Township Council
9-13-16

TOWNSHIP OF DENVILLE
MUNICIPAL COUNCIL
WORKSHOP MEETING

September 13, 2016

The Meeting was called to order by President Golinski at 7:30 pm. The Salute to the Flag was recited, followed by the reading of the Notice of Compliance with the Open Public Meetings Act by Deputy Township Clerk Danielle Lewis. Ms. Lewis advised that this is a non-smoking facility and asked that all electronics be silenced at this time.

ROLL CALL:
Present: Gabel, Witte, Kuser, Lyden, Fitzpatrick, Murphy, President Golinski
Absent: None

ALSO IN ATTENDANCE: Thomas Andes, Mayor; Steven Ward, Administrator

OPEN PUBLIC PORTION: No one wished to be heard.
CLOSE PUBLIC PORTION.

Business Improvement District (‘BID’) Presentation
Mayor Andes introduced this presentation stating that a Business Improvement District has been discussed over the past few years and is something the Administration endorses.
Tom Dean distributed a draft of an ordinance, an appendix, and a color-coded map of downtown (copies of which are attached to these minutes).
Meg Olenowski, Chair of the Economic Development Committee, advised that a subcommittee, the Downtown Denville Business Improvement Group, was formed to research the possible creation of a Business Improvement District (BID) in Denville. They are here to propose an ordinance which would establish a BID. She thanked the Township for their resolution of support.
Kristin Pamperin, Economic Development Committee member, shared with the Council that she has been in the Township for thirteen years as a landlord and business owner.
Tom Dean, Norman Dean Funeral Home, explained the proposed BID and the ordinance associated with its establishment. He stated that the Downtown Denville Business Improvement Group has met with some major building and business owners and the majority support the creation of a BID. Mr. Dean stressed many factors, including Hurricane Irene, on-line shopping and the current state of the economy, which have left many small business owners struggling to keep their business viable. The proposed BID ordinance will address some of those concerns. The subcommittee has held a few meetings, the last one being on September 12th.
Ms. Pamperin said that the subcommittee has held four open meetings and confirmed that they have received resounding support thus far. She noted that information on the BID has been published in local newspapers, and letters were sent to landlords and business owners. Ms. Pamperin referenced the color-coded map of downtown previously distributed.
Ms. Olenowski reviewed the process and discussed the revisions to the original draft of the ordinance distributed to the Council. She then reviewed the BID boundaries proposed, stating that the area has approximately 160 buildings, of which 130 would be included in the BID. The remaining buildings are for either municipal, non-profit, or residential use. To manage the district, the Downtown Denville Business Improvement Group proposes the formation of a District Management Corporation which would have a 10-member Board of Directors consisting of seven (7) members elected from within the BID and three (3)
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appointed members – the Mayor, the Administrator, and 1 Council liaison. The members would serve a 1-year term, adopt bylaws and work with the Executive Director.
Ms. Pamperin said their preliminary budget would be $175,000.00, which is approximately a 2% assessment rate for property owners and may fluctuate but is proposed to be capped at 5% as outlined in the draft ordinance. The budget would include the Executive Director’s salary and money to hold events throughout the year.
Councilman Murphy shared that there has been 100% positive feedback from the meetings held thus far regarding a BID. He noted that the BID would be exclusively for the benefit of the businesses within that district.
Councilwoman Lyden confirmed that the corporate areas such as Walgreens and the banks would be included in the proposed BID area.
Ms. Pamperin disclosed that the group has been working with Seth Grossman, PhD, the Director of the Institute of Business District Management at Rutgers University. The representative from Rutgers explained to the Downtown Denville Business Improvement Group that establishing bylaws would be a “Phase 2 Project”; people need to be in support of the BID and the Board of Directors would need to be elected before establishing the bylaws.
Councilman Kuser confirmed all members of the BID would have an opportunity to review and comment on the bylaws before final adoption.
Ms. Pamperin assured the Council that there is no intention to replace the Chamber of Commerce. She explained how an Executive Director for the Board will be selected.
Discussion ensued regarding how to measure the success of a BID and the possibility of municipal contribution toward the BID.
Mayor Andes advised that the Township has been contributing to the business community in many ways over the years and commented that a BID would allow for new and exciting opportunities to upgrade the downtown area.
President Golinski had questions about Second Avenue, which is a combination of residential and commercial properties. Ms. Pamperin addressed the question as to the one business owner who did not believe a BID assessment is necessary.
Councilman Fitzpatrick believed this is a great opportunity and believed they would see the benefits within the next few years.
Councilman Murphy informed attendees of the meeting that there are currently 70 BIDs in New Jersey and over 90 in New York City; a job listing for an Executive Director would be posted by New Jersey State League of Municipalities (NJLM); and Rutgers University offers executive director certification programs specifically for BIDs. Grants will be applied for if a BID is created so that the financial burdens of the business owners do not increase.
Ms. Pamperin confirmed that, as part of the Main Street program, there is free education for an executive director.

Council President Golinski asked for general consent from the Council in support of establishing a BID. Unanimous support was received from all members of the Council.

Mayor Andes stated that the ordinance will be included on the next agenda after final review of the recommended revisions.
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Area in Need of Rehabilitation Presentation

Mayor Andes explained the Redmond Press building has been vacant for a few years and the Township Master Plan recommends that the area along the Route 53 corridor be upgraded. A developer has presented a preliminary plan to the Township to construct residential units on this property as well as on adjacent properties. The Mayor also reminded the Council that the Township has a court-ordered responsibility to provide affordable housing and that this property is included in the Township's draft Housing Plan.

Jason Kasler, AICP, PP, Township Planner, provided a draft Determination of Area in Need of Redevelopment and Rehabilitation Plan for Block 31207, Lots 11 through 18 and presented a PowerPoint outlining the same. The PowerPoint slides are included at the end of these minutes. Mr. Kasler explained the report included three parts which address the following items:

1. Does this area qualify as an area in need of rehabilitation;
2. Is the proposed plan not inconsistent with the Master Plan;
3. What would the proposed redevelopment ordinance include?

Mr. Kasler reviewed the existing conditions of Block 31207, Lots 11 through 18, which are currently located within the B-3 and I-1 zones. He then outlined the criteria that must be met in order for the properties to qualify as an area in need of rehabilitation and explained that each lot must meet at least one of the criteria set forth. Mr. Kasler explained that the 2000 Master Plan states that Route 53 is considered the gateway into the town and that further study should be done regarding improving the area.

Mr. Kasler then outlined the conditions of each lot and which criteria was met; stating that Block 31207, Lots 11, 12, 13, and 15 met criteria “D” and “E” and Block 31207, Lot 14 is used solely for transportation purposes and serves as a travel way at the intersection of Station Road and Route 53. Mr. Kasler evaluated Block 31207, Lots 16 and 17 separately as well as together and stated that separately both lots would meet at least one criteria and together they meet at least one criteria. Block 31207, Lot 18 is utilized for transportation purposes, specifically as a parking lot at New Jersey Transit’s Mount Tabor train station, and will continue as such.

Mr. Kasler then reviewed the proposed rehabilitation plan as it would pertain to each lot. On the Redmond Press property (Block 31207, Lots 16 and 17), Mr. Kasler explained that garden apartments or mid-rise apartments would be permitted. The proposal would be for 60 rental units to be built with approximately 15% (9) of those units being designated for affordable housing. Because they are rental units, the Township would take advantage of the rental bonus and be credited for 18 affordable housing credits. The development would be composed of both 1-bedroom and 2-bedroom units, would have 4 points of access so that parking would be less than 150-feet from each building entrance and the external appearance of the building would look the same on both the front and the rear sides. The second and third floors above the lobby would contain a fitness center and a community room respectively.

Mr. Kasler stated the rehabilitation plan would change the zoning of Lot 11 to allow for retail and office use as well as for conditional recreational uses should the owners of Lots 11, 16 and 17 be the same and the properties merged. Mr. Kasler recommended that the Township’s definition of parking space be revised to change the size of a parking space to 9’x18’.

Should Block 31207, Lots 12, 13, and 15 come under common ownership and be merged, the rehabilitation plan would allow for residential over retail space, maximum of two (2) stories. Mr. Kasler stated due to the size of the lots only about 4000 sq. ft. of retail space would be allowed which translates to approximately 5 apartment spaces above it.
Councilwoman Lyden confirmed that the developer spoke with all property owners and that this would not be a situation of eminent domain.

Councilman Gabel asked if the building that currently serves as Denville String Band (Lot 11) would be demolished if the developer takes ownership of the lot. Mr. Kasler said that if the building were to be demolished, the new structure would have to meet the setback requirements and conform to the proposed uses.

Councilman Kuser mentioned a previous idea of putting retail businesses on the bottom of the buildings and apartments on the top floor. Mr. Kasler remarked that having retail on the bottom of the building would inhibit the establishment of more affordable housing units and would also detract from businesses in the downtown area. Because the COAH obligation was one of the heavier aspects of the rehabilitation plan, creating affordable housing units outweighs the retail component.

Discussion ensued regarding any contamination on the properties. Mr. Kasler addressed these concerns and stated that the area has been cleaned to NJDEP standards for residential use and that there are active monitoring stations in the area.

Councilman Kuser mentioned traffic concerns surrounding the location of the proposed apartment complex. Mr. Kuser stressed his opinion that an exit to Station Road would not work because there is already a lot of congestion at the Station Road traffic light and there has been discussion about closing the other railroad crossing located at Lackawanna Avenue. Mr. Kasler responded that they have requested this as an additional point of access in case NJDOT does not allow for a left turn onto Route 53 from Station Road. Councilwoman Lyden pointed out that many of the potential residents in the complex would use the train as their method of transportation. Mr. Kasler added that the reason behind the large amount of 1-bedroom units is the assumption that many residents would commute via train.

Councilwoman Lyden asked the name of the developer. Rod Donnelly, Donnelly Industries, Wayne, introduced himself as the developer of the proposed Station Village, LLC.

Councilwoman Lyden and President Golinski both asked Mr. Donnelly about Donnelly Construction's work history and if the company has built any similar developments. Mr. Donnelly mentioned a few different areas that the company has developed and agreed to provide the specific addresses of the same.

Councilman Murphy echoed the same concerns as Mr. Kuser regarding the traffic in the area of Station Road and Route 53. Further discussion ensued regarding the potential influx of traffic and the ingress and egress into the site from Route 53 should the proposed development be constructed. Council members mentioned that Route 53 is already a problematic area for traffic. Administrator Ward asked if the developer has the ability to contact NJDOT with their concept plan, to which Mr. Donnelly replied that they do. Councilman Fitzpatrick suggested that Route 53 be widened at some point and that a traffic study be conducted on the area. Administrator Ward stated that Route 53 is on the radar for resurfacing within the next 3 years but there is no proposal to add additional lanes.

Mayor Andes reminded the Council that the Township does have a COAH obligation and that this project is listed in the Township’s Housing Plan. He stated that there would be traffic issues no matter how this property is developed.

Mr. Murphy was concerned that the proposed height of the development at 3-stories would not be consistent with the neighborhood and asked if building the first floor partially below ground would be an option.

Discussion ensued regarding traffic concerns. Mr. Donnelly agreed that Donnelly Construction would have to do more study on the traffic in the area to determine what would work best for the Township and its residents. The developer anticipates that half of the residents would use the train. He gave an update as to the Denville String Band property, stating that Station Village, LLC expects to purchase the property, upgrade it, and lease the building back to the Denville String Band for as long as they want the space.
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President Golinski asked what would happen should the redevelopment plan be approved and one of the other outlying properties, i.e. Block 31207, Lot 13 (China One), want to sell. Mr. Kasler explained that the redevelopment ordinance would more than likely have to be updated, but the designation as an area in need of rehabilitation and the consistency elements would remain the same. President Golinski confirmed that there would not be any variances for this development and asked what the next steps would be procedurally if the Council is satisfied with the plan. Administrator Ward explained the steps that would need to be followed. They include a consistency review by the Planning Board of the resolution deeming the area in need of rehabilitation, followed by adoption of that resolution by the Council. The approved resolution would then be sent to the NJ Department of Community Affairs (DCA) who would have 30 days to approve or deny. If the resolution is approved by the DCA then an ordinance would be drafted, introduced by Council, sent to the Planning Board for review and comments, then back to Council for adoption. After all of these steps are taken, the developer would then submit a site plan application for approval to the Planning Board.

President Golinski asked if there were any further questions from the Council. Councilman Murphy asked again if the developer would consider lowering the height of the building. Mr. Donnelly said that they can examine the elevation and see what works.

President Golinski then asked the Council members to state whether or not they were in favor of the redevelopment and rehabilitation plan.

IN FAVOR: MURPHY, FITZPATRICK, LYDEN, GABEL, WITTE, PRESIDENT GOLINSKI
NOT IN FAVOR: KUSER

Councilman Kuser advised that he cannot sign off on this plan until the traffic concerns are addressed. President Golinski added that he is in favor of the plan but he is also concerned about the traffic Implications.

MOTION TO ADJOURN:
MOVED BY MEMBER LYDEN, SECONDED BY MEMBER WITTE
AYES: UNANIMOUS

Meeting adjourned at 9:40 pm.

Respectfully submitted by,

Danielle M. Lewis
Deputy Municipal Clerk
AN ORDINANCE OF THE TOWNSHIP OF DENVILLE, COUNTY OF MORRIS, STATE OF NEW JERSEY TO ESTABLISH THE DOWNTOWN DENVILLE BUSINESS IMPROVEMENT DISTRICT

BE IT ORDAINED, by the Municipal Council of the Township of Denville, in the County of Morris and State of New Jersey, as follows:

SECTION 1. The Code of the Township of Denville is hereby amended and supplemented by the addition of a new chapter to read as follows:

“DOWNTOWN DENVILLE BUSINESS IMPROVEMENT DISTRICT

A. Creation of the District. There is hereby created and designated within the Township of Denville the Downtown Denville Business Improvement District, hereinafter designated by street address and tax lot and block number set forth in D.1.c. below. The district shall be subject to a special assessment on all properties specially benefited by the improvements within the district, as set forth herein, which shall be imposed by the Township of Denville for the purposes of promoting the economic and general welfare of the district and the Township.

B. Purpose. The purpose for the establishment of the Downtown Denville Business Improvement District is to:

1. Promote economic growth, development, and employment within the business district and in particular the Downtown Business Improvement District;

2. Foster and encourage self-help programs to enhance the local business climate; and

3. Authorize, permit and facilitate the Township of Denville Downtown Business Improvement District and a designated District Management Corporation, to apply for and accept grants, funds or loans from the State of New Jersey, Department of Community Affairs, for public improvements as contemplated and defined by P.L. 1998, C. 115

C. Findings

1. The area within the Township of Denville designated by the street listing in D. hereof would benefit from being designated as the Downtown Denville B.I.D. (BID);

2. A District Management Corporation would advise and assist the Township in promoting and planning development within the district by providing administrative, planning and other services to benefit the businesses, employees, residents and consumers of the Downtown Denville B.I.D. (BID);

3. This ordinance would permit an assessment to be imposed on properties within the Business Improvement District and collected by the Township of Denville with the regular property tax payment which assessment would be transferred to the District Management
Corporation to exercise the powers given to it by this ordinance and to effectuate the purposes of N.J.S.A. 40:56-65, et seq.;

4. It is in the best interests of the Township of Denville, its citizens and the public to create such a Business Improvement District and to designate such District Management Corporation, which Corporation shall have a Board of Directors chosen as provided in subsection E hereof;

5. Public policy of the State of New Jersey permits the Municipal Council to protect the public, its welfare and health and the interests of the public in the safe and effective movement of persons and to preserve and enhance the function and appearance of the properties designated in subsection D hereof by adoption of this ordinance.

6. This ordinance furthers the goals and objectives of the Township's Master Plan by the continued development of a vibrant downtown shopping district.

D. DEFINITIONS AND DESCRIPTION OF DISTRICT.

1. Definitions. As used in this section;

a. Business Improvement District (hereinafter called "BID") shall mean an area within the Township of Denville as designated by this section as an area in which a special assessment on all occupied commercial property within the BID shall be imposed for the purpose of planning and promoting the economic and general welfare of the BID and the Township of Denville.

b. District Management Corporation shall mean an entity created by municipal ordinance or incorporated pursuant to N.J.S.A. 15A:1-1, et seq., and designated by municipal ordinance as the current entity to receive funds collected by an assessment within the BID.

c. Business Improvement District Description.

i. The BID area includes all properties contained within the below street descriptions.

East Main Street - from intersection with Broadway to Route 46 overpass.
West Main Street - from intersection with Broadway to and including block # 50411 lot # 9.01.
Broadway – entire length
Bloomfield Avenue – entire length
Diamond Spring Road – from intersection with Broadway to bridge over Rockaway River.
First Avenue – entire length
Center Street – entire length
Second Avenue – entire length

The properties are further described as follows: see attached listing by Block and Lot number and street address included in Appendix A, also see attached Map of the BID district included in Appendix B.
ii. All properties “in-use” for commercial purposes will be included for special assessment purposes as part of the BID district. Any non-profit, municipal use, exclusively residential properties and vacant commercial properties within the BID district shall be excluded from the special assessment. All properties herein listed above, and which are located within the BID, shall be subject to the payment of such special assessment regardless of the percentage of the property being “in-use” as commercial.

iii. Properties may be added or deleted from the BID only through adoption or amendment of an ordinance by the Municipal Council of the Township of Denville.

E. Assessment/Costs

1. The Business Improvement District, as hereinabove described, shall be an area in which all of the property included therein, except as hereinafter stated, shall have imposed an assessment for the purposes of planning and promoting the economic and general welfare of the BID and the Township of Denville; provided that in any year no assessment shall be levied on any property designated as tax exempt or portion thereof that is considered tax exempt. In the event any entity makes a payment in lieu of taxes to the Township of Denville, said entity shall be subject to the imposition of the assessment based upon both the land and improvement value.

2. The Assessment will be the approved annual budget of the BID divided by the appraised valuations as indicated in the records of the tax collector of the Township of Denville.

3. The improvements and supplemental services in the BID will involve annual costs peculiar only to the BID and will be distinguished from improvements and services normally provided by the Township. While improvements and supplemental services shall be maintained and operated pursuant to the provisions of this ordinance and N.J.S.A. 40:56-65, et seq., and the costs thereof assessed or taxed to the benefited properties pursuant to this ordinance, such improvements and supplemental services shall not be substituted by the Township for improvements and services now supplied to the proposed BID nor be grounds for curtailment of future improvements and services planned.

F. Creation of the District Management Corporation/Board of Directors. For the purposes of this ordinance, Downtown Denville B.I.D. is hereby designated as the present District Management Corporation ("corporation") and shall advise and assist the Township of Denville in planning and promoting the economic development and improvement within the BID. Said District Management Corporation shall be incorporated pursuant to the provisions of Title 15A of the New Jersey Statutes and is hereby designated to receive funds collected as special assessments within the BID. The designation of the District Management Corporation may be changed at any time or from time to time by ordinance adopted by the Municipal Council.

1. Board of Directors. The District Management Corporation shall have a Board of Directors consisting of no more than 10 members, the term for each director shall be one year and directors shall be comprised of the following:

   a. Elected Directors. There shall be 7 elected directors, all of whom must be of legal voting age, who shall be elected as set forth in the by-laws and who shall be voting members, separated into the following classifications:
(i) Three (3) Property Owners *
(ii) Two (2) Retail establishment owners *
(iii) One (1) Upper/lower floor businesses *
(iv) One (1) Resident-at-large of the Township of Denville

* must be within the BID District.

All elected directors, with the exception of the resident-at-large director, shall be persons who are responsible for payment of any special assessments for properties located in the Business Improvement District, whether they are directly responsible to the Township of Denville or by "pass-through" from their landlord.

b. Appointed Ex-Officio Directors. There shall be three (3) ex-officio directors as follows:

(i) Mayor, or Mayor's designee shall be an ex-officio director; said designee shall be appointed with the advice and consent of the Municipal Council. The Mayor shall not be eligible to be Chairman of the District Management Corporation.

(ii) One member of the Municipal Council of Denville as appointed by the Council President with advise and consent of the Municipal Council for a one-year term.

(iii) The Township of Denville Business Administrator shall be an ex-officio nonvoting member.

2. Powers of the Designated District Management Corporation. The District Management Corporation shall act exclusively for the express purpose set forth herein and is authorized to exercise the following powers:

a. Adopt by-laws for the regulation of its affairs and the conduct of its business and to prescribe the rules, regulations and policies in connection with the performance of its functions and duties. Conduct regular meetings, which must be open to the public in compliance with the Open Public Meetings Act, not less than four (4) times a year;

b. Employ such person(s) as may be required, and fix and pay their compensation from funds available to the corporation, conduct yearly elections for elected Board of Directors members;

c. Apply for, accept, administer and comply with the requirements respecting an appropriation of funds or a gift, grant or donation of property or money;

d. Make and execute agreements which may be necessary or convenient to the exercise of the powers and functions of the corporation, including contracts with any person, firm, corporation, government agency or other entity;
e. Administer and manage its own funds and accounts and pay its own obligations;

f. Borrow money from private lenders for periods not to exceed one hundred eighty (180) days and from governmental entities for that or longer periods;

g. Fund the improvement of the exterior appearance of properties in the BID through grants or loans;

h. Fund the rehabilitation of properties in the BID;

i. Accept, purchase, rehabilitate, sell, lease or manage property in the BID;

j. Enforce the conditions of any loan, grant, sales or lease made by the corporation;

k. Provide security, sanitation and other services to the BID supplemental to those normally provided by the Township;

l. Undertake improvements designed to increase the safety or attractiveness of the BID to businesses which may wish to locate there or to visitors to the BID, including, but not limited to, litter cleanup and control, landscaping, parking operations and facilities, recreational and rest areas and facilities and those generally permitted for pedestrian malls pursuant to pertinent regulations of the Municipal Council;

m. Publicize the BID and businesses included within the BID boundaries;

n. Recruit new businesses to fill vacancies in, and to balance the business mix of, the BID;

o. Organize special events in the BID;

p. Provide special parking arrangements;

q. Provide temporary decorative lighting in the BID.

G. Budget. The annual costs of operating, maintaining and improving the Business Improvement District shall be reported to the Municipal Council of the Township of Denville by the BID's Board of Directors or designee and assessed, collected and appropriated as provided in N.J.S.A. 40:56-80.

1. The fiscal year of the BID and of the District Management Corporation shall be the same as the Township's fiscal year. The first budget shall be presented to the Municipal Council as soon as practical after adoption of this ordinance. Thereafter, beginning December 1, 2017, the District Management Corporation shall submit no later than February 15th of each year a detailed, annual budget for the upcoming year for the approval by resolution of the Municipal Council. The budget shall be processed and adopted by the Township on or before April 1 of each year, in accordance with the procedures set forth in N.J.S.A. 40:56-84 or as prescribed in a New Jersey DCA local finance notice.
2. The budget shall be submitted with a report, which explains how the budget contributes to the goals and objectives of the Business Improvement District, together with the following:

   a. The amount of such costs to be charged against the general funds of the Township if any.

   b. The amount of costs to be charged and specially assessed against properties benefited in the District in proportion to benefits received, which shall be the aggregate of cost of annual improvements to be made in the District during the year.

3. Each year, when the Municipal Council shall have acted on the estimated costs and/or on the budget, the Municipal Assessor shall prepare an assessment roll setting forth separately the amounts to be specially assessed against the benefited and assessable properties in the District, in proportion to the benefits. Descriptions of such properties, and the names of the then current owners of such properties, so far as names are available, shall be included in each annual assessment roll. The assessment roll, when so prepared, shall be filed in the office of the Township Clerk and be there available for inspection. The Municipal Council shall annually meet to accept public comments to the amounts of such special assessments at least ten (10) days after a notice of hearing has been published once in the official newspaper and mailed to each of the named owners of all tracts, parcels and lots of property proposed to be assessed. The notice shall set forth the time and place of meeting, and set forth the purpose of such meeting, but may refer to the assessment roll for further particulars. When the Municipal Council shall have approved the amounts of the special assessments set forth therein, or as may be modified by it, the Township Clerk shall forthwith certify a copy of the assessment roll, with such changes, if any, to the Morris County Tax Board.

4. For the purpose of this ordinance “annual improvements” shall with respect to the BID, mean and may include, but not be limited to, any reconstruction, replacement or repair of trees and plantings, furniture, shelters and other facilities of the BID, furnishing overhead, for enjoyment of pedestrians, and any other local improvement which benefits properties within the BID. For the purpose of this ordinance, “costs” shall, with respect to annual improvements to and operation and maintenance of the BID, mean costs of annual improvements; fees of consultants employed by the Municipal Council to assist in the planning of annual improvements; to and operation and maintenance of the BID.

5. Moneys appropriated and collected on account of annual improvement costs and costs of operating and maintaining the Business Improvement District, shall be credited to a special account. The Municipal Council may incur the annual costs of improving, operating and maintaining a Business Improvement District, during any fiscal year, though not specifically provided for by line item or other category in an approved estimate for such annual improvements or operations or maintenance prior to the succeeding fiscal year and so long as the total amount of the account as approved for that year is not exceeded by that expenditure. Any balances to the credit of the account and remaining unexpended at the end of the fiscal year shall be conserved and applied toward the financial requirements of the succeeding year.

6. The Township shall pay over funds from the special account to the Management Corporation quarterly on the first day of March, June, September and December of each year.

H. Audit. The District Management Corporation shall cause an annual audit of its books, accounts and financial transactions to be made and filed with the Municipal Council within four
(4) months after the close of the fiscal year and a certified duplicate copy of the audit shall be filed with the Director of the Division of Local Government Services in the Department of Community Affairs within five (5) days of the filing of the audit with the Municipal Council.

I. **Annual Report to the Municipality.** The District Management Corporation shall, within thirty (30) days after the close of each fiscal year, make an annual report of its activities for the preceding fiscal year to the Municipal Council.

J. **Municipal Powers Retained.** Notwithstanding the creation of a Business Improvement District, the Township of Denville expressly retains all of its powers and authority over the area designated as within the Business Improvement District. No improvements or modifications shall be made to any public property without the prior, formal approval of the Mayor and Municipal Council.

K. **Debt Obligation.** This article obligates the Business Improvement District to satisfy all debts, loans, and financial liabilities incurred by the District Management Corporation. The Township of Denville incurs no liability with regard to any debts incurred by either the Denville Downtown Business Improvement District or the District Management Corporation. The District Management Corporation may not borrow any amount that exceeds the approved budget for the fiscal year. The Business Improvement District’s Management Corporation shall include a clause incorporating the aforementioned in its by-laws.

L. **Termination.** The Business Improvement District and the authority herein delegated to the District Management Corporation shall terminate on the date that is five years after the date of adoption, unless an ordinance is passed by the Municipal Council specifically amending the date contained in this section. Upon such termination, or earlier dissolution, the Township of Denville shall acquire title to the assets and assume the liabilities of the District Management Corporation."

**SECTION 2.** All Ordinances of the Township of Denville that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, sentence, clause of phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance.

**SECTION 4.** The provisions of this ordinance may be renumbered for purposes of codification.

**SECTION 5.** Within ten (10) business days after the adoption of this ordinance, the Township Clerk shall provide a copy of this ordinance to the Director of the Division of Local Government Services in the Department of Community Affairs.
SECTION 6. This Ordinance shall take effect immediately upon final passage, approval and publication as required by law.

ATTEST:

Kathryn M. Bowditch, RMC
Municipal Clerk

BY ORDER OF THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF DENVILLE

APPROVED:

Thomas Andes, Mayor
Township of Denville

I hereby certify the foregoing to be a true copy of an ordinance adopted by the Municipal Council of the Township of Denville at its meeting held on ______________, 201

Kathryn Bowditch-Leon, RMC
Municipal Clerk
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<th>ADDRESS</th>
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<td>73 Second Avenue</td>
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<td>104</td>
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<td>104</td>
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<td>Residential</td>
</tr>
<tr>
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<td>150</td>
<td>104</td>
<td>1A</td>
<td>First Avenue</td>
<td>Residential</td>
</tr>
<tr>
<td>Property Location</td>
<td>Address</td>
<td></td>
<td></td>
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</tr>
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<td>-------------------</td>
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<tr>
<td>Appendix A</td>
<td></td>
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</tr>
</tbody>
</table>

**Notes:**
- This is a table showing property locations.
- The table includes columns for Property Location and Address.
- Appendix A is noted as a section or part of the document.
Proposed BID District

Franciscan Oaks
Residential Community
San Francisco

Second Avenue - entire length
Center Street - entire length
First Avenue - entire length
Diamond Spring Road - from Broadway to Rockaway Drive
Bloomfield Avenue - entire length
Broadway - entire length
West Main Street - from Broadway to 46th Street
East Main Street - from Broadway to 46th Street

46th Street

- Proposed BID District
- Francisca Oaks
- Residential Community
- San Francisco
Criteria for Redevelopment

The first step in the process of determining whether or not a property is suitable for redevelopment is the evaluation of the site conditions. This evaluation includes an analysis of the site's physical characteristics, such as topography, soil conditions, and zoning regulations. The presence of any environmental hazards, such as contamination or subsidence, must also be considered.

In addition, the potential for redevelopment must be assessed. This includes an evaluation of the market demand for the type of development that would occur, and an analysis of the financial feasibility of the project.

Finally, the criteria for approval of a redevelopment project must be met. This includes obtaining necessary permits and approvals from local government agencies, as well as meeting any other legal requirements.
Rehabilitation Report

Block 31207 Lot 18

Block 31207 Lots 16 & 17

9/26/2015