

Merchantville, NJ February 12, 2018

A regular meeting of Borough Council was held at 7:30 PM, Monday, February 12, 2018. 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, Kidd, Sperrazza and McLoone. Attorney Higgins, Clerk Brouse, CFO Moules were present.

PUBLIC

Cindy Hartnik-15 Clifton Avenue-Daffodil Day, April 14th 12-3, rain date, April 15th 12-3. Gazebo Ribbon cutting-temp sign in kind cost of \$700, clean up leaves and trash around farmers market.

Garden Club-funding for 2 special projects-West End of town project, 25 planters, grant for this project of planters.

Kerri Menzer-201 St. James Avenue-\$1500 from Garden Club budget again, circle sign needs additional plantings side of Borough Hall. Morrisey Park ground cover, 4 window boxes along sides of gazebo-PVC type material painted black at opening, black planter, liaison to Garden Club along with Mr. Perno. Ever consider a go fund me account?

Joyce Lamacus-Modern Carpet-sewer line in street

PUBLIC HEARING ON ORDINANCES for second reading and adoption- None

ORDINANCE 18-01 Approve Litigation for Acquisition of Certain Land, 323 Woodbine-On a motion of Ms. Swann and second of Mr. Kidd, Council adopted 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-None

On a motion of Mr. Kidd and second of Mr. Sperrazza, Council adopted 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. Kidd and second of Mr. Sperrazza, council approved the following Ordinance as amended.

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.

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.

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 sign permit is not required for the display of a flag.

G. 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.

APPROVAL OF MINUTES-On a motion of Mr. Kidd and second of Mr. Sperrazza, Council approved the regular meeting minutes of 1/18/18. On a motion of Mr. Kidd and second of Ms. Swann, Council approved the caucus meeting minutes of 11/27/17. On a motion of Mr. Sperrazza and second of Mr. Kidd, Council approved the reorg meeting minutes of 1/2/18.

ENGINEER REPORT-Storm water regulations for 2018 new requirements, core testing and progress payments. Trust application awaiting for information.

CORRESPONDENCE

COUNCIL REPORTS

Ms. Swann-Feb 21st 8:30 at Station business association will work with Task Force again on art walk April 20th, Beer fest April 28th, May 12th Mystical May, May 19th rain date. B day June, Farmers Market in Spring, Shade Tree request for additional funds. Consider public works Department having a trained professional in the department.

Mr. Kidd-Report for Land Use report-meet 9 times, 5 app, approved 9. Welcome Mara-Community Development. Green team met in January, 3rd Thursday of month.

Mr. Sperrazza-Fire 26 calls, 26 for year, no issues, training scheduled, 38 inspections in Fire Prevention, 12 complaints in code.

Mr. McLoone-PW report cold patch, dumpsters from Gold Medal have been placed behind the old bank. Salt is ready. ½ ton of cold patch. Bus stop stations will be addressed on a monthly basis. Jason is doing a good job maintaining PW dept. Signage on dumpsters needs to be done.

Mayor-gave Police report, staffing issues, resignation and leave, two new hires in training, need to hire another person, officers are working well with the limitations. Chief leaving at the end of the month, Mr. Grassia joining as new chief. Thanks chief for all of your years of service.

Ms. Moules-Budget in progress and set up meetings in March, intro in March, pass in April

Clerk Chief Retirement Event

OLD BUSINESS

DISCUSSION

NEW BUSINESS

APPROVAL: St. Peter Processions for 2018- On a motion of Mr. Sperrazza and second of Ms. Swann, Council approved St. Peter Processions for 2018.

Resolutions to be read by consent agenda: On a motion of Mr. Kidd and second of Ms. Swann, Council approved the following resolutions by Consent Agenda.

R18-28

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING THE PURCHASE OF BOROUGH POLICE VEHICLE

WHEREAS, the Borough Council of the Borough of Merchantville desires to purchase a 2016 Ford Explorer police vehicle under state contract; and

WHEREAS, Winner Ford can provide a police vehicle under state contract number A88728 at the amount of \$26,951.00 for vehicle and \$2,020.00 for additional lighting solutions; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted for the purchase of, one 2018 Ford Interceptor, total not to exceed \$\$28,971.00 from Winner Ford, 250 Haddonfield Berlin Road, Cherry Hill, NJ 08034..

R18-29

RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY DESIGNATING CERTAIN AREAS WITHIN THE BOROUGH OF MERCHANTVILLE AS AN AREA IN NEED OF REDEVELOPMENT AND CONDEMNATION REDEVELOPMENT AREA, AND DESIGNATING CERTAIN AREAS WITHIN THE BOROUGH OF MERCHANTVILLE AS IN NEED OF REHABILITATION, PURSUANT TO N.J.S.A. 40A:12-6

WHEREAS, in the Master Plan Report, 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.

**R18-31
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING
THE APPOINTMENT OF AN ACTING BUILDING
SUB CODE OFFICIAL**

WHEREAS, the Borough Council of the Borough of Merchantville desires to appoint an acting building sub code official for the period of up to sixty days; and

WHEREAS, Stephen Beach will be appointed as an acting building sub code official; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted for the appointment of this position to Stephen Beach

**R18-32
RESOLUTION OF THE BOROUGH OF MERCHANTVILLE,
COUNTY OF CAMDEN, NEW JERSEY AUTHORIZING
THE APPOINTMENT OF AN ACTING CONSTRUCTION**

CODE OFFICIAL

WHEREAS, the Borough Council of the Borough of Merchantville desires to appoint an acting Construction code official for the period of up to sixty days; and

WHEREAS, Mark Laggey will be appointed as an acting construction code official; and

WHEREAS, the Chief Financial Officer has certified as to the availability of funds;

NOW, THEREFORE, BE IT RESOLVED, that approval has been granted for the appointment of this position to Mark Laggey

R18-30 CDBC Cooperation Agreement for 2018-2019-2020-On a motion of Mr. Sperrazza and second of Ms. Swan Council approved the following Resolution as Amended.

**R18-30
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM
COOPERATION AGREEMENT – PROGRAM YEARS 2018, 2019, and 2020**

AGREEMENT made this 1st day of July 2017, by and between the County of Camden, 520 Market Street, Camden, NJ 08102 and the Municipalities listed below.

Whereas the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-4 et seq.) permits local units such as counties and municipalities to enter into agreements for the provision of joint services; and

Whereas Title I of the Housing and Community Development Act of 1974, the Housing and Urban-Rural Recovery Act of 1983, and the HOME Partnership Act of 1991, (hereinafter referred to as the "Acts") and the Emergency Solutions Grant (ESG) provides federal funds from the US Department of Housing and Urban Development (hereinafter referred to as ("HUD") which are available to urban counties such as Camden County (hereinafter referred to as the "COUNTY") for use to carry out eligible community development and affordable housing activities therein; and

Whereas, this Agreement covers both the Community Development Block Grant Entitlement (hereinafter referred to as "CDBG"), the HOME Investment Partnership programs (hereinafter referred to as "HOME"); the Emergency Solutions Grant (ESG) and

Whereas, the County of Camden's Office of Community Development administers the program; and

Whereas, the Municipalities of Audubon Borough, Audubon Park Borough, Barrington Borough, Bellmawr Borough, Berlin Borough, Berlin Township, Brooklawn Borough, Chesilhurst Borough, Clementon Borough, Collingswood Borough, Gibbsboro Borough, Haddon Township, Haddon Heights Borough, Haddonfield Borough, Hi-Nella Borough, Laurel Springs Borough, Lawnside Borough, Lindenwold Borough, Magnolia Borough, Merchantville Borough, Mount Ephraim Borough, Oaklyn Borough, Pennsauken Township, Pine Hill Borough Runnemede Borough, Somerdale Borough, Stratford Borough, Voorhees Township, Waterford Township, Winslow Township and Woodlynne Borough (hereinafter referred to as the "MUNICIPALITY") wish to participate in eligible activities to be carried out under the COUNTY 3-year CDBG , HOME, and ESG Programs; and

Whereas, the Municipality wishes to participate in eligible activities to be carried out under the COUNTY 3-year CDBG, HOME, and ESG Programs;

NOW, THEREFORE, in consideration of the promises and of the covenants, terms and conditions hereinafter set forth, it is mutually agreed as follows:

1. Administration

The COUNTY agrees to provide, at no cost to the MUNICIPALITY, the staff, resources, and other services necessary to plan and administer with the assistance of the MUNICIPALITY the CDBG, HOME, and ESG programs.

2. Mutual Cooperation

The COUNTY and the MUNICIPALITY agree to cooperate to undertake, or assist in undertaking community renewal and lower-income housing assistance activities. The MUNICIPALITY recognizes that the COUNTY with input from the MUNICIPALITY acts as the agent for all municipalities in the implementation of the CDBG, HOME, and ESG programs.

3. Projects Funded

- A. The COUNTY agrees to facilitate, encourage and allow municipal officials and the citizens of the MUNICIPALITY to have the full and open opportunity to submit projects for funding consideration.
- B. The MUNICIPALITY understands and agrees that the COUNTY shall have the sole decision on selecting activities to be funded through the CDBG, HOME and ESG Programs and the responsibility for the annual filing of the Consolidated Action Plan with HUD.

4. Municipal Obligations

- A. The MUNICIPALITY shall be responsible for ensuring that all CDBG, HOME, and ESG funds are used in accordance with all program requirements as set forth in 24 CFR § 570.501(b).
- B. The MUNICIPALITY may not apply for grants under the Small Cities or State CDBG Programs for appropriations for fiscal years during the period in which it is participating in the COUNTY's Program.
- C. The MUNICIPALITY may not participate in a HOME consortium except through the COUNTY's approved organization, regardless of whether the COUNTY received a HOME formula allocation.
- D. The MUNICIPALITY may receive a formula allocation under the ESG Program only thru the Urban County.
- E. The MUNICIPALITY shall affirmatively further fair housing.
- F. A unit of local government may not sell, trade or otherwise transfer all or any portion of such funds to another metropolitan city, urban county, unit of general local government, or Indian tribe, or insular area that directly or indirectly receives CDBG funds in exchange for any other funds, credits or Federal considerations, but must use such funds for activities eligible under Title I of the Act.

5. Term of Agreement

- A. This Agreement covers CDBG, HOME, and ESG appropriations for program years 2018, 2019 and 2020 starting July 1, 2018, through June 30, 2021. This Agreement shall remain in effect until the CDBG, HOME, and ESG funds and program income received with respect to the three-year qualification period and any successive three year qualification periods has been expended and the funded activities completed. The MUNICIPALITY may not terminate this Agreement or withdraw from it while it remains in effect.
- B. Upon expiration of this Agreement, the MUNICIPALITY shall transfer to the COUNTY any CDBG funds on hand at the time of expiration and any accounts receivable attributable to the use of CDBG funds.

6. Performance of Services/Contracts

- A. The MUNICIPALITY shall take all appropriate actions as determined by the COUNTY in order to carry out the objectives of the CDBG, HOME, and ESG Programs, and the Consolidated Action Plan, in accordance with the Acts and applicable regulations.
- B. The MUNICIPALITY shall take all appropriate actions to carry out the objectives of the CDBG, HOME, and ESG Programs within the time period or periods specified by HUD.

7. Applicable Laws and Compliance

- A. The COUNTY and the MUNICIPALITY shall take all required actions to comply with the certifications required by Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, including but not limited to, Title VI of the Civil Rights Act of 1964, the Fair Housing Act, Section 109 of the Housing and Community Development Act of 1974, The Americans with Disabilities Act of 1990 and laws and regulations applicable to the CDBG and Home programs.
- B. The MUNICIPALITY agrees to comply with the audit requirements and standards imposed by 24 CFR § 570.502(a) and the COUNTY.
- C. The MUNICIPALITY shall conduct and administer the grant in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.
- D. The MUNICIPALITY shall comply with lead-based paint procedures.

- E. The MUNICIPALITY shall comply with applicable uniform administrative requirements as described in 24 CFR § 570.502.
- F. The MUNICIPALITY is subject to the same requirements applicable to sub recipients, including the written agreement, as described in 24 CFR 570.503.
- G. The County and Municipality agree to comply with all other applicable laws.

8. Fair Housing

The MUNICIPALITY acknowledges that the COUNTY will terminate CDBG, HOME, and ESG to the MUNICIPALITY if the MUNICIPALITY does not affirmatively further fair housing within the MUNICIPALITY's jurisdiction and/or if the MUNICIPALITY impedes the COUNTY's actions to comply with its fair housing certification.

9. Law Enforcement

- A. The MUNICIPALITY has adopted and is enforcing a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations.
- B. The MUNICIPALITY has adopted and is enforcing a policy of enforcing applicable state and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.
- C. The MUNICIPALITY agrees to indemnify and hold the COUNTY harmless of and from any and all claims, demands, losses and expenses that it may incur by reason the MUNICIPALITY's failure to comply with subsections A and B of this paragraph 9.

10. Equal Employment Opportunities

The MUNICIPALITY will abide by and enforce all applicable equal employment requirements including but not limited to, Executive Order 11246 (Equal Employment Opportunities Act).

11. Real Property

The MUNICIPALITY shall comply with the following standards regarding real property acquired or improved in whole or in part using the CDBG funds.

- A. The MUNICIPALITY shall notify the COUNTY, in a timely manner of any modification or change in the use of real property from that intended at the time of the acquisition or improvement including disposition thereof.
- B. The MUNICIPALITY shall reimburse the COUNTY in an amount equal to the current fair market value (less any portion thereof attributable to expenditure of non-CDBG funds) of property acquired or improved with CDBG funds that is disposed of or transferred for use incongruent with CDBG regulations.
- C. In the event of the COUNTY's failure to qualify as an urban county or a change in the MUNICIPALITY's status, any program income generated from the disposition or transfer of property shall be paid to the COUNTY.
- D. Any real property under the MUNICIPALITY's control that was acquired or improved in whole or in part with CDBG funds (including CDBG funds provided to the MUNICIPALITY in the form of a loan) in excess of \$25,000 shall either be:
 - (1) Used to meet one of the national objectives in 24 CFR § 570.208 (formerly §570.901) until five years after expiration of this Agreement, or for such longer period of time as determined to be appropriate by the COUNTY; or
 - (2) Not used in accordance with 24 CFR § 570. 503(b)(7)(i), in which event the MUNICIPALITY shall pay to the COUNTY an amount equal to the current market value of the property less any portion of the value attributable to expenditures of non-CDBG funds for the acquisition of, or improvement to, the property. The payment is program income to the COUNTY. (No payment is required after the period of time specified in paragraph § 570.503 (b)(7)(i).)

12. Suspension and Termination.

In accordance with 24 CFR 85.43, suspension or termination of funding may occur if the MUNICIPALITY materially fails to comply with any term of this Agreement or applicable laws and regulations. In accordance with 24 CFR 85.44 funding or may be terminated for convenience. In the event of termination, the COUNTY may take one or more of the actions specified in 24 CFR 85.43.

13. Effective Date

This Agreement shall take effect upon execution by all parties.

14. Counterparts

This Agreement may be executed in counterparts, each part of which shall be deemed an original but all of which shall constitute one and the same agreement.

15. Minor Amendments

Should it become necessary to change the language of this Agreement to meet HUD approval, without making major changes and without altering the intent of this Agreement, such changes may be made administratively with the written consent of the Chief Executive Officer of the Municipality and the COUNTY's Office of County Counsel. All remaining provisions of this Agreement shall remain in full force and effect for the term provided herein.

16. Severability

In the event that a provision of this Agreement is held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not be affected.

17. Entire Agreement

This Agreement represents the entire and integrated agreement between the parties and supersedes all prior negotiations, representations, proposals or agreements, either written or oral. This Agreement may be amended only by written instrument signed by both parties.

Ordinance for introduction on first reading. This ordinance will be considered for adoption at the public hearing to be held during the February 26th council meeting.

ORDINANCE 18-04 COLA Ordinance-On a motion of Mr. Sperrazza and second of Ms. Swann, Council introduced the following Ordinance.

18-04
**CALENDAR YEAR 2018
 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 2.5% 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 2018 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 1.0% increase in the budget for said year, amounting to \$38,128.00 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 2018 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

\$133,448.01, and that the CY 2018 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.

Payment of Bills-On a motion of Mr. McLoone and second of Mr. Kidd, council approved the payment of bills.

**R18-33
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	2017 BUDGET		\$ 66,652.06
	2018 BUDGET	\$ 60.00	\$ 64,277.92
	GRANTS		\$ 2,919.76
	PFRS		
	PERS		
	DEBT SERVICE		\$ 47,455.00
	BOARD OF EDUCATION*		\$ 1,346,529.00
	CAMDEN COUNTY		\$ 568,539.03
WIRE TRANSFERS PAYROLL	1/19/18-2/2/18		\$ 140,789.79
WIRES / MANUAL CHECKS			\$ 59,658.59
TOTAL CURRENT		\$ 60.00	\$ 2,296,821.15
SEWER UTILITY			
CHECKS SEWER FUND	2017 BUDGET		
	2018 BUDGET		
	DEBT SERVICE		\$ 42,907.54
WIRE TRANSFERS PAYROLL	1/19/18-2/2/18		\$ 4,529.58
WIRE NJEIT LOAN			
WIRES /MANUAL CHECKS			
TOTAL SEWER		\$ -	\$ 47,437.12
GENERAL CAPITAL FUND			
CHECK CAPITAL FUND			\$ 25,860.66
MANUAL CHECK			
WIRE TRANSFERS PAYROLL	1/19/18-2/2/18		
TOTAL CAPITAL		\$ -	\$ 25,860.66
TRUST FUND			
CHECK TRUST OTHER FUND			\$ 5,804.82

WIRE TRANSFERS PAYROLL	1/19/18-2/2/18		\$	5,634.92
WIRES / MANUAL CHECKS			\$	2,500.00
TOTAL TRUST		\$	-	\$ 13,939.74

SEWER CAPITAL FUND

CHECK SEWER CAPITAL				
MANUAL CHECKS				
WIRE TRANSFERS PAYROLL	1/19/18-2/2/18			
TOTAL SEWER CAPITAL		\$	-	\$ -

ANIMAL TRUST FUND

ANIMAL TRUST CHECK			\$	118.20
TOTAL ANIMAL TRUST		\$	-	\$ 118.20

TOTAL BILL LIST & MANUAL CHECKS/WIRE		\$	60.00	\$ 2,384,176.87
GRAND TOTAL				\$ 2,384,236.87

ANNOUNCEMENTS

ADJOURNMENT: On the motion of Mr. Kidd and second of Mr. Sperrazza the meeting was adjourned at 8:53 P.M.

Denise Brouse, Borough Clerk