

Merchantville, NJ December 12, 2016

A regular meeting of Borough Council was held at 7:30 PM, Monday, December 12, 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, Grasso, Sperrazza, McLoone and Perno. Attorney Higgins, Clerk Brouse, CFO Moules were present.

PUBLIC-Pat Guarra-Montessori School, Centre and Walnut-Detective Morrone gave good information regarding safety of school, we have 42 students enrolled at this time. Green space is limited in our area, therefore, we walk to Community Center. Bathroom accommodations have been an issue. Request use of bathroom, Monday-Friday 12:00-1:30. Key fob-responsible charge-clean up area, use of facility form.

Mr. Perno and Mr. McLoone will work with Mr. Leisse on grants available.

PUBLIC HEARING ON ORDINANCE (for second reading and adoption)
16-17 Adding Article IV to Chapter 60B

ADOPT ORDINANCE 16-17 Adding Article IV to Chapter 60B -On a motion of Mr. Grasso and second of Mr. Perno, Council adopted the following ordinance.

16-17

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ADDING ARTICLE IV, REGISTRATION OF DEFAULTED MORTGAGE PROPERTY, TO CHAPTER 60B, PROPERTY MAINTENANCE, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

WHEREAS, the Borough Council of the Borough of Merchantville desires to protect the public health, safety and welfare of the citizens of the Borough of Merchantville and maintain a high quality of life for the citizens of the Borough through the maintenance of structures and properties in the Borough; and

WHEREAS, properties that are neglected and have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, the continued mortgage foreclosure rates have serious negative implications for all communities trying to manage the consequences of properties that have defaulted mortgages, are in the foreclosure process, foreclosed upon and/or mortgagee owned; and

WHEREAS, properties with defaulted mortgages that are neglected and have unsecured, accessible structures have a negative impact on community value, create conditions that invite criminal activity, and foster an unsafe and unhealthy environment for children; and

WHEREAS, often times, the foreclosing party or property owners are often out of state, and there is no local contact for such a property, which makes it difficult to notice the proper party of the violations of the Borough Code, and to maintain the requisite level of maintenance and security on such structures or lots; and

WHEREAS, the Borough Council recognizes there are a large number of properties with defaulted mortgages and subject to foreclosure action or foreclosed upon, (hereinafter referred to as "registrable properties") located throughout the Borough which lead to a decline in property value, create nuisances and lead to a general decrease in neighborhood and community aesthetic; and

WHEREAS, the Borough Council has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

WHEREAS, the Borough Council recognizes in the best interest of the public health, safety and welfare a more regulated method is needed to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Borough Council has a vested interest in protecting neighborhoods against decay caused by registrable property and concludes that it is in the best interests of the health, safety, and welfare of its citizens and residents to impose registration requirements of registrable property located within the Borough to discourage registrable property owners and mortgagees from allowing their properties to be abandoned, neglected or left unsupervised; and

WHEREAS, the Borough Council desires to amend the Borough's code in order to establish a property registration process that will identify multiple parties responsible to address safety and aesthetic concerns to minimize the negative impact and conditions that occur as a result of vacancy, absentee ownership and the foreclosure process; and

WHEREAS, the Borough Council finds that the implementation of the following changes and additions will assist the Borough in protecting neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership and lack of compliance with existing Municipal regulations and laws.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey, that Article IV, Registration of Defaulted Mortgage Property, is hereby added in Chapter 60B, Property Maintenance, in the Code of the Borough of Merchantville, as follows:

Article IV. Registration of Defaulted Mortgage Property

ARTICLE I. ARTICLE IV. SECTION 60B-24 Purpose and Intent.

It is the purpose and intent of the Borough Council to establish a process to address the deterioration, crime and decline in value of the neighborhoods of the Borough of Merchantville caused by property with defaulted mortgages located within the Borough, and to identify, regulate, limit and reduce the number of these properties located within the Borough. It is the Borough Council's further intent to establish a registration requirement as a mechanism to protect neighborhoods from the negative impact and conditions that occur as a result of vacancy, absentee ownership, lack of adequate maintenance and security and will provide a method to expeditiously identify multiple parties and their contact person(s) for each property responsible for this protection.

ARTICLE II. ARTICLE IV. SECTION 60B-25 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Registrable Property - any real property located in the Borough, whether vacant or occupied, that is encumbered by a mortgage in default, is subject to an ongoing foreclosure action by the Mortgagee or Trustee, is subject to an application for a tax deed or pending tax assessor's lien sale, or has been the subject of a foreclosure sale where the title was transferred to the beneficiary of a mortgage involved in the foreclosure and any properties transferred under a deed in lieu of foreclosure/sale. The designation of a "default/foreclosure" property as "registrable" shall remain in place until such time as the property is sold to a non-related bona fide purchaser in an arm's length transaction or the foreclosure action has been dismissed and any default on the mortgage has been cured.

Accessible Property/Structure – any property that is accessible through a comprised/breached gate, fence, wall, etc., or a structure that is unsecured and/or breached in such a way as to allow access to the interior space by unauthorized persons.

Semi-Annual Registration - shall mean 6 months from the date of the first action that required registration, as determined by the Borough, or its designee, and every subsequent 6 months. The date of the initial registration may be different than the date of the first action that required registration.

Applicable Codes – shall include, but not be limited to, the Borough’s Zoning Code, the Borough’s Property Maintenance Code, Trash Ordinance, Residential and Commercial Recycling Ordinance, and the State Building, Construction and Fire Codes.

Blighted Property – shall be defined as follows:

- a) Properties that have broken or severely damaged windows, doors, walls, or roofs which create hazardous conditions and encourage trespassing; or
- b) Properties whose maintenance is not in conformance with the maintenance of other neighboring properties causing a decrease in value of the neighboring properties; or
- c) Properties cited for a public nuisance pursuant to the Borough Codes; or
- d) Properties that endanger the public’s health, safety, or welfare because the properties or improvements thereon are dilapidated, deteriorated, or violate minimum health and safety standards or lacks maintenance as required by the applicable codes.

Enforcement Officer – any Law Enforcement Officer, Building Official, Zoning Inspector, Code Enforcement Officer, Fire Inspector of Building Inspector, or other person authorized by the Borough to enforce the applicable code(s).

Default - that the mortgagor has not complied with the terms of the mortgage on the property, or the promissory note, or other evidence of the debt, referred to in the mortgage.

Evidence of vacancy - any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions may include, but are not limited to: overgrown and/or dead vegetation; past due utility notices and/or disconnected utilities; accumulation of trash junk or debris; abandoned vehicles auto parts or materials; the absence of furnishings and/or personal items consistent with habitation or occupancy; the presence of an unsanitary, stagnant swimming pool; the accumulation of newspapers, circulars, flyers and/or mail, or statements by neighbors, passers-by, delivery agents or government agents; or the presence of boards or other coverings over doors, windows or other openings in violation of applicable code.

Foreclosure - the legal process by which a mortgagee, or other lien holder, terminates a property owner's equitable right of redemption to obtain legal and equitable title to the real property pledged as security for a debt or the real property subject to the lien. This definition shall include, but is not limited to, public notice of default, a deed-in-lieu of foreclosure, sale to the mortgagee or lien holder, certificate of title and all other processes, activities and actions, by whatever name, associated with the described process. The process is not concluded until the property obtained by the mortgagee, lien holder, or their designee, by certificate of title, or any other means, is sold to a non-related bona fide purchaser in an arm’s length transaction to satisfy the debt or lien

Local Property Management Company – a property manager, property management company or similar entity responsible for the maintenance and security of registrable real property within 20 driving miles of the Borough limits. Upon review of credentials the Borough, or its designee, may allow a non-local property manager to be listed.

Mortgagee - the creditor, including but not limited to, trustees; mortgage service companies; lenders in a mortgage agreement; any agent, servant, or employee of the creditor; any successor in interest; or any assignee of the creditor’s rights, interests or obligations under the mortgage agreement.

Owner – any person, firm, corporation or other legal entity who, individually or jointly or severally with others, holds the legal or beneficial title to any building, facilities, equipment or premises subject to the provisions of this chapter.

Property Management Company – a local property manager, property maintenance company or similar entity responsible for the maintenance of registrable real property.

Real Property - any improved residential or commercial land, buildings, leasehold improvements and anything affixed to the land, or portion thereof identified by a property parcel identification number, located in the Borough limits. Developed lots are considered improved land.

Rental Property – any property that contains a single-family rental dwelling unit or multi-family rental dwelling units for use by residential tenants, including but not limited to, the following: mobile homes,

mobile home spaces, town homes and condominium unit(s). A rental dwelling unit includes property that is provided to an individual or entity for residential purposes upon payment of rent or any other consideration in lieu of rent, regardless of relationship between lessor and lessee

Vacant – any parcel of land in the Borough that contains any building or structure that is not lawfully occupied or inhabited by human beings as evidenced by the conditions set forth in the definition of "Evidence of Vacancy" above which is without lawful tenant, or lawful occupant or without a certificate of occupancy.

ARTICLE III. ARTICLE IV. SECTION 60B-26 Applicability.

The sections of this Article shall be considered cumulative and not superseding or subject to any other law or provision for same, but rather be an additional remedy available to the Borough above and beyond any other State, County, or Borough provisions for same.

ARTICLE IV. ARTICLE IV. SECTION 60B-27 Establishment of Registry.

Pursuant to the provisions of Section 60B-28 of this Article, the Borough, or its designee, shall establish a registry cataloging each Registrable Property within the Borough, containing the information required by this Article.

ARTICLE V. ARTICLE IV. SECTION 60B-28 Registration of Defaulted Mortgage Real Property.

A. Any Mortgagee who holds a mortgage on real property located within the Borough shall perform an inspection of the property to determine vacancy or occupancy, upon default by the mortgagor. The Mortgagee shall, within ten (10) days of the inspection, register the property with the Code Enforcement Officer, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is found to be vacant or occupied.

B. Registration pursuant to this section shall contain the name, direct mailing address, a direct contact name, telephone number, and e-mail address for the Mortgagee/Trustee, and the Servicer, and the name and twenty-four (24) hour contact phone number of the local property management company responsible for the security and maintenance of the property who has the authority to make decisions concerning the abatement of nuisance conditions at the property, as well as any expenditure in connection therewith.

C. Mortgagees who have existing registrable property on the effective date of this ordinance have 30 calendar days from the effective date to register the property with the Code Enforcement Officer, or its designee, on forms or other manner as directed, and indicate whether the property is vacant or occupied. A separate registration is required for each property, whether it is vacant or occupied.

D. If the mortgage on a registrable property is sold or transferred, the new Mortgagee is subject to all the terms of this Article and, within 5 days of the transfer, must register the property and pay a registration fee in accordance with this Article. Any previous unpaid semi-annual registration fees are the responsibility of the new Mortgagee or Trustee and are due and payable with their initial registration.

E. If the Mortgagee owner of a foreclosed real property sells or transfers the property to a non-arm's length related person or entity, the transferee is subject to all the terms of this Article and within 5 days of the transfer register the property and pay a registration fee in accordance with this Article. Any previous unpaid semi-annual registration fees are the responsibility of the new Registrable property owner and are due and payable with their initial registration.

F. As long as the property is Registrable it shall be inspected by the Mortgagee, or designee, monthly. If an inspection shows a change in the property's occupancy status the mortgagee shall, within ten (10) days of that inspection, update the occupancy status of the property registration.

G. A non-refundable semi-annual registration fee established by resolution by the Borough Council, shall accompany each registration pursuant to this section.

H. All registration fees must be paid directly from the Mortgagee, Trustee, Servicer, or Owner. Third Party Registration fees are not allowed without the consent of the Borough and/or its authorized designee.

I. Properties subject to this section shall remain under the semi-annual registration requirement, and the inspection, security and maintenance standards of this section as long as they are registrable.

J. Until the mortgage or lien on the property in question is satisfied, or legally discharged, the desire to no longer pursue foreclosure, the filing of a dismissal of Lis Pendens and/or summary of final judgment and/or certificate of title, voluntary or otherwise, does not exempt any Mortgagee holding the defaulted mortgage, from all the requirements of this article as long as the borrower is in default.

K. Any person or legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.

L. Failure of the Mortgagee to properly register or to modify the registration form from time to time to reflect a change of circumstances as required by this article is a violation of the article and shall be subject to enforcement and any resulting monetary penalties.

M. Pursuant to any administrative or judicial finding and determination that any property is in violation of this article, the Borough may take the necessary action to ensure compliance with and place a lien on the property for the cost of the work performed to benefit the property and bring it into compliance.

ARTICLE VI. ARTICLE IV. SECTION 60B-29 Maintenance Requirements

A. Properties subject to this chapter shall be kept free of weeds, overgrown brush, dead vegetation, trash, junk, debris, building materials, any accumulation of newspaper circulars, flyers, notices, except those required by federal, state or local law, discarded personal items including, but not limited to, furniture, clothing, large and small appliances, printed material or any other items that give the appearance that the property is abandoned.

B. The property shall be maintained free of graffiti or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior structure.

C. Front, side, and rear yards, including landscaping, shall be maintained in accordance with the applicable code(s) at the time registration was required.

D. Yard maintenance shall include, but not be limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Acceptable maintenance of yards and/or landscape shall not include weeds, gravel, broken concrete, asphalt or similar material.

E. Maintenance shall include, but not be limited to, watering, irrigation, cutting and mowing of required ground cover or landscape and removal of all trimmings.

F. Pools and spas shall be maintained so the water remains free and clear of pollutants and debris and shall comply with the regulations set forth in the applicable code(s).

G. Failure of the mortgagee and/or owner to properly maintain the property may result in a violation of the applicable code(s) and issuance of a citation or Notice of Violation in accordance with the applicable code of the Borough. Pursuant to a finding and determination by the Borough's Code Enforcement Borough Council, Special Magistrate or Hearing Officer, or a court of competent jurisdiction, the Borough may take the necessary action to ensure compliance with this section.

H. In addition to the above, the property is required to be maintained in accordance with the applicable code(s) of the Borough.

ARTICLE VII. ARTICLE IV. SECTION 60B-30 Security Requirements.

A. Properties subject to these Sections shall be maintained in a secure manner so as not to be accessible to unauthorized persons.

B. A "secure manner" shall include, but not be limited to, the closure and locking of windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure. Broken windows, doors, gates and other openings of such size that may allow a child to access the interior of the property or structure must be repaired. Broken windows shall be secured by re-glazing of the window.

C. If a property is registrable, and the property has become vacant or blighted, a local property manager shall be designated by the Mortgagee or Owner to perform the work necessary to bring the property into compliance with the applicable code(s), and the property manager must perform regular inspections to verify compliance with the requirements of this article, and any other applicable laws.

ARTICLE VIII. ARTICLE IV. SECTION 60B-31 Public Nuisance.

All registrable property is hereby declared to be a public nuisance, the abatement of which pursuant to the police power is hereby declared to be necessary for the health, welfare and safety of the residents of the Borough.

ARTICLE IX. ARTICLE IV. SECTION 60B-32 Inspections for Violations

Adherence to this article does not relieve any person, legal entity or agent from any other obligations set forth in any applicable code(s), which may apply to the property.

ARTICLE X. ARTICLE IV. SECTION 60B-33 Additional Authority.

A. If the Code Enforcement Officer has reason to believe that a property subject to the provisions of this article is posing a serious threat to the public health, safety and welfare, the code enforcement officer may temporarily secure the property at the expense of the mortgagee or Owner, and may bring the violations before the applicable hearing officer as soon as possible to address the conditions of the property.

B. The Code Enforcement Officer shall have the authority to require the Mortgagee or Owner affected by this section, to implement additional maintenance and/or security measures including, but not limited to, securing any and all doors, windows or other openings, employment of an on-site security guard or other measures as may be reasonably required to help prevent further decline of the property.

C. If there is a finding that the condition of the property is posing a serious threat to the public health, safety and welfare, then the Borough, in its discretion, may abate the violations and charge the Mortgagee or Owner with the cost of the abatement.

D. If the Mortgagee or Owner does not reimburse the Borough for the cost of temporarily securing the property, or of any abatement directed by the Code Enforcement Officer or Court, within thirty (30) days of the Borough sending the Mortgagee or Owner the invoice then the Borough may lien the property with such cost, along with an administrative fee as determined in the Borough's fee ordinance to recover the administrative personnel services. In addition to filing a lien the Borough can pursue financial penalties against the Mortgagee or Owner.

ARTICLE XI. ARTICLE IV. SECTION 60B-34 Immunity of Enforcement Officer.

The Code Enforcement Officer or any person authorized by the Borough to enforce the sections here within shall be immune from prosecution, civil or criminal, for reasonable, good faith entry upon real property while in the discharge of duties imposed by this article.

ARTICLE XII. ARTICLE IV. SECTION 60B-35 Enforcement; Penalties.

A. Enforcement: the requirements of this Article may be enforced as follows:

1) Any person who violates any provision of this Article shall, upon conviction, be subject to one or more of the following: a fine not exceeding two thousand dollars (\$2,000.); and/or imprisonment for a term not exceeding ninety (90) days; and/or a period of community service not exceeding ninety (90) days.

2) By an action for injunctive relief, civil penalties, or both, through a court of competent jurisdiction;

3) By condemnation and demolition pursuant to Title 20 of the New Jersey Statutes, or by the nuisance abatement process;

4) By revocation or temporary suspension of necessary permits and/or certificates or occupancy;

5) By any other process permitted at law or equity; and

6) Use of any one of the enforcement process or theory does not preclude the Borough from seeking the same, different, or additional relief through other enforcement methods.

B. Separate offenses. A violation of this ordinance shall constitute a separate offense for each day it shall continue or recur. Each condition which exists in violation of this ordinance is a separate violation.

1) Each day a property remains unregistered when required to be registered by this ordinance is a separate offense for each day it shall continue or recur.

2) Each day a property is not inspected as required by this ordinance is a separate offense.

3) Each day a property is not secured as required by this ordinance is a separate offense.

4) Each day a condition violating the Borough's minimum housing codes or property maintenance codes exists on a property subject to registration under this ordinance is a separate offense.

C. Persons responsible for violations. The Owner, Mortgagee, Trustee or Servicer as those terms are defined in this ordinance, and their duly authorized officers, employees or agents employed in connection therewith who has assisted in the commission of the violation or failed to perform as required by the ordinance shall be guilty of the violation.

ARTICLE XIII.

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

ARTICLE XIV.

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

ENGINEER REPORT-attached

CORRESPONDENCE

COUNCIL REPORTS

Mr. Grasso-Court-\$10,542.37-297 added, 295 disposed. Police-Officer not clear at this time, Truesh and Coffey in training Personal kept up with staff turn over. Meters bagged. Parade-no issues, Russell Avenue-hearing. Correspondence from Merchantville neighbors, Mr. Grasso read, thank you to police. Appreciative of Merchantville Police-Holly Carlin and 3 year old son. Nov 1,445 calls, 189 traffic, 85 parking, 11 ordinance, 12 criminal. Police car-replace detective car possibly. Events-Breakfast w/ Santa around 50-75 kids, more kids than adults. Merchantville Santa for photos. Parade-biggest in many years. Steve Volkert-Shawn Waldron, Eric Benjamin-etc for help.

Mr. Sperrazza-No report.

Mr. McLoone-HPC 6 applications, signage for soul food-Park Place-juice bar, demolition for garage-23 W. Park Avenue. PW Nov-21 tons, 120 tons year, 20 yds leaves 5 see click fix, 4 sewer calls, assisted, clean up day, new dump body

CLERK'S REPORT-Holiday party 12:00, ugly sweater, Visit Santa @ house on weekend, Santa on Fire Truck, December 18th.

OLD BUSINESS

NEW BUSINESS

PROCLAMATION-Detective Steve Morrone Retirement

OATH OF OFFICE-Detective Sergeant Rich Grassia

OATH OF OFFICE-Patrolman John Coffey

APPROVE-Firefighter Erin D. Calderon-On a motion of Mr. Sperrazza and second of Mr. Grasso, council approved Firefighter Erin D. Calderon.

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

R16-150

RESOLUTION CERTIFYING A LIEN AGAINST CERTAIN PROPERTIES FOR COSTS INCURRED BY THE BOROUGH OF MERCHANTVILLE IN ACCORDANCE WITH THE PROPERTY MAINTENANCE CODE

WHEREAS, in accordance with Chapter 3 of the Code of the Borough of Merchantville entitled the "Property Maintenance Code", notice of noncompliance was sent to the below properties,

WHEREAS, said property owners did not comply with said notice and the Merchantville Public Works Department was ordered to abate the violations; and

WHEREAS, it is the desire of this Governing Body, in accordance with Chapter 60B of the Code of the Borough of Merchantville, to certify said costs incurred by the Merchantville Public Works Department as a lien against the properties; in accordance with Chapter 3 of the Code of the Borough of Merchantville.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, that the following lien is hereby certified as against the property as noted in accordance with Chapter 3 of the Code of the Borough of Merchantville:

21 Franklin Ave	\$513.94
148 S Centre St	\$250.00

BE IT FURTHER RESOLVED that the Borough Clerk shall forward a certified copy of this resolution to the owner(s) of the subject property.

BE IT FURTHER RESOLVED that the Tax Collector shall be responsible for collection of the amounts herein certified.

R16-152

A RESOLUTION IN SUPPORT OF SENATE BILL S-2254 AND ASSEMBLY BILL A-3821 WHICH AFFIRMS THE LANGUAGE AND LEGISLATIVE INTENT OF THE FAIR HOUSING ACT

WHEREAS, the (*insert name of municipality*) supports the provision of affordable housing in a reasonable, rational and achievable way, consistent with economic realities and sound planning; and

WHEREAS, pursuant to the March 2015 New Jersey Supreme Court order which transferred oversight of the Fair Housing Act (FHA) to the courts, hundreds of municipalities filed declaratory judgment actions to voluntarily comply with their State imposed affordable housing requirements; and

WHEREAS, in February, the Ocean County Superior Court included a distinct "gap period" analysis retroactively over an additional 16 year period, separate and apart from the normal 10 year present and prospective need; and

WHEREAS, the Appellate Division recently in a unanimous decision overturned the February Ocean County Superior Court decision and held that municipalities are only responsible to address the ten year present and prospective need, not any "gap period" number; and

WHEREAS, the New Jersey Supreme Court has, for the stated purposes of, "*...judicial economy and efficiency based on the large number of actions involved. The Court makes no findings as to the reasonable probability of success on the merits, irreparable harm, or the relative hardship to the parties,*" agreed to hear an appeal of the Appellate Division ruling in late November; and

WHEREAS the Fair Housing Act (FHA) and existing case law, requires that "present and prospective fair share of the housing need in a given region ... shall be computed for a 10-year period." [N.J.S.A. 52:27D-307(c)]; and

WHEREAS, the "gap issue" arises out of the inability of the New Jersey Council on Affordable Housing to promulgate third round regulations from 1999 to the present or make any final determination as to state and regional housing need, as well as constant litigation by certain groups; and

WHEREAS, any retroactive "gap" obligations could have significant and unfunded impacts on municipalities, may double count households under both present and prospective need, and will likely result in forcing municipalities and their property taxpayers to subsidize development; and

WHEREAS, this issue needs a resolution which provides both certainty and an achievable path forward so municipalities can proceed with planning for and implementing their affordable housing obligations;

WHEREAS, Senate Bill S-2254, sponsored by Senators Greenstein and Bateman, and Assembly Bill A-3821, sponsored by Assemblymen DeAngelo and Benson, re-affirm the language and legislative intent of the Fair Housing Act, so as to preclude significant unfair impacts and instead further progress toward a more rational statewide housing policy, including reasonable and achievable obligations for municipalities, facilitate municipal compliance and the actual provision of affordable housing.

NOW, THEREFORE, BE IT RESOLVED, on this 12th day of December, 2016 by the Borough of Merchantville, County of Camden, that:

1. The Borough of Merchantville strongly urges New Jersey Legislators to immediately reaffirm the language and legislative intent of the Fair Housing Act (FHA) and expressly clarify that the municipal affordable housing share is the sum of present and prospective need for the enumerated ten year period.
2. The Borough of Merchantville supports Senate Bill S-2254 and Assembly Bill A-3821.
3. Copies of this resolution be distributed to the Governor, the Lieutenant Governor, the President of the New Jersey Senate, the Speaker of the New Jersey General Assembly, the Legislative Sponsors, (insert State Senator and Assembly Representatives), Senator Jeff Van Drew, Senator Ronald Rice, Assemblyman Jerry Green and Assemblywoman Mila Jasey, the New Jersey League of Municipalities and the New Jersey Conference of Mayors.

R16-153

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING 2016 BUDGET TRANSFERS

WHEREAS, there are certain 2016 Budget Appropriations of the Borough of Merchantville with balances insufficient to meet requirements for operating Borough Affairs as indicated on the attached schedule; and

WHEREAS, there are 2016 Budget Appropriations with unexpended balances that are not needed for such purposes; and

WHEREAS, Revised Statutes 40A:4-59 provides for Transfers to those accounts having insufficient balances:

<u>Operating Budget Description</u>	<u>Account Number</u>	<u>Transfer Out</u>	<u>Transfer In</u>
Insurance Opt Out Waiver	6-01-23-733-100		1,667.00
UCC Construction Official Inter-local	6-01-22-725-252		800.00
Emergency Appropriation-Storm Damage	6-01-46-888-260		2,500.00
Admin/Clerk Clerical PT	6-01-20-701-102	1,000.00	
Municipal Court Clerical PT	6-01-33-830-103	2,000.00	
Legal Litigation / Legal Services	6-01-20-712-252	1,967.00	
Sewer Other Expenses	6-07-55-505-501		1,000.00
Sewer Social Security	6-07-55-541-501		590.00
Sewer Utility PSA Service Agreement	6-07-55-510-501		400.00
Sewer PSA Maintenance Agreement	6-07-55-515-501	1,990.00	
	TOTAL	6,957.00	6,957.00

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Borough of Merchantville that the following transfers are hereby approved as indicated on the above schedule.

R16-154
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY CANCELING
2016 BUDGET APPROPRIATIONS WITH UNEXPENDED BALANCES

WHEREAS, the attached schedule indicates those budget accounts with unexpended balances; and

WHEREAS, it is necessary to formally cancel said balances so that the unexpended balances may be credited to Current Fund Surplus;

Administration Full Time Salary & Wages	6-01-20-701-101	800.00
Police Salaries & Wages Overtime	6-01-25-745-108	9,000.00
Legal Services Abandoned Properties	6-01-20-712-258	4,000.00
Electricity	6-01-31-430-000	10,000.00
Gasoline	6-01-31-460-000	<u>12,000.00</u>
	TOTAL	35,800.00

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Borough of Merchantville, County of Camden, New Jersey, that the attached listed unexpended balances of the Current Fund and Trust Fund are hereby canceled.

R16-155
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY
AUTHORIZATION TO CANCEL BALANCES OF
TRUST ESCROW DEPOSITS

WHEREAS, escrows were established for redevelopment projects and residential variances prior to 2007 totaling 9,047.49; and

WHEREAS, a trust reserve account was established for landfill litigation prior to 2007 totaling 9,750.00; and

WHEREAS, there has been no activity on any of the escrow accounts and there has been no inquires for reimbursement of the funds for at least ten years;

NOW, IT IS HEREBY RESOLVED, by the Governing Body of the Borough of Merchantville, that the funds for the escrows in the designated accounts are to be released as indicated to the Borough of Merchantville Current Fund surplus totaling 18,797.49.

R16-156
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING
CANCELLATION OF TEMPORARY EMERGENCY APPROPRIATION

WHEREAS, Resolution R16-90, passed in June 2016, provided for a temporary emergency appropriation in the Shade Tree Commission Tree Removal Budget in the amount of \$10,000 for tree damage due to the storm damage; and

WHEREAS, funds were available in other line items in the 2016 Operating Budget to cover this expenditure;

IT IS HEREBY RESOLVED, by the Governing Body of the Borough of Merchantville, that Resolution R16-90, which provided for a temporary emergency appropriation in the amount of \$10,000 in the Shade Tree Commission Tree Removal Budget, is hereby canceled.

Payment of Bills-On a motion of Mr. Perno and second of Mr. Sperrazza, Council approved the payment of bills.

**R16-157
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		
	2016 BUDGET	350.00	109,501.07
	GRANTS		152,565.02
	PFRS		
	PERS		
	DEBT SERVICE		
	BOARD OF EDUCATION*		
	CAMDEN COUNTY		
WIRE TRANSFERS PAYROLL	11/23/16-12/9/16		142,141.49
WIRES / MANUAL CHECKS			19,531.19
TOTAL CURRENT		350.00	423,738.77
SEWER UTILITY			
CHECKS SEWER FUND	2016 BUDGET		104,479.91
	DEBT SERVICE		
WIRE TRANSFERS PAYROLL	11/23/16-12/9/16		4,217.28
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
TOTAL SEWER		0.00	108,697.19
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			8,553.75
MANUAL CHECK			222.00
WIRE TRANSFERS PAYROLL	11/23/16-12/9/16		
TOTAL CAPITAL		0.00	8,775.75
TRUST FUND			
CHECK TRUST OTHER FUND			1,053.47
WIRE TRANSFERS PAYROLL	11/23/16-12/9/16		11,518.56
WIRES / MANUAL CHECKS		\$	39,800.00
TOTAL TRUST		0.00	42,070.17
SEWER CAPITAL FUND			
CHECK SEWER CAPITAL			
MANUAL CHECKS			
WIRE TRANSFERS PAYROLL	11/23/16-12/9/16		

TOTAL SEWER CAPITAL	0.00	0.00
ANIMAL TRUST FUND		
ANIMAL TRUST CHECK		1,022.80
TOTAL ANIMAL TRUST	0.00	1,022.80
TOTAL BILL LIST & MANUAL CHECKS/WIRE		
	350.00	584,304.68
	GRAND	
	TOTAL	\$ 584,654.68

PRIVATE SESSION**ANNOUNCEMENTS**

ADJOURNMENT: On the motion of Mr. Grasso and second of Mr. Perno the meeting was adjourned at 8:23 P.M.

Denise Brouse, Borough Clerk