

Merchantville, NJ

April 11, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, April 11, 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: Swann, Sperrazza, McLoone and Perno (8:19). Clerk Brouse, CFO Moules and Attorney Higgins were present.

PUBLIC HEARING**PUBLIC**

Roland Rickets-204 Westminster Ave-work is being considered at the Community Center and I want you to consider adding a berm at side of the community center parking lot area because of the water that runs onto my property. I met with Public Works Manager and Denise and they directed me to you. It will be looked into and also see if funds may be possible from other sources.

Anthony Cimini-2827 Center St. Pennsauken-Own house on Alexander and would like to praise to Police, Fire and EMS, they are kind and straight forward. Hope no drastic changes are in sight.

Mayor- Scavenger hunt begins April 30th and ends around May 8th.

ENGINEER REPORT

APPROVAL OF MINUTES-On a motion of Mr. Sperrazza and second of Mr. McLoone, council approved the council meeting minutes of 3/14/16 and caucus meeting minutes of 3/28/16, 2/22/16 and 11/23/15.

CORRESPONDENCE**COUNCIL REPORTS**

Mr. McLoone-will report at caucus meeting.

Mr. Sperrazza-Fire-12 total calls, April 12-26 drills, 393 drill hours, New Engine and striping. Code Enforcement-9 warnings sent, 3 properties St. Joseph's Carpenters Society. Kevin Reardon-Abandon property information to residents. Follow up with next round for St. Joseph's.

Ms. Swann-No quorum for the Shade tree meeting, April 20th Arbor Day, Dog bite incident happened in Merchantville.

OLD BUSINESS

Sign Ordinance Update-Common Sense Changes-Update not for sometime-ask Council to make minor modifications.

Glenwood Avenue Project-Waiting

See Click Fix-update given

Construction Management Quotes-no quotes received

Public Relations Position-branding, trying to carve \$'s, know someone, college intern?

Redevelopment Plan-Intro ordinance for downtown area & refer to PB, more revenue for town

Verizon Lot Agreement-sent comments-May meeting

St. Joseph's Carpentry and abandoned Properties-article in paper tomorrow

NEW BUSINESS

Proclamation- Alcohol Awareness Month 2016

Approval-Merchantville Little League use of Community Center-On a motion of Mr. Perno and second of Ms. Swann, Council approved Merchantville Little League's use of Community Center.

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

On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the following resolution:

R16-62

**MUNICIPAL BUDGET OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF
CAMDEN, STATE OF NEW JERSEY FOR THE FISCAL YEAR 2016**

BE IT RESOLVED, that the following statements of revenues and appropriations shall constitute the Municipal Budget for the year 2016;

Summary of General Section of Budget	<u>Current Fund</u>
Municipal Purposes within "CAPS"	\$ 3,824,704.93
Municipal Purposes excluded from "CAPS"	\$ 826,430.94
Reserve for Uncollected Taxes	\$ 271,744.33
 Total General Appropriations	 \$ 4,922,880.20
 Less: Anticipated Revenues	 \$ 2,067,725.52
 Amount to be Raised by Taxation	 \$ 2,855,154.68

BE IT FURTHER RESOLVED that said Budget be published by title only in The Retrospect in the issue of April 15, 2016. The Governing Body of the Borough of Merchantville does hereby approve the following as the Budget for the year 2016;

Notice is hereby given that the Budget Resolution was approved by the Borough Council of the Borough of Merchantville, County of Camden, on April 11, 2016.

A Hearing on the Budget and Tax Resolution will be held at Borough Hall on May 9, 2016 at 7:30 o'clock PM at which time and place objections to said Budget resolution for the year 2016 may be presented by taxpayers or other interested parties.

On a motion of Mr. Sperrazza and second of Ms. Swann, Council approved the following resolution:

R16-63

**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AFFIRMING
MERCHANTVILLE'S CIVIL RIGHTS POLICY WITH RESPECT TO
ALL BOROUGH OFFICIALS, EMPLOYEES, PROSPECTIVE
EMPLOYEES, APPOINTEES, INDEPENDENT**

**CONTRACTORS, VOLUNTEERS, AND MEMBERS OF THE
PUBLIC THAT COME INTO CONTACT WITH MUNICIPAL
EMPLOYEES, OFFICIALS AND VOLUNTEERS**

WHEREAS, it is the policy of Borough of Merchantville to treat the public, employees, prospective employees, appointees, volunteers and contractors in a manner consistent with all applicable civil rights laws and regulations including, but not limited to the Federal Civil Rights Act of 1964 as subsequently amended, the New Jersey Law against Discrimination, the Americans with Disabilities Act and the Conscientious Employee Protection Act, and

WHEREAS, the Mayor and Borough Council of the Borough of Merchantville has determined that certain procedures need to be established to accomplish this policy;

NOW, THEREFORE BE IT RESOLVED by the Mayor and Borough Council of the Borough of Merchantville, as follows:

- Section 1:** No official, employee, appointee or volunteer of the Borough by whatever title known, or any entity that is in any way a part of the Borough shall engage, either directly or indirectly in any act including the failure to act that constitutes discrimination, harassment or a violation of any person's constitutional rights while such official, employee, appointee volunteer, or entity is engaged in or acting on behalf of the Borough's business or using the facilities or property of the Borough.
- Section 2:** The prohibitions and requirements of this Resolution shall extend to any person or entity, including but not limited to any volunteer organization or inter-local organization, whether structured as a governmental entity or a private entity, that receives authorization or support in any way from the Borough to provide services that otherwise could be performed by the Borough.
- Section 3:** Discrimination, harassment and civil rights shall be defined for purposes of this Resolution using the latest definitions contained in the applicable Federal and State laws concerning discrimination, harassment and civil rights.
- Section 4:** The Borough shall establish written procedures for any person to report alleged discrimination, harassment and violations of civil rights prohibited by this Resolution. Such procedures shall include alternate ways to report a complaint so that the person making the complaint need not communicate with the alleged violator in the event the alleged violator would be the normal contact for such complaints.
- Section 5:** No person shall retaliate against any person who reports any alleged discrimination, harassment or violation of civil rights, provided however, that any person who reports alleged violations in bad faith shall be subject to appropriate discipline.
- Section 6:** The Borough shall establish written procedures that require all officials, employees, appointees and volunteers of the Borough as well as all other entities subject to this Resolution to periodically complete training concerning their duties, responsibilities and rights pursuant to this Resolution.
- Section 7:** The Borough shall establish a system to monitor compliance and shall report at least annually to the governing body the results of the monitoring.
- Section 8:** At least annually, the Borough Clerk shall cause a summary of this Resolution and the procedures established pursuant to this Resolution to be communicated within the Borough. This communication shall include a statement from the governing body expressing its unequivocal commitment to enforce this Resolution. This summary shall also be posted on the Borough's web site.
- Section 9:** This Resolution shall take effect immediately.

Section 10: A copy of this Resolution shall be published in the official newspaper of the Borough in order for the public to be made aware of this policy and the Borough's commitment to the implementation and enforcement of this policy.

On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the following resolution:

R16-64
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REFERRING CERTAIN MATTERS TO THE MERCHANTVILLE PLANNING BOARD FOR REVIEW AND RECOMMENDATIONS PURSUANT TO N.J.S.A. 40:55D-26 AND N.J.S.A. 40A:12A-7(e)

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

WHEREAS, the Merchantville Planning Board ("Planning Board") is an autonomous entity created by the Borough of Merchantville pursuant to and governed by N.J.S.A. 40:55D-1 et seq.; and

WHEREAS, the statute, N.J.S.A. 40:55D-26(a) requires that, prior to the adoption of a development regulation, revision, or amendment thereto, the [municipal] Planning Board shall make and transmit to the governing body, within 35 days after referral, a report including identification of any provisions in the proposed development regulation, revision or amendment which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate; and

WHEREAS, N.J.S.A. 40A:12A-7(e) requires that "prior to the adoption of a redevelopment plan, or revision or amendment thereto, the planning board shall transmit to the governing body, within 45 days after referral, a report containing its recommendation concerning the redevelopment plan. This report shall include an identification of any provisions in the proposed redevelopment plan which are inconsistent with the master plan and recommendations concerning these inconsistencies and any other matters as the board deems appropriate."

WHEREAS, the Mayor and Borough Council of the Borough of Merchantville wish to refer to the Merchantville Planning Board, pursuant to N.J.S.A. 40:55D-26(a), the following issue for discussion as to enactment of an appropriate ordinance addressing the item:

Amendments to the Downtown Redevelopment Plan, f/k/a the Town Centre East Redevelopment Plan, regarding certain properties more particularly described as Block 29, Lots 1 through 17 inclusive, Block 33, Lots 5, 6 and 7, 12, 13 and 13.01, and Block 61, a portion of Lot 4.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, that pursuant to N.J.S.A. 40:55D-26(a) and N.J.S.A. 40A:12A-7(e), the issue of the amendments to the Downtown Redevelopment Plan, f/k/a the Town Centre East Redevelopment Plan, regarding certain properties more particularly described as Block 29, Lots 1 through 17 inclusive, Block 33, Lots 5, 6 and 7, 12, 13 and 13.01, and Block 61, a portion of Lot 4, be and hereby is referred to the Merchantville Planning Board for the action as required by statute.

On a motion of Ms. Swann and second of Mr. McLoone, Council approved the following resolution:

R16-65
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY REFUNDING TAX APPEAL

WHEREAS, the Merchantville Tax Collector has called to Mayor and Council's attention a request to refund to LSREF 2 Clipper III LLC/Hudson Advisors for a 2013 State Tax Appeal judgment from January 1 thru June 23, 2013 for the below properties:

NOW, THEREFORE, be it resolved by the Mayor and Council of the Borough of Merchantville that the following refund be approved on these accounts in the amount of \$688.16 and be forwarded to Stavitsky & Associates LLC, as attorneys for LEREF 2 Clipper III LLC/Hudson Advisors 350 Passaic Avenue, Fairfield, NJ 07004:

<u>BL.</u>	<u>LOT</u>	<u>ADDRESS</u>	<u>AMOUNT</u>
8.01	1.01	718 W Maple Ave	\$86.02
8.01	1.02	720 W Maple Ave	\$86.02
8.01	1.03	722 W Maple Ave	\$86.02
8.01	1.04	724 W Maple Ave	\$86.02
8.01	1.05	726 W Maple Ave	\$86.02
8.01	3	728 W Maple Ave	\$258.06

Ordinances for introduction on first reading. These Ordinances will be considered for adoption at the public hearing to be held during the May 9th council meeting.

On a motion of Mr. Perno and second of Mr. Sperrazza council introduced 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.

On a motion of Ms. Swann and second of Mr. McLoone, Council introduced 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.

<u>POSITION</u>	<u>SALARY</u>
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.

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

**BOROUGH OF MERCHANTVILLE
CAMDEN COUNTY, NEW JERSEY
ORDINANCE 16-03
AN ORDINANCE ADOPTING A REDEVELOPMENT PLAN
AMENDMENT FOR BLOCK 29, LOTS 1-17, BLOCK 33, LOTS 5,
6 AND 7, 12, 13 and 13.01, BLOCK 61, A PORTION OF LOT 4 IN
MERCHANTVILLE, NEW JERSEY
DOWNTOWN REDEVELOPMENT AREA**

WHEREAS, the Borough Council of Merchantville, in the County of Camden, New Jersey (the “Borough”) is empowered to declare an area in need of redevelopment and to adopt a redevelopment plan pursuant to which redevelopment projects are to be undertaken and carried out, in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the “Redevelopment Law”); and

WHEREAS, on September 27, 2004, Borough Council, via Ordinance 04-27, adopted a Report entitled, “Merchantville Town Centre East Study Area Determination of Needs Study and Redevelopment Plan,” thereby declaring Block 29, Lots 1-17, Block 33, Lots 5-7, 12-13.01, Block 61, p/o Lot 4 in

Merchantville, New Jersey 08109 to be in need of redevelopment and adopting a Redevelopment Plan therefor; and

WHEREAS, the Town Centre East Redevelopment Area is now referred to as the Downtown Redevelopment Area; and

WHEREAS, the Borough's Professional Planner, Ragan Design Group, facilitated a renewed redevelopment planning initiative for the Downtown Redevelopment Area with the assistance of a TCDI grant sponsored by the Delaware Valley Regional Planning Commission (DVRPC); and

WHEREAS, Ragan Design Group has prepared a Redevelopment Plan Amendment after holding numerous redevelopment committee meetings, facilitating a public workshop, and conducting various public outreach efforts; and

WHEREAS, on April 11, 2016, Borough Council directed the Joint Land Use Board to review the Redevelopment Plan Amendment for comments and for consistency with the Master Plan; and

WHEREAS, on _____, the Joint Land Use Board of the Borough reviewed the Redevelopment Plan Amendment prepared by Ragan Design Group, concluding that the Redevelopment Plan Amendment is consistent with the Master Plan of the Borough, memorialized in Resolution Number _____; and

WHEREAS, on _____, public notice of the public hearing on the Redevelopment Plan Amendment was published in _____; and

WHEREAS, on _____, a copy of the proposed Redevelopment Plan, including Zoning Ordinance amendment, was posted on the public notice board in the Merchantville Borough Municipal Building; and

WHEREAS, on _____, notice by personal service or certified mail of the public hearing on the Redevelopment Plan Amendment was made to the Camden County Planning Board; and

WHEREAS, Borough Council believes the adoption of the Redevelopment Plan Amendment is in the best interests of the municipality.

NOW THEREFORE BE IT ORDAINED by the Borough Council of Merchantville as follows:

Article I. Adoption of Redevelopment Plan Amendment. The Redevelopment Plan Amendment, attached hereto as Exhibit A, is hereby adopted pursuant to the terms of N.J.S.A. 40A:12A-7 of the Redevelopment Law.

Article II. Amendment to the Zoning Ordinance. The Redevelopment Plan Amendment is an explicit amendment to the Land Use Code of the Borough of Merchantville and related zoning district maps as it relates to the Downtown Redevelopment Area (formerly Town Centre East Redevelopment Area). The Merchantville Zoning Ordinance is hereby amended in accordance with the Redevelopment Plan Amendment adopted herewith, as follows:

A. Permitted Uses

Article VIII, B-1 Central Business District, of the Zoning Ordinance shall be amended to create a new section as follows:

§94-33.5 Permitted Principal Uses – Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone)

Permitted principal uses are intended to have active facades on the ground floor. Therefore, permitted principal uses shall be as follows:

- A. Retail sales of goods and services;
- B. Travel agencies, real estate offices, and opticians;
- C. Offices and professional offices on upper floors (other than those listed in §94-33.5B above);
- D. Restaurants with indoor and/or outdoor seating; See outdoor dining requirements in §94-36.1.J.
- E. Banks and other similar financial institutions;
- F. Art studios, displays and/or galleries for artistic endeavors and production, including painting, sculpting, ceramics, jewelry, glass blowing, photography, hand-made furniture, and similar activities;

- G. Dinner theaters, community theaters, and similar uses;
- H. Indoor cultural and historic displays of artifacts and/or artistic media, such as museums and galleries;
- I. Physical fitness centers, martial arts studios, dance studios, and similar uses;
- J. Child care centers, primary education facilities, secondary education facilities on upper floors;
- K. Post-secondary education facilities (including colleges, technical training schools, community colleges, nursing schools and classes for same) on upper floors;
- L. Pedestrian Plazas, Piazzas, Courtyards and similar uses.

The two properties in the Downtown Redevelopment Zone that are located on Maple Avenue (Block 33, Lots 12, 13) shall follow the underlying base zoning.

B. Conditional Uses

Article VIII, B-1 Central Business District, of the Zoning Ordinance shall be amended to create a new section as follows:

§94-33.6 Conditional Uses – Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone)

Conditional uses shall be as follows:

- A. Residential dwelling units on upper floors, provided the following conditions are met:
 - (1) The minimum indoor living space area shall be 600 square feet per unit; and
 - (2) There shall be a mix of studio, one-bedroom, and two-bedroom units; and
 - (3) Private useable outdoor living space (i.e., outdoor balcony or patio).
 - (4) If a residential dwelling unit will be counted towards meeting the Borough's affordable housing obligation, one or more of these conditions may be waived.
- B. Single Family Attached Dwellings (Townhouses) and Semi-Detached Dwellings (Twins), provided the following conditions are met:
 - (1) Located along East Chestnut Avenue; and
 - (2) Front door entrance shall face the multi-use path; and
 - (3) The minimum lot area of 1,500 square feet; and
 - (4) Minimum lot width of twenty (20) feet; and
 - (5) Minimum front yard setback of five (5) feet from Block 61, Lot 4; and
 - (6) Minimum side yard setback for each end unit of five (5) feet; and
 - (7) Minimum rear yard setback of 10 feet; and
 - (8) Private rear yard of 200 square feet minimum.
- C. Micro-brewery, craft-brewery, craft-distillery tasting room, winery tasting-room, and similar uses, provided the following conditions are met:
 - (1) No outdoor storage; and
 - (2) Business operations close by 11 pm.
- D. Structured Parking Garage, provided the following conditions are met:
 - (1) The street level of the parking garage facing Park Avenue and Centre Street is occupied with permitted uses to maintain street level activity; and
 - (2) The street level of the parking garage facing East Chestnut Avenue is landscaped to soften the visual impact of the parking garage on the users of the multi-use path and the visual impact on the residential houses on the north side of East Chestnut Avenue.

- E. Bed and Breakfast, which provides overnight lodging and serves breakfast to guests, provided the following conditions are met:
- (1) The owner or primary operator resides on the premises; and
 - (2) Occupancy by guests shall be limited to more than 10 consecutive days; and
 - (3) Each bedroom and/or suite has a private bathroom facility; and
 - (4) Located along East Chestnut Avenue in a detached building with at least one front door entrance facing the multi-use path; or
 - (5) Located in the former PNC Bank building located on Block 29, Lot 2.
- F. Bowling alleys, billiards, and electronic or mechanical games, provided the following condition is met:
- (1) There is a full-service restaurant on the premises, where 30% or more of the total volume of sales for the business is food and beverage served to the public for consumption on the premises. A full-service restaurant in this context is defined as a food and beverage establishment with a broad menu and a wait staff providing table service.
- G. The following conditional uses, listed together for efficiency purposes, have the same conditions:
- (1) Offices and professional offices on the street level, other than those listed in §94-33.5B above;
 - (2) Child care centers, primary education facilities, and secondary education facilities on the street level;
 - (3) Post-secondary education facilities (including colleges, technical training schools, and community colleges, nursing schools and classes for same) on the street level;
 - (4) Conference centers, meeting space, and banquet facilities;
- Provided the following conditions are met:
- (a) Located along East Chestnut Avenue, with at least one front door entrance facing the multi-use path; or
 - (b) Located in the former PNC Bank building on Block 29, Lot 2; or
 - (c) Located in the existing office building on Block 29, Lot 16; or
 - (d) Located elsewhere on the street level, provided the portion of the building façade facing a public right of way or pedestrian-oriented civic area is occupied with a permitted use.
- H. Nothing in this section eliminates the applicant's responsibility for meeting all other requirements of the land development ordinances, including site plan review standards and performance assurances.
- C. **Prohibited Uses**

Article VIII, B-1 Central Business District, of the Zoning Ordinance shall be amended to create a new section as follows:

§94-33.7 Prohibited Uses – Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone)

Prohibited uses shall be as follows:

- A. Tattooing; Body Piercing;
- B. Retail service businesses whose service includes any type of massage (excepting yoga studios, physical therapy uses, and certified ayurvedic healing operations that are licensed and regulated by the New Jersey Board of Massage and Body Work, pursuant to the provisions of NJSA §45:11-53 et seq. and §45:11-68 et seq., which are expressly permitted in this district);
- C. Boarding homes and community residential homes;
- D. Gas stations;
- E. Self-storage facilities;
- F. Automobile sales, service, repair;
- G. Detached single-family dwellings;
- H. Industrial Uses;
- I. Sexually-oriented businesses, as that term is defined in NJSA 2C:33-12.2;

- J. Retail and/or wholesale businesses whose sales include any type of firearm, including, but not limited to: handguns, rifles, ammunition, and the like.

D. Area and Yard Requirements

Article VIII, B-1 Central Business District, §94-34, Area and Yard Requirements, shall be amended to add the following sub-section.

- E. There shall be a minimum required building setback of five (5) feet from the property line of Block 61, Lot 4 in the Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone).

E. Building Height

Article IV, §94-19, Schedule of District Regulations, shall be amended to reflect the Principal building height in the Downtown Redevelopment Zone to be no greater than 48 feet in height, and no greater than 3 stories, as set forth in Ordinance 08-08. Only Borough Council has jurisdiction to amend the maximum building height.

F. Parking Standards

Article IX, Off-Street Parking Regulations, of the Zoning Ordinance shall be amended to create a new section as follows:

§94-53.1 Parking Schedule for the Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone)

A. Residential

Apartments or Condominiums

Studio:	1 parking space per unit
One Bedroom:	1 parking space per unit
Two Bedrooms:	1.5 parking spaces per unit
Three Bedrooms or more:	2 parking spaces per unit
Senior:	.5 parking space per unit
All other Residential Uses:	2 parking spaces per unit

B. Non-Residential

Non-Residential Uses: 3 parking spaces per 1,000 GFA.

C. Shared Parking

Applicants may reduce the total amount of parking required, by demonstrating at the time of site plan review that the off-set parking demand patterns of proposed uses will reduce the total amount of parking demand.

G. Jurisdiction for Variances

Article VIII, B-1 Central Business District of the Zoning Ordinance shall be amended to create a new section as follows:

§94-36.2 Jurisdiction for Variances in the Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone)

The Joint Land Use Board maintains its typical jurisdiction to grant variances from permitted uses, conditional uses, prohibited uses, area and yard requirements, and parking standards (other than building height) in accordance with the Municipal Land Use Law, with one exception. Only Borough Council has jurisdiction to alter the maximum building height. This section purposely amends the original Redevelopment Plan adopted in 2004 that required all changes to be approved by both the Borough Council and the Joint Land Use Board, or their designees.¹

H. Design Standards

The purpose of establishing criteria for architectural design and exterior treatment of buildings is to ensure quality construction that contributes to the community image of permanence and visual aesthetics that harmonize with the historic character and pedestrian-orientation of the Downtown. Article VIII, B-1 Central Business District, of the Zoning Ordinance shall be amended to create a new section as follows:

§94-36.1 Building and Architectural Design Standards for Downtown Redevelopment Zone (formerly Town Centre East Redevelopment Zone).

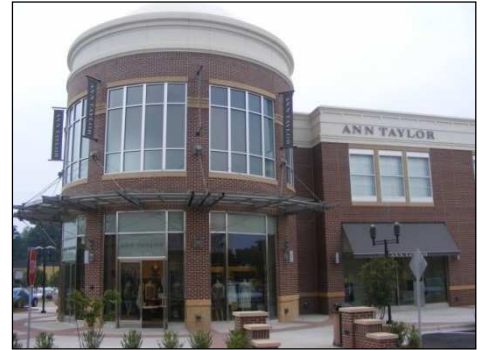
A. Building Placement

Placement of buildings shall reinforce pedestrian character and enhance street level activity.

¹ 2004 Redevelopment Plan at p. 16.

B. Building Orientation

Front facades of buildings shall be oriented, and shall relate both functionally and visually, towards streets and pedestrian-oriented civic areas. All ‘first-impression’ entrances abutting the public right of way to the piazza or pedestrian promenade shall be accentuated with distinctive architectural features.



C. Building Materials

1. Permitted Materials. The following primary building façade materials are permitted up to 100% of the building facade: brick, natural stone masonry, horizontal wood or cementitious clapboard. The following secondary or façade materials are permitted up to 50% of the building facade: vinyl or aluminum siding on upper floors, and smooth or subtle textured stucco. The following accent materials are permitted up to 15% of the building façade: tiles, metal (for beams, lintels, trim elements, ornaments). A variety of buildings using a variety of building materials is desired.
2. Prohibited Materials. The following building façade materials are prohibited: concrete block, faux-etched brick or textured stucco that mimics the rectangular pattern of brick masonry, highly textured stucco surfaces, glass block, mirror or metalized reflective glass, plywood, or unfinished wood. Materials that are inconsistent with the chosen architectural style are inappropriate, i.e. a Victorian style building that utilizes textured stucco.

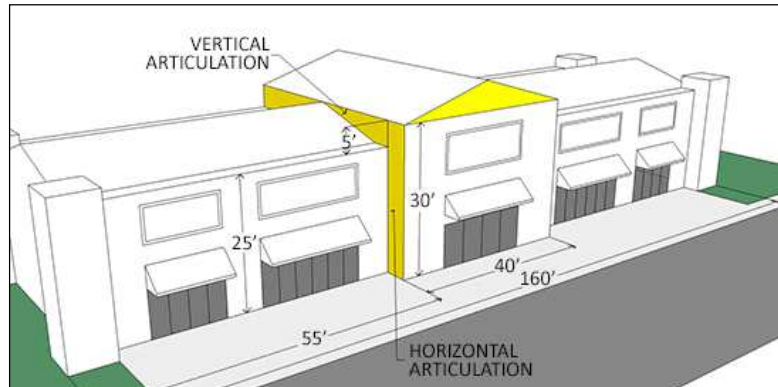
D. Walls and Windows

1. Street Level Requirements. Ground floor front facades shall comprise a minimum of 50 percent clear window area, with windows providing views of display areas of the inside of the building. These ground floor windows shall begin between 12 to 24 inches above ground level and shall end below 86 inches above ground level.
2. Prohibited. Smoked, reflective, or black glass in windows is prohibited.
3. Architectural Treatments Required. Walls or portions of walls where windows are not provided shall have architectural treatments designed to break up the bulk of the wall, including at least four of the following treatments: concrete or masonry plinth at the base of the wall; belt courses of a different texture or color; projecting cornice; projecting metal canopy; decorative tilework; trellis containing planting; medallions; sign band; artwork; vertical/ horizontal articulation of the facade; lighting fixtures; awnings; overhangs; or a similar architectural element not listed above.
4. Blank Walls Prohibited. Blank walls shall not be permitted along any exterior which are highly visible from a street or pedestrian-oriented civic area (i.e., piazza or pedestrian promenade). Sides or rear facades of buildings that are visible to a parking lot or the street shall comprise a minimum of 25 percent window area, with windows interspersed across the façade. Rear and side facades shall have colors and materials that are similar to the front façade.



E. Building Mass and Human Scale

1. **Human Scale.** Building facades should provide architectural elements and proportion that relate to the human scale of the desired pedestrian environment of the downtown.
2. **Large buildings.** Large buildings shall be divided by architectural features into distinct modules, such as 20 to 25 feet (the typical width of a single storefront), to give the appearance of a collection of smaller buildings and additions. A large, monotonous building mass is prohibited. Features shall be used to break down the scale of a building and add architectural interest, including, but not limited to: vertical and horizontal articulation, first-floor windows and awnings, etc. See Architectural Treatments Required Above.



2. **Long Continuous Façade Prohibited.** Buildings must have at least a 2 foot break in depth in all front facades for every fifty-five (55) feet of continuous façade. Such breaks may be met through the use of porches, porticos, building extensions, building recesses, balconies, towers, and other architectural treatments.

F. Roofs

1. **Screen Utilities.** Buildings shall use parapets or minimum pitch of 6:12 roof styles to conceal flat roofs, elevator and stair shafts, large vents, and rooftop equipment such as HVAC units along all roof edges.
2. **Roof Design.** It is not appropriate to use a roof size, shape, or slope that is not typically seen in the downtown. However, flat roofs with a false mansard style shall not be replicated.

G. Loading, and Utilitarian Needs

1. **Location.** Loading doors, service doors, and loading areas shall not be located in any façade facing a street.
2. **Screening.** All loading docks and permanent outdoor solid waste receptacles shall be screened by a fence, brick wall, landscaping, and/or a combination thereof. In no case shall the solid waste receptacle be visible.
3. **Common Service Area.** When multiple commercial uses are planned, loading and delivery receivable areas shall be consolidated into common service areas located to the side or rear of the buildings.
4. **Hours of Truck Deliveries.** There shall be no truck deliveries between the hours of 12am and 6am within fifty (50) feet of a residential use.

H. Surface Parking lots

1. **Buffer Requirements.** Parking lots visible from a street or the multi-use path shall have a landscape buffer for the purpose of shielding headlights. The maximum shrub height is 3 ½ feet.
2. **Location.** Surface parking shall not be located in front of a building (i.e., no suburban-style parking lots). Parking shall be located to the side and rear of buildings.
3. **Cross Easements.** Each lot shall have cross access easements for its parking areas and access driveways guaranteeing access to adjacent lots within the Redevelopment Area. Interconnections shall be logically placed and easily identifiable to ensure convenient traffic flow.

I. Structured Parking Garage

1. First Floor Design Requirements. If a structured parking garage is planned in the Redevelopment Area, it shall be permitted where at least 70% of the first floor street elevation of the structured parking facility is occupied with permitted uses facing the street. It shall have design treatments such as colonnades, awnings, landscaping, street furniture, and other public amenities to create the appearance of an occupied building. Blank walls are not permitted.
 2. Upper Floor Design Requirements. Cars shall be generally visually screened from the street through features such as grills, lattices, mock windows, louvers, false facades, etc. Such screening shall be in keeping with the rest of the building's architectural style and materials.
- J. Piazza /Pedestrian Promenade Area (“Pedestrian-Oriented Civic Area”)**
1. Focal point of Redevelopment Area. It is envisioned that a pedestrian-oriented civic area will be the central organizing feature of the Redevelopment Area to create a vibrant central social district. It shall be designed for usable, public space with restaurant outdoor seating as a focal point within the Redevelopment Area, predominantly surrounded by the front facades of buildings.
 2. Public Access. Public access shall be guaranteed to the pedestrian-oriented civic area through a deed restriction, public access easement, or other means acceptable to the municipal governing body and shall be recorded prior to occupancy. Public access to the pedestrian-oriented civic area shall be as easy and straightforward as possible.
 3. Size. The pedestrian-oriented civic area should be in the order of 10,000 – 12,000 square feet.
 4. Design Amenities. The pedestrian-oriented civic area shall include a defining central element, such as a dancing fountain, outdoor stage, or other approved amenity. It shall also be improved with a variety of other amenities, such as sculptures, public art, shade trees, pedestrian-scale lighting, accent lighting, benches, decorative café-style lights, trellises, and/or other features to help provide a sense of place. Decorative bollards shall be installed at the entrance of the pedestrian-oriented civic area along East Park Avenue for pedestrian safety. These improvements shall be provided in locations and amounts that are acceptable to the Joint Land Use Board. If the Borough is intended to take ownership and/or maintenance responsibilities of these design amenities, Borough Council approval shall also be required.
 5. Surface Materials: Approximately 10% of the pedestrian-oriented civic area shall be landscaped with trees, shrubs, and decorative landscape planters or plantings with year round interest. All pedestrian spaces shall incorporate special paving, such as colored/stained and sealed concrete, stamped concrete, stone blend mixture, brick or other unit paver, slate, or similar high quality materials.
 6. Vehicular traffic prohibited. The pedestrian-oriented civic area shall not be used for parking, loading, or vehicular access, during business hours, except emergency and maintenance vehicular access.
- K. Outdoor Dining Standards**
1. Pedestrian Safety. Outdoor dining space shall not impede pedestrian traffic flow. A minimum unobstructed pathway of three feet shall be maintained around the outdoor seating area. There shall be adequate space to ensure handicapped accessibility and to permit the movement of patrons and wait staff.
 2. Furniture. Table and chairs shall not be plastic. All chairs within an establishment's seating area must match each other by being similar design, construction, and color. Umbrellas shall not have advertising on them, except for the name or logo of the establishment.
 3. Dining Barriers. Dining barriers are not required to define a restaurant establishment's outdoor dining space. However, if they are utilized, they shall meet the following standards.
 - a. Material. Dining barriers can be either metal decorative fences or landscaped planters. No chain-link fences, cyclone fencing, or chicken wire is permitted. Barriers must be freestanding without any permanent attachment to buildings, sidewalks, or infrastructure,



unless located on private property. Decorative fences must be a dark color metal (aluminum, steel, iron, or similar).

- b. Height. Dining barriers must be a minimum of 3' high, but no higher than 4' high. All dining barriers must be detectable to visually impaired pedestrians who employ a cane for guidance. For landscaped planters, the planters may not exceed 3' above the sidewalk and the plant material may not exceed 8' above the sidewalk.
 - c. Condition. All material must be kept in good condition, without visible fading, dents, tears, rust, corrosion, or chipped, peeling paint. All landscaped planters must have living plant materials contained in them. Artificial plants are not permitted. Dead plants in the container must be replaced.
4. Accessibility Requirements. If any of the standards above are found to be inconsistent with the requirements of the Americans with Disabilities Act, or the State Building Code, the ADA or building code shall control.

L. Sidewalks

There shall be a minimum sidewalk width of 8 feet along all street frontages with retail, restaurant, and related uses. Sidewalks with a minimum width of 5 feet are required along all street frontages with other uses. Sidewalks are required to connect the street frontage to all front building entrances, parking areas, plazas, and any other destination that generates pedestrian traffic. Sidewalks shall connect to existing sidewalks on abutting tracts and other nearby pedestrian destination points, such as the multi-use path.

M. Lighting

Any development activity that proposes outdoor illumination shall include a detailed outdoor illumination plan. The outdoor illumination plan shall, at a minimum, include lighting fixture cut sheets for all exterior lighting fixtures such as: type of unit, color of unit, wattage of unit, lumen output of unit, the cut-off classification of the unit, pole specification, proposed pole height (including base), as well as a photometric (foot-candle) site plan that shows typical foot-candle contours. The following standards shall be met:

1. Pole Height. Pedestrian-pole light height shall be consistent with the pole height of other pedestrian-oriented lights located elsewhere in the downtown. The maximum pole height for parking lot illumination shall be 24' high.
2. Luminaire Style. The luminaire style shall reflect the traditional early-1900s style to coordinate with the acorn lighting fixtures that are currently located elsewhere in the downtown.
3. Light Levels. The minimum light level within any portion of a property, other than single-family residential, which is intended to be utilized by residents, employees, customers or visitors shall be maintained at 0.50 foot candles. The recommended foot candles for parking areas is 1.0.
4. Layout. The layout of outdoor lighting fixtures shall be designed so that the poles do not interfere with other elements of the site plan such as trees, landscaping, or parking. In general, poles shall be kept at least twenty feet (20') away from the trunk of any large maturing tree and at least ten feet (10') away from any small maturing tree, or the tree's root protection zone, whichever is greater.
5. Minimize Glare and Pollution. Outdoor lighting fixtures shall be designed to minimize glare, light trespass and light pollution to the extent possible while maintaining nighttime safety and security.

N. Street Trees

A minimum of one tree for every 30 linear feet of street frontage(s) shall be required. Trees shall be planted at regular intervals, but the spacing may be adjusted due to the location of utility poles and/or driveways, as approved by the Joint Land Use Board. The species and mix of trees shall be approved by the Shade Tree Commission. The minimum planting size shall be 2.5 inches caliper for trees, balled and burlapped. At least 25 square feet of planting area shall be available for each tree.

O. Sustainability

New buildings and major renovations to existing buildings are encouraged to meet LEED certification. LEED is an acronym for Leadership in Energy and Environmental Design, which is a voluntary, nationally recognized third-party certification system for green building projects created and maintained by the U.S. Green Building Council (USGBC). Green strategies reduce developments' impact on the environment, provide health and productivity benefits, all well as cost savings over time.

P. Jurisdiction for Design Standard Waivers

Any deviation from a design standard shall require a waiver by the Joint Land Use Board from the specific design standard. A waiver shall only be granted where the benefits of granting the waiver outweigh the detriments of requiring the standard to be implemented and where the waiver will not impair the overall intent and purpose of the Redevelopment Plan. This amends the original Redevelopment Plan adopted in 2004 that required all design changes to be approved by both the Borough Council and the Joint Land Use Board, or their designees.²

Historic Preservation Commission (HPC) review shall be in accordance with Article VIII B, Historic Preservation Commission of the Zoning Ordinance. Where both Joint Land Use Board and Historic Preservation Commission approval is required, all reasonable efforts should be made to hold a joint HPC and JLUB meeting in order to efficiently review applications in the Redevelopment Area.

Article III. Codification. If codification reveals there is a conflict between the foregoing section numbers and/or letters and the existing code, the Borough Clerk is authorized to organizationally change the section numbers and/or letters in order to avoid confusion in the code.

Article III. Inconsistency. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistencies and should any section, clause, sentence, phrase or provision of any item in this ordinance be declared unconstitutional or invalid by a Court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

Article IV. Public Inspection. A copy of this Ordinance and the Redevelopment Plan Amendment shall be available for public inspection at the office of the Borough Clerk during regular business hours.

Article V. Effective Date. This Ordinance shall take effect upon final passage and publication in accordance with the laws of the State of New Jersey and upon the filing of same with the Camden County Planning Board as required by N.J.S.A. 40:55D-16.

Ordinances for introduction on first reading. These Ordinances will be considered for adoption at the public hearing to be held during the April 2th Caucus meeting.

On a motion of Mr. Sperrazza and second of Mr. McLoone (Mr. Perno recused himself), council approved the introduction of the following Ordinances.

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

² 2004 Redevelopment Plan at p. 16.

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.

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.

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.

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

R16-66

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.

CURRENT FUND		REVENUE	BUDGET
CHECKS CURRENT FUND	2015 BUDGET		\$ 469.13
	2016 BUDGET		\$ 95,665.35
	GRANTS		\$ 539.49
	PFRS		
	PERS		
	DEBT SERVICE		\$4,663.74
	BOARD OF		
	EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS	3/18/16-4/1/16		\$
PAYROLL			133,564.80
WIRES / MANUAL			\$
CHECKS			4,972.51
TOTAL CURRENT		\$	\$
		-	239,875.02

SEWER UTILITY

CHECKS SEWER FUND	2015 BUDGET		
	2016 BUDGET		\$ 2,704.00
	DEBT SERVICE		
WIRE TRANSFERS	3/18/16-4/1/16		\$
PAYROLL			1,706.47
WIRE NJEIT LOAN			

WIRES /MANUAL CHECKS			
	TOTAL SEWER	\$	\$
		-	4,410.47
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			\$
			23,981.04
MANUAL CHECK			\$
			20,325.00
WIRE TRANSFERS	3/18/16-4/1/16		
PAYROLL			
	TOTAL CAPITAL	\$	\$
		-	44,306.04
TRUST FUND			
CHECK TRUST OTHER FUND			\$
			6,582.99
WIRE TRANSFERS	3/18/16-4/1/16		\$
PAYROLL			6,454.84
WIRES / MANUAL CHECKS			
	TOTAL TRUST	\$	\$
		-	13,037.83
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			\$
			759.00
MANUAL CHECKS			
WIRE TRANSFERS	3/18/16-4/1/16		
PAYROLL			
	TOTAL SEWER CAPITAL	\$	\$
		-	759.00
ANIMAL TRUST FUND			
ANIMAL TRUST CHECK			\$
			91.80
	TOTAL ANIMAL TRUST	\$	\$
		-	91.80
TOTAL BILL LIST & MANUAL CHECKS/WIRE			
		\$	\$
		-	302,480.16
	GRAND TOTAL		\$
			302,480.16

ANNOUNCEMENTS

See Click Fix-kick off meeting
 Sapling give away April 18th
 Clean up day, April 30th
 Public Events Schedule

ADJOURNMENT: On the motion of Mr. Perno and second of Mr. McLoone the meeting was adjourned at 8:51 P.M.

Denise Brouse, Borough Clerk