

Merchantville, April 25, 2016

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, April 25 2016. Mayor Edward Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL: Council Present: Swann, Grasso (arrived at 7:40), Sperrazza, McLoone and Perno. Clerk Brouse, CFO Moules and Attorney Higgins were present.

PUBLIC-NONE

PUBLIC HEARING ON ORDINANCE for second reading and adoption-NONE

16-04 Condemnation Ordinance for 309 Plymouth Place

ADOPT ORDINANCE 16-04 Condemnation Ordinance for 309 Plymouth Place-On a motion of Mr. Sperrazza and second of Mr. McLoone, Council adopted the following Ordinance:

16-04

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM GUSTAV BASS AND GEORGE F. SMITH, AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

WHEREAS, the Gustav Bass and George F. Smith ("Bass and Smith") are the owners of real property located at 309 Plymouth Place, more fully described as Lot 20 in Block 43 on the Official Tax Map of the Borough of Merchantville; and

WHEREAS, Merchantville has made a bona fide offer to purchase the above referenced property from Bass and Smith for consideration in the amount of Forty-four Thousand, One Hundred, Ninety-four (\$44,194.00) Dollars; and

WHEREAS, it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Bass and Smith; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Bass and Smith; and

WHEREAS, the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 309 Plymouth Place, in the Borough of Merchantville, more fully described as Lot 20 in Block 43 on the Official Tax Map of the Borough of Merchantville from the Gustav Bass and George F. Smith is hereby approved; and

AND BE IT FURTHER ORDAINED that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

PUBLIC HEARING ON ORDINANCE for second reading and adoption-NONE

16-05 Condemnation Ordinance for 29 Volan Street

ADOPT ORDINANCE 16-05 Condemnation Ordinance for 29 Volan Street-On a motion of Mr. Sperrazza and second of Ms. Swann, Council adopted the following Ordinance:

16-05

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM STEVEN H. MILES, AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

WHEREAS, the Steven H. Miles ("Miles") is the owner of real property located at 29 Volan Street, more fully described as Lot 17.01 in Block 25 on the Official Tax Map of the Borough of Merchantville; and

WHEREAS, Merchantville has made a determination that no compensation that it will cost far more to rehabilitate the Abandoned Property than the Borough can recoup from the sale of the rehabilitated Abandoned Property, the Borough takes the position that, pursuant to the rebuttable presumption mandated by New Jersey's Abandoned Property Rehabilitation Act, N.J.S.A. 55:19-102, the fair market value of this Abandoned Property is zero and therefore no compensation is due; and

WHEREAS, it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Miles; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Miles; and

WHEREAS, the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 29 Volan Street, in the Borough of Merchantville, more fully described as Lot 17.01 in Block 25 on the Official Tax Map of the Borough of Merchantville from the Steven H. Miles is hereby approved; and

AND BE IT FURTHER ORDAINED that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

PUBLIC HEARING ON ORDINANCE for second reading and adoption-NONE

16-06 Condemnation Ordinance for 19 W Chestnut Avenue

ADOPT ORDINANCE 16-06 Condemnation Ordinance for 19 W Chestnut Avenue-On a motion of Ms. Swann and second of Mr. McLoone, Council adopted the following Ordinance:

16-06

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING THE ACQUISITION OF CERTAIN LAND BY THE BOROUGH OF MERCHANTVILLE FROM KENNETH M. ZANE AND IRENE LOUPOS, AND AUTHORIZING THE LITIGATION NECESSARY TO IMPLEMENT SAID ACQUISITION

WHEREAS, the Borough of Merchantville (hereinafter "Merchantville") is a municipal entity organized under the laws of the State of New Jersey and located in Camden County; and

WHEREAS, Merchantville, pursuant to and in furtherance of the authority granted to the municipality under the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78 et seq. and N.J.S.A. 55:19-78, had determined it necessary for a public purpose (the redevelopment or repair of property being maintained as an abandoned property) to acquire this property pursuant to the Borough's authority under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq.;

WHEREAS, the Kenneth M. Zane and Irene Loupos ("Zane and Loupos") are the owners of real property located at 19 West Chestnut Avenue, more fully described as Lot 26 in Block 57 on the Official Tax Map of the Borough of Merchantville; and

WHEREAS, Merchantville has made a bona fide offer to purchase the above referenced property from Zane and Loupos for consideration in the amount of One Hundred, Forty Thousand, Nine Hundred, Fifty-four (\$140,954.00) Dollars; and

WHEREAS, it is believed that this bona fide offer to purchase this property made by Merchantville has been rejected by Zane and Loupos; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Zane and Loupos; and

WHEREAS, the acquisition of this property by Merchantville is consistent with and in furtherance of the above-mentioned redevelopment agreement; and

WHEREAS, it is the intention of the Mayor and Borough Council of the Borough of Merchantville to authorize the proper municipal officials to prosecute this litigation and execute the appropriate documents on behalf of the Borough of Merchantville in furtherance of this property acquisition.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, State of New Jersey that, pursuant to and in furtherance of the authority granted to the municipality under the under the Eminent Domain Act of 1971, N.J.S.A. 20:3-1, et seq. and the Abandoned Properties Rehabilitation Act, N.J.S.A. 55:19-78, et seq., the acquisition of the real property located at 19 West Chestnut Avenue, in the Borough of Merchantville, more fully described as Lot 26 in Block 57 on the Official Tax Map of the Borough of Merchantville from the Kenneth M. Zane and Irene Loupos is hereby approved; and

AND BE IT FURTHER ORDAINED that Edward F. Brennan, Mayor of the Borough of Merchantville and Denise Brouse, Borough Clerk of the Borough of Merchantville, be and hereby are authorized to execute the appropriate documents to implement said acquisition on behalf of the Borough of Merchantville.

AND BE IT FURTHER ORDAINED that the Timothy J. Higgins, Esquire, Borough Solicitor of the Borough of Merchantville, be and hereby is authorized to prepare and file in the Superior Court any and all documents to implement said acquisition on behalf of the Borough of Merchantville.

ENGINEER REPORT: None

Update given by Mayor regarding Glenwood Avenue, email drawing, email to Tim, Community forum, times and dates.

Garden club, thank you they are working hard, Agnes and Kerry

Community Center-change rates for outside rentals, September 1st holiday rates.

NEW BUSINESS

Community Center Rates

Use of Facility for Mutt Strut-On a motion of Ms. Swann and second of Mr. McLoone, Council approved the use of facility for Mutt Strut.

OLD BUSINESS

Resolutions to be approved during the caucus meeting: On a motion of Mr. Grasso and second of Ms. Swann, the following resolutions were approved by council:

R16-68

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING THE SALE OF 2010 CHEVROLET IMPALA ON AN ONLINE AUCTION WEBSITE

WHEREAS, the Borough Council of the Borough of Merchantville has determined that the 2010 Chevrolet Impala, VIN#2G1WD5EM7A1111957 is no longer needed for public use; and

WHEREAS, the State of New Jersey permits the sale of surplus property through the use of online auction services provided the estimated fair market value of the property is less than the bid threshold and provided the municipality has advertised the property for public sale and the sale is being conducted pursuant to Local Finance Notice 2008-9; and

WHEREAS, the Division of Local Government Services has approved this sale;

NOW, THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville that the Borough Clerk is hereby authorized to post an offer to sell the

2010 Chevrolet Impala on the E Bay auction website ebay.com as follows:

Online Auction:	eBay
Length of Auction:	Opening date of auction to be on May 6, 2016 and will remain open for 5 days
Account:	Borough eBay account
Auction Fees:	To be paid with Borough credit card.
Method of Payment:	20% down payment will be due within 3 days of bid award. Balance to be paid within 14 days of bid award. Payment to be by certified check or money order.
Shipping:	Buyer is responsible for all shipping arrangements and costs.
Possession:	Possession must be taken within 14 days of bid award.
Other terms:	Sale is an "as is/where is" sale, terms and conditions of this vendor are Available on their website or the office of the Borough Clerk.
Minimum bid:	\$500.00

Resolutions for agenda-the following are business resolutions that will be included on the agenda for the council meeting:

Read Budget by title only
Budget

Ordinances for adoption-the following ordinances that will be included on the agenda for the council meeting:

16-01 Establish a CAP Bank (May 23 meeting)
16-02 Salary (May 9 meeting)
16-03 Redevelopment Plan Amendment (May 23 meeting)

Ordinance for introduction-the following ordinances will be included on the agenda for the Council meeting:

PRIVATE SESSION-On a motion of Mr. Grasso and second of Mr. Sperrazza, Council voted to go into Private Session

R16-67

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING A PRIVATE SESSION OF COUNCIL

John Grasso offered the following resolution and moved its adoption:

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, this public body is of the opinion that such circumstances presently exist;

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:

1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:

Matters of Contract Negotiations
3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by Daniel Sperrazza and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Volkert	()	()	()	(x)
M. Swann	(x)	()	()	()
Mr. Grasso	(x)	()	()	()
Mr. Sperrazza	(x)	()	()	()
Mr. McLoone	(x)	()	()	()
Mr. Perno	(x)	()	()	()

Dated: **April 25, 2016**

On a motion of Ms. Swann and second of Mr. Grasso, Council voted to return to public session

MOTION TO ADJOURN:

On the motion of Mr. McLoone and second of Mr. Sperrazza, the meeting was adjourned at 8:17 PM.

DENISE BROUSE, BOROUGH CLERK