

May 1, 2017  
COMMISSION MEETING MINUTES  
BOROUGH OF COLLINGSWOOD, NJ

A regular meeting of the Board of Commissioners was held at the Collingswood Community Center, 30 W. Collings Avenue, 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, Treasurer CFO and Zoning Official reports were approved and seconded.

Presentation to Peter Thorndike for 40 years of service as Zoning Board Solicitor

Demonstration-Odyssey of the Mind

***The Commissioners called for the Second Reading and Public Hearing of Ordinance 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 30.01/L 30/Lot	\$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 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 Second Reading and Public Hearing of Ordinance 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 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 Second Reading and Public Hearing of Ordinance 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 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 Second Reading and Public Hearing of Ordinance 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.

***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 Following Resolutions were Approved without a Dissenting Vote***

95. Agreement with Local Hotels to Provide Emergency Shelter Services
96. Awarding a Contract to Command Co- Traffic Calming & Pedestrian Improvements at Comly and Collings Avenue
97. Reappointing Mary Johnson to the Library Board of Trustees
98. Approving Raffle License 2017-9 Odyssey of the Mind
99. Appointing Maci Dougherty as a Special Police Officer Class
100. Canceling Stale Checks from Various Accounts
101. Requesting Dedication by Rider Pursuant to NJSA 40A:4-39- Automated Traffic System Fund
102. Approving the Payment of Bills as Presented by the Treasurer

Mayor Maley announced the next Commission Meeting will be held in the Senior Community Center on June the 5<sup>th</sup>, there will also be a Reorganization Meeting and swearing in of the Commission on May 18<sup>th</sup> also held in the Community Center. Mayor Maley continued by adding the Municipal Election is being held on Tuesday May 9<sup>th</sup> and he encouraged residents to vote even though there is not a lot of people on the ballot it is still important to get out and vote.

Commissioner Lewandowski encouraged residents to check out Comic Book Day being held at the Library this Saturday. Commissioner Lewandowski updated residents on the progress of the Robert's Pool project, it stated it is on schedule, looks fantastic and we will not be losing thousands of gallons of water over the season, which is what was happening last year. The Commissioner also reported on the status of the new Borough website adding it is coming along and should be up and running soon.

Commissioner Leonard said the town looks great in the spring, the community gardens are getting underway, flowers and trees are blooming, the Farmers Market is opening and Arbor Day is coming up. Commissioner Leonard added the third and fourth graders will be coming out for Arbor Day to help plant trees in Knight Park. Commissioner Leonard advised residents to keep an eye out for the upcoming Town Crier with information about all the great events happening in town this spring.

Mayor Maley talked about the Get Up Collingswood event and encouraged residents to come out and learn about the many town volunteer groups looking for new members. Mayor Maley talked about the many construction projects and infrastructure projects happening around town. He added there will be information in the next Town Crier about the many infrastructure projects.

**Mayor Maley opened the meeting to the public.**

Richard Klingerman, 743 Maple Terrace said the yard waste from the Community Garden had not been collected. Mayor Maley said to call the Borough any time and it will be addressed.

With no further comments, Mayor Maley moved the meeting be adjourned at 7:27PM, which was seconded.

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M. James Maley, Jr.

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Joan Leonard

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Robert Lewandowski  
Borough Commissioners

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K. Holly Mannel  
Borough Clerk