

Merchantville, September 24, 2018

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, September 24, 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: Kidd, Fitzgerald, Sperrazza, McLoone and Perno. Clerk Brouse, CFO Moules and Attorney Higgins were present.

**PUBLIC**

**Maria Nina Scarpa-311 St James.**-It was a good meeting regarding redevelopment, things need to be positive-transcription of meeting phases of redevelopment plan should get placed on website. The phases including parking, sewer, grass etc. Should look at complete streets and LED lights. Supply a Q & A on the website pertaining to redevelopment to keep everyone involved.

**PUBLIC HEARING ORDINANCE for second reading and adoption-None**

18-10 Amending Chapter 25, Fees

**ADOPT ORDINANCE 28-20 Amending Chapter 25, Fees**-On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council adopted the following Ordinance

**18-10**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AMENDING CHAPTER 25, FEES, 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 Chapter 25, Fees for Public Records, in the Code of the Borough of Merchantville, is hereby amended as follows:

**Article II.**

**Uniform Construction Code; Fees**

**ARTICLE I.                      ARTICLE II.                      SECTION 25-10                      Fees.**

A. The basic construction permit fee shall be the sum of the parts computed on the basis of the volume or cost of construction, the number of plumbing fixtures and pieces of equipment, the number of electrical fixtures and devices and the number of sprinklers, standpipes and detectors (smoke and heat) at the unit rates provided herein plus any special fees, and shall be paid before the permit is issued.

(1) Building subcode fees.

(a) The minimum fee shall be \$75.

(b) New construction fees.

[1] Fees for Subcodes B, H, I-1, I-3, M, E, R-1, R-2, R-3, R-4, R-5, U, I shall be \$0.034 times cubic feet of volume.

[a] Garden-type sheds.

[i] One hundred to 200 square feet: \$75 minimum fee.

[ii] Over 201 square feet: \$200 minimum fee.

[b] Exceptions: open structures (roofs without walls) accessory to one-and two-family dwelling: \$100 minimum fee.

[2] Fees for Subcodes A-1, A-2, A-3, A-4, F-1, F-2, S-1, S-2 shall be \$0.034 times cubic feet of volume.

[3] Farm use buildings, exclusively used for storage of food or grain or the sheltering of livestock: \$0.0008 times cubic feet of volume. The maximum fee is \$1,145.

(c) Renovations, alterations and repairs.

[1] Open deck structures.

- [a] Under 100 square feet: \$75 minimum fee.
- [b] One hundred square feet to 200 square feet: \$100 minimum fee.
- [c] Two hundred one square feet to 400 square feet: \$150 minimum fee.
- [d] Four hundred one square feet and over: \$200 minimum fee.
- [2] Estimated cost, up to and including \$50,000: \$30 per \$1,000.
- [3] Estimated cost of \$50,001: \$23 per \$1,000 (additional fee).
- [4] Deleted.

[5] Handicapped fees. Pursuant to the authority under N.J.S.A. 52:27D-126e, no construction permit fee shall be required for the construction, reconstruction, alteration, improvement or repair of a structure and related devices installed or erected for the sole purpose to promote accessibility by the handicapped; handicapped being defined under N.J.S.A. 52:27d-126e; and conforming to the current N.J.A.C. 5:23.7 Barrier Free Code, and any subsequent amendments or additions thereto. By waiving of the fees, in no way waives the right of enforcing agency to request plans for the purpose of reviewing plans for code compliance.

(d) Demolition.

[1] Structures of less than 5,000 square feet and less than 30 feet in height, one- and two-family residences (R-3) and structures on farms, including commercial farm buildings used exclusively for storage of food or grain or sheltering of livestock: \$82.

[2] All other groups: \$120.

(e) Signs: square foot surface area of sign times \$2.50. The minimum fee is \$75.

(f) Fees for new construction shall be based upon the volume of the structure. Volume shall be computed in accordance with N.J.A.C. 5:23-2.28. The new construction fee shall be in the amount of \$0.34 per cubic foot of volume for buildings and structures of all use groups and types of construction as classified in Articles 3 and 4 of the building subcode.

(g) Fees for renovations and alterations and repairs or site construction, including sidewalks and aprons, shall be based on the estimate cost of the work. The fee shall be in the amount of \$30 per \$1,000. Above \$50,000, the additional fee shall be in the amount of \$23 per \$1,000 of estimated cost above \$50,000. The applicant shall submit to the Construction Official such data as may be available produced by the architect or engineer of record, or by a recognized estimating firm, or by the contractor. A bona fide contractor's bid, if available, shall be submitted. The Construction Official shall make the final decision regarding estimated cost.

(h) Fees for additions shall be computed on the same basis as for new construction for the added portion.

(i) Fees for combination renovations and additions shall be computed separately in accordance with Subsection A(1)(f) and (g) above.

(j) The fee for tents, in excess of 900 square feet or 30 feet in any dimension, shall be \$116.

(k) The fee for roofing work on Use Groups R-3 and R-4 structures shall be \$75.

(l) The fee for siding work on Use Groups R-3 and R-4 structures shall be \$65.

(2) Plumbing subcode fees.

(a) Minimum fee shall be \$75.

(b) The fee shall be in the amount of \$15 per fixture, piece of equipment or appliance connected to the gas or oil piping system except as indicated in Subsection A(2)(c) below.

(c) Additional fees shall apply to the following devices. The fee shall be \$92 per special device for the following: grease traps, oil separators, refrigeration units, utility service connections, backflow preventors equipped with test ports, (double check valve assembly, reduced pressure zone and pressure vacuum breaker backflow preventors), steam boilers, hot water boilers (excluding those for domestic heating), active solar systems, sewer pumps and interceptors. There shall be no inspection fee charged for gas service entrances.

(3) Electrical subcode fees.

(a) Minimum fee: \$75. For from one to 50 receptacles or fixtures, the fee shall be \$65; for each 25 receptacles or fixtures in addition to this, the fee shall be in the amount of \$15; for the purpose of computing this fee, receptacles or fixtures shall include lighting outlets, convenience receptacle, smoke and motors or devices of less than or equal to one horsepower or one kilowatt.

(b) For each motor or electrical device greater than one horsepower and less than or equal to 10 horsepower, and for transformers and generators greater than one kilowatt and less than or equal to 10 kilowatts, the fee shall be \$15.

(c) For each motor or electrical device greater than 10 horsepower and less than or equal to 50 horsepower, for each service panel, service entrance or subpanel less than or equal to 200 amperes, for each transformer and generator greater than 10 kilowatts and less than or equal to 45 kilowatts and for each utility load management device, the fee shall be \$75.

(d) For each motor or electrical device greater than 50 horsepower and less than or equal to 100 horsepower, for each service panel, service entrance or subpanel greater than 200 amperes and less than or equal to 1,000 amperes and for transformers and generators greater than 45 kilowatts and less than or equal to 112.5 kilowatts, the fee shall be \$120.

(e) For each motor or electrical device greater than 100 horsepower, for each service panel, service entrance or subpanel greater than 1,000 amperes and for each transformer or generator greater than 112.5 kilowatts, the fee shall be \$575.

(f) For the purpose of computing these fees, all motors except those in plug-in appliances shall be counted, including control equipment, generators, transformers and all heating, cooking or other devices consuming electrical current.

g) The fee for above-ground swimming pools shall be \$75.

h) The fee for in-ground swimming pools shall be \$125.

(4) Fire subcode fees.

(a) Minimum fee: \$75.

(b) Fire protection and other hazardous equipment: sprinklers, standpipes, detectors (smoke and heat), pre-engineered suppression systems, gas and oil-fired appliances not connected to the plumbing system, kitchen exhaust systems, incinerators and crematoriums.

[1] The fee for 20 or fewer heads shall be \$82; for 21 to and including 100 heads the fee shall be \$151; for 101 to and including 200 heads the fee shall be \$289; for 1 to and including 400 heads the fee shall be \$748; and for 401 to and including 1,000 heads the fee shall be \$1,036; the fee for over 1,000 heads shall be \$1,323.

[2] The fee for one to 12 detectors shall be \$75; for each 25 detectors in addition to this, the fee shall be in the amount of \$25.

[3] The fee for each standpipe shall be \$289.

[4] The fee for each independent pre-engineered system shall be \$116.

[5] The fee for each gas-fired or oil-fired appliance that is not connected to the plumbing system shall be \$75.

[6] The fee for each kitchen exhaust system shall be \$75.

[7] The fee for each incinerator shall be \$460.

[8] The fee for each crematorium shall be \$460.

(5) Fees for certificates and other permits.

(a) The fee for demolition or removal permit shall be \$82 for Use Groups R-3 and R-4; the fee for all other use groups shall be \$151.

(b) The fee for a permit to construct a sign shall be in the amount of \$2.50 per square foot of surface area of the sign, computed on one side only for double-faced signs. The minimum fee shall be \$75.

(c) The fee for a certificate of occupancy for Use Groups R-3 and R-5 structures shall be \$75.

(d) The fee for a certificate of occupancy for all other use groups shall be 10% of the total permit fee, with a minimum charge of \$65. The fee for a certificate of continued occupancy issued under N.J.A.C. 5:23-2.23(c) shall be \$120.

(e) The fee for a certificate of occupancy granted pursuant to a change of use group shall be \$120. The fee for plan review of a building for compliance under the alternate systems and nondepletable energy source provisions of the energy subcode shall be \$274 for one- and two-family homes (Use Group R-3 of the building subcode) and for light commercial structures having the temperature controlled from a single point and \$1,369 for all other structures.

(f) The fee for an application for a variation in accordance with N.J.A.C. 5:23-10 shall be \$594 for Class I structures and \$120 for Class II and Class III structures. The fee for resubmission of an application for a variation shall be \$229 for Class I structures and \$65 for Class II and Class III.

- (g) The fee for lead hazard abatement work shall be \$140.
- (h) For cross-connections and backflow preventors that are subject to testing, requiring reinspection annually, the fee shall be \$75.
- (i) Mechanical systems. The fee for a mechanical inspection in a Use Group R-3 or R-4 structure by a mechanical inspector shall be \$75 for the first device and \$15 for each additional device. No separate fee shall be charged for gas, fuel oil or water piping connections associated with the mechanical equipment inspected.
- (j) Tanks, in-ground or aboveground: on-site inspection fee shall be \$82.
- (k) The building subcode permit fee for construction and installation for an aboveground swimming pool shall be \$75.
- (l) The fee for a bonding/grounding inspection and certificate as required for public swimming pools, spas and hot tubs by P.L. 1998, c.137, Editor's Note: See N.J.S.A. 52:27D-133.2 shall be \$75.
- (6) Minimum fee. In any case, the minimum fee for a construction permit, in part or total, shall be \$75, with the following exceptions as determined by the Construction Office:
  - (a) Sheds and other small renovations or accessory structures on Use Groups R-3 and R-4 property: the charge for each such structure or renovation shall be \$75.
  - (b) Deleted.
  - (c) Water heater: the fee for inspecting a replacement water heater in a Use Group R-3 or R-4 structure shall be \$45.
  - (d) Flatwork: concrete patios, slabs, driveways, walkways (does not include sidewalk and aprons) shall be \$35.
- B. Third-party agencies. In the event that a third-party agency is used for any one of the subcodes, an administrative surcharge of 15% shall be added per subcode.
- C. Discontinuance of building project. Pursuant to N.J.A.C. 5:23-2.27, in case of a discontinuance of a building project, plan review fees are not refundable.
- D. Exemptions. The only exemptions to fees are for municipal buildings or use of buildings for municipal business and buildings of Use Group A-4.

**Article III.  
Miscellaneous Fees**

<b>ARTICLE II.</b>	<b>ARTICLE III. SECTION 25-14</b>	<b>Municipal Fees.</b>
Alcoholic beverage licenses		
Annual license: plenary retail consumption		\$1,375.00
Annual license: plenary retail distribution		\$1,375.00
Annual license: club		\$100.00
Amusements and amusement devices		
Bingo (each)		\$ 20.00
Raffle-50/50 (each)		\$ 20.00
Fire Prevention Inspection Fees		
Multi-Family units		
R1=UP to 3 units		\$ 55.00
R2=4 to seven units		\$ 90.00
R3=8 to 35 units		\$125.00
R4=6 to 65 units		\$225.00
R5=66 to 100 units		\$325.00
R6=over 100 units		\$425.00
Single business buildings		
SB1=one floor business		\$ 35.00
SB2=two floor business		\$ 65.00
SB3=three floor business		\$ 85.00
SB4=four floor business		\$150.00
SB5=building over 10,000 sq. ft.		\$175.00
Multiple business buildings		
MB1=individual business		\$ 35.00

MB2=common area		\$ 65.00
MB=each floor		\$ 65.00
Historic Preservation Commission Review		
Certificate of Appropriateness for New Construction of A Principal or Accessory Structure		
Application Fee:		\$100.00
Escrow:		\$300.00
Certificate of Appropriateness for Removal, Demolition, Alterations, Relocation or Additions to any Building or Structure		
Application Fee:		\$100.00
Escrow:		\$300.00
Certificate of Appropriateness for any replacement, alteration in, or addition of signs, shutters, outdoor displays, fences, hedges, awnings, off-street driveways and parking materials or exterior lighting		
Application Fee:		\$100.00
Escrow:		\$150.00
Other Reviews, including Requests for Advice or Letters Of Interpretation		
Application Fee:		\$ 50.00
Escrow:		\$300.00
License for temporary locale		
Dumpster/Container Permit (10 Day)		\$ 25.00
5 day Renewal (up to three times)		\$ 15.00
Peddling and soliciting		
License issued for a three-month period		\$ 50.00
Property Resale Inspection Certificates		
Residential Resale Inspection Fee	\$50.00 per unit	(\$300.00 max.)
Commercial Resale Inspection Fee		\$50.00 per unit (\$300.00 max.)
Re-inspection fee		
First re-inspection		no charge
Second and subsequent re-inspections		\$25.00
Zoning Permits Issued by Zoning Officer.		
Zoning Permit for Uses, Structures, Improvements		\$50.00
Residential wheelchair ramp		no charge
Certificate of Legal Non-Conforming Use		\$25.00
Joint Land Use Board Fees		
Appeal of the Decision of Zoning Officer		
Application Fee		\$150.00
Escrow		\$500.00
Interpretation of Zoning Map or Ordinance		
Application Fee		\$150.00
Escrow		\$500.00
Certificate of Legal Non-Conforming Use		
Application Fee		\$150.00
Escrow		\$500.00
'C' Variance		
Application Fee		\$150.00
Escrow for Fences		\$300.00
Escrow for all other 'c' variances		\$750.00
"D" Variances (N.J.S.A. 40:55D-70(d))		

Application Fee	\$300.00
Escrow	\$600.00
Minor Site Plan Triggered by 'Change of Use' or 'Conditional Use' With No Exterior Changes or Site Alterations	
Application Fee	\$ 50.00
Escrow	\$300.00
Minor Site Plan (all other Minor Site Plans)	
Application Fee	\$150.00
Escrow	\$1,000.00
Major Site Plan	
Application Fee for Preliminary Review	\$300.00
Escrow for Preliminary Review	\$1,500.00 plus \$500.00 per acre (\$2,000.00 min.)
Application Fee for Final Review	\$300.00
Escrow for Final Review	\$1,000.00
Major Subdivision	
Application Fee	\$300.00
Escrow	\$750.00 plus \$250.00 per lot (\$1,250.00 min.)
Major Subdivision	
Application Fee for Preliminary Review	\$500.00
Escrow for Preliminary Review	\$1,500.00 plus \$250.00 per lot (\$2,500.00 min.)
Application Fee for Final Review	\$300.00
Escrow for Final Review	\$2,000.00
200' List of Property Owners for Public Notice	\$10.00
Recycling container	
First container	no charge
Additional container(s)	\$10.00 each
Returned checks	\$25.00
Sewers	
Permit to make connection with sewer system	\$1,207.00
Sign permit application fee	
Business	\$ 50.00
Dangerous sign administration fee	\$100.00
Smoke and CO detectors and fire extinguisher inspections:	
More than ten business days the fee is	\$ 35.00
Fewer than ten but more than four business days	\$ 70.00
Four business days or fewer	\$125.00
If re-inspection required /per re-inspection	\$ 10.00

The Borough of Merchantville hereby adopts the fee structure of the New Jersey Department of Community Affairs for the State Uniform Construction Code, as authorized by New Jersey regulations.

The above hereby incorporates N.J.A.C. 5:23-4:20 as currently in place and any future amendments and/or appropriate

regulatory provision pertinent to the fee structure.

		On file
Street openings		
Permit fee		\$ 20.00-100.00
Bond for street opening		
Deposit in lieu of bond for street opening		
Summer Parks and Playgrounds Program - Registration		
Borough residents		\$135.00 per child
Non-residents		\$160.00 per child
Swimming pools		
Basic permit fee for wading pool		\$ 5.00
Permit fee		\$ 20.00
Tax Collector's Office		
Certificate of Redemption	First Request	no charge
	Additional requests	\$ 25.00
Duplicate Tax Sale Certificate		\$100.00
Tax Search Fee	First Request	no charge
	Second Request	no charge
	Third Request	\$ 50.00
Copy of Master Plan on CD		Borough's cost

**ARTICLE III.**

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

**ARTICLE IV.**

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

**PUBLIC HEARING ORDINANCE for second reading and adoption-None**

18-11 Amending Chapter 94

**ADOPT ORDINANCE 18-11 Amending Chapter 94**-On a motion of Mr. Fitzgerald and second of Mr. Kidd, Council adopted the following Ordinance.

**18-11**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 94, ZONING ORDINANCE**

**WHEREAS** the Mayor and Borough Council of the Borough of Merchantville, County of Camden, seeks to amend various sections of Chapter 94, the Borough's Zoning Ordinance, to amend and update the permitted, prohibited, and conditional uses in the B-1 and B-2 Zoning Districts, and to make a correction to the Maple Avenue Redevelopment Zone;

**NOW THEREFORE BE IT ORDAINED** that Article VIII, §§ 94-33 through 94-33.4, and Article VIIIA, §§ 94-37 through 94-37.2 of Chapter 94, Zoning Ordinance of the Borough of Merchantville, are hereby amended, as follows:

**SECTION 1. ORDINANCE AMENDMENTS.**

**ARTICLE VIII B-1 Central Business District**

**§ 94-33. Permitted principal uses.**

Permitted principal uses in the B-1 district shall be as follows:

- A. Retail sales of goods and services;

- B. Physical Fitness studios, yoga studios, martial arts studios; **[Added by Ord. No. 18-11]**
- C. Art studios, displays, and/or art galleries for artistic endeavors and production, including painting, sculpting, ceramics, jewelry, glass blowing, photography, and hand-made furniture; **[Added by Ord. No. 18-11]**
- D. Travel agencies, real estate offices and opticians;
- E. Offices and professional offices other than those listed in § 94-33D above but not on the street level floor along the Park Avenue and Centre Street frontages;
- F. Restaurants;
- G. Apartments over other permitted uses but not on the street level floor;
- H. Banks and other similar financial institutions;
- I. Senior citizen multifamily buildings. **[Added 2-12-1996]**

**§ 94-33.1. Conditional Uses. [Amended by Ord. No. 18-11]**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses, in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/ Zoning Board. The following conditional uses shall be permitted in the B-1 Central Business Zoning District as follows:

- A. Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like, provided the following conditions have been met:
  - (1) Such use is not within 1,000 feet of any property used for school purposes or which is owned by or leased to any elementary or secondary school or school board;
  - (2) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (3) If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIII B, §94-51.1 through §94-51.10) have been met.
  - (4) A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;
  - (5) Off-street parking shall be provided as required by §§94-52, 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;
  - (6) Such use is located on the ground floor only;
  - (7) The area and yard requirements of §94-34 have been met;
  - (8) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;
  - (9) If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;
  - (10) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.
- B. Any kind of manufacturing, fabricating, altering, finishing or assembling, except as necessarily incidental to a retail trade or service use, provided the following conditions have been met: **[Amended by Ord. No. 18-11]**
  - (1) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (2) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation);
  - (3) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.



- C. Micro-brewery, craft-brewery, craft-distillery tasting room, winery tasting-room and similar uses, provided the following conditions are met: **[Added by Ord. No. 18-11]**
- (1) State licensing requirements are met;
  - (2) No outdoor storage;
  - (3) Business operations close by 11pm
- D. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the “New Jersey Compassionate Use Marijuana Act, NJSA 24:61-I et seq., provided the following conditions are met: **[Added by Ord. No. 18-11]**
- (1) No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;
  - (2) No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community’s residential-only zoning district;
  - (3) No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).
  - (4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;
  - (5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
  - (6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).
  - (7) In addition to the above:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.
  - (8) Hours of Operation shall be restricted to 9 a.m. to 7 p.m.
  - (9) Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.
  - (10) Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.
  - (11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
  - (12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.
- E. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, if permitted by State Law, provided the following conditions are met: **[Added by Ord. No. 18-11]**
- (1) No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;
  - (2) No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community’s residential-only zoning district;
  - (3) No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).
  - (4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;
  - (5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
  - (6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics

detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).

- (7) In addition to the above:
  - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;
  - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.
- (8) Hours of Operation shall be restricted to 12 p.m. to 9 p.m.
- (9) Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.
- (10) Persons under the age of eighteen years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.
- (11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
- (12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

**§ 94-33.2. Prohibited uses. [Added 6-8-2015 by Ord. No. 2015-06] [Amended by Ord. No. 18-11]**

The following uses are expressly prohibited in the B-1 Zoning District:

- A. Tattooing, body piercing, retail service businesses whose service includes any type of massage (excepting yoga studios, certified ayurvedic healing operations and physical therapy uses which are expressly permitted in the B-1 Zoning District), establishments that show film or video of any kind; pool, billiards or bingo, boarding homes and community residential homes.

§ 94-33.3. Permitted principal uses — Maple Avenue Redevelopment Zone. [Added 4-28-2003 by Ord. No. 03-04] [Amended by Ord. No. 18-11]

Permitted principal uses in the Maple Avenue Redevelopment Zone shall be the same as the B-1 Central Business Zoning District, with the exception of convenience stores and Senior Citizen multi-family buildings, which are prohibited.

**94-33.4. Conditional uses – Maple Avenue Redevelopment Zone. [Added 6-8-2015 by Ord. No. 2015-06] [Amended by Ord. No. 18-11]**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/Zoning Board. The following conditional uses shall be permitted in the Maple Avenue Redevelopment Zone as follows:

- A. Tattooing and body piercing establishments;
- B. Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- C. Retail service businesses whose services include any type of massage (excepting yoga studios and certified ayurvedic healing operations which are permitted uses in the Maple Avenue Redevelopment Zone within the B-1 Zoning District); and
- D. All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein;
- E. The Planning/Zoning Board shall not approve any conditional use application for any use under Sections A-D, unless the following general conditions have been met:
  - (1) Such use is not within 1,000 feet of any property used for school purposes or which is owned by or lease to any elementary or secondary school or school board;
  - (2) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (3) If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIII B, §94-51.1 through §94-51.10) have been met;
  - (4) A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;

- (5) Off-street parking shall be provided as required by Ordinance §§94-52, 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;
  - (6) Such use is located on the ground floor only;
  - (7) The area and yard requirements of §94-34 have been met;
  - (8) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;
  - (9) If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;
  - (10) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.
- F. Any kind of manufacturing, fabricating, altering, finishing or assembling, including licensed, except as necessarily incidental to a retail trade or service use, provided the following conditions are met: **[Amended by Ord. No. 18-11]**
- (1) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (2) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation);
  - (3) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.

#### ARTICLE VIIIA B-2 Neighborhood Business District

##### § 94-37. Permitted principal uses.

Permitted principal uses in the B-2 District shall be as follows:

- A. Retail sales of goods and services.
- B. Physical Fitness Studios, yoga studios, martial arts studios **[Added by Ord. No. 18-11]**
- C. Art Studios and Art Galleries Art studios, displays, and/or art galleries for artistic endeavors and production, including painting, sculpting, ceramics, jewelry, glass blowing, photography, and hand-made furniture **[Added by Ord. No. 18-11]**
- D. Travel agencies, real estate offices and opticians.
- E. Offices and professional offices.
- F. Restaurants.
- G. Apartments over other permitted uses but not on the street level floor.
- H. Multifamily buildings, subject to the requirements as set forth in the R-4 District.
- I. Banks and other similar financial institutions.
- J. All other uses required by the Municipal Land Use Law, N.J.S.A. 40:55D-1 et seq.

##### § 94-37.1. Conditional uses.

**[Added 6-8-2015 by Ord. No. 2015-06] [Amended by Ord. No. 18-11]**

The purpose of this section is to set forth the requirements and procedures applicable to conditional uses in the B-2 district in accordance with N.J.S.A. 40:55D-67. A conditional use shall not be approved for any site unless the use is specifically approved as a conditional use in the zone for which it is proposed by the Planning/Zoning Board. Conditional uses shall be permitted in the B-2 Neighborhood Business Zoning District as follows:

- A. Tattooing and body piercing establishments;
- B. Retail and/or wholesale sales businesses whose sales include any type of firearm including, but not limited to, handguns, rifles, ammunition and the like;
- C. Retail service businesses whose services include any type of massage (excepting yoga studios and certified ayurvedic healing operations which are permitted uses in the B-2 Zoning District);

- D All conditional uses as required by the Municipal Land Use Law, N.J.S.A. 40:55D-1, et seq., subject to any and all conditions set forth therein;
- E. The Planning/Zoning Board shall not approve any conditional use application for any use under this Section A-D, unless the following general conditions have been met:
- (1) Such use is not within 1,000 feet of any property used for school purposes or which is owned by or lease to any elementary or secondary school or school board;
  - (2) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (3) If the lot, or any portion thereof, for which the application for a conditional use is made is in the Historic District, the requirements of the Historic District section of this chapter (Article VIII B, §94-51.1 through §94-51.10) have been met;
  - (4) A site plan application has been made for the lot, the Planning/Zoning Board has approved such conditional use and the requirements and conditions of site plan/conditional use and the requirements and conditions of site plan/conditional use approval have been met;
  - (5) Off-street parking shall be provided as required by §§94-52, 94-52.1 and 94-53 and the parking required for the proposed conditional use is located on the lot for which the application is made, or on a contiguous lot which must be subject to a covenant running with the land reserving that parking for the proposed conditional use;
  - (6) Such use is located on the ground floor only;
  - (7) The area and yard requirements of §94-38 have been met; **[Amended by Ord. No. 18-11]**
  - (8) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics;
  - (9) If any signs are to be located upon the lot, the requirements of Article X, Signs, have been met;
  - (10) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone.
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.
- F. Any kind of manufacturing, fabricating, altering, finishing or assembling, including licensed, except as necessarily incidental to a retail trade or service use (except Alternative Treatment Centers which is addressed in another sub-section), provided the following conditions are met: **[Amended by Ord. No. 18-11]**
- (1) Notice of the application has been given, and publication made, pursuant to N.J.S.A. 40:55D-12;
  - (2) The proposed use shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation);
  - (3) In addition to the above, in the event that any use is located directly adjacent to a residential use or zone:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with that residential use or zone;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent residential land or buildings.
- G. Micro-brewery, craft-brewery, craft-distillery tasting room, winery tasting-room and similar uses, provided the following conditions are met: **[Added by Ord. No. 18-11]**
- (1) State licensing requirements are met;
  - (2) No outdoor storage;
  - (3) Business operations close by 11 pm
- H. Alternative Treatment Centers which are authorized to grow and provide registered qualifying patients with usable marijuana and related paraphernalia (including cultivation, manufacturing, and/or dispensing of medical marijuana), in accordance with the provisions of the “New Jersey Compassionate Use Marijuana Act, NJSA 24:61-I et seq., provided the following conditions are met: **[Added by Ord. No. 18-11]**

- (1) No Alternate Treatment Center shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;
  - (2) No Alternate Treatment Center shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;
  - (3) No Alternate Treatment Center shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).
  - (4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;
  - (5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
  - (6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).
  - (7) In addition to the above:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.
  - (8) Hours of Operation shall be restricted to 9 a.m. to 7 p.m.
  - (9) Use or consumption in any manner of marijuana is not permitted on the premises of any medical marijuana dispensary at any time.
  - (10) Persons under the age of eighteen years of age are not permitted to be on the premises of any medical marijuana dispensary at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.
  - (11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
  - (12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.
- I. Authorized Recreational Marijuana Retail Facility, involving the sale of marijuana and related paraphernalia for recreational purposes to members of the general public, if permitted by State Law, provided the following conditions are met: **[Added by Ord. No. 18-11]**
- (1) No Authorized Recreational Marijuana Facility shall be located within 200 feet of any property used for school purposes or which is owned by or leased to any elementary school secondary school or school board;
  - (2) No Authorized Recreational Marijuana Facility shall be located within 50 feet of any R-1, R-2, R-3, R-4 residential zoning district or an adjacent community's residential-only zoning district;
  - (3) No Authorized Recreational Marijuana Facility shall be located within 200 feet of another similar facility (i.e., Alternative Treatment Center or Authorized Recreational Marijuana Retail Facility).
  - (4) Notice of the application has been given, and publication made, pursuant to NJSA 40:55D-12;
  - (5) A site plan application has been made for the lot, and the Planning/Zoning Board has approved such conditional use, and the requirements and conditions of site plan/conditional use have been met.
  - (6) The proposed facility shall be so located and of such size and character that, in general, it shall be in harmony with the existing development in the general area in which it is proposed to be situated, particularly if it is located in the Historic District, and the use shall be free of nuisance characteristics detectable to normal senses beyond the boundaries of the property (including noise, vibration, dust, odor and sanitation).
  - (7) In addition to the above:
    - (a) The location, size, activity, site layout, street access, pedestrian and vehicular movement and possible assembly of people shall be harmonious with surrounding land uses;
    - (b) The location and height of buildings, fences and landscaping shall not discourage the appropriate development and use or materially affect property values of the adjacent properties.
  - (8) Hours of Operation shall be restricted to 12 p.m. to 9 p.m.

- (9) Use or consumption of marijuana is permitted on the premises of an authorized recreational marijuana retail facility only if it is used or consumed indoors and only if the product is purchased at that retail facility. No outside purchases may be consumed on the premises.
- (10) Persons under the age of eighteen years of age are not permitted to be on the premises of any authorized recreational marijuana retail facility at any time unless they are a qualified patient or a primary caregiver, and they are in the presence of their parent or guardian.
- (11) Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
- (12) Outdoor loudspeakers or other outdoor sound equipment advertising or directing attention to a dispensary, including but not limited to prerecorded or live music or sounds, are prohibited.

#### **SECTION II. ORDINANCE SECTION DELETION**

Article VIII A, §94-37.2, entitled “Conditional Uses - Maple Avenue Redevelopment Zone” in the B-2 Section is deleted in its entirety.

#### **SECTION III. INCONSISTENCY**

All Ordinances or parts thereof in conflict or inconsistent with this Ordinance are hereby repealed, but only however, to the extent of such conflict or inconsistency. It is the legislative intent that all Articles and Sections of the Zoning Ordinance now existing or in effect shall remain in effect, unless the same are in conflict or are inconsistent with any provision of this Ordinance.

#### **SECTION IV. SEVERABILITY**

In the event any sections or provisions of this Ordinance Amendment are contrary to New Jersey State Law, New Jersey State law shall overrule and supersede this Ordinance Amendment. However, the provisions of this Amendment are hereby declared to be severable, such that any such invalidity shall not affect or invalidate the remainder of any Article, section, subsection, paragraph, subdivision or clause of this Chapter 94, Zoning Ordinance of the Borough of Merchantville.

#### **SECTION V. EFFECTIVE DATE**

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

#### **DISCUSSION ITEMS**

Centre Street Reconstruction

#### **OLD BUSINESS**

**Approve use of Facility for music Fest**-Josh Seib, 500 Chapel Ave., Cherry Hill-On a motion of Mr. Sperrazza and second of Mr. Perno, Council approved use of facility for music fest.

**Brush and Debris Collection** in Merchantville-1 response-Gold Medal

#### **NEW BUSINESS**

Engineer Report-attached  
Correspondence  
Council Reports-next meeting  
Clerk’s Report

Resolutions to be approved during the caucus meeting. On a motion of Mr. Kidd and second of Mr. Fitzgerald, Council approved the following resolution.

#### **R18-129**

#### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY SELECTING PENNONI ASSOCIATES, INC. TO PROVIDE PROFESSIONAL SERVICES FOR THE LIGHTING FEASIBILITY STUDY FOR THE MULTI USE PATH**

**WHEREAS**, the Borough Council of the Borough of Merchantville selected Pennoni Associates, Inc. as Engineer for the Lighting Feasibility Study for the Multi Use Path; and

**WHEREAS**, the Borough Council of the Borough of Merchantville desires to contract with Pennoni Associates, Inc. for the overview of study, report and conceptual lighting plan;

Task 1- Underground Utility Location	\$ 6,600
Task 2- Survey Field Work and Base Plan	\$14,400
Task 3- General Information Public Meeting	\$ 1,000
Task 4- Lighting Feasibility Report	\$10,000
Task 5- Merchantville Council Report	\$ 500
Task 6- Pennsauken Committee Report	<u>\$ 500</u>

**Total Engineering Fee: \$33,000**

**WHEREAS**, the fees and costs listed above for the professional service will not exceed \$33,000 and the funds have been certified;

I, Denise Moules, Finance Officer for the Borough of Merchantville hereby certify that funds are available for award of this contract in account \_\_\_\_\_.

\_\_\_\_\_  
Denise Moules, Finance Officer

**NOW, THEREFORE, BE IT RESOLVED**, that the Borough Council of the Borough of Merchantville does hereby select Pennoni Associates Inc., 515 Grove Street, Suite 1B, Haddon Heights, NJ 0035 to provide the services as detailed in their September 10, 2018 proposal.

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

**R18-130**  
**RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY**  
**OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING**  
**SUBMISSION OF AN APPLICATION TO THE NEW JERSEY**  
**DEPARTMENT OF TRANSPORTATION FOR MUNICIPAL AID**

**WHEREAS** the New Jersey Department of Transportation has an allotment of funding available to municipalities with the New Jersey Department of Transportation for the 2019 Local Aid Road Project-00355; and

**WHEREAS** the Mayor and Council of the Borough of Merchantville formally approve the grant application for the improvements of reconstruction on the roads as indicated on the application, attachment "A";

**NOW, THEREFORE, IT IS HEREBY RESOLVED** that the Borough Engineer is hereby authorized to prepare an application and the Mayor and Borough Clerk is authorized to sign and execute the application to NJ DOT District 4, One executive Campus, Route 70 W. 3<sup>rd</sup> Floor, Cherry Hill, NJ 08002. Signatures constitute acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

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

**R18-131**  
**RESOLUTION APPOINTING CONDITIONAL REDEVELOPER AND**  
**AUTHORIZING EXECUTION OF A MEMORANDUM OF UNDERSTANDING**

**WHEREAS**, the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1, et seq.*, as amended and supplemented ("Redevelopment Law"), provides a process for municipalities to participate in the redevelopment and improvement of areas in need of rehabilitation or redevelopment; and

**WHEREAS**, pursuant to Resolution No. \_\_\_\_\_, adopted by the Mayor and Council of the Borough of Merchantville, Block 29, Lots 1-17, Block 33, Lots 5, 6, 7, 12, 13 and 13.01, and Block 61, part of Lot 4 (the

“Property”) were designated as a redevelopment area pursuant to the LRHL (“Redevelopment Area”) in accordance with the Redevelopment Law; and

**WHEREAS**, pursuant to its plans for the revitalization of the Borough of Merchantville, the Borough, via Ordinance No. \_\_\_\_\_, adopted the Merchantville Town Centre East Redevelopment Plan (“Redevelopment Plan”) which was subsequently amended on September 22, 2008 (“First Amendment”), and again on May 23, 2016 (“Second Amendment”) (collectively hereafter the “Amended Redevelopment Plan”); and

**WHEREAS**, the Borough has been in discussion with Viking Associates, Inc. (“Viking”), regarding redevelopment of the Property within the Redevelopment Area; and

**WHEREAS**, Viking has presented its redevelopment concepts to the Borough, and the Borough and Viking desire that the Property within the Redevelopment Area be redeveloped in accordance with a Redevelopment Plan; and

**WHEREAS**, *N.J.S.A.* 40A:12A-1, *et seq.*, as amended and supplemented, provides for a process for redevelopment entities to enter agreements with redevelopers to carry out and effectuate the terms of a redevelopment plan; and

**WHEREAS**, the parties intend to commence exclusive negotiations toward formulation of a Redevelopment Agreement to redevelop the Property within the Redevelopment Area in accordance with the requirements of a Redevelopment Plan; and

**WHEREAS**, in such event, the Borough desires to designate Viking as conditional redeveloper in order to negotiate with Viking for a period of one hundred eighty (180) days in an effort to agree upon the terms of a Redevelopment Agreement; and

**WHEREAS**, the Borough and Viking desire to memorialize, in writing, their agreement under a non-binding Memorandum of Understanding that evidences the Parties’ statement of intent.

**NOW, THEREFORE, BE IT RESOLVED**, that Viking is hereby designated as Conditional Redeveloper for the Property within the Redevelopment Area subject to the terms and conditions of the Memorandum of Understanding attached hereto as Exhibit A and the Mayor and Borough Clerk are hereby authorized to execute the Memorandum of Understanding between the Borough and Viking evidencing the parties’ agreement to conduct exclusive negotiations toward the formulation of a Redevelopment Agreement for the Property within the Redevelopment Area.

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately upon adoption.

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 ordinance will be included on the agenda for the council meeting.

Amending Chapter 38, Hawking and Peddling

Amending Chapter 54, Peace and Good Order-need of special equipment

**R18-132 Private Session Potential Litigation**-On a motion of Mr. Fitzgerald and second of Mr. Kidd, council adjourned to private session

#### **R18-132**

### **RESOLUTION OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING A PRIVATE SESSION OF COUNCIL**

**Sean Fitzgerald** offered the following resolution and moved its adoption:

**WHEREAS**, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975 permits the exclusion of the public from a meeting in certain circumstances; and

**WHEREAS**, this public body is of the opinion that such circumstances presently exist;

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Council of the Borough of Merchantville, County of Camden, State of New Jersey, as follows:



1. The public shall be excluded from discussion of and action upon the hereinafter specified subject matters.
2. The general nature of the subject matter to be discussed is as follows:  
**Matters of Possible Litigation**
3. It is anticipated at this time that the above stated subject matter shall be made public.
4. This Resolution shall take effect immediately.

Seconded by **Griffin Kidd** and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Kidd	( X )	( )	( )	( )
Mr. Fitzgerald	( X )	( )	( )	( )
Mr. Grasso	( )	( )	( )	( X )
Mr. Sperrazza	( X )	( )	( )	( )
Mr. McLoone	( X )	( )	( )	( )
Mr. Perno	( X )	( )	( )	( )

On a motion of Mr. \_\_\_\_\_ and second of Mr. \_\_\_\_\_, council voted to return to public session

**MOTION TO ADJOURN:**

On the motion of Mr. Fitzgerald and second of Mr. Sperrazza, the meeting was adjourned at 8:05 PM.

\_\_\_\_\_  
Denise Brouse, Borough Clerk