actions by others) or owning or controlling property affected by the leaking, spilling, releasing or allowing certain hazardous substances or materials to escape containment, or for damaged and/or downed power lines, electric services lines, gas mains, gas service conduits, water mains, sanitary sewer mains, storm sewer mains, occupancy leads, telephone lines, cable television lines, traffic signals or signs; thereby requiring the city and/or its agents to provide emergency containment, cleaning, and/or disposal of hazardous substances or materials, or for the securing the prudent monitoring of the site of an accident or natural disaster, including those involving public or private utilities.

2). Those responsible for (either intentionally, accidentally, or as a result of actions by others) or owning or controlling property affected by or involved in an emergency incident including bomb threats, vehicle fires, illegal fires, a fire resulting from an outstanding prior notice of fire code violation, extraction from vehicles involved in accidents, and accident related cleanup.

§ 155-7. **Definitions.**

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

Accident, Including Natural Disaster

An unforeseen or unexpected happening or occurrence which of itself causes great harm or damage, or which creates the potential for great harm or damage to individuals and/or property, and which requires immediate and prudent securing and monitoring by the Borough, and/or agents of the Borough, to reduce the potential for such damage, but not including emergency incidents.

Bomb Threat

The verbal or written threat of a bomb or other explosive device which if discharged as threatened would violate a federal, state or local law, or cause property damage and/or personal injury or death.

Dangerous or Hazardous Substances or Materials

Any substance (including gases or vapors) which if spilled, leaked, or otherwise released from its container is dangerous or harmful to the environment or human or animal life, health, or safety, or otherwise constitutes a danger, threat or nuisance to the public health, safety or welfare. Hazardous materials shall include, but not be limited to such substances as chemicals and gases, explosives, radioactive materials, petroleum or petroleum-based products, poisons, biologic agents, flammables, combustibles, hazardous wastes, or corrosives. The Borough's Emergency Management Coordinator or his designee shall have reasonable discretion to determine whether any particular substance constitutes a hazardous material.

Emergency Incident

A bomb threat, vehicle fire, an illegal fire, extrication from vehicles involved in accidents, accident-related cleanup and traffic officers for roadway closures due to vehicle accidents.

Emergency Response

The providing, sending and/or utilization of public works, police, fire and/or rescue services by the Borough at an emergency incident or at an incident involving release of a dangerous or hazardous substance or material, or an accident requiring immediate and prudent securing and monitoring by the Borough and/or agents of the Borough.

Expense of an Emergency Response

1) The expense for an emergency incident shall be according to a fee schedule adopted by the Borough of Collingswood.

2) For all other emergency responses, the direct costs incurred by the Borough in making an appropriate emergency response to an accident or incident, including the costs of providing police, fire-fighting and rescue services, public works and/or other Borough personnel, or the services of other agents of the Borough at the scene of an incident or accident. Related administrative costs, which for agents of the Borough shall be 15% of the actual charge to the Borough, accruing after the occurrence of such incident or accident are also included. Such costs and expenses shall include the salaries or wages, workers' compensation benefits, and fringe benefits of the personnel responding to the incident or accident and the costs of equipment and materials used.

Illegal Fire

A fire set or determined to have been set in violation of a federal, state or local law and shall include an arson fire, a fire set in violation of a no-burning ban or other and/or a fire set without a required permit.

Responsible Party

Any individual, firm, corporation, association, partnership, commercial entity, consortium, joint venture, government entity or any other legal entity responsible for an emergency incident or any owner, tenant, occupant or party in control of real and/or personal property from which, onto which or related to which there is a public safety or fire emergency incident and their heirs, estates, successors and assigns.

Declaration of Emergency.

As defined in §155-1.

§ 155-7. Duty to remove and clean up.

It shall be the duty of any person, firm, corporation, public or private utility, or any other entity directly or indirectly causing, contributing to, or allowing the leakage, spillage or any other release of dangerous or hazardous substances or materials, or owning or controlling property affected thereby or requiring the securing and monitoring of sites or locations of accidents and/or natural disasters, including downed power lines and electric service lines, ruptured gas mains, gas service conduits, water mains, occupancy leads, telephone lines, or cable television lines, to immediately secure, monitor, and clean up the area or location in such manner that the area or location involved is fully restored to the condition existing prior to such occurrence. The Borough shall have no duty to contain, clean up or dispose of any release of hazardous substances or materials, or other materials, but in emergency situations the Borough's Emergency Management Coordinator, or his designee, shall have the authority to take whatever action is reasonably necessary to protect the health, safety, and welfare of the general public including securing and monitoring sites of accidents or providing for or arranging for the containment, removal or clean up of any hazardous substances or materials. The Borough shall inspect the site to insure that the cleanup has been fully completed.

§ 155-8. Failure to remove and clean up.

Any person or entity failing to comply with this article, and/or whether a nonemergency incident, emergency response is provided by the Borough, shall be liable to the Borough and shall reimburse the Borough for all costs and expenses, including the costs incurred by the Borough or any agents the Borough engages, for the complete abatement, cleanup, restoration and/or securing of the affected area.

§ 155-9. Submittal of bill.

The Borough Administrator or Chief Financial Officer shall, within 10 days of receiving itemized costs incurred for an emergency response, submit a bill for the same by first class mail or personal delivery to any person or entity liable for these expenses as previously enumerated under this article. The bills shall require full payment within 30 days from the date of billing.

§ 155-10. Enforcement.

If any person or entity fails to reimburse the Borough as above provided, the Borough shall have the right to bring an action in the appropriate court to collect such costs. If such person or entity is the owner of real property affected or practically affected by the release of hazardous materials, or requiring emergency securement or monitoring, the Borough shall have the right to add any and all costs of cleanup, restoration and/or of any emergency response to the tax roll of such property and to levy and collect such costs in the same manner as provided for the levy and collection of real property taxes against said property.

§ 155-11. Procurement Authority.

The Borough's Emergency Management Coordinator shall have the authority to procure all necessary resources to enable the Borough to respond as necessary to the events covered by this chapter and shall, following the passage of the emergency circumstances, immediately proceed with the required reporting and documentation procedures under the Borough's purchasing policies or as otherwise required under the statutes of New Jersey.

This Ordinance shall take effect immediately upon final adoption and publication according to law.

Mayor Maley moved the ordinance be approved on first reading, published, and the second reading and public hearing to be held on May 1, 2017, which was seconded and approved by the following call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

The Following Resolutions were Approved without a Dissenting Vote

- 79. Appointing Edward Correll as Police Sergeant for the Borough of Collingswood
 - 80. Appointing Andrew Smith as a Full-Time Patrolman for the Borough of Collingswood
 - 81. Appointing Brian Poe as a Full-Time Patrolman for the Borough of Collingswood
- Appointing Special Police Officers Class II for the Borough of Collingswood
- 82. Robert Bright
 - 83. Elissa Dodelin

Oaths of Office-

Correll
Smith
Poe
Bright
Dodelin

- 84. Appointing Danielle Deery as a Member to the Collingswood Historic Preservation Commission
- 85. Authorizing the 2017 Municipal Budget to be Read by Title Only
- 86. Authorizing Amendment to the 2017 Municipal Budget

Mayor Maley opened the Budget Amendment to the public.

With no comments Mayor Maley moved the public hearing closed and the resolution be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

- 87. Authorizing Adoption of the 2017 Municipal Budget

Mayor Maley opened the Municipal Budget Resolution to the public.

With no comments Mayor Maley moved the public hearing closed and the resolution be adopted on second and final reading which was seconded and approved by the call of the roll:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

- 88. Approving Raffle License 2017-8 Mark Newbie Elementary School

Mayor Maley made a motion to Approve the Amended 2017 Municipal Budget, Commissioner Leonard seconded the motion and a Roll Call Vote was confirmed:

Aye: M. James Maley, Jr.
Aye: Joan Leonard
Aye: Robert Lewandowski

- 89. Approving a Shared Services Agreement with Camden County Improvement Authority
- 90. Approving Bargaining Agent –Fire Fighters 3249
- 91. Award a Professional Services Contract to SLK Community Consulting, LLC
- 92. Awarding a Contract to D&M Fireworks
- 93. Approving the Independence Day Celebration
- 94. Approving the Payment of Bills as Presented by the Treasurer

Commissioner Lewandowski congratulated the Recreation program Odyssey of the Mind for competing in the state championships and qualifying in the World Championship being held at Michigan State. Commissioner Lewandowski reminded residents about upcoming events

through out Town, such as the Library's Comic Book Day and the many events happening during Wellness Week. Commissioner Lewandowski also asked residents to report any potholes either by calling the Dept. of Public Works or through the Borough Website.

Commissioner Leonard thanked all the volunteers and borough family that help with the Green Festival. Thousands of people attended and it show that our citizens are committed to helping the environment. Commissioner Leonard thanked the businesses who participated during wellness week, there were some great offerings and lots of information on being a healthier community.

Mayor Maley thanked the Borough employees with the relocation of Borough Hall. He thanked DPW and the Fire Department for assisting with the move. Mayor Maley talked about the short term and long term plans for the Borough Hall and the other Public Buildings and he commented on the reduced number of Borough Hall employees. Mayor Maley congratulated Commissioner Leonard on the great success of the Green Festival, Mayor Maley joked the Green Fest is Commissioners Leonard's Christmas and Birthday, every holiday rolled into one event. Mayor Maley gave updates on the positive progress of McFarland's Market, 801 Haddon Ave, and a couple of other properties along Haddon Ave. that are moving closure to being put into productive use.

Mayor Maley opened the meeting to the public.

With no further comments, Mayor Maley moved the meeting be adjourned at 7:37PM, which was seconded.