

Merchantville, June 22, 2020

A Caucus meeting of Borough Council was held at 7:30 PM, Monday, June 22, 2020 as a virtual ZOOM meeting. Mayor Ted Brennan presided. Pledge of Allegiance and Silent Prayer. 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: Fitzgerald, McLoone, Perno, Scarpa, Sperrazza, Woods, and Brennan. CFO Moules, Clerk Brouse and Attorney Higgins were present.

Virtual meeting Rules and guidelines were read. List is attached, place in record.

PUBLIC – none

PUBLIC HEARING ORDINANCE 20-07 Temporarily Amend Chapter 94, Interim Zoning NONE

ADOPT ORDINANCE 20-07 Temporarily Amend Chapter 94, Interim Zoning

On a motion by Mr. Fitzgerald and a second by Mr. Perno council adopted the following:

20-07

ORDINANCE OF THE BOROUGH OF MERCHANTVILLE, COUNTY OF CAMDEN AND STATE OF NEW JERSEY AUTHORIZING INTERIM ZONING IN CHAPTER 94, ZONING, PURSUANT TO N.J.S.A. 40:55D-90(b), TO ALLOW FOR ISSUANCE OF ZONING PERMITS, EFFECTIVE UNTIL THE REPEAL OR RESCINDING OF THE GOVERNOR'S EXECUTIVE ORDER #150, TO PERMIT TEMPORARY OUTDOOR RESTAURANT SEATING AND RETAIL OUTDOOR DISPLAY SALES AREAS AT EXISTING LAWFUL BUSINESSES, SUBJECT TO BULK ZONING AND CONSTRUCTION CODE REQUIREMENTS AND OTHER OUTSIDE AGENCY APPROVALS

WHEREAS, the Mayor and Borough Council of the Borough of Merchantville ("Mayor and Council") is authorized to adopt interim zoning, pursuant to N.J.S.A. 40:55D-90(b), when matters of an imminent public health and safety issue are implicated as confirmed by a qualified health professional; and

WHEREAS, the Mayor and Council seek to establish a balance between the competing and conflicting public interests in promoting the reestablishment of public commerce in the Borough of Merchantville, while maintaining safe social distancing to minimize the threat and spread of the Coronavirus pandemic; and

WHEREAS, the Mayor and Council have determined that interim zoning to permit temporary outdoor restaurant seating and outdoor retail sales displays will promote these compelling public interest goals in a complementary fashion, provided that the implementation of same will occur on a temporary basis, and does not contravene any other public health and safety

concerns as set forth in the Borough's bulk zoning requirements, Construction Code requirements and requirements of any other outside County or State agencies; and

WHEREAS, the Mayor and Council desire to implement such measure as expeditiously as possible to minimize red tape and bureaucratic delay, but subject to a lawful process that will protect the interests of the residents of Borough of Merchantville and its taxpayers; and

WHEREAS, the Mayor and Council acknowledge the existence of the Governor's Executive Orders in respect of the restricted operations of retail businesses and restaurants at this time for take-out business only and, thus, such time period for the implementation of any temporary Zoning Permit issued hereunder, shall commence upon the repeal, expiration, non-renewal of the Governor's Executive Order restricting sales to take-out only and/or other Executive Order superseding the requirements or otherwise allowing for the interim zoning as set forth above, and shall cease upon the repeal or rescinding of the Governor's Executive Order #150; and

WHEREAS, a public health and safety emergency from the Coronavirus pandemic has been deemed to exist authorizing the adoption of interim zoning ordinance, because it will further promote social distancing.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Merchantville, County of Camden and State of New Jersey that:

Section 1. Interim zoning, within the applicable Sections of Chapter 94, Zoning, in the Code of the Borough of Merchantville, is hereby adopted for a period of time from the effective date hereof or such other date as deemed by Executive Order by the Governor, whichever is earlier and retroactive if necessary, to permit the establishment of temporary outdoor seating at lawfully existing restaurants and outdoor retail sales displays at existing lawful retail businesses, and shall cease upon the repeal or rescinding of the Governor's Executive Order #150.

Section 2. Upon submission of a written application and plot plan detailing the proposed temporary use activity described in Section 1., above, the Zoning Officer of the Borough of Merchantville is authorized to issue a temporary zoning permit, provided that such issuance is authorized by existing bulk zoning requirements, the Borough's Construction Code official's determination that it meets applicable Code requirements, and further that it complies with the legal requirements of any county or state agency with jurisdiction over the proposed use and retail sales activity. Since the proposed use is temporary in nature, no application for site plan approval shall be required.

Section 3. Any temporary zoning permit issued hereunder shall lawfully take effect upon the repeal, expiration, non-renewal of the Governor's Executive Order restricting operations of retail businesses and restaurants for take-out business only, or such other Executive Order superseding prior Executive Orders. Such ordinance shall be construed in a manner to fully comport with any future executive orders issued by the Governor.

Section 4. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

Section 5. The provisions of this Ordinance shall supersede the terms of any previously site plan approval, to the extent there is any conflict therewith.

Section 6. This Ordinance shall take effect as set forth above and upon final passage and publication in accordance with law.

DISCUSSION ITEMS:

- Staffing – July 13, 2020 not comfortable will be able to work from home. July 27 phase in public by appointment.
- August public in building.
- 5:00 Meeting – School, Fitzgerald to talk about open school. Limited to small discussion. Waiting for Governor’s guidelines. Ordering supplies for return. Waiting game right now.
- Nina – Ray met with existing Shade Tree members and created a flyer for volunteers.
- Forum – Thank you for attending. Debriefing is scheduled and will determine how to move forward with a plan.

OLD BUSINESS:

- Merchantville During the Coronavirus – CARES Funding 3/1-5/31 and projection for \$67,000 total for review.
- Community Center Update – Caretakers vacated. Next phase, Silver Spoon discussion and discussing a path forward. Possible supper club could use concession areas license.

NEW BUSINESS:

- Staffing Phases for Municipal offices
- Summer Parks and Playgrounds Program – cancelled-letter out
- Outdoor Restaurant Dining – Chestnut Avenue today/Eclipse as of last week. June 29th @ Merchant House in alley, transition alley/lot for outside dining for other restaurants.

Resolutions to be approved during the caucus meeting by consent agenda:

On a motion by Mr. Woods and a second by Mr. Fitzgerald council approved the following resolutions:

**R20-85
Borough of Merchantville
County of Camden, State of New Jersey Approving
Application Submission to New Jersey Department
of Transportation, Road Project 2021**

Resolution: Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the 2021 Road Program project.

NOW, THEREFORE, BE IT RESOLVED that Council of Merchantville formally approves the grant application for the above stated project.

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to submit an electronic grant application identified as MA-2021 Merch Borough Road Program-00444 to the New Jersey Department of Transportation on behalf of the Borough of Merchantville.

BE IT FURTHER RESOLVED that Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of the Borough of Merchantville and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

R20-86 attached

PRIVATE SESSION: R20-87 Matters of Contract

On the motion of Ms. Scarpa and second of Mr. Sperrazza enter private session.

R20-87

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

Ms. Scarpa 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 Contract

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 Mr. Sperrazza and adopted on roll call by the following vote:

	Yes	No	Abstain	Absent
Mr. Fitzgerald	(x)	()	()	()
Mr. McLoone	(x)	()	()	()
Mr. Perno	(x)	()	()	()
Ms. Scarpa	(x)	()	()	()
Mr. Sperrazza	(x)	()	()	()
Mr. Woods	(x)	()	()	()

Dated: **June 22, 2020**

MOTION TO ADJOURN:

On the motion of Mr. Perno and second of Mr. Fitzgerald, the meeting was adjourned at 8:16 PM.

Denise Brouse, Borough Clerk