

Merchantville, November 27, 2017

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, November 27, 2017. Mayor Edward Brennan presided. Pledge of Allegiance and Silent Prayer were observed. Announcement was made that the meeting had been advertised in accordance with the regulations prescribed by the "Open Public Meetings Act".

ROLL CALL: Council Present: Swann (7:54), Kidd (left emergency 7:32), Grasso and McLoone. Clerk Brouse and Attorney Higgins were present.

PUBLIC none

PUBLIC HEARING ORDINANCE for second reading and adoption-None

17-11 Approve Acquisition and Litigation for 507 W Maple Avenue

ADOPT ORDINANCE-17-11 Approve Acquisition and Litigation for 507 W Maple Avenue-On a motion of Mr. Grasso & second of Mr. McLoone approved the following Ordinance.

17-11

**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 ALEXANDER
KAGANOVICK, ELENA KAGANOVICK, AND/OR SETERUS, INC.,
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 Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc. is/are the owner(s) of real property located at 507 West Maple Avenue, more fully described as Lot 11 in Block 5 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 Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc.; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Alexander Kaganovick, Elena Kaganovick and/or Seterus, Inc.; 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 507 West Maple Avenue, in the Borough of Merchantville, more fully described as Lot 11 in Block 5 on the Official Tax Map of the Borough of Merchantville from the Alexander Kaganovick, Elena Kaganovick, and/or Seterus Inc., is hereby approved; and

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

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

PUBLIC HEARING ORDINANCE for second reading and adoption-None
17-12 Approve Acquisition and Litigation for 225 Woodland Avenue

ADOPT ORDINANCE-17-12 Approve Acquisition and Litigation for 225 Woodland Avenue-On a motion of Mr. McLoone & second of Ms. Swann approved the following Ordinance.

17-12

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 JAMES G. MARTIN AND/OR MTGLQ INVESTORS, L.P., 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, James G. Martin ("Martin") and/or MTGLQ Investors, L.P. ("MTGLQ") is/are the owner of real property located at 225 Woodlawn Avenue, more fully described as Lot 2 in Block 40 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 Martin and/or MTGLQ for consideration in the amount of Twenty-five Thousand, Six Hundred, Twenty-five (\$25,625.00) Dollars; and

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

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Martin and/or MTGLQ; 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 225 Woodlawn Avenue, in the Borough of Merchantville, more fully described as Lot 2 in Block 40 on the Official Tax Map of the Borough of Merchantville from the James G. Martin and/or MTGLQ Investors, L.P. is hereby approved; and

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

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

PUBLIC HEARING ORDINANCE for second reading and adoption-None
17-13 Approve Acquisition and Litigation for 108 E Walnut Avenue

ADOPT ORDINANCE-17-13 Approve Acquisition and Litigation for 108 E Walnut Avenue-On a motion of Ms. Swann & second of Mr. Grasso approved the following Ordinance.

17-13

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 RISE A. CARTER- KRUSHINSKI, FRANK A. KRUSHINSKI, AND/OR BANK OF AMERICA, N.A., 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 Rise A. Carter-Krushinski ("Carter-Krushinski"), Frank A. Krushinski ("Krushinski") and/or Bank of America, N.A. ("BOA") is/are the owner(s) of real property located at 108 East Walnut Avenue, more fully described as Lot 2 in Block 59 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 Carter-Krushinski, Krushinski, and/or BOA; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Carter-Krushinski, Krushinski, and/or BOA; 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 108 East Walnut Avenue, in the Borough of Merchantville, more fully described as Lot 2 in Block 59 on the Official Tax Map of the Borough of Merchantville from the Rise A. Carter-Krushinski, Frank A. Krushinski, and/or Bank of America, N.A., 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.

DISCUSSION ITEMS

OLD BUSINESS

Discussion: Sign Ordinance-Mayor stated that we may want to have reasonable "A frame" signs for now. Business owners are requesting.

Mr. Grasso-Sign Ordinance has not changed for many years, we need to move business friendly ordinance. Collingswood and Pennsauken are two extreme differences, we should may be in between.

Mr. McLoone-Flag signs-OPEN-red/white/blue stronger neon enforcement in town. Give options and suggestions, consider a trial period to see if they can be used (Aframes). Ask Ms. Swann to put frame work together with the business association.

NEW BUSINESS

Discussion: Dog Park at Wellwood Park-next meeting dog park Ordinance. Do we have a need/want. What kind of liability? Ask Pennsauken

Trash meeting update by Mr. McLoone

Interviews were conducted and the Chief of Police was approved-Richard Grassia beginning training now.

Parade/Tree-Friday evening 6:45 choirs, stage is complete and is a great first step, having garden club plant around area.

Thank you to the Gaskill family for the Turkey Trot-fun-great event. Look forward to next year.

Breakfast w/ Santa December 9th 10-12.

Community Center plans-update

Cedar Avenue project-removed contractor from site and new one will complete project.

Resolutions to be approved during the caucus meeting.

R17-125 Approve St. Peter Bingo License: On a motion of Mr. Grasso and second of Ms. Swann, Council approved the following resolution:

**R17-125
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE
OF NEW JERSEY TO APPROVE A BINGO LICENSE FOR ST. PETER CHURCH**

WHEREAS, St. Peter Catholic Church has applied for and received an identification number 299-1- 34957 allowing St. Peter Catholic Church the ability to conduct bingo licenses with proper approval; and

WHEREAS, St. Peter Catholic Church has properly completed the bingo license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$480.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant ; and

WHEREAS, Council person Swann council person of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Bingo license numbered SPS 17-20 to St. Peter Catholic Church for the Bingo taking place on

January 3, 10, 17, 24 and 31	February 7 and 28	March 7 and 21
April 4, 11, 18 and 25	May 2, 16, 23 and 30	June 20 and 27
July 11, 18, and 25	August 1, 8	

R17-126 Approve St. Peter Raffle License: On a motion of Mr. Grasso and second of Ms. Swann, Council approved the following resolution:

**R17-126
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE
OF NEW JERSEY TO APPROVE A RAFFLE LICENSE FOR ST. PETER CHURCH**

WHEREAS, St. Peter Catholic Church has applied for and received an identification number 299-1- 34957 allowing St. Peter Catholic Church the ability to conduct bingo licenses with proper approval; and

WHEREAS, St. Peter Catholic Church has properly completed the bingo license application and at least 7 days have elapsed between the time the application was filed and the time that the Borough Council made their findings and determination with checks to the Borough of Merchantville in the amount of \$20.00 each and checks to the Legalized Games of Chance Control Commission in the amount of \$40.00 each and that 15 days will elapse between the time the municipality forwards the application to the control commission and the date the license is issued to the applicant; and

WHEREAS, Council person Swann council person of the Department of Records and Licenses, has reported that the laws and regulations have been met, and that she recommends the granting of said license; and

WHEREAS, the Borough Clerk has reported that the legal preliminaries have been strictly complied with;

NOW, THEREFORE, BE IT RESOLVED that the Borough Council be and is hereby authorized to issue a Raffle license numbered SPS 17-21 to St. Peter Catholic Church for the Raffle taking place on
January 3,10,17,24 and 31 February 7 and 28 March 7 and 21
April 4, 11, 18, and 25 May 2, 16, 23, and 30 June 20 and 27
July 11, 18 and 25 August 1 and 8
at 43 W Maple Avenue, Merchantville, NJ 08109.

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

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

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

Private Session

MOTION TO ADJOURN:

On the motion of Mr. Grasso and second of Mr. McLoone, the meeting was adjourned at 8:22 PM.

DENISE BROUSE