

STRATFORD BOROUGH COUNCIL
REGULAR MEETING AGENDA
APRIL 12, 2022
7:00 P.M.

CALL TO ORDER: THE STRATFORD REGULAR COUNCIL MEETING FOR APRIL 12, 2022

PLEDGE OF ALLEGIANCE AND PRAYER:

STATEMENT OF ADVERTISEMENT:

Notice of this meeting has been provided to the Courier Post and The Retrospect and is posted on the Borough Hall Bulletin Board stating the time and the place of the meeting.

ROLL CALL:

MAYOR JOSH KEENAN	STUART PLATT, BOROUGH SOLICITOR
COUNCIL PRESIDENT PATRICK GILLIGAN	RON MORELLO, POLICE CHIEF
COUNCILMAN STEPHEN GANDY	BILL BRAY, BOROUGH CLERK
COUNCILMAN JAMES KELLY	
COUNCILMAN MICHAEL TOLOMEO	
COUNCILWOMAN LINDA HALL	
COUNCILWOMAN TINA LOMANNO	

PUBLIC PORTION FOR AGENDA ITEMS ONLY:

Motion to go to open public portion on agenda items only:

Motion: _____ Second: _____ Voice Vote: _____

Motion to close public portion on agenda items:

Motion: _____ Second: _____ Voice Vote: _____

PROCLAMATION: JOHN FABRITIIS RETIREMENT

REPORTS:

POLICE	Councilman Patrick Gilligan
EMERGENCY SERVICES	Councilman Stephen Gandy
ORDINANCE & PROPERTY	Councilman James Kelly
PUBLIC WORKS & LIGHTING	Councilman Michael Tolomeo
PUBLIC EVENTS	Councilwoman Linda Hall
FINANCE & REVENUE	Councilwoman Tina Lomanno

OLD BUSINESS:

ORD. 2022:05 ORDINANCE AMENDING ORDINANCE 2017:07 OF THE BOROUGH OF STRATFORD ENTITLED "REGISTRATION OF DEFAULTED MORTGAGE PROPERTY";

Motion to open the public hearing on ORD. 2022:05: _____ Second: _____ Voice Vote: _____

Motion to close the public hearing on ORD. 2022:05: _____ Second: _____ Voice Vote: _____

Motion to adopt ORD 2022:05 _____ Second: _____ RCV: _____

NEW BUSINESS:

Page | 1

This agenda is subject to change

STRATFORD BOROUGH COUNCIL
 REGULAR MEETING AGENDA
 APRIL 12, 2022
 7:00 P.M.

ORD. 2022-06 AMEND 2022 SALARY ORDINANCE
 Motion: _____ Second: _____ RCV: _____

ORD. 2022-07 AN ORDINANCE TO AMEND CHAPTER 2.12.150 RATES OF COMPENSATION
 Motion: _____ Second: _____ RCV: _____

RESOLUTIONS:

RESOLUTIONS 2022:069 THROUGH 2022:069 WILL BE DONE AS A CONSENT AGENDA
 Council can at this time request to remove any of the resolutions from the consent agenda and they can be voted on separately.

RES. 2022-069 AUTHORIZE SEVERANCE AGREEMENT WITH JOHN FABRITIIS
 Motion: _____ Second: _____ RCV: _____

APPROVAL OF BILLS:

Animal checks		through		
Manual checks		through		
Payroll checks		through		and
Payroll checks		through		
Automated checks		through		
Various electronic transfers and potential interim payments to				

Motion: _____ Second: _____ RCV: _____

COUNCIL COMMENTS:

GOOD AND WELFARE:

Motion to open the meeting to the public for Good and Welfare:
 Motion: _____ Second: _____ Voice Vote: _____

Motion to close the public portion for Good and Welfare:
 Motion: _____ Second: _____ Voice Vote: _____

ADJOURN:

Motion: _____ Second: _____ Voice Vote: _____

ORDINANCE 2022:05

ORDINANCE AMENDING THE CODE OF THE BOROUGH OF STRATFORD TO ESTABLISH CHAPTER 8.60, ENTITLED "VACANT/ABANDONED PROPERTIES"

WHEREAS, the Borough of Stratford (the "Borough") is a municipal corporation organized and operating under the laws of the State of New Jersey; and

WHEREAS, New Jersey has recently adopted legislation concerning the institution and maintaining of Vacant and Abandoned Property ("VAP") registries; and

WHEREAS, the Governing Body of the Borough has determined that it would be appropriate to amend the Borough's current VAP registry Ordinance to reflect the new State legislation; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the Governing Body is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the Township by law; and

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the Borough of Stratford that the Code of the Borough of Stratford is hereby amended, revised and/or supplemented as follows:

SECTION 1. Chapter 8.60 of the Code of the Borough of Stratford is hereby repealed and replaced in its entirety to read as follows:

Chapter 8.60 – VACANT/ABANDONED PROPERTIES

8.60.010 – Purpose

This Chapter to governs the identification, registration, monitoring, and mitigation of properties that are or may become vacant and abandoned to the fullest extent permitted by P.L. 2021, c.444, in order to combat the immeasurable and deleterious effects of blight arising from residential and commercial properties that become vacant or abandoned, especially during the foreclosure process.

8.60.020 – Definitions

"Owner" shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, and foreclosing entity subject to the provisions of P.L. 2021, c.444, or any other entity determined by the borough to have authority to act with respect to the property.

"Creditor" shall mean: a State chartered bank, savings bank, savings and loan association or credit union, any person required to be licensed under the provisions of the "New Jersey

Residential Mortgage Lending Act,” sections 1 through 21 39 of P.L.2009, c.53 (C.17:11C-51 through C.17:11C-89), and any entity, agent, or assignee acting on behalf of the creditor named in the debt obligation including, but not limited to, servicers, who has filed a complaint in the Superior Court seeking to foreclose upon a residential or commercial mortgage. A creditor shall not include the State, a political subdivision of the State, or a State, county, or local government entity, or their agent or assignee, such as the servicer.

“*Vacant and abandoned property*” shall mean any property not legally occupied by an Owner or tenant, which is in such condition that it cannot be legally reoccupied, because of the presences or finding of at least two of the following:

- a. overgrown or neglected vegetation;
- b. the accumulation of newspapers, circulars, flyers, or mail on the property;
- c. disconnected gas, electric, or water utility services to the property;
- d. the accumulation of hazardous, noxious, or unhealthy substances or materials on the property;
- e. the accumulation of junk, litter, trash, or debris on the property;
- f. the absence of window treatments such as blinds, curtains, or shutters;
- g. the absence of furnishings and personal items;
- h. statements of neighbors, delivery persons, or government employees indicating that the property is vacant and abandoned;
- i. windows or entrances to the property that are boarded up or closed off, or multiple window panes that are damaged, broken, and unrepaired;
- j. doors to the property that are smashed through, broken off, unhinged, or continuously unlocked;
- k. a risk to the health, safety, or welfare of the public or any adjoining or adjacent property owners due to acts of vandalism, loitering, criminal conduct, or the physical destruction or deterioration of the property;
- l. an uncorrected violation of a Borough building, housing, or similar Code section during the preceding year, or an order by Borough authorities declaring the property to be unfit for human occupancy and to remain vacant and unoccupied;
- m. a mortgagee or other authorized party has secured or winterized the property due to the property being deemed vacant and unprotected or in danger of freezing;
- n. a written statement issued by a mortgagor expressing the clear intent of all mortgagors to abandon the property; or
- o. any other reasonable indicia of abandonment.

8.16.030 – Registration of vacant properties not in foreclosure.

- a. The owner of any vacant property that is not the subject of an ongoing foreclosure action shall within sixty (60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the zoning officer or his designee on forms provided by the zoning officer or his designee for such purposes. The registration shall remain valid for one (1) year from July 1 until June 30 of the following year. The owner shall be required to renew the registration annually as long as the building remains vacant property.

- b. The owner shall notify the zoning officer or his designee within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the zoning officer or his designee for such propose.
- c. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the borough against the owner or owners of the building.

8.16.040 – Registration statement requirements; property inspection.

After filing a registration statement or a renewal of a registration statement under 8.16.030, the owner of any vacant property shall provide access to the Borough to conduct an exterior and interior inspection of the building to determine compliance with the Municipal Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.

- a. The registration statement shall include the name, street address, email address and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notice of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name, street address, email address and telephone number of the person responsible for maintaining and securing the property, if different.
- b. An owner who is a natural person and who meets the requirements of this chapter as to location of residence or office may designate him or herself as agent.
- c. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding process on the authorized agent. Any owner who has designated an authorized agent's designation for the purposes of this section until the owner notifies the zoning officer or his designee of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this chapter.

8.16.050 – Establishment and administration of registry for properties in foreclosure.

- a. The Borough shall create and maintain a registry of all commercial and/or residential properties within the Borough for which a summons and complaint in an action to foreclose has been filed with the New Jersey Superior Court, pursuant to its authority granted by P.L. 2021, c.444. This registry will be formed and maintained to assist the Borough with regulating the maintenance, security, and upkeep of properties which may become vacant and abandoned during the foreclosure process, in order to prevent the deleterious effects of blight associated with vacant and abandoned properties that are not maintained.
- b. The Borough may, at its discretion, create, maintain, and administer this registry independently, retain the professional services of a third party pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*, or participate in a Shared Services

Agreement with other local units, Counties, and/or County Improvement Authorities for the creation, maintenance, and administration of the registry pursuant to the Uniform shared Services and Consolidation Act, N.J.S.A. 40A:65-1 et seq.

- c. Any third parties retained to create, maintain, and/or administer the registry shall have the authority, on behalf of the Borough, to
 1. Identify properties subject to the registration requirement;
 2. Maintain and update the registration list;
 3. Communicate with creditors and/or in-state representatives;
 4. Invoice and collect payment of fees;
 5. Monitor compliance; and
 6. Such other functions, within the scope of P.L. 2021, c.444, which may be deemed necessary to carry out its function on behalf of the Borough.
- d. Any third parties retained to create, maintain, and/or administer the registry shall be required to comply with the following reporting and payment requirements:
 1. Any and all amounts collected by the third party as part of its administration of the Borough's registry, including registration fees, interest, and penalties, shall be paid, in full, directly to the Borough, or Camden County, and/or the Camden County Improvement Authority, as applicable, not less than once per year, or as otherwise directed by the Borough's Zoning Officer or designee. No fees, payments, expenses, or other deductions shall be made from this payment; payment for any third party's services under this Article shall be made by the Borough, or as applicable, the County/County Improvement Authority, directly to the third party, under the terms and conditions outlined within the contract for professional services.
 2. Not less than once per year on the first business day of each calendar year, or as otherwise may be requested by the Tax Collector, any third party administering the Borough's registry shall file with Tax Collector a certification identifying:
 - i. The address, block, lot, and contact information of any property for which registration fees under this Article are due and owing at the time of the certification;
 - ii. The amount of the registration fees, and separately, an interest, fines, and other penalties due and owing at the time of the certification; and
 - iii. The date on which the property became eligible for inclusion on the Borough's registry.

8.16.060 – Registration, notice, and other creditor requirements.

- a. Within thirty (30) days of the effective date of this Ordinance, any creditor who has initiated a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a property located within the Borough: (i) prior to the effective date of this Ordinance, and (ii) which is pending as of the effective date of this Ordinance, shall provide notice in accordance with subsection (b) of this Section 8.16.060
- b. Within ten (10) days of filing a summons and complaint with the New Jersey Superior Court in an action to foreclose on a commercial and/or residential mortgage for a

property located within the Borough, the creditor shall notify the Borough Clerk, or his/her designee, of the action. Such notice shall include:

1. The address, block. And lot of the subject property;
 2. The date the summons and complaint in an action to foreclose on a mortgage was filed against the subject property, the court in which it was filed, and the docket number of the filing;
 3. Whether the property is vacant and abandoned in accordance with the definition in this Chapter;
 4. The full name, address, and telephone number for the representative of the creditor who is responsible for receiving notice of complaints of property maintenance code violations;
 5. The full name, address, and telephone number of any persons or entity retained by the creditor or a representative of the creditor to be responsible for any care, maintenance, security, or upkeep of the property; and
 6. If the creditor is out-of-State, the full name, address, and telephone number of an in-State representative or agent who shall be responsible for any care, maintenance, security, or upkeep of the property, and for receiving notice complaints of property maintenance and code violations.
 7. The notice requirements herein represent a continuing obligation throughout the pendency of the foreclosure action. After initial notice to the Borough, creditors subject to the notice requirement shall update the Borough's property registration program within ten (10) days of any change in the information contained in the original or any subsequent notices.
- c. Creditors of any commercial and/or residential mortgage required to notify the Borough pursuant to this Section shall:
1. Register the property with the Borough's property registration program as a property in foreclosure within thirty (30) days of notifying the Borough;
 2. Be subject to the registration fee, notice requirements, and penalties for non-compliance established within this Chapter;
 3. Update the property registration within ten (10) days of any change in the information contained in the original notice to the Borough;
 4. If an out-of-State creditor, appoint an in-State representative or agent to act for the foreclosing creditor, whose contact information shall be contained within the initial notice to the Borough;
 5. Within ten (10) days of the property becoming vacant and abandoned at any time during the pendency of the foreclosure action, the creditor shall:
 - i. Assume responsibility for the care, maintenance, upkeep, and security of the exterior of the property;
 - ii. Secure the property against unauthorized entry;
 - iii. Post a sign on the inside of the property, visible to the public, containing the name, address, and telephone number of the creditor, or an out-of-State creditor's in-State representative or agent, for the purpose of receiving service of process;
 - iv. Acquire and maintain a vacancy insurance policy which covers any damage to any person or property caused by any physical condition of

- the property while registered with the Borough's property registration program;
- v. Provide proof, within ten (10) days of receiving a request by the Borough or its designee, that the above conditions have been satisfied;
 - vi. Cure any violations of the above requirements within thirty (30) days of receiving a notice of violation, or if deemed to present an imminent threat to public health and safety, within ten (10) days of receiving such notice.
6. Update the property registration within ten (10) days of the creditor becoming aware that the property is deemed vacant and abandoned as defined herein.
- d. If at any time the creditor is deemed to be in violation of the above requirements, and/or if the property is deemed to be in violation of any other applicable local or state maintenance, health, or safety codes, the Code Official or his/her designee shall notify the creditor using the contact information provided in the property registry established by this Chapter.

8.16.070 – Fees, violations, and penalties.

Fees:

- a. All fees, penalties, and/or fines established within this Chapter and assessable pursuant to the Borough's authority outlined within P.L. 2021, c.444 shall be deemed a municipal charge in accordance with N.J.S.A. 54:5-1, *et seq.*
- b. Creditors required to notify the Borough and register a property as one in foreclosure shall be required to pay an annual registration fee of five hundred dollars (\$500.00) per property, due at the time of registration.
- c. If a property registered with the Borough's registration program pursuant to 8.16.050 and 8.16.060 as a property in foreclosure is determined to be vacant and abandoned at the time of registration, or becomes vacant and abandoned at any time during the pendency of the foreclosure proceeding, the creditor shall pay an additional annual registration fee of two thousand dollars (\$2,000) per property, due at the time the determination that the property is vacant and abandoned is made.

Violations and penalties:

- a. An out-of-state creditor subject to the notice and registration requirements of this Chapter, found to be in violation of the requirement to appoint an in-State representative or agent, shall be subject to a fine of two thousand five hundred dollars (\$2,500.00) for each day of the violation. The violation shall be deemed to commence on the day after the creditor's initial ten (10) or thirty (30) day requirement to notify the Borough of applicable foreclosure actions.
- b. A creditor subject to the notice and registration requirements of this Chapter found to be in violation of any other Section of this Chapter shall be subject to a fine of one thousand five hundred dollars (\$1,500.00) for each day of the violation. The violation shall be deemed to commence on the 31st day following the creditor's receipt of a

notice of violation, or if deemed to present an imminent threat to public health and safety, on the 11th day following the creditor's receipt of such notice.

- c. If the Borough expends public funds in order to abate a nuisance or correct a violation on a commercial property in situations in which the creditor was given notice pursuant to this Chapter, but failed to abate the nuisance or correct the violation as directed, the Borough shall have the same recourse against the creditor as it would have against the Owner of the property, including but not limited to the recourse provided under N.J.S.A. 55:19-100, *et seq.*

8.16.080 – Administration.

The Borough's Zoning Officer or his/her designee shall serve as the municipal official responsible for notifying creditors, establishing and maintaining the registry, determining eligibility for designation as a vacant and abandoned property under this Article, and for imposing fees, penalties, and/or violations. The responsibilities herein may be designated to a third party, pursuant to the terms and conditions of a contract for professional services consistent with P.L. 2021, c.444

8.16.090 – No restriction of other remedies.

Nothing in this chapter is intended nor shall be read to conflict or prevent the Borough from taking action against buildings found to be unfit for human habitation or unsafe structures as provided in applicable provisions of the Code of the Borough of Stratford. Further, any action taken under any such code provision other than the demolition of a structure shall relieve an owner from its obligation under this chapter.

8.16.100 – Use of funds collected.

No less than twenty percent (20%) any money collected pursuant to this Chapter shall be utilized by the Borough for municipal code enforcement purposes. Any additional funds collected as vacant property registration fees in excess of the funds necessary to operate and enforce the provisions of this chapter shall be set aside in a dedicated fund for the purpose of property rehabilitation within the Borough of Stratford at the discretion of the governing body.

SECTION 2. Except as set forth in Section 1 above, the balance of the Code of the Borough of Stratford shall not be affected by this Ordinance.

SECTION 3. All Ordinances contrary to the provisions of this Ordinance are hereby repealed to the extent that they are inconsistent herewith.

SECTION 4. If the provisions of any section, subsection, paragraph, subdivision, or clause of this Ordinance shall be judged invalid by a court of competent jurisdiction, such order of judgment shall not affect or invalidate the remainder of any section, subsection, paragraph, subdivision, or clause of this Ordinance.

SECTION 5. This Ordinance shall take effect immediately upon posting, publication, and final passage in the manner prescribed by law.

_____ 0X/XX/2022 ATTEST:
Mayor Josh Keenan Date

Bill Bray, RMC
Borough Clerk

NOTICE OF PENDING ORDINANCE

The ordinance published herewith was introduced and passed upon first reading at the Regular Meeting of the Governing Body of the Borough of Stratford, in the County of Camden, State of New Jersey, held on the 8th day of March, 2022. It will be further considered for final passage after public hearing thereon, at the meeting of the Governing Body to be held via electronic video conference provided by ZOOM or in the Borough Hall, in the Borough of Stratford on the 12th day of April, 2022 at 7:00 PM. To attend the meeting visit, <https://us06web.zoom.us/j/6553784906> or enter Meeting ID: 655 378 4906 in the Zoom application.

Copies of the ordinance will be made available during the week prior to and up to and including the date of such meeting at the Clerk’s Office in the Borough Hall to the members of the general public who shall request the same.

Bill Bray, RMC
Borough Clerk

RESOLUTION 2022:069
RESOLUTION AUTHORIZING AND APPROVING SEVERANCE AND RELEASE
AGREEMENT

WHEREAS, John Fabritiis, (“Employee”) has long been the long serving C Finance Officer, Certified Tax Collector and Tax Search Officer for the Borough of Stratford, County of Camden, State of New Jersey (“Borough”); and

WHEREAS, Employee retires effective May 01, 2022, and therefore his employment with the Borough will cease; and

WHEREAS, a Severance and Release Agreement (“Agreement”) has been prepared by the Borough Solicitor setting forth the terms and conditions of the parties with respect to Employee’s cessation of employment; and

WHEREAS, the Borough Council has deemed it in the best interest of the residents of the Borough to enter into the aforesaid Agreement.

NOW, THEREFORE, BE IT RESOLVED, by the Borough Council of Stratford, County of Camden, State of New Jersey that the Severance and Release Agreement between the Borough and Employee, attached hereto as Exhibit “A”, is hereby authorized and approved; and

BE IT FURTHER RESOLVED, that the Mayor and Borough Clerk of the Borough of Stratford, is hereby authorized to execute the aforesaid Agreement on behalf of the Borough.

CERTIFICATION

I, Bill Bray, Borough Clerk, do hereby certify the foregoing Resolution to be a true and complete copy of a Resolution duly adopted at a public meeting of the Governing Body of the Borough of Stratford held on April 12, 2022.

BILL BRAY, RMC
BOROUGH CLERK