

Merchantville, February 25, 2019

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, February 25, 2019. 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, Scarpa, Fitzgerald, Sperrazza, McLoone and Perno. Clerk Brouse, CFO Moules and Attorney Higgins were present. (Councilman Perno arrived at 7:40pm)

**PUBLIC** –Cindy Hertneck 15 Clifton Avenue, would like to plant sunflowers on the path in different areas. (that is fine as long as a map of locations)

Dorothy Foley 210 Westminster Avenue, This activity will be self-funded and community/business building

**PUBLIC Hearing on Ordinance - None**

**PUBLIC HEARING ORDINANCE for second reading and adoption**

19-01 Amend Chapter 94, Zoning for second reading and adoption

**ADOPT ORDINANCE 19-01 Amend Chapter 94, Zoning** - On a motion of Mr. Fitzgerald and second of Mr. Kidd, Council adopted the following Ordinance

**19-01**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING 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 Chapter 94, Zoning, is hereby amended in the Code of the Borough of Merchantville, as follows:

**ARTICLE I. ARTICLE XVI. SECTION 94-99 Application procedure; information required.**

- A. Information required. Please see "Joint Land Use Board Checklist," attached to Chapter 94 as "Exhibit A," and made a part hereof.
- B. Retained in its entirety.
- C. Retained in its entirety.

**ARTICLE II. ARTICLE XVII. SECTION 94-104 Applications for approval.**

- A. Retained in its entirety.
- B. Please see "Joint Land Use Board Application," attached to Chapter 94 as "Exhibit B," and made a part hereof.

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All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.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

**DISCUSSION ITEMS**

**OLD BUSINESS**

**Community Center:** Project update

**Redevelopment Area:** Working with design engineer meeting in March with developer

**Tree Issue at Police Parking Lot:** Shade tree would like to have Public Works place plastic owls in Tree and remove old branches before it is approved for removal

**NEW BUSINESS** Begin to use the "Use of public property" paperwork as of March 1

*Ordinances for a first reading to be approved during the caucus meeting. Ordinances for introduction on first reading. These ordinances will be considered for adoption at the public hearing to be held during the March 25<sup>th</sup> caucus meeting.*

ORDINANCE 19-02 Amend Chapter 77, Taxation, Code of the Borough of Merchantville. On the motion of Mr. Fitzgerald and second of Mr. Sperrazza the ordinance was introduced

#### 19-02

### **ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN, STATE OF NEW JERSEY AMENDING CHAPTER 77, TAXATION, OF 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 77, Taxation, is hereby amended in the Code of the Borough of Merchantville, as follows:

#### **ARTICLE I. SECTION 77-1 Procedures.**

The following procedures shall govern agreements for tax abatements and exemptions entered into by the Borough Council of the Borough of Merchantville and property owners and developers:

##### A. Application process.

(1) All improvements, as defined in N.J.S.A. 40A:21-3n, shall be exempt from local real property taxes, if approved by the Tax Assessor as to the completeness, and then approved by Borough Council. Application shall be upon the form approved by the Borough Council and the Borough Tax Assessor.

(2) Applicants shall be encouraged to apply for tax exemption on improvements prior to the commencement of construction of the improvement, provided that the applicant must file a proper application with the Tax Assessor within 30 days of the completion of the improvement in order to be eligible for tax exemption thereon.

(3) Every properly completed application for exemption on a single-family residential property, having one or more improvements, which is filed within 30 days of the completion of the improvement shall be approved and allowed or disapproved by the Assessor within 60 days of its filing.

B. Applications. Applications for tax abatement and/or exemption on projects shall be provided to the Borough Council through the Borough Assessor, setting forth:

(1) A general description of the project for which abatement is sought.

(2) A legal description of all real estate necessary for the project.

(3) Plans, drawings and other documents as may be required by the Borough Council to demonstrate the structure and design of the project.

(4) A description of the number, classes and types of employees to be employed at the project site within two years of completion of the project.

(5) A statement of the reasons for seeking tax abatement and/or exemption on the project and a description of the benefits to be realized by the applicant if tax abatement is granted.

- (6) Estimates of the cost of completing such project.
- (7) A statement showing:
  - (a) The real property taxes currently being assessed at the project site.
  - (b) The estimated tax payments that would be made annually by the applicant on the project during the period of the agreement.
  - (c) The estimated tax payments that would be made by the applicant on the project during the first full year following the termination of the tax agreement.
- (8) If the project is a commercial or industrial building, a description of any lease agreements between the applicant and proposed users of the project and a history and description of the user's business.
- (9) If the project is a multiple dwelling, a description of the number and types of dwelling units to be provided, a description of the common elements or general common elements, and a statement of the proposed initial rentals or sales prices of the dwelling units according to type and of any rental or resale restrictions to apply to the dwelling units respecting low- or moderate-income housing.
- (10) Such other pertinent information as the Borough Council may require.

C. Exemptions and abatements on residential dwellings.

(1) Exemptions. With regard to the exemption from taxation of improvements to dwellings, in determining the value of real property, the Borough shall regard the first \$25,000 in Assessor's full and true value of improvements for each dwelling unit primarily and directly affected by the improvement in any dwelling more than 20 years old, as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless an abatement is granted pursuant to Subsection C(2) of this section, or there is damage to the dwelling through action of the elements sufficient to warrant a reduction.

(2) Abatements for improvements. The Borough Council may abate some portion of the assessed value of property receiving the abatement as it existed immediately prior to the improvement. An abatement for a dwelling may be granted with respect to that property for a total of up to five years, but the annual amount of the abatement granted to any single property shall not exceed 30% of the annual amount of the abatement granted under this article. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance which may include a schedule providing for a different percentage of abatement up to 30% for each year of the abatement period.

(3) Abatement for new construction and/or conversions. The Borough Council may abate some portion of the assessed valuation of construction of new dwellings or of conversions of other buildings and structures, including unutilized public buildings, to dwelling use, or both. In determining the value of real property, the municipality shall regard a percentage, not to exceed 30% of the Assessor's full and true value of the dwelling constructed, or conversion alterations made, as not increasing the value of the property for a total up to five years, notwithstanding that the value of the property upon which the construction or conversion occurs is increased thereby. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance, which may include a schedule providing for a different percentage of abatement, up to 30%, for each year of the abatement period.

(4) Joint abatement and exemption. A project-specific ordinance providing for exemption may also provide for the abatement of some portion of the assessed value of property receiving the abatement of 30% as it existed immediately prior to the improvement or conversion alteration. The annual amount of the abatement shall not exceed 30% of the total cost of the improvement or conversion alteration, and the total amount of abatement and exemption granted to any single property shall not exceed the total cost of the improvement or conversion alteration. The abatement period and the annual percentage of the abatement to be granted shall be set forth in the specific ordinance which may include a schedule providing for a different percentage or abatement, up to 30%, for each year of the abatement period.

D. Exemptions and abatements on commercial and industrial structures.

(1) With regard to the exemption from taxation of improvements to commercial or industrial structures in determining the value of real property, the municipality shall regard up to the Assessor's full and true value of the improvements as not increasing the value of the property for a period of five years, notwithstanding that the value of the property to which the improvements are made is increased thereby. During the exemption period, the assessment on the property shall not be less than the assessment thereon existing immediately prior to the improvements, unless there is damage to the structure through action of the elements sufficient to warrant a reduction.

(2) With regard to exemptions and/or abatements for any improvements other than single-family residential property, the Borough shall authorize exemption for improvements on an individual basis after review, evaluation and approval of each application by the Borough Council.

**ARTICLE II. SECTION 77-2 Additional improvements, conversion  
and/or construction; eligibility for exemption and abatement.**

An additional improvement, conversion or construction completed on a property granted a previous exemption or abatement pursuant to this article during the period in which such previous exemption or abatement is in effect shall be qualified for an exemption, or exemption and abatement, just as if such property had not received a previous exemption or abatement. In such a case, the additional improvement, conversion or construction shall be considered as separate for the purposes of calculating exemptions and abatements pursuant to this article, except that the assessed value of any previous improvement, conversion or construction shall be added to the assessed valuation as it was prior to that improvement, conversion, alteration or construction for the purpose of determining the assessed valuation of the property from which any additional abatement is to be subtracted.

**ARTICLE III. SECTION 77-3 Long-term tax exemption.**

Upon approval of a specific ordinance authorizing an agreement for tax exemption for a particular project, the Borough Council shall enter into a written agreement with the applicant for the exemption of full real property taxes. The agreement shall provide for the applicant to pay to the Borough of Merchantville, in lieu of full property tax payments, an amount annually in accordance with N.J.S.A. 40A:20-1 et seq.

**ARTICLE IV. SECTION 77-4 Ineligibility of property for which  
property taxes or penalties are due.**

No exemption or abatement shall be granted, or tax agreement entered into, pursuant to this article with respect to any property for which property taxes are delinquent or remain unpaid or for which penalties for nonpayment of taxes are due.

**ARTICLE V.**

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

**ARTICLE VI.**

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

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on February 25, 2019. This Ordinance will be considered for adoption on final reading and public hearing to be held on March 25, 2019 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to readopt the Ordinance permitting Tax Abatements and Exemptions for certain properties in the Borough of Merchantville. A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

ORDINANCE 19-03 Mt Laurel. On the motion Mr. Sperrazza and second of Mr. Kidd the ordinance was introduced

**19-03**

**ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING THE PURCHASE OF CERTAIN PERSONAL PROPERTY FROM THE TOWNSHIP OF MOUNT LAUREL, AND AUTHORIZING THE MAYOR AND BOROUGH CLERK TO EXECUTE ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURCHASE**

**WHEREAS**, the Township of Mount Laurel hereinafter, (“Mt. Laurel”) is the current owner of a trailer with portable stage attached, with Vehicle Identification Number 1XCS24281N3001001; and

**WHEREAS**, Mt. Laurel has upgraded its trailer with portable stage attached, and no longer is in need of the herein referenced trailer with portable stage attached, rendering it as surplus property; and

**WHEREAS**, Mt. Laurel wishes to transfer the ownership of the trailer with portable stage attached, with Vehicle Identification Number 1XCS24281N3001001, to Borough of Merchantville; and

**WHEREAS**, the Borough of Merchantville, (hereinafter, “Merchantville”), shall receive trailer with portable stage attached, with Vehicle Identification Number 1XCS24281N3001001, for One (\$1.00) Dollar and other good and valuable consideration; and

**WHEREAS**, Merchantville will be responsible for the transport of the portable stage as well as the responsibility to provide insurance coverage; and

**WHEREAS**, Merchantville will be responsible for maintaining, servicing and insuring the portable stage in “as-is” condition, with no warranty guaranteed or provided by Mt. Laurel; and

**WHEREAS**, in the event of a failure to satisfy the conditions set forth above in Paragraphs, the equipment and materials shall immediately be transferred and titled back to Mt. Laurel upon request of the Mt. Laurel, and no longer be utilized by Merchantville with no claim to any ownership interest in the equipment by Merchantville; and

**WHEREAS**, Merchantville shall hold harmless and indemnify Mt. Laurel from any and all claims relative to its ownership and use of the portable stage; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12-13(b), personal property of a public entity may be sold privately to any political subdivision, agency, department, commission, board or body corporate and politic of the State of New Jersey; and

**WHEREAS**, this purchase by Merchantville, and sale by Mt. Laurel, as a bodies politic and municipal corporations of the State of New Jersey, satisfies the terms of N.J.S.A. 40A:12-13(b).

**NOW, THEREFORE, BE IT ORDAINED**, by the Mayor and Borough Council of the Borough of Merchantville, that the purchase of a trailer with portable stage attached, with Vehicle Identification Number 1XCS24281N3001001, from the Township of Mount Laurel, is approved, upon the terms and amounts as hereinabove set forth; 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 any and all

documents necessary to facilitate the purchase of the aforesaid personal property from the Township of Mount Laurel, including, but not limited to, the Memorandum of Understanding attached to this Ordinance as “Exhibit A”; and

**BE IT FURTHER ORDAINED** that all Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith; and that this Ordinance shall take effect upon passage and publication according to law.

The foregoing ordinance was introduced by Mayor and Council at the regular meeting held on February 25, 2019. This Ordinance will be considered for adoption on final reading and public hearing to be held on March 25, 2019 at 7:30 p.m. in the Council Meeting Room, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

The purpose of this Ordinance is to authorize the purchase of certain person property from the Mt. Laurel Township pursuant to N.J.S.A. 40A:12-13(b). A copy of this Ordinance is available at no charge to the general public between the hours of 8:30 AM to 4:30 PM, Monday through Friday (Legal Holidays excluded), at the Office of the Borough Clerk, Merchantville Borough Hall, 1 West Maple Avenue, Merchantville, New Jersey.

**Resolutions for agenda –**

**MOTION TO ADJOURN:**

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

Denise Brouse, Borough Clerk