

Merchantville, January 22, 2018

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, January 22, 2018. 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, Kidd, Grasso, Sperrazza, McLoone and Perno (8:13). Clerk Brouse, CFO Moules and Attorney Higgins were present.

PUBLIC-Agnes Madden-115 Lexington Ave-Garden Club would like an increase in garden club budget, pendant light in center, planters \$2500 is requested. W Maple business district is an issue because of the number of planters. Bus shelters need to be cleaned. Area around center of town at Santa house impervious coverage in an area that didn't need it. No way to hide the area.

Mayor responded.

DISCUSSION ITEMS

OLD BUSINESS

Sign Ordinance-Mr. Sperrazza gave an overview of sign ordinance. Restaurant special signs-flags, a-frames, menu signs will be addressed at this time.

NEW BUSINESS

Dogs on the Baseball field- 2 signs on fence gates-maybe add signage, Police-lock-maybe a letter APPROVAL-Fireman Maximillian A. Carfagno-On a motion of Mr. Sperrazza and second of Mr. Grasso, council approved Maximillian A. Carfagno as a fireman.

Resolutions to be approved during the caucus meeting.

R18-23 Authorize Professional Services for Special Matters: On a motion of Mr. Grasso and second of Mr. Kidd, Council approved the following resolution:

**R18-23
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY AWARDED
PROFESSIONAL SERVICES CONTRACT FOR SPECIAL COUNSEL**

WHEREAS, N.J.S.A. 40:87-15 authorizes appointments as the Borough Council may deem necessary; and

WHEREAS, there exists a need for Special Counsel Services; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) requires that the resolution authorizing the award of contract for "professional services" without competitive bids must be publicly advertised;

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

- (1) The Mayor and Borough Clerk are hereby authorized and directed to execute agreements with;
 - Madden and Madden, 108 Kings Highway East, Suite 200, Haddonfield NJ, 08033 and
 - Florio Perrucci Steinhardt & Fader, 1010 Kings Highway, NJ, 08034

- (2) These contracts are awarded without competitive bidding as a "professional service" under the provision of the Local Public Contracts Law because the services to be rendered pursuant thereto are performed by a person authorized by law to practice a recognized profession;
- (3) A copy of this resolution shall be published in the Retrospect as required by law within ten (10) days of its passage.

R18-24 Uncashed Checks over Six Months: On a motion of Mr. Sperrazza and second of Mr. Grasso, Council approved the following resolution:

**R18-24
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN AND STATE OF NEW JERSEY
FOR CANCELLATION OF OUTSTANDING CHECKS**

WHEREAS, there exists outstanding checks on Borough accounts which have been outstanding for over 6 months; and

WHEREAS, the various checks have been investigated and have been determined to have been lost or otherwise destroyed;

NOW, THEREFORE BE IT RESOLVED, that the following checks be cancelled and the expenditures be cancelled to the proper fund:

FUND	ACCT NO.	CHECK NO.	AMOUNT	CHECK DATE
MUNICIPAL COURT	John Behmke, S2008-307	2752	10.00	2/7/2017
	Latoya Curtis, S2002-395	2754	.59	2/7/2017
	Empl Benefit Advisors H097588	2773	2.00	4/2017
	Quawiy Thorton-E17- 000741	2781	1.10	5/2017
	TOTAL			13.69

R18-25 Authorization to Approve Public Works Contract: On a motion Mr. Sperrazza and second of Mr. Grasso, Council approved the following resolution:

**R18-25
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN
AND STATE OF NEW JERSEY APPROVING A CONTRACT WITH THE TEAMSTERS
LOCAL UNION NUMBER 676 AND AUTHORIZING THE EXECUTION OF ALL
DOCUMENTS NECESSARY TO IMPLEMENT SAID CONTRACT**

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, after negotiations, Merchantville and the Teamsters Local Union No. 676 wish to enter into a contract covering the period of time commencing January 1, 2016 through December 31, 2019; and

WHEREAS, Merchantville and the Teamsters Local Union No. 676 have agreed to the terms and conditions of this Contract; as so stated in the document attached hereto as Exhibit "A"; and

WHEREAS, it is the intention of the Borough Council of Merchantville to authorize the Mayor to execute the attached Contract and the Borough Clerk to attest on behalf 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 Contract, by and between the Borough of Merchantville and the Teamsters Local Union No. 676, be and hereby is approved; and

AND BE IT FURTHER RESOLVED 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 Contract, and all other documents necessary to implement said Contract on behalf of the Borough of Merchantville.

R18-26 Accept Planning Board Recommendations, Area in Need of Redevelopment

Rehabilitation: On a motion of Mr. Sperrazza and second of Mr. Grasso, council approved the following resolution.

**RESOLUTION NO.18-26
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY
OF CAMDEN AND STATE OF NEW JERSEY DESIGNATING
CERTAIN AREAS WITHIN THE BOROUGH OF MERCHANTVILLE
AS AREAS IN NEED OF REDEVELOPMENT OR IN NEED OF
REHABILITATION, PURSUANT TO N.J.S.A. 40A:12-6**

WHEREAS, in the Master Plan, adopted by Resolution on October 23, 2007, the Planning Board of the Borough of Merchantville recognized that certain areas and properties within the Borough of Merchantville might qualify as "redevelopment areas" or "areas in need of redevelopment" as defined in N.J.S.A. 40A:12A-3; and

WHEREAS, the Borough Council of the Borough of Merchantville, by Resolution No. 17-94, dated August 14, 2017, referred to the Joint Land Use Board of the Borough of Merchantville a directive to conduct a preliminary investigation to determine whether the conditions are present on certain properties and areas within the Borough of Merchantville specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of the Borough of Merchantville, that meet the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties to be deemed "in need of redevelopment," and

WHEREAS, in Resolution No. 17-94, the Borough Council of the Borough of Merchantville, that should the Joint Land Use Board of the Borough of Merchantville determine that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of the Borough of Merchantville, meet the criteria to be deemed "in need of redevelopment," that the Joint Land Use Board of the Borough of Merchantville should also determine if the certain properties and areas within the Borough of Merchantville, as more particularly described in Exhibit A, the criteria contained in the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq., for these properties and areas to be deemed as a "Condemnation Redevelopment Area," authorizing the Borough of Merchantville to use all those powers provided by the New Jersey Legislature for use in a redevelopment area, including the power of eminent domain; and

WHEREAS, the Joint Land Use Board of the Borough of Merchantville has reviewed a document entitled "Preliminary Investigation for Determination of Redevelopment Area with Condemnation Potential," dated November 7, 2017, prepared by Ragan Design Group of Medford, New Jersey, as a part of its preliminary investigation to determine whether certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lots 6 and 12 on the Official Tax Map of the Borough of Merchantville, to determine whether the proposed land is an area in need of redevelopment; and

WHEREAS, the Joint Land Use Board of the Borough of Merchantville has conducted a public hearing on November 28, 2017, during which expert testimony was taken from Mara Wexler-Wuebker, A.I.C.P., P.P. of Ragan Design Group, and all members of the public, including those who would or could be affected by the designation of the properties and areas to be a "Condemnation Redevelopment Area," were given the opportunity to be heard; and,

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on January 9, 2018, that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and should be designated as redevelopment areas pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on April 19, 2017, that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, found to be in need of redevelopment should be and are recommended to be designated as a "Condemnation Redevelopment Area" pursuant to N.J.S.A. 40A:12A-6; and

WHEREAS, the Joint Land Use Board has recommended to the Borough Council on January 9, 2018, that substantial evidence exists to support a finding that a certain property and area within the Borough of Merchantville, specifically, Block 4, Lot 6 on the Official Tax Map of the Borough of Merchantville, is in need of rehabilitation and should be designated as a rehabilitation area pursuant to N.J.S.A. 40A:12A-6; and

NOW THEREFORE, BE IT RESOLVED by the Borough Council of the Borough of Merchantville finds, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, that substantial evidence exists to support a finding that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and shall be designated as redevelopment areas pursuant to N.J.S.A. 40A:12A-6; and

AND BE IT FURTHER RESOLVED that, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, the designation of the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, attached hereto and made a part hereof, as "areas in need of redevelopment" pursuant to N.J.S.A. 40A:12A-6 establishes these "areas in need of redevelopment" as a "Condemnation Redevelopment Area," and that the notice of the determination required pursuant to N.J.S.A. 40A:12A-6 subparagraph (d) of this paragraph shall indicate that:

1. the determination by the Borough Council of the Borough of Merchantville that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and the designation of these certain properties and areas as a "Condemnation Redevelopment Area" pursuant to N.J.S.A. 40A:12A-6 operates as a finding of public purpose and authorizes the Borough of Merchantville to exercise the power of eminent domain to acquire property in the redevelopment area, and

2. any owner desiring to challenge the adoption of this Resolution determining that the certain properties and areas within the Borough of Merchantville, specifically, Block 3, Lots 5, 6 and 7, and Block 4, Lot 12 on the Official Tax Map of the Borough of Merchantville, are in need of redevelopment and the designation of these certain properties and areas as a "Condemnation Redevelopment Area" pursuant to N.J.S.A. 40A:12A-6, must do so by filing an action in lieu of prerogative writ in the Superior Court of New Jersey, Law Division, Camden County within forty-five (45) days of the receipt of notice of the adoption of this Resolution by the Borough Council of the Borough of Merchantville. Failure to do so shall preclude an owner to legally challenge the validity of the action of the Borough Council.

AND BE IT RESOLVED by the Borough Council of the Borough of Merchantville finds, based upon the recommendation of the Joint Land Use Board of the Borough of Merchantville, that substantial evidence exists to support a finding that a certain property and area within the Borough of Merchantville, specifically, Block 4, Lot 6 on the Official Tax Map of the Borough of Merchantville, attached hereto and made a part hereof, is in need of rehabilitation and shall be designated as a rehabilitation area pursuant to N.J.S.A. 40A:12A-6; and

AND BE IT FURTHER RESOLVED, upon the adoption of this Resolution, the Borough Clerk of the Borough of Merchantville shall forthwith transmit a copy of this Resolution to the Commissioner of the New Jersey Department of Community Affairs for review. If the Commissioner does not issue an approval or disapproval within thirty (30) calendar days of transmittal by the clerk, the determination shall be deemed to be approved.

AND BE IT FURTHER RESOLVED that a copy of this Resolution shall be served, within ten (10) days after the determination, upon all record owners of property located within the delineated area, those whose names are listed on the tax assessor's records, and upon each person who filed a written

objection thereto and stated, in or upon the written submission, an address to which notice of determination may be sent.

R18-27 Appointment of New Positions and Salary-On a motion of Mr. Sperrazza and second of Mr. Grasso, council approved the following resolution.

**R18-27
A RESOLUTION FOR THE BOROUGH OF MERCHANTVILLE IN THE
COUNTY OF CAMDEN AND STATE OF NEW JERSEY ENTITLED "SALARIES
& COMPENSATION" AND APPOINTMENT OF NEW POSITIONS**

WHEREAS, the Mayor and Council of the Borough of Merchantville desire to appoint the following new positions with the maximum salaries of the below listed employees of the Borough of Merchantville;

NOW THEREFORE BE IT RESOLVED, the maximum annual salaries of the below listed employees of the Borough of Merchantville are hereby established, in accordance with the following schedule for services performed during the year 2018 as of January 1, 2018.

<u>POSITION</u>	<u>SALARY</u>
Deputy Code Enforcement Officer	\$16.50 per hour
Community Development Officer	\$60,000.00

Ordinances for a first reading to be approved during the caucus meeting-Ordinances for introduction on first reading. These ordinances will be considered for adoption at the public hearing to be held during the February 12th council meeting.

ORDINANCE 18-01 Approve Litigation for Acquisition of Certain Land, 323 Woodbine-On a motion of Mr. Kidd and second of Mr. Sperrazza, council approved the following Ordinance.

**18-01
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 ANN J. WHEATLEY AND
CALVIN WHEATLEY, 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, Ann J. Wheatley and Calvin Wheatley ("Wheatley"), and/or Bank of America, N.A. ("BOA") is/are the owner(s) of the real property located at 323 Woodbine Avenue, more fully described as Lot 21 in Block 17 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 Wheatley and/or BOA; and

WHEREAS, Merchantville wishes to assert its rights of eminent domain and commence a condemnation action to acquire this property from Wheatley 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 323 Woodbine Avenue, in the Borough of Merchantville, more fully described as Lot 21 in Block 17 on the Official Tax Map of the Borough of Merchantville from Ann J. Wheatley and Calvin Wheatley, 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.

ORDINANCE 18-02 Salary and Compensation-On a motion of Mr. Grasso and second of Ms. Swann, council approved the following Ordinance.

18-02

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 years of 2016 to 2019 as of January 1, 2018.

<u>POSITION</u>	<u>SALARY</u>			
	2016	2017	2018	2019
Helper I	26,413.92	26,942.20	27,481.04	28,030.66
Helper II	29,935.78	30,534.49	31,145.18	31,768.08
Helper III	32,121.02	32,763.44	33,418.71	34,087.09
Helper III w/ CDL	33,161.02	33,803.44	34,458.71	35,127.09
Helper IV	34,242.62	34,927.48	35,626.03	36,338.55

Helper IV w/ CDL	35,282.62	35,967.48	36,666.03	37,378.55
Journeyman I	37,085.57	37,827.28	38,583.82	39,355.50
Journeyman I w/ CDL	38,125.57	38,867.28	39,623.82	40,395.50
Journeyman II	39,949.73	40,748.72	41,563.70	42,394.97
Journeyman III	42,792.67	43,648.53	44,521.50	45,411.93
Journeyman IV	45,656.83	46,569.97	47,501.37	48,451.40

SECTION 2. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed as to such inconsistencies only.

SECTION 3. 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, 2018.

ORDINANCE 18-03 Amend Chapter 94, Sign Ordinance-On a motion of Mr. Grasso and second of Mr. Sperrazza, council approved the following Ordinance.

18-03

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING ARTICLE X. OF CHAPTER 94, ZONING, IN THE CODE OF THE BOROUGH OF MERCHANTVILLE

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Merchantville, County of Camden, and State of New Jersey that Article X. of Chapter 94, Zoning, is hereby amended in the Code of the Borough of Merchantville to add Sections 94-56.1, 94-56.2 and 94-56.3, as follows:

**Article X.
Signs**

ARTICLE I.	ARTICLE X.	SECTION 94-56.1	Sign permit not required.
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There shall be no sign permit required for any of the following kinds of signs:

- A. Commercial informational signs.
- B. Legal nonconforming signs.
- C. Official signs.
- D. Political signs.
- E. Residential signs.
- F. Temporary signs.
- G. Temporary interior advertising signs.
- H. A-frame signs.
- I. Bill of fare signs and/or Menus.
- J. Flags.
- K. Signs re-lettered on the same signboard using the same colors and fonts.
- L. Any mobile sign, except that a business may have one (1) A-frame sign

immediately adjacent to its property unless the business faces multiple streets, in which case the business may have one (1) A-frame sign per adjoining street.

ARTICLE II.	ARTICLE X.	SECTION 94-56.2	Restaurants.
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A. Restaurants shall be permitted to display either (1) or (2) below, in addition to their primary sign with restaurant name and description.

(1) A menu of food and/or beverages placed in the restaurant window or a bill-of-fare/menu sign in a display case mounted on the exterior of the restaurant building facade. Such window menu or display case shall not exceed one and one-half (1.5) square feet in area.

(2) A bill of fare of food and/or beverage offerings on a freestanding, one-sided easel/pedestal, a double-sided A-frame sign or on a one-sided wall-mounted board with erasable text wherein such text shall not exceed six square feet in area and shall be removed at the end of the business day. White boards are not permitted on freestanding signs or wall-mounted signs.

ARTICLE III. ARTICLE X. SECTION 94-56.3 Flags.

- A. One flag shall be permitted for each storefront or building.
- B. Any displayed flag shall be installed so that the bottom edge of the flag shall be at least seven feet above the pavement, walkway, sidewalk, and/or step.
- C. The flag may be displayed only for decorative purposes and/or for an expression of patriotism.
- D. The flag may be displayed on a flagpole mounted to the exterior of a building or storefront or mounted freestanding.
- E. The flag dimensions shall not exceed three feet in width, five feet in length and a total area of 15 square feet.
- F. A business that has an exterior display of merchandise or a restaurant that has a bill-of-fare easel shall not be permitted to display a flag. This flag display prohibition does not apply to the display of the flag of the United States of America.
- G. A sign permit is not required for the display of a flag.
- H. This section does not apply to and does not prohibit and/or regulate the display of flags on a single-family residence, two-family residence and on any federal, state, or local governmental structure or building.

ARTICLE IV.

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

ARTICLE V.

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

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:

- 18-01 Approve Litigation for Acquisition for Certain Land, 323 Woodbine
- 18-02 Salary and Compensation
- 18-03 Amend Chapter 94, Sign Ordinance

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

MOTION TO ADJOURN:

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

DENISE BROUSE