BOROUGH OF HADDON HEIGHTS

Wednesday, December 4, 2012, 7:00 p.m.

Governing Body Meeting Agenda

1. Caucus session call to order

2. In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, P.L. 1975, notice of this meeting was posted on the bulletin board designed for that purpose and notice was mailed to the official newspaper provided by Resolution adopted January 7, 2012.

3. Roll Call

4. CAUCUS SESSION:

5. Discussions:

    a. Community Garden – Councilman Stephen Berryhill

6. Roundtable

7. Recess of Caucus Session and commencement of Business Session.

8. Pledge of Allegiance and moment of silence

9. Public Comment on Caucus items and agenda items only.

10. Adoption of minutes from the November 20th Council meeting.

11. Mayor and Council Member's Reports:

12. OLD BUSINESS: None

13. NEW BUSINESS:

    Resolution 2012:186 – Resolution Regarding Shared Services Agreement Between and the County of Camden and the Borough of Haddon Heights for Round 13 – Recreation Facility Enhancement (Devon Avenue Recreational Park Pedestrian Trail).

    Resolution 2012:187 – Resolution Approving the Bills and Claims for 1st Half of December. **Resolution will be on the website Friday, 11/30/12.**

14. Comments from the Public.

15. Adjournment

BOROUGH OF HADDON HEIGHTS
Wednesday, November 20, 2012
Governing Body Meeting Minutes
Haddon Heights High School

Mayor Edward S. Forte, Jr. called the Caucus session call to order at 7:00 p.m.

He then stated, "In accordance with Section 5 of the Open Public Meetings Act, Chapter 231, P.L. 1975 notice of this meeting was posted on the bulletin board designed for that purpose and notice was mailed to the official newspaper provided by Resolution adopted January 7, 2012."

Under Roll Call the following council members were present: Mayor Edward S. Forte, Jr., Councilmen David McCollum, Stephen Berryhill and Richard DiRenzo, Councilwoman Rose Fitzgerald, Council President Kathy Lange and Councilwoman Susan Griffith. Solicitor Albert J. Olizi, Jr. was also present.

CAUCUS SESSION:

Discussions:

a. Support of Red-Light Safety Cameras

Councilman DiRenzo stated that the Resolution on the Agenda for tonight is asking Council to supporting the continuing efforts in moving forward with the Red Light Safety Camera program. Councilman Berryhill stated his concerns stating that he feels the program is mainly a form of taxation and that he does not believe that the program is in response to safety issue. He mentioned conversations with several attorneys and his consultation of several studies that supported his position. The majority of Council members were in support of the program. Mayor Forte stated that Mr. Charles Callari, Vice President of American Traffic Solutions was present to answer to questions regarding the program. Discussion ensued between Mr. Berryhill and Mr. Charles Callari. Mr. Berryhill gave the name of Barnett Fagel as a person he has contacted regarding the program.

Mayor Forte said that Resolution 2010:183 had been passed by unanimous vote in 2010. Solicitor Olizi clarified the Resolution on the Agenda for this evening was to reaffirm Council support the use of safety cameras and allow the Borough to participate in a pilot program. He stated that in 2010, bids were opened and that the contract was to be signed and that Council authorized the signing of the contract and the adoption of an ordinance regarding the installation. The contract was never signed and the ordinance never went into effect. Mayor Forte asked Joan Moreland to verify the vote on Resolution 2010:183 for the next meeting.

It was stated by Councilman DiRenzo that Station Avenue would not be one of the locations. Chief Kinkler, Haddon Heights Police Chief, said that Station Avenue was evaluated and was deemed a safe intersection and therefore, would not be considered for the program. ATS did get input from the police department, reviewed traffic data and studied accidents in town, completing a thorough study. He also said that the Borough would never lose money on the program, although revenues are not his concern. Chief Kinkler stated that public safety is his primary focus.

Mr. Callari, 16 Shaffer Road, Bridgewater, NJ stated that currently a pending application is before the Department of Transportation and is currently pending with the DOT. Should the DOT decide to expand the program, the intersections would have to be approved by the DOT. Debate ensued between Councilman Berryhill and Mr. Callari of ATS.

Councilman Berryhill asked that the Resolution be tabled so that individuals could be invited to a council meeting to discuss further. Councilman DiRenzo asked that the Resolution be voted on tonight as he feels this is a public safety issue.

Roundtable:

Councilman McCollum had nothing to report.

Councilwoman Griffith had nothing to report at this time

Council President Kathy Lange stated that the various grade schools in town were in attendance this evening for the presentation of the Student Council Certificates by the Mayor. The order will be Atlantic Avenue School, 7th Avenue School, Glenview and then St. Rose.

Councilman Rick DiRenzo had nothing further to report.

Councilwoman Fitzgerald would like to spend some time assessing how we did during Hurricane Sandy. She would like some discussion with the Chief regarding possible future storms that may impact our area. She would like to meet with the Chief. Had we suffered what North Jersey suffered with Hurricane Sandy, how would we handle? Mayor Forte thought that would be a good idea.

Councilman Berryhill had nothing to report.

Recess of Caucus Session and Commencement of Business Session at 7:25 p.m.

Presentation to Student Government Award Recipients

Mayor Forte asked that representatives of the schools come forward. Ron Corn, Becky Kitchmire and Superintendent McAdams. He said that he welcomed teachers, parents and all who helped in great achievement for all of you and should be proud of what you have accomplished and is grateful to be here to recognize them.

Council President Lange recognized Superintendent McAdams, Ron Corn, Becky Kitchmire and thanked all who helped in coordinating the meeting at the High School so that we may hold this ceremony for our young student government officers. She also thanked Principals Ormsby and Sassano.

Councilwoman Lange said that Council decided that November would be a good time as we just went through an election. He said that Thanksgiving is the perfect opportunity to be grateful for our freedom and our ability to elect our representatives. She also said that a Council meeting is a good opportunity for the kids to see how local government works.

She began with Atlantic Avenue School, went on to 7th Avenue School and then to Glenview School. St. Rose of Lima School had no one in attendance. Following the presentation of certificates to each school, Mayor Forte stood before the students and had them repeat the Oath of Service.

Council President thanked everyone for coming out to recognize our young leaders and wished everyone a happy Thanksgiving. Superintendent McAdams congratulated all of the students and said that he takes their opinions seriously in making decisions and changes to the schools. He thanked all for coming tonight.

Mayor Forte commended all of the parents for getting their kids to this point and for coming out tonight. He said he was honored to be able to present the Awards.

Public Comment on Caucus and Agenda Items Only

Seeing no one approach the microphone, Mayor asked for a motion to close the public portion of the meeting. Councilwoman Fitzgerald made the motion to close the public portion of the meeting and was seconded by Councilwoman Lange. All members were in favor.

Motion to approve the corrected minutes of October 16, 2012 was made by Councilwoman Lange and seconded by Councilwoman Griffith. All voted in favor.

Motion to approve the minutes of November 7, 2012 was made by Councilwoman Fitzgerald and seconded by Councilman DiRenzo. All voted in favor.

Mayor, Council Member's and Engineer's Reports:

Councilman Dave McCollum reported on improvements for bike lanes along Hillside Avenue as there was recently a fatal bike accident earlier this year. Mayor asked that Councilman McCollum keep the Public Safety Director and the Police Chief in his conversations with the County.

Councilwoman Susan Griffith wanted to thank the Department of Public Works for all of their hard work in the aftermath of Hurricane Sandy. They have been working hard with leaf pickup throughout town while also decorating the downtown area in time for the Holiday Parade which will be this Friday at 6 p.m. She wanted to thank the Streetscape Committee for all their work in making our town look great for the holiday season. The hope that we will expand every year on our holiday decorations Fence is now up on the lot at Devon Avenue. We will be beginning moving our vehicles and equipment to the lot, saving us money that has been expended on storage. Councilwoman Griffith wanted to wish everyone a wonderful Thanksgiving.

Mayor Forte expressed his appreciation that no one in town was injured due to Hurricane Sandy. He commended our employees for staying safe and for keeping our residents safe.

Council President Kathy Lange reported on Parks & Recreation Committee meeting was held on November 15th. Four out of five youth sport organizations were in attendance. Topics included check of all required paperwork , 2012 wrap-up, 2013 discussions of planned improvements requests for capital items. maintenance and winterizing of our venues and budget requests for capital items. Names of incoming or continuing presidents for were verified for 2013. Meetings dates for 2013 were set. Winterization of the Barr complex buildings was completed. She thanked Department of Public Works. Irrigation repair will be scheduled as insurance claim was approved at November 16 due to a lightening strike. Aeration work will scheduled shortly with the Board of Education field staff. Devon Avenue is still in use as teams are still playing. Winterization will occur once the season is complete. Recreation Program instructors and class attendees will hold a holiday celebration event in the Community Center on December 20th at 7:15 p.m. in which they will collect funds to support for the shore relief endeavors for the Red Cross communities affected by Hurricane Sandy. Board of Education was held on November 13th. Auditor gave his report and the financial forecast. All information school district website Board Briefs. Field Hockey and Football has successful seasons. Boys High School teams qualified for the playoffs. Boys Soccer team won the South Jersey Title and the girls won it today. She said that we are very proud of our students.

The Mayor stated that the High School Marching Band took second place in the Nationals. Another great accomplishment of the HHHS.

Councilman DiRenzo November 28th for municipal officials for Municipal Conference Center at Conference Center at Mercer. We recently passed a Resolution in support of Employment Fair scheduled November 27th in Thomas *HoH.greatjob.net.* A great event to attend for veterans. Reports for EMS, Police and Fire are attached to these minutes. Police Department will be conducting a distracted driver campaign. We will have a banner hung at the Borough and will ask that a banner be placed at the High School and will post information on the site. He reported on the dangers of texting

and driving. The goals of the Police Department are to educate the public of the dangers of distracted driving.

Councilwoman Fitzgerald had nothing to report.

Councilman Berryhill wanted to thank Susie Griffith of the Drug Commission, Mike Valvardi has agreed to be treasurer. Both have done an excellent job and he is happy to see them back. Flooding abatement seems to have been an improvement as there have been no reports of flooding since the work was done. Thanks to Streetscape and Neighbor's Night Out Committees for all of their work in decorating Station Avenue, kids will be excited to see how Station Avenue will be lit up. He thinks it will be impressive. Regarding the water remediation project, sidewalks cutouts for wheelchairs, etc. are being completed. No businesses seem to have any damage from Hurricane Sandy.

Borough Engineer's Report:
Steve Bach reported on the water remediation project on Station Avenue. He said that concrete work will be completed tomorrow. Next week, the overlay will be done. All paving operations should be completed by next week, weather permitting. He expects a very successful event in the Holiday Parade on Friday, November 23rd.

OLD BUSINESS: None

NEW BUSINESS:

Resolution 2012:180 – Resolution to Authorize Insertion of Special Item of Revenue and Appropriation Per NJSA 40A:4-87 – Body Armor Replacement Fund Program.

Motion to adopt 2012:180 was made by Councilman DiRenzo, seconded by Councilwoman Griffith. Under a roll call vote, all members voted yes.

Resolution 2012:181 – Resolution in Support of Red Light Safety Cameras.

Motion to adopt 2012:181 was made by Councilwoman Fitzgerald and seconded by Councilman DiRenzo. Under a roll call vote, all members voted in favor with the exception of Councilman Berryhill who voted no.

Resolution 2012:182 – Resolution Authorizing Transfers of Appropriations.

Motion to adopt 2012:182 was made by Councilwoman Griffith and seconded by Councilwoman Fitzgerald. Under a roll call vote, all members voted in favor.

Resolution 2012:183 – Resolution Authorizing Payment of Bills and Claims for the Second half of November.

Motion to adopt 2012:183 was made by Councilwoman Griffith and seconded by Councilman McCollum. Under roll call vote, all members voted in favor.

Resolution 2012:184 – Resolution Approving Refund of Tax Overpayment

Motion to adopt 2012:184 was made by Councilwoman Griffith and seconded by Councilwoman Fitzgerald. Under roll call vote, all members voted in favor.

Resolution 2012:185 – Resolution Supporting the Good Samaritan Emergency Response Act and Requesting the New Jersey Senate and Assembly to Override the Governor's Veto.

Motion to adopt 2012:185 was made by Councilman DiRenzo and seconded by Councilman Berryhill. All members voted in favor.

With no further business to come before Council, Mayor Forte opened the meeting to the public for comments or concerns.

Comments from the Public:

Stewart Alterman, 8 South Maple Avenue, Marlton, NJ. Counsel for Haddon Heights Emergency Medical Services. Mr. Alterman stated that he represents HHEMS and feels we have some communications issues at present. He said that he understands some individuals may be moving in another direction in regard to future EMS services but there have been some requests for certifications from EMS that have not been received. He said that HHEMS needs these items to continue serving the community. He feels the recognition of the HHEMS and the continuance of ambulance very important. He would like individuals employed by the town to provide those certifications in the interim as HHEMS tries to secure other insurance. this can be should be maintained during this time. January 1st. He thinks that the recognition of the Ambulance Services are very important. January 1st, securing other services and we need to arrive at a Resolution.

Mayor said that we are in contract negotiations and does not want to comment due to the fact that we are in negotiations, and said we are trying to come to a resolution. He's hoping at the December 3rd meeting, we can come to a resolution. In the meantime, the Certifications will be produced for Ms. Slemmer as she needs this to continue the EMS services.

Mr. McCollum clarified for the public that the HHEMS are not employees of the Borough and they are a separate entity and that the Borough has a contract with HHEMS to provide the services.

Bill Troutman, Chestnut Avenue. He said he was listening to the presentation on the Red Light Safety Cameras. He would like to suggest once again the amber light so many yards from the intersection. He wanted to know if Mr. Charles Callari had studied the amber light system, specifically in Des Moines, Iowa.

Mr. DiRenzo asked Patti DiRenzo to approach to update Council on the Good Samaritan Act.

Patti DiRenzo, 2 Cover Lane, Blackwood, NJ Maple Shade, National Park, Camden City, Magnolia, Gloucester Township and several others. December 3rd will hold a press conference at the State House with Senator Natale and Assemblywoman Connie Wagner to provide the detail. She thanked the Mayor Forte for supporting the Resolution.

With no further comments to be made, motion to close the public portion was made by Councilwoman Griffith, seconded by Councilwoman Lange. All members were in favor.

Motion to adjourn the meeting was made by Councilwoman Griffith, seconded by Council President Lange. All members were in favor.

_____ 8:05 p.m.

Kelly Santosusso, Deputy Borough Clerk

11.20.12Council

Kathy Lange

Caucus:

Clarification of intent on background check : only for instructors of minors. Currently no one fits this situation/position. We have time to work out any procedural requirements.

Review tonight's activity- recognition of the Student Council of the towns 4 grade schools

Business: Parks and Recreation

- The Parks and Recreation Committee Meeting was held on Thursday, Nov. 15. 4 of the 5 youth sport organizations were in attendance. The topics included: check of required paperwork, a 2012 wrap up, discussion of planned improvements for 2013, maintenance and winterizing of the venues and budget requests for capital items. The names of the incoming and/ or continuing presidents for 2013 were verified and meeting dates set.
- Winterization of the Barr Complex buildings was completed; Thank you, DPW. The irrigation system repair will be scheduled as the insurance claim was approved on 11/16. (lightening strike) Aeration work will be scheduled .
- As Devon is still in use winterization and other projects can not yet begin.
- On Dec 20th at 7:15 at the Community Center our recreational program instructors and their class members will gather to mark the holiday season and, more importantly, to collect funds for the Red Cross in support of the shore relief endeavors. This is open to interested members of the community.

Board of Education

- The BOE met on Tuesday, November 13th. The auditor gave his report and gave a financial forecast; information is on the school district website.
- HS teams qualified for NJSIAA fall playoffs FH, Boys and girls soccer,FB

November 16, 2012

IMPORTANT SEMINAR ANNOUNCEMENT
HURRICANE SANDY RESPONSE AND RECOVERY

Dear Mayor:

Thank goodness, the storm is gone. But the devastation it left behind will impair municipalities for months – maybe even years – to come.

Whether they call her Hurricane Sandy or Superstorm Sandy doesn't really matter. All that matters now is that we all pitch in together to do what we can to help each other to cope, to recover and to rebuild, and that we learn what we can from this experience to be better prepared for future disastrous emergencies. And there is a lot to learn.

With that in mind, we have scheduled a two part seminar dealing with the **Hurricane Sandy Aftermath.** Enclosed with this letter is information on Part One**: A Look at the Risk Management, Tax Assessment, and Municipal Budgeting.**

This session has been scheduled for:
Wednesday, November 28, 2012
Conference Center at Mercer
1200 Old Trenton Rd
West Windsor, NJ 08550
9:00 am- 4:15p.m.

Please share this notice with your emergency management team and your entire professional staff. Because of the important content of this session, the Division of Local Government Services has qualified it for Continuing Education Credits for several professional certifications.

Due to scheduling demands, BPU representatives, originally slated for this part of the seminar, will participate in Part Two. That session, which will focus on utility service, procurement, and environmental and legal challenges, is scheduled for Wednesday, January 23, 2013, also at the Mercer Conference Center. Details will be included in future correspondence.

To register, visit www.njslom.org and click on Services. Then select Calendar of Events. Go to the date you are attending and download the registration form, complete and fax it with your voucher to (609) 695-0151. If you have any questions about registering, contact Ms. Suzanne Delany at SDelany@njslom.com or 609-695-3481, ext 111.

Thank you.

Very truly yours,Hon. Arthur R. Ondish, President,

HADDON HEIGHTS EMS, INC

1400 KINGS HIGHWAY

HADDON HEIGHTS, NJ 08035

HHEMS November 2012 Council Report

October 2012

Total charts written for October 2012=81, of that 61 were transports to hospitals.

Breakdown by towns:

Haddon Heights-62

Mutual Aid-19

Average Response Time=5.08minutes (Dispatched to on location of call)

HHEMS provided round the clock coverage and additional supervisors during Hurricane Sandy. They also sent an ambulance as part of an Ambulance Strike Team for the county up north to provide additional manpower in their devastated areas. While staged at an Elementary School that was sheltering an elderly population, a vehicle pulled up to the school to drop off donations and their vehicle engine caught on fire. HHEMS EMT's were able to extinguish the fire using their on board fire extinguisher.

HHEMS would like to publically thank our OEM, HHPD, HHFD and HH Public Works for their help and coordination with us during Hurricane Sandy.

Respectfully submitted by:

Leah R. Downs, Deputy Chief/Administrator

11/12/12

Richard DiRenzo

From: Richard Kinkler
Sent: Tuesday, November 20, 2012 11:11 AM
To: Richard DiRenzo; Mike Valvardi
Subject: Distracted Driving

I would like you approval / acceptance for the memo below. If you agree we will fine tune, and have it ready for you to read at Council meeting tonight. We will then push forward, in addition I would have the Captain post 6, 3 hour HHPD funded OT slots during key commute times. This is a national campaign, which coincides with concerns of residents. So I think it is important that we lead the charge even though we are "behind the eight ball". It does not need all of council approval, no outside funding.

Note this is a rough draft:

MEMORANDUM

HADDON HEIGHTS POLICE NJ 1922

POLICE DEPARTMENT

BOROUGH OF HADDON HEIGHTS
New Jersey

FROM: Director of Police, Rick DiRenzo
DATE: November 20th 2012
TO: Chief Richard Kinkler and Captain Michael Valvardi
SUBJECT: Distracted Driving Campaign

Purpose

- The Haddon Heights Police department will be targeting distracted drivers during the **month of December**. It is understood that distracted drivers are a major contribution to motor vehicle crashes and incidents on our highways. With more and more available distractions available to drivers today, less time may be focused on the task of safely operating a motor vehicle. If, for only a brief time, any driver becomes distracted, this may lead to tragic results.

"With the rising popularity of smartphones, texting is becoming the preferred method of communication for many of us. In fact, the average American sends or receives 40 texts per day with those in the 18-24 age group texting more than 100 times a day, according to a recent Pew Research Center study. And many of those texts are either sent or received while behind the wheel". (NJ 101.5- "Somerset Police Launch Distracted Driving Initiative").

- ***HHPD will join the national campaign to prevent crashes due to Distracted Driving.***

Goals

- The goals are to educate the motoring public and raise the awareness of the dangers of distracted driving.

- The Distracted Driver Initiative will assist in providing a safe commute and work environment for HHPD, pedestrians and motorists.

Tasks

- Officers will be on patrol focusing on driver's being distracted by hand held devices. Officers will initiate a motor vehicle stop and issue the appropriate summons or warnings for such offenses.

Public & HHPD Personnel Awareness

➢ **Public Notification**

- HHPD will issue a press release indicating that HHPD will be participating in a Public Safety ***Distracted Driving Initiative***.

- This information will also be placed on the HHPD Facebook page alerting the public of our campaign.

- Distraction.Gov is a US Government website providing information to the public on Distracted Driving, (http://www.distraction.gov)

➢ **HHPD Personnel**

- HHPD will place messages on a VMS signs advising the public Department's *Distracted Driving Initiative on main corridors in the Borough.*

- HHPD will get a banner which will be hung in the Borough, and High School with approval.

- HHPD, SSA will seek cooperation from the HHSD to have students complete a "*Take the Pledge*" form designed to raise the public's awareness.

- Administration will place message in headquarters, alerting employees of our campaign.

Reporting

- Each OIC will forward daily results of any details or action taken during the course of patrol on amount of stops, warnings and citations involving distracted drivers to the Captain of Police. These reports shall be consolidated by the Captain of Police.

Richard DiRenzo
Director of Police, Borough of Haddon Heights

Hiring Our Heroes" Employment Fair Scheduled for November 27, 2012 in Toms River NJ

Dear Mayor:

The U.S. Chamber of Commerce, ESGR and The American Legion has asked us to let you know about an accelerated scheduled Hiring Our Heroes (HOH) job fair. This is part of a nationwide effort to help veterans and military spouses find meaningful employment. This expedited job fair will focus specifically on quick-fill opportunities available in the aftermath of Hurricane Sandy. We are recruiting employers specializing in all aspects of building, construction, clean-up and hauling, inspection and demolition.

The hiring event is being hosted by The American Legion, George P. Vanderveer, Post 129 in Toms River, NJ. It will be conducted by the U.S. Chamber of Commerce, ESGR, and The American Legion, and supported by Helmets To Hardhats the Department of Military and Veterans Affairs (DMAVA) the Department of Labor's Veterans' Employment and Training Service (DOL VETS), the New Jersey Department of Labor and Workforce Development (LWD), the Veterans Administration and other local partners. Veterans and their spouses are encouraged to take advantage of this event, on Tuesday, November 27, 2012 from 9:00 a.m. to 12 p.m., at Legion Post 129, 2025 Church Rd., Toms River NJ. Other veteran related agencies and organizations will be available to provide veterans with additional information regarding their state and federal benefits.

Veteran job seekers and employers should go to HoH.GreatJob.net to register. Employers must have current job openings, and must register. If you need assistance registering, please contact us at hiringourheroes@uschamber.com.

Please get this information out as soon as possible. Thanks for all your support for this effort.

Very truly yours,

William G. Dressel, Jr.
Executive Director

RESOLUTION 2012:186

SHARED SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF CAMDEN AND THE BOROUGH OF HADDON HEIGHTS

THIS DOCUMENT constitutes a Shared Services Agreement pursuant to N.J.S.A. 40A: 65-1 et seq. entered into between the County of Camden, a body politic and corporate of the State of New Jersey with offices located at 520 Market Street, Camden, New Jersey 08102, (**County**), and the Borough of Haddon Heights, a body of politic and corporate of the State of New Jersey with offices located at 625 Station Avenue, Haddon Heights, New Jersey 08035 (**Borough**). The date of execution of this Agreement is the day of , 2012.

WITNESSETH:

WHEREAS, the need exists within the County of Camden (**County**) and its municipalities for the development and/or enhancement of local recreation facilities; and

WHEREAS, the Borough of Haddon Heights (**Borough**) desires to make certain enhancements to Devon Avenue Recreational Park Pedestrian Trail (**subject facility**);

WHEREAS, the **Borough** desires to acquire funding which would permit it to make said enhancements to the **subject facility**; and

WHEREAS, the **County** desires to fund, in an amount not to exceed $25,000.00, certain enhancements to the **subject facility** by the **Borough**, in accordance with the approved workplan **(workplan)** which is attached hereto, in order that the citizens of the **County** may benefit from increased recreational opportunities within the **County**; and

WHEREAS, the **Borough** agrees to indemnify and hold harmless the County of Camden, its agents, servants, and employees from any and all liability relating to said enhancements to the **subject facility** together with their ownership and use; and

WHEREAS, by resolution adopted July 19. 2012, the Board of Freeholders of the County of Camden authorized the execution of any necessary contractual documents to implement the recommendations of the Camden County Open Space Preservation Trust Fund Advisory Committee with respect to Round 13 - Recreation Facility Enhancement funding, now, therefore,

IN CONSIDERATION of the mutual promises set forth herein, the parties hereto agree as follows:

1. TERM

This Agreement shall be for a one (1) year period commencing upon the date of the execution of this Agreement.

2. BOROUGH'S RESPONSIBILITIES

The **Borough** shall negotiate with contractors for any and all goods and services necessary to implement work at the **subject facility** as said goods and services relate to the approved **workplan** and shall provide the **County** with a copy of all agreements with contractors for said goods and services in addition to copies of all applicable invoices from said contractors. Upgrades to playground equipment and surfaces shall conform with standards set forth by the Consumer Products Safety Commission as required by New Jersey law.

The **Borough** may use any funds provided by the **County** only for the purposes stated within the **workplan**. The **Borough** must provide the **County** with copies of all contracts and other documents identified above which relate to said **workplan**.

The **Borough** agrees to allow the **County** to place a sign at the **subject facility** identifying the **subject facility** as a beneficiary of funds from the Camden County Open Space Preservation Trust Fund.

If the **work plan** includes either the construction of a building or improvements to any existing building on lands not owned by the **Borough,** prior to commencement of work on said building or improvements, the **Borough** shall first obtain a letter from the property owner indicating their knowledge of, and support for, said construction or improvements and forward same to the Camden County Division of Open Space and Farmland Preservation, 1301 Park Blvd., Cherry Hill, New Jersey, 08002.

3. COUNTY'S RESPONSIBILITIES

Upon receipt of a contract(s) for work contained in the **workplan**, the **County** shall pay to the **Borough** the sum of said contract(s) or a percentage thereof, for the purpose of permitting the **Borough** to implement the **workplan**. The amount paid shall not exceed the amount for said work identified in the **Borough's** application submitted to the **County** for Round 13 - Recreation Facility Enhancement funding, nor shall it exceed $25,000.00 in the aggregate. Any balance from the original appropriation of funds which remains after all work identified in the **workplan** has been completed, shall remain with the **County**.

4. ADHERENCE TO LOCAL PUBLIC CONTRACTS LAW

In accordance with N.J.S.A. 40:8A-8, if any party performing a service on behalf of another party or parties to this Agreement utilizes the services of a private contractor to perform all or most of such service, or all or most of a specific and separate segment of the services so contracted

for, such party shall be required to award the Agreement for the work to be performed by a private contractor under such Agreement in accordance with the "Local Public Contracts Law" (N.J.S.A. 40a: 11-1 et seq.)

5. AUDIT

Pursuant to the Single Audit Act of 1984, the **Borough** agrees to permit the **County** and/or its agents to examine any and all records relevant to this Agreement and shall make the same available upon demand at a reasonable time and place for the purpose of auditing the records, reports and documents relative to this Agreement.

6. RIGHT TO INSPECT

The **Borough** shall permit the **County** or its authorized representative to make visits to the site during implementation of the **workplan** in order to assure the **Borough's** compliance with the terms of this Agreement.

7. INDEMNIFICATION

The **Borough** shall indemnify, hold harmless and defend the **County**, its employees, officers and agents, from and against all liability, claims, suits, losses, damages, costs and demands, on account of bodily injury, including death or property damage, arising out of or connected with the work conducted pursuant to this Agreement.

8. INSURANCE

The **Borough** shall provide and maintain during the term of this Agreement adequate insurance coverage for the work to be performed pursuant to this Agreement. Said insurance shall include but not be limited to general liability and workers compensation insurance, which includes limits, which are the same as those, procured by the **Borough** for other types of activities.

9. NOTICE

All notice hereunder shall be in writing and mailed, postage paid, certified mail, return receipt requested to the **County** by directing the same to the County Administrator, 16th Floor, 520 Market St., Camden, NJ, 08102 and to the **Borough** by directing the same to the Office of the Mayor, Borough of Haddon Heights, 625 Station Avenue, Haddon Heights, New Jersey 08035.

MISCELLANEOUS

The following provisions shall apply to this Agreement:

a. Construction of this Agreement

The parties acknowledge that this Agreement was prepared under New Jersey Law and shall therefore be interpreted under the laws of that State.

b. Amendments

This Agreement may not be amended, altered or modified in any manner except in writing signed by the parties hereto.

c. Headings

This section and or any other headings contained in this Agreement are for references only and shall not affect the meaning and interpretation of this contract.

d. Invalid Clause

The invalidity of any clause contained herein shall not render any other provision invalid and the balance of this Agreement shall be binding upon all parties hereto.

e. Entire Agreement

This Agreement shall consist of the entire Agreement of the parties and it is acknowledged that there are no side or oral agreements relating to this undertaking set forth herein.

f. Assignability

This Agreement and all rights, duties and obligations contained herein may not be assigned without the County's prior written permission.

g. Affirmative Action

The affirmative action provisions set forth in the documents attached hereto are incorporated herein and made a part hereof.

h. Funding

In accordance with the provisions of N.J.S.A. 40A: 11-15, this Agreement is subject to the availability and appropriation of sufficient funds in the year in which it is in effect.

i. Waiver

It is understood and agreed by the parties that a failure or delay in the enforcement of any of the provisions of this Agreement by either of the parties shall not be construed as a waiver of those provisions.

IN WITNESS WHEREOF, the parties hereto have placed their signatures and appropriate seals on the date and year mentioned on the face of this Agreement.

ATTEST:

_____
CLERK,
BOARD OF FREEHOLDERS

COUNTY OF CAMDEN

_____
ROSS G. ANGILELLA
COUNTY ADMINISTRATOR

WITNESS:

_____
CLERK,
BOROUGH OF HADDON HEIGHTS

BOROUGH OF HADDON HEIGHTS

_____
Name:
Title:

(OP-RECAGRE-HadHts.RD13)

camden county

OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND

Devon Avenue Recreational Park Pedestrian Trail

(Round 13)

Approved Work Plan

Task #1: Trail construction including piping & restoration

Task #2: Installation of benches, trash/recycling receptacles