

Merchantville, NJ

May 9, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, May 9, 2016. Mayor Ted 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: Volkert (arrived 7:55), Swann, Grasso, Sperrazza and Perno. Clerk Brouse, CFO Moules and Attorney Higgins were present.

**PUBLIC**

**John Peakes-311 Plymouth Place**-for eight years we have had a vacant property next door, the garage roof is collapsing, green mold in basement and rodents. Broken windows are boarded up, pipe stolen, homeless live in off and on.

**PUBLIC HEARING ON ORDINANCE** for second reading and adoption  
16-01 Establish a CAP Bank-None

**ADOPT ORDINANCE 16-01 Establish a CAP Bank**-On a motion of Mr. Perno and second of Mr. Grasso, Council adopted the following ordinance.

**16-01  
CALENDAR YEAR 2016  
MODEL ORDINANCE 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 to 0% 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 Borough Council of the Borough of Merchantville in the County of Camden finds it advisable and necessary to increase its CY 2016 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 Borough Council hereby determines that a 3.5% increase in the budget for said year, amounting to \$128,924.46 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

**WHEREAS** the Borough Council 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 Borough Council of the Borough of Merchantville, in the County of Camden, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Borough of Merchantville shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$128,924.46, and that the CY 2016 municipal budget for the Borough of Merchantville be approved and adopted in accordance with this ordinance; and,

**BE IT FURTHER ORDAINED**, 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 file with said Director within 5 days after such adoption.

**PUBLIC HEARING ON ORDINANCE** for second reading and adoption  
16-02 Salary and Compensation

**ADOPT ORDINANCE 16-02 Salary and Compensation**-On a motion of Mr. Perno and second of Ms. Swann, Council adopted the following ordinance.

**16-02**  
**AN ORDINANCE FOR THE BOROUGH OF MERCHANTVILLE IN THE COUNTY OF  
CAMDEN AND STATE OF NEW JERSEY ENTITLED  
"SALARIES & COMPENSATION"**

**BE IT ORDAINED** by the Mayor and Council of the Borough of Merchantville as follows:

**SECTION 1.** The maximum annual salaries of the employees of the Borough of Merchantville are hereby established, in accordance with the following schedule for services performed during the year 2016 as of January 1, 2016.

<b><u>POSITION</u></b>	<b><u>SALARY</u></b>
Tax Clerk (Per Hour)	17.86
Accounts Payable Clerk (Per Hour)	12.29
Tax Assessor	9,180.00
Mayor	2,000.00
Member of Council	1,200.00
Borough Clerk/Registrar	59,855.00
Planning/Zoning Officer	13,781.50
Code Enforcement Official	13,781.50
Rental Registration Clerk (Per Hour)	10.61
Construction Official	13,000.00
Plumbing Sub-Code Official	3,500.00
Police Chief	108,984.00
Police Secretary	37,108.00
Community Relations Officer	41,706.00
School Traffic Guard (Per shift) School Year 2015-2016	10.00
School Traffic Guard (Per shift) School Year 2016-2017	12.50
Drug Alliance Coordinator	1,000.00
Meter Attendant (Per Hour)	12.00
Public Works Supervisor	51,000.00
Wastewater Collection Operator	3,000.00
Paid Fireman I	53,132.00
Paid Fireman II	35,000.00
Fire Official (\$1,800 flat rate plus Pd per Inspection by pay scale)	5,700.00
Fire Inspector (Paid per Inspection per pay scale)	3,800.00
Sound Recorder (Per Session)	50.00
Prosecutor	9,000.00
Public Defender	10,000.00

Clean Communities Worker (Per Hour)	8.38
Clean Communities Coordinator	1,000.00
Municipal Alliance Summer Enrichment Program (per hour)	40.00
Parks and Playground Director	3,000.00
Parks and Playground Assistant Director	1,000.00
Parks and Playgrounds Counselor (Per Hour)	Start at \$6.00 and add \$0.50 for each year of service
Magistrate	9,500.00
Municipal Court Administrator	44,191.00
Deputy Court Administrator (Per Hour)	18.62
Special DWI Session – Municipal Judge per session	500.00
Special DWI Session – Court Administrator (Per Hour)	43.56
Special DWI Session – Deputy Court Administrator (Per Hour)	33.40
Special DWI Session – Sound Recorder (Per Session)	50.00

**SECTION 2.** Wages to be paid to persons performing any other work except as described herein, and which employee or officer is not covered by a union contract, shall be paid the sum of minimum wage to \$20.00 per hour, with time and one-half for overtime when approved by the department head.

**SECTION 3.** Longevity shall be added to the above salaries in accordance with the following schedule. Retiring employees will be paid longevity on a prorated basis.

LONGEVITY SCHEDULE FOR FULL-TIME EMPLOYEES HIRED PRIOR TO JANUARY 1, 1994:

After 5 years through 10 years	2%
After 10 years through 15 years	3%
After 15 years through 20 years	4%
After 20 years through 24 years	5%
After 24 years	6%

**SECTION 4.** All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

**SECTION 5.** This ordinance shall become effective twenty (20) days after publication thereof following final passage, and all salaries and compensation shall be retroactive to January 1, 2016 except where noted.

#### **PUBLIC HEARING ON 2016 BUDGET-NONE**

**R16-69 Read Budget by Title Only**-On a motion of Mr. Sperrazza and second of Mr. Perno, Council approved the reading of the Budget by Title only.

#### **R16-69**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AUTHORIZING THE BUDGET TO BE READ BY TITLE ONLY**

**WHEREAS**, N.J.S. 40A:4-8, as amended by L.2015, c. 95, 14, 2015, provides that the budget be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of the hearing a complete copy of the budget has been made available for public inspection, and has been made available to each person upon request; and.

**WHEREAS**, these two conditions have been met;

**NOW, THEREFORE, BE IT RESOLVED**, that the Budget shall be read by title only.

**R16-70 ADOPT 2016 BUDGET**-On a motion of Mr. Grasso and second of Mr. Sperrazza, Council adopted the 2016 Budget.

**R16-70**  
**RESOLUTION ADOPTING THE 2016 MUNICIPAL BUDGET OF THE BOROUGH OF**  
**MERCHANTVILLE, COUNTY OF CAMDEN IN THE STATE OF NEW JERSEY**

**BE IT RESOLVED** by the Borough Council of the Borough of Merchantville, County of Camden that the budget hereinafter set forth is hereby adopted and shall constitute an appropriation for the purposes stated of the sums therein set forth as appropriations, and authorization of the amount of \$4,922,880.20 for municipal purposes, and certification to the County Board of Taxation of the following summary of general revenues and appropriations:

SUMMARY OF REVENUES:

Surplus	400,000.00
Total Miscellaneous Revenues	1,450,025.52
Receipts from Delinquent Taxes	217,700.00
Local tax for Municipal Purposes	2,855,154.68
 TOTAL GENERAL REVENUES	 \$ 4,922,880.20

SUMMARY OF APPROPRIATIONS:

Operating Expenses: Salaries & Wage	1,717,848.82
Other Expenses	1,964,357.05
Deferred Charges & Other Appropriations	519,508.00
Capital Improvements	10,000.00
Debt Service (Including for School Purposes )	439,422.00
Reserve for Uncollected Taxes	<u>271,744.33</u>
TOTAL GENERAL APPROPRIATIONS	\$ 4,922,880.20
TOTAL NUMBER OF EMPLOYEES	49

2015 Dedicated Sewer Utility Budget

SUMMARY OF REVENUES

Surplus	35,000.00
Rents	427,000.00
Miscellaneous Revenues	6,900.00
Deficit (General Budget)	15,591.00
 TOTAL REVENUES	 484,491.00

SUMMARY OF APPROPRIATIONS

Operating Expenses: Salaries and Wages	45,000.00
Other Expenses	231,408.00
Capital Improvements	
Debt Service	204,083.00
Deferred Charges & Other Appropriations	4,000.00
Surplus (General Budget)	
 TOTAL APPROPRIATIONS	 484,491.00
TOTAL NUMBER OF EMPLOYEES	2

**APPROVAL OF MINUTES**-On a motion of Ms. Swann and second of Mr. Perno, council approved the council meeting minutes of 4/11/16.

**ENGINEER REPORT**-Engineer provided a written report

## **CORRESPONDENCE**

## **COUNCIL REPORTS**

**Mr. Grasso**-Police in negotiations, optimistic. 4 way stop considered for Walnut and Chestnut, E ticketing software installed. John Cline attended Narcotics class, Court.

**Mr. Sperrazza**-Code-13 resale, 25 properties maintenance issued. Fire report attached, equipment installed on fire truck and training to drive truck.

**Ms. Swann**-Shade tree 2 trees planted, 1000 saplings given out. Public Events Meeting, Wednesday 7:15 at Borough Hall, Birthday Celebration, June 4<sup>th</sup> 10-2 same location as Farmer's Market. Baby and bike parade will be back this year. May have Music Fest in September, extend Halloween all month, House tour for Christmas.

**Mr. Perno**-Ordinance for easement to have generator located at the back of the firehouse. Pick up dog waste on path.

**Mr. Volkert**- PW 11 tons, electronic 2,000, stumps being removed w new stump grinder. Planning Board meets tomorrow night, Volley ball net up.

**Mayor**- Town wide clean up on 30<sup>th</sup>, Boy Scout's mulched Wellwood Park playground area, well attended. Garden Club doing a great job, open house at the Gaskill funeral home, nice job renovating property, redevelopment amend on Tuesday , meetings with developers being set up. Thanks to steering committee. Demo of certain properties on agenda

## **CLERK'S REPORT**

### **OLD BUSINESS**

### **NEW BUSINESS**

**Proclamation**- Stephen Selverian

**Proclamation**-100<sup>th</sup> Birthday

Memorial Day Service-May 30<sup>th</sup>, John Grasso, Steve Volkert, Mayor Brennan

**Approve**-Mark A. Jackson as a Volunteer Fireman.

**Approval**-F.W.Grigg Post 68 use of Wellwood Park for Memorial Day-On a motion of Mr. Grasso and second of Mr. Sperrazza, Council approved the use of Wellwood Park for Memorial Day.

Resolutions to be read by consent agenda: On a motion of Mr. Volkert and second of Mr. Grasso, Council approved the following resolutions by consent agenda:

### **R16-71**

#### **MUNICIPAL BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING & DELETING 2016 TAX EXEMPTIONS**

**WHEREAS**, the Merchantville Tax Collector has called to Council's attention additions & deletions to the 2016 Tax Duplicate and has requested Council to approve the same:

**NOW, THEREFORE**, be it resolved by the Mayor and Council of the Borough of Merchantville that the following addition be and are hereby approved:

**ADDITIONS**

Thomas Wood Block 57, Lot 10	24 W Walnut Ave	Allow Veteran
Dorothea Vigna Block 24, Lot 9	201 Volan St	Allow Senior
Angela Chirkinian Block 4, Lot 8.01	610 W Chestnut Ave	Allow Senior
Shirley Sebest Block 43.02, Lot 1	101 Glenwood Ave	Allow Senior
Bart & Valerie Middleman Block 43.02, Lot 11	120 Ivins Ave	Allow Disabled

**DELETIONS**

Ninamaria Zia Block 57, Lot 11	20 W Walnut Ave	Remove Senior Income
Marion Sanfratello Block 43.03, Lot 10	200 Ivins Ave	Remove Senior Failure to return PD5
Roseanne Scarpulla Block 39, Lot 17	214 Woodlawn Ave	Remove Disabled Failure to return PD5

**R16-72  
BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN,  
STATE OF NEW JERSEY APPROVING RIGHT-OF-WAY USE  
TO CROSS RIVER FIBER**

**WHEREAS**, Cross River Fiber LLC ("Cross River Fiber"), seeks to place its telecommunication facilities aerially on existing utility poles or in an underground conduit in the Public Rights-of-Way within the Borough of Merchantville for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

**WHEREAS**, Cross River Fiber was approved by the New Jersey Board of Public Utilities to provide local exchange and interexchange telecommunications services throughout the State; and

**WHEREAS**, N.J.S.A. 48:3-19 requires Cross River Fiber to obtain the consent of the Borough of Merchantville for the joint use of any existing utility poles; and

**WHEREAS**, N.J.S.A. 54:30A-124(a) provides that a municipality may not impose any fees, taxes, levies or assessments in the nature of a local franchise, right of way, or gross receipts fee, tax, levy or assessment against telecommunications companies but that a municipality may impose reasonable fees for actual services made by any municipal, regional or county governmental agency; and

**WHEREAS**, it is in the best interests of the Borough of Merchantville and its citizens to grant consent to Cross River Fiber; and

**WHEREAS**, the consent granted is for the non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system subject to the terms and conditions of the attached Use Agreement with Cross River Fiber.

**NOW THEREFORE BE IT RESOLVED**, by the Borough of Merchantville of the Borough of Merchantville that Borough of Merchantville is hereby authorized to grant Cross River Fiber a non-exclusive use of the Public Rights-of-Ways for the purpose of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

**BE IT FURTHER RESOLVED** that the Mayor and Clerk are hereby authorized to execute any and all documents necessary to effectuate this Resolution.

**R16-73**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO**  
**APPROVE CONTRACTOR FOR CONCRETE REPLACEMENT IN**  
**VARIOUS LOCATIONS IN THE BOROUGH OF MERCHANTVILLE**

**WHEREAS,** the Borough Council of the Borough of Merchantville desires to replace concrete sidewalk at various locations in the Borough of Merchantville; and

**WHEREAS,** the Borough went out to bid for this project and Joseph A. Cuzzupe & Co. was the lowest apparent bidder;

**NOW, THEREFORE, BE IT RESOLVED,** that approval has been granted for Joseph A. Cuzzupe & Company, 650 Park Road, Cherry Hill, NJ 08034 to complete the concrete sidewalk replacement project at a cost not to exceed \$50,000.00 for total project.

**R16-74**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,**  
**COUNTY OF CAMDEN AND STATE OF NEW JERSEY TO**  
**APPROVE CONTRACTOR FOR DEMOLITION OF PROPERTY**  
**IN VARIOUS LOCATIONS IN THE BOROUGH OF**  
**MERCHANTVILLE**

**WHEREAS,** the Borough Council of the Borough of Merchantville desires to demolish certain property at various locations in the Borough of Merchantville; and

**WHEREAS,** the Borough went out to bid for this project and Delphi Engineering and Contracting was the lowest apparent bidder;

**NOW, THEREFORE, BE IT RESOLVED,** that approval has been granted for Delphi Engineering and Contracting, 131 Blackwood-Barnsboro Road, Sewell, NJ 08080 to complete the Demolition of certain property project at a cost not to exceed \$47,895.00 for total project listed below.

Demolition of four (4) structures	
9 East Park Avenue, Front and Rear building	Block 29 Lot 4
17 East Park Avenue	Block 29 Lot 5
9 South Centre Street, Drive thru area only	<u>Block 29 Lot 2</u>
<b>Total</b>	<b>\$43,895.00</b>

Asbestos site removal and disposal (if it exists)	
9 East Park Avenue, Front and Rear building	Block 29 Lot 4
17 East Park Avenue	<u>Block 29 Lot 5</u>
	\$3.85 sq. ft. \$25.00 linear foot
	Asbestos Total Not to exceed \$4,000
<b>Grand total, not to exceed \$47,895.00</b>	

**R16-75**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN**  
**AND STATE OF NEW JERSEY REQUESTING APPROVAL OF ITEMS OF REVENUE**

**WHEREAS,** NJS 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

**WHEREAS**, the Director may also approve the insertion of an appropriation for the equal amount; **NOW, THEREFORE, BE IT RESOLVED**, that the Governing Body of the Borough of Merchantville, in the county of Camden, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of items of revenue in the budget of the year 2016 in the sum of \$ **1,500.00**, which is now available as a revenue from the State Pursuant to the provision of the statute, and

**BE IT FURTHER RESOLVED** that the like sum of \$ **1,500.00** is hereby appropriated under the caption Special items of General Revenue; and

**BE IT FURTHER RESOLVED** that the above is a result of grants of \$ **1,500.00** from:

2015 CC Joint Insurance Fund Safety Incentive Award	1,500.00
<b>TOTAL</b>	<b>1,500.00</b>

**R16-76**

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPOINTING BURTON GERMAN TO THE MERCHANTVILLE PENNSAUKEN WATER COMMISSION BOARD**

**WHEREAS**, the Borough Council of the Borough of Merchantville desires to appoint Burton German to the board of the Merchantville Pennsauken Water Commission; and

**WHEREAS**, this board position is for a term of five (5) years beginning July 1, 2016 and expiring June 30, 2021;

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Merchantville does hereby appoint Burton German to the Merchantville Pennsauken Water Commission Board, 6761 Westfield Avenue, Merchantville, NJ 08110.

Ordinances for introduction on first reading. This Ordinances will be considered for adoption at the public hearing to be held during the May 23<sup>rd</sup> meeting.

On a motion of Mr. Perno and second of Mr. Sperrazza council introduced the following ordinance:

**16-07**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY APPROVING AN EASEMENT RELATIVE TO BLOCK 33, LOT 13 ON THE OFFICIAL TAX MAP OF THE BOROUGH OF MERCHANTVILLE, AND AUTHORIZING THE EXECUTION OF ALL DOCUMENTS NECESSARY TO IMPLEMENT SAID EASEMENT**

**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**, the Friedman Maple Partners LLC (hereinafter, "Friedman") is a New Jersey limited liability company, with its principal place of business located at 40 East Clementon Road, Suite 1, Gibbsboro, New Jersey 08026; and

**WHEREAS**, the Friedman is the owner of real property more particularly described as Block 33, Lot 13 (hereinafter, the "Property") in the Borough of Merchantville; and

**WHEREAS**, Merchantville wishes to enter into an agreement with Friedman relative to an Grant of Easement in perpetuity for its use, occupancy and enjoyment, in connection with the construction, installation and maintenance of an electrical generator for use by the Merchantville Fire Department, along with all necessary appurtenances thereto (the "Facilities") at the Property, all in accordance with and for the purposes set forth in this Grant of Easement; and

**WHEREAS**, the parties have agreed that the value of this Grant of Easement to be the sum of One (\$1.00) Dollar, and other good and valuable consideration as outlined in Friedman's letter date April 25, 2016, attached hereto as Exhibit "A"; and

**WHEREAS**, Merchantville and Friedman have agreed to the terms and conditions of this Grant of Easement; as so stated in the document attached hereto as Exhibit "B"; and

**WHEREAS**, it is the intention of the Borough Council of the Borough of Merchantville to authorize the proper municipal officials to execute the attached Grant of Easement on behalf of the Borough of Merchantville.

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the Grant of Easement, attached hereto as Exhibit "B," by and between the Borough of Merchantville and Friedman Maple Partners LLC, be and hereby is approved; and

**AND BE IT FURTHER ORDAINED** that the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey accept as just compensation the value of this Grant of Easement to be the sum of One (\$1.00) Dollar, and other good and valuable consideration as outlined in Friedman's letter date April 25, 2016, attached hereto as Exhibit "A," and authorize its payment and implementation; 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 Grant of Easement, attached hereto as Exhibit "B," and all other documents necessary to implement said Grant of Easement on behalf of the Borough of Merchantville.

Ordinances for introduction on first reading. This Ordinances will be considered for adoption at the public hearing to be held during the June 13<sup>th</sup> meeting.

On a motion of Mr. Perno and second of Mr. Grasso, Council introduced the following ordinance:

**16-08**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY ADDING CHAPTER 33A, FLOOD DAMAGE PREVENTION, TO THE CODE OF THE BOROUGH OF MERCHANTVILLE**

**BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Chapter 33A, Flood Damage Prevention, is hereby added to the Code of the Borough of Merchantville, as follows:

**ARTICLE I.**

**SECTION 33A-1**

**Statutory Authorization, Findings of Fact and Statement of Purpose.**

A. The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1 et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Council of the Borough of Merchantville of Camden County, New Jersey does ordain as follows:

B. Findings of Fact:

1. The flood hazard areas of the Borough of Merchantville are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

2. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

C. It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

1. Protect human life and health;
2. Minimize expenditure of public money for costly flood control projects;
3. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. Minimize prolonged business interruptions;
5. Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
6. Help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

D. In order to accomplish its purposes, this ordinance includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and,
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

## **ARTICLE II. SECTION 33A-2 Definitions**

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**Appeal** — A request for a review of the Borough Clerk's interpretation of any provision of this ordinance or a request for a variance.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Existing Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Flood proofing** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Historic Structure** — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area [including basement]. An unfinished or flood resistant enclosure, useable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently

towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

**ARTICLE III. SECTION 33A-3 General Provisions.**

A. This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Borough of Merchantville, Camden County, New Jersey.

B. The areas of special flood hazard for the Borough of Merchantville, Community ID # 340569, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

**1. A scientific and engineering report "Flood Insurance Study, Camden County, New Jersey (All Jurisdictions)" dated (August 17, 2016).**

**2. "Flood Insurance Rate Map for Camden County, New Jersey (All Jurisdictions)" as shown on Index and panel(s) whose effective date is (August 17, 2016).**

3. The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study, maps and advisory documents are on file at 1 West Maple Avenue, Merchantville, New Jersey.

C. No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation

of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall be liable for a fine not exceeding \$2,000.00, or imprisonment in the county jail for a term not exceeding 90 days, or a period of community service not exceeding 90 days, or any combination of the penalties so listed, in the discretion of the Judge of the Municipal Court before whom such violation is heard and conviction made. Nothing herein contained shall prevent the Borough of Merchantville, from taking such other lawful action as is necessary to prevent or remedy any violation.

D. This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. In the interpretation and application of this ordinance, all provisions shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and,
3. Deemed neither to limit nor repeal any other powers granted under State statutes.

F. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

G. This ordinance shall not create liability on the part of the Borough of Merchantville, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder

**ARTICLE IV. SECTION 33A-4 Administration.**

A. A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in Chapter 33A-3(B). Application for a Development Permit shall be made on forms furnished by the Borough Clerk and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level to which any structure has been flood proofed.
3. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. The Borough Clerk is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

C. Duties of the Borough Clerk shall include, but not be limited to:

1. PERMIT REVIEW
  - a. Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
  - b. Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.

2. USE OF OTHER BASE FLOOD DATA - When base flood elevation data has not been provided in accordance with Chapter 33A-3(B), the Borough Clerk shall obtain, review, and reasonably utilize any base flood elevation data available from a Federal, State or other source, in order to administer Chapter 33A-5(A)(1) and Chapter 33A-5(A)(2).

3. INFORMATION TO BE OBTAINED AND MAINTAINED
  - a. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.

b) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4. ALTERATION OF WATERCOURSES

a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

5. SUBSTANTIAL DAMAGE REVIEW

a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.

b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Dam Safety and Flood Control Section.

6. INTERPRETATION OF FIRM BOUNDARIES - Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Chapter 33A-4(D).

D. VARIANCE PROCEDURE

1. APPEAL BOARD

a) The Joint Land Use Board as established by Borough Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.

b) The Joint Land Use Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Borough Clerk in the enforcement or administration of this ordinance.

c) Those aggrieved by the decision of the Joint Land Use Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by statute.

d) In passing upon such applications, the Joint Land Use Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:

1. the danger that materials may be swept onto other lands to the injury of others;
2. the danger to life and property due to flooding or erosion damage;
3. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
4. the importance of the services provided by the proposed facility to the community;
5. the necessity to the facility of a waterfront location, where applicable;
6. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. the compatibility of the proposed use with existing and anticipated development;
8. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
9. the safety of access to the property in times of flood for ordinary and emergency vehicles;
10. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
11. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

e) Upon consideration of the factors of Chapter 33A-4(D) and the purposes of this ordinance, the Joint Land Use Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.

f) The Borough Clerk shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

2. CONDITIONS FOR VARIANCES

a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing Chapter 33A-4(D)(2)(d) has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

d) Variances shall only be issued upon:

1. A showing of good and sufficient cause;
2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified Chapter 33A-4(D)(2)(d), or conflict with existing local laws or ordinances.

e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**ARTICLE V. SECTION 33A-5 Provisions for Flood Hazard Reduction**

A. In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, is required:

1. ANCHORING

a. All new construction to be placed or substantially improved and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

b. All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

2. CONSTRUCTION MATERIALS AND METHODS

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. UTILITIES

a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;

b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;

c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and

d. For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed

and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

4. SUBDIVISION PROPOSALS

a. All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

b. All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;

c. All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,

d. Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5. ENCLOSURE OPENINGS - All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

6. MANUFACTURED HOMES

1. Manufactured homes shall be anchored in accordance with Chapter 33A-5(A)(1).

2. All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:

a. Be consistent with the need to minimize flood damage,

b. Be constructed to minimize flood damage,

c. Have adequate drainage provided to reduce exposure to flood

damage.

**ARTICLE VI.**

All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

**ARTICLE VII.**

This Ordinance shall take effect upon passage and publication according to law.

**PAYMENT OF BILLS-**On a motion of Mr. Perno and second of Mr. Grasso (Mr. Sperrazza abstained), Council approved the payment of the following bills:

**R16-77  
RESOLUTION**

**RESOLVED that the Report of the Department of Accounts and Auditing be accepted and spread upon the minutes and the Treasurer be is hereby authorized to pay bill approved therein.**

<b>CURRENT FUND</b>	<b>REVENUE</b>	<b>BUDGET</b>
CHECKS CURRENT FUND	2015 BUDGET	631.80
	2016 BUDGET	138,021.17
	GRANTS	469.41
	PFRS	317,040.00
	PERS	37,998.00

	DEBT SERVICE		4,663.73
	BOARD OF EDUCATION*		1,205,802.50
	CAMDEN COUNTY		518,771.02
WIRE TRANSFERS PAYROLL	4/15/16-4/29/16		131,119.43
WIRES / MANUAL CHECKS			90,498.99
<b>TOTAL CURRENT</b>		0.00	2,445,016.05
<b>SEWER UTILITY</b>			
CHECKS SEWER FUND	2015 BUDGET		
	2016 BUDGET		
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	4/15/16-4/29/16		3,340.98
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
<b>TOTAL SEWER</b>		0.00	3,340.98
<b>GENERAL CAPITAL FUND</b>			
CHECK CAPITAL FUND			18,735.20
MANUAL CHECK			46,249.16
WIRE TRANSFERS PAYROLL	4/15/16-4/29/16		
<b>TOTAL CAPITAL</b>		0.00	64,984.36
<b>TRUST FUND</b>			
CHECK TRUST OTHER FUND			1,200.07
WIRE TRANSFERS PAYROLL	4/15/16-4/29/16		3,789.84
WIRES / MANUAL CHECKS			26,673.52
<b>TOTAL TRUST</b>		0.00	31,663.43
<b>SEWER CAPITAL FUND</b>			
CHECK SEWER CAPITAL			5,000.00
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL	3/18/16-4/1/16		
<b>TOTAL SEWER CAPITAL</b>		0.00	5,000.00
<b>ANIMAL TRUST FUND</b>			
ANIMAL TRUST CHECK			14.40
<b>TOTAL ANIMAL TRUST</b>		0.00	14.40
<b>TOTAL BILL LIST &amp; MANUAL CHECKS/WIRE</b>		0.00	2,550,019.22
		GRAND TOTAL	<b>\$ 2,550,019.22</b>

**ANNOUNCEMENTS**

Memorial Wreaths  
Financial Disclosures  
Wayne's father-in-law  
C/C floor  
Farmer's Market & Birthday June 4<sup>th</sup>

Mutt Strut June 5<sup>th</sup>

**ADJOURNMENT:** On the motion of Mr. Grasso and second of Mr. Volkert the meeting was adjourned at 8:30 P.M.

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Denise Brouse, Borough Clerk