

**ORDINANCE NO. 325-18**

**ORDINANCE OF THE TOWNSHIP OF VOORHEES, COUNTY OF CAMDEN AND STATE OF NEW JERSEY ESTABLISHING CHAPTER 34A OF THE CODE OF THE TOWNSHIP OF VOORHEES ENTITLED "BUSINESS IMPROVEMENT DISTRICT"**

**WHEREAS**, the Township of Voorhees ("Voorhees") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Camden County; and

**WHEREAS**, N.J.S.A. 40:56-68 outlines the conditions under which a municipal governing body may adopt a special improvement district ordinance; and

**WHEREAS**, pursuant to N.J.S.A. 40:56-68, the Governing Body finds that an area commonly referred to as the Voorhees Town Center, described in its entirety by block, lot and street address numbers on Schedule A, would benefit from being designated as a special improvement district; and

**WHEREAS**, pursuant to N.J.S.A. 40:56-68, an advisory board will provide administrative and other services to; and

**WHEREAS**, pursuant to N.J.S.A. 40:56-68, a special assessment shall be imposed and collected by the municipality with the regular property tax payment or payment in lieu of taxes or otherwise, and that all or a portion of these payments shall be transferred to the advisory board to exercise the powers assigned to it pursuant to this ordinance;

**WHEREAS**, pursuant to N.J.S.A. 40:56-68, the Governing Body finds that it is in the best interests of the municipality and the public to create a special improvement district and to designate an advisory board which shall include at least one member of the Governing Body of Voorhees; and

**WHEREAS**, the Governing Body has determined it to be in the best interests of the Township to establish the Voorhees Town Center Business Improvement District (hereinafter the "BID"), an advisory board, advisory board positions, advisory board responsibilities and BID by-laws to efficiently provide for the management of the BID and in support of the Governing Body's goal for the BID to work under specific guidelines; 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.

**NOW, THEREFORE, BE IT ORDAINED** by the Mayor and Township Committee of the Township of Voorhees, County of Camden and State of New Jersey as follows:

**SECTION 1.** In the Code of Ordinances of the Township of Voorhees there is hereby created a new Chapter 34A of the Code of the Township of Voorhees entitled, "Business Improvement District," as follows:

**CHAPTER 34A**

**BUSINESS IMPROVEMENT DISTRICT**

**SECTION**

**CODE**

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## **GENERAL PROVISIONS**

### 34A.01 Purpose

The purpose of this Chapter is to establish the Voorhees Town Center Business Improvement District, (hereinafter the "BID"), within the Township of Voorhees and to establish rules and regulations governing the organization, operations and authority of the BID Advisory Board towards the goal of ensuring that the statutory purposes of the BID, namely to promote economic and employment growth within the BID and preserve and enhance the function and appearance of the BID, is achieved.

### 34A.02 Findings

In furtherance of the stated purpose, the Voorhees Township Committee finds and declares as follows:

- A. That it is in the best interests of the Township of Voorhees to maintain a business improvement district and that the areas within the Township of Voorhees identified by block, lot and street number on Schedule A will benefit from being designated as the "Voorhees Town Center Business Improvement District."
- B. That the BID shall be governed by an Advisory Board, the members of which shall be appointed by the Mayor pursuant to N.J.S.A. 40:56-79, which Advisory Board shall assist the Voorhees Township Committee in the management of the BID towards the goal of benefiting the businesses, employees, residents and consumers within the BID.
- C. That the BID shall be managed by the Township Committee, with the advices and assistance of the Advisory Board, in the manner contemplated by law.
- D. That it is the intent of the Township Committee to establish the Voorhees Town Center BID and to establish the Advisory Board in accordance with the rules, regulations and/or guidelines for the organization and operation of the Advisory Board as outlined in the provisions of this Chapter.

## **ESTABLISHMENT OF BID; SPECIAL ASSESSMENTS; APPEALS**

### **34A.03 Voorhees Town Center Business Improvement District**

There is hereby created and designated within the Township of Voorhees a business improvement district to be known as the "Voorhees Town Center Business Improvement District," consisting of the properties identified and listed by block, lot and street address on Schedule A hereto, as same may be amended from time to time by resolution of the Governing Body in which a special assessment on property within said district shall be imposed for the purposes of promoting the economic and general welfare of the district. As used herein, "Voorhees Town Center Business Improvement District" also may be referred to as the "Voorhees Town Center District," "Voorhees Town Center BID" or the "Voorhees Town Center Special Improvement District."

### **34A.04 Special Assessments**

- A. Pursuant to N.J.S.A. 40:56-65, et al., the Voorhees Town Center BID shall be subject to a special assessment on all properties within the Voorhees Town Center District as identified in Schedule A for the purposes of promoting the economic and general welfare of the Voorhees Town Center BID.
- B. All business properties within the Voorhees Town Center BID, including all private, non-residential assessed properties or any residential properties whose primary use is the operation of a business or commercial venture, are deemed included in the assessing provisions of this Chapter and are expressly subject to potential assessment made for the purposes of supporting the Voorhees Town Center BID.
- C. All properties consisting of rental apartments but also containing retail, commercial or office use shall be subject to the special assessment established herein for the benefit of the Voorhees Town Center BID, which special assessment shall be based upon a pro-rata calculation of the ratio of the retail, commercial or office use to the apartment use as shall be established by the Voorhees Township Tax Assessor exercising reasonable discretion.
- D. All of the monies collected by assessment pursuant to this ordinance shall be spent solely to benefit the Voorhees Town Center District consistent with the goals and objectives set forth herein.
- E. The Township shall transfer assessed payments to the BID Advisory Board, quarterly on the fifteenth day of February, May, August and November, as collected.
- F. Failure of any property owner to pay annual assessments shall be treated in the same manner as a failure to pay property taxes, as provided for in Title 54 of the New Jersey Statutes.
- G. All costs of improvements and maintenance, other than those costs of improvements and maintenance normally incurred by the Township of Voorhees out of general funds, shall be determined and approved pursuant to N.J.S.A. 40:56-80 or N.J.S.A. 40:56-85, as determined by the BID Advisory Board. Assessments shall be determined by multiplying the current assessed valuation, as determined by the Tax Assessor of the Township for real estate tax purposes, multiplied by a rate or rates to be established based upon the tier classification of each property. Such rates for the respective tiers shall be subject to amendment and adjustment by the BID Advisory Board as is necessary to assure a consistent and fair

apportionment among the various property owners within each tier classification. The basis for the different ratios between the respective tiers is to apportion the assessments so that the assessment charged most closely approximates the respective benefits received.

- H. Assessments shall be due and payable quarterly on February 1, May 1, August 1 and November 1 of each year, with a ten-day grace period, after which dates, if unpaid, shall become delinquent, with interest charged as set forth below and reverting back to the due date on any quarterly installment of assessments.
  - 1. For the first \$1,500, the rate shall be 8% per annum.
  - 2. For all amounts in excess of \$1,500, the rate shall be 18% per annum.
- I. The Voorhees Township Tax Collector may affix a penalty not to exceed 6% of the delinquent assessment as billed prior to the end of the fiscal year for the most recent fiscal year only.
- J. Unpaid special assessments shall become a lien against the underlying property and shall be collectible in the same manner as any other municipal property taxes and assessments as provided by the laws of the State of New Jersey.

#### 34A.05 Appeal from Inclusion in a BID

- A. Any owner of property included within a BID and subject to the special assessment provisions of this Chapter may file a written appeal to the Tax Assessor requesting to be excluded from such BID and from the special assessment provisions of this Chapter. The written appeal shall detail the factual basis for the request to be excluded from the BID and from the special assessment provisions of this Chapter.
- B. Upon receipt of a written appeal, the Tax Assessor shall investigate the matter and conduct an informal hearing or conference within thirty (30) days of receipt of the appeal. Within ten (10) days after the conclusion of the informal hearing or conference, the Tax Assessor shall file a report and recommendation with the Advisory Board and the Governing Body. The Governing Body shall review the report and act upon the request to be excluded within thirty (30) days of receipt of the Tax Assessor's report.
- C. Notwithstanding Subsections (A) and (B) above, the right to appeal granted in this Section shall be for the sole purpose of determining whether a property should be included within a BID under the standards set forth in Section 3 of this Chapter. It shall not be an appeal with regard to the amount of any special assessment imposed pursuant to this Chapter.

#### **ESTABLISHMENT OF BID ADVISORY BOARD; AUTHORITY; ORGANIZATION; DUTIES; MUNICIPAL LIAISON**

#### 34A.06 BID Advisory Board Established

There is hereby created a BID Advisory Board which shall consist of seven (7) or more persons appointed by the Mayor pursuant to N.J.S.A. 40:56-79, at least a majority of whom shall be owners or occupants of properties included in the BID pursuant to this Chapter, or representatives of said owners or occupants; at least one of which shall be a member of the Governing Body of Voorhees; and at least one of which shall be a property owner or owner of a business or property located within the geographic area identified in Schedule A and

known as the "Voorhees Town Center BID." As used herein, "BID Advisory Board" may also be referred to as the "Advisory Board" or the "Board."

#### 34A.07 Authority of the Advisory Board; Duties and Responsibilities

- A. The Advisory Board shall act in an advisory capacity to the Governing Body in accordance with the requirements of this Chapter and applicable law. The Advisory Board shall have only the authority delegated to it in this Chapter in accordance with applicable law.
- B. The duties and authority of the Advisory Board shall include the following:
  1. to meet regularly to conduct the business of the Advisory Board as set forth in this Chapter;
  2. to establish, on an annual basis or such other interval requested by the Governing Body, the goals of the BID and policies for the achievement of those goals, and to evaluate the performance of and effectiveness of the Advisory Board in achieving those goals;
  3. to prepare an annual budget for the BID no later than the Advisory Board's November meeting so as to ensure the budget will be reviewed and approved by the full membership of the Board in time to present it to the Governing Body by such date in December as the Township Clerk shall require;
  4. to establish all necessary procedures to properly discharge the responsibility of sound financial management of the BID, including the regular development and review of updated financial statements at all regular meetings of the Board;
  5. to cause a financial audit to be conducted annually by an independent accountant to be reviewed by the Board and submitted to the Governing Body within four (4) months of the close of the fiscal year;
  6. to seek bids for the products and services of professionals, such as marketing agencies, designers, planners and/or engineers, as it deems appropriate to fulfill its mission and to submit written recommendations to the Governing Body for authorization and/or award of such bids prior to the purchase of products or services and/or prior to payment of compensation for same;
  7. to initiate and facilitate communications with the Voorhees Township Planning Board, Voorhees Township Zoning Board of Adjustment and such other Township agencies and/or offices to better inform all decisions affecting the business communities within the BID;
  8. to furnish recommendations and advice to the Governing Body with respect to the development of a vision plan and/or overlay plan to guide the development and/or improvement of properties within the BID, including investigation of issues involving land use, zoning and development of properties within the BID and preparation of reports and/or other written recommendations thereon;
  9. to receive comments and requests from owners or occupants of properties within the BID and from members of the public regarding activity, improvement and/or events within the BID;
  10. to advocate for economic development activities that incorporate sustainable development and smart growth principles;
  11. to nominate prospective new members of the Board for consideration by the Mayor;

12. to establish such committees as the Advisory Board deems necessary for the thorough and efficient operation of the Board, including but not limited to a nominating committee in furtherance of its authority to nominate prospective new members of the Board as set forth above;
13. to engage in such other activities as are customary for similarly-situated Boards with authority to oversee special improvement districts, subject to the review and approval of the Township Engineer and/or Governing Body, as the case may be, with respect to such activities as: litter clean-up and control; providing recreational and rest areas and facilities; publicizing and marketing the BID and the businesses therein; recruiting new businesses to fill vacant commercial spaces within the BID towards the goal of balancing the mix of business types and/or uses therein; organizing special events; and providing temporary decorative lighting and/or greenery on properties within the BID;
14. to hire or retain a managing director, subject to the review and approval of same by the Governing Body, to assist the Advisory Board in the completion of its duties as set forth herein; and
15. to hire or retain professionals or non-professionals, subject to the review and approval of same by the Governing Body, to carry out services deemed to benefit the businesses, employees, residents and consumers in the BID.

#### 34A.08 Members; Terms; Removal or Resignation

- A. The members of the Advisory Board shall be appointed by the Mayor and shall total no less than seven (7) members who shall satisfy the criteria set forth in this Chapter.
- B. The term of each Board member shall be for a period of two (2) years and shall be staggered such that no less than three (3) nor more than four (4) of the terms shall expire in any given year. The Mayor may appoint up to four (4) members for a longer term in order to achieve the intent of this Section; provided that such terms are only as long as is necessary to establish the staggered terms contemplated herein. Once the staggered terms have been achieved, the maximum two (2) year term shall be imposed for as long as this Chapter is in effect.
- C. Advisory Board members shall serve no more than three (3) consecutive terms, and after at least a one (1) year hiatus, may serve for a maximum of three (3) additional consecutive terms.
- D. A member of the Advisory Board may resign but such resignation shall not be effective unless it is provided in a written notice to the Governing Body. The Mayor may remove any member of the Advisory Board upon thirty (30) days' written notice to the member to be removed, a copy of which notice also shall be sent to the chairperson and secretary of the Board. The removal shall become effective on the thirty-third (33<sup>rd</sup>) day after such notice is placed in the mail or thirty (30) days from the date such notice is hand-delivered and/or personally served upon the member that is to be removed.
- E. The Mayor shall appoint a new member to fill any unexpired term of a vacant seat created by resignation or removal pursuant to this Section 8; provided that if the unexpired term will expire less than ninety (90) days after the acceptance of resignation or effective date of removal as determined pursuant to subsection (D) above, the Mayor may elect to wait to appoint a new member until the expiration date of the unexpired term.

### 34A.09 Officers; Duties

- A. The BID Advisory Board shall have a chairperson, vice chairperson, secretary and treasurer. The chairperson and vice-chairperson shall be appointed annually by the Mayor. The positions of secretary and treasurer shall be filled annually by Township employees or other individuals designated by the Mayor.
- B. Chairperson: The chairperson shall be responsible for the general charge and supervision of the activities and affairs of the Advisory Board as set forth herein. The chairperson's duties shall include, but not be limited to, the following:
1. to preside at all meetings and/or hearings of the Advisory Board;
  2. to appoint members to standing and special committees pursuant to Sections 11 and 12 of this Chapter;
  3. to serve as the officially recognized spokesperson for the Advisory Board in communications with the Governing Body, including communicating the majority viewpoints and positions of the Advisory Board as expressed at scheduled meetings thereof;
  4. to prepare and/or approve the meeting agenda and supportive literature, if any, at least 48 hours prior to a regularly scheduled meeting of the Advisory Board;
  5. to call emergency meetings in accordance with the requirements of the Open Public Meetings Act;
  6. to appoint liaisons with other official agencies or offices of the Township;
  7. to prepare annually a report of the activities of the Advisory Board for each fiscal year and deliver same to the Governing Body within sixty (60) days of the close of each fiscal year;
  8. to assure meetings of the Advisory Board are conducted in accordance with Roberts Rules of Order and as otherwise provided in Sections 11 and 12 of this Chapter;
  9. to receive and distribute all correspondence of the Advisory Board, as appropriate;
  10. to delegate to another officer of the Advisory Board, from time to time, such of the chairperson's duties set forth herein as may be appropriate; and
  11. to perform such other duties of an Advisory Board chairperson as may be prescribed by law and/or established in Sections 11 and 12 of this Chapter.
- C. Vice-Chairperson: The duties of the vice-chairman shall be as follows:
1. to preside over meetings in the absence of the chairperson;
  2. to perform the other roles and functions of the chairperson when so directed by the chairperson or in the event the chairperson is unable to act as determined pursuant to the procedures set forth in Sections 11 and 12 of this Chapter; and

3. to perform such other duties of an Advisory Board vice-chairperson as may be prescribed by law and/or established in Sections 11 and 12 of this Chapter.
- E. Secretary: The duties of the secretary shall be as follows:
- F.
1. to record Board member attendance at all meetings;
  2. to record minutes at each meeting of the Advisory Board and present the minutes to the members of the Advisory Board at least 48 hours prior to the next meeting of the Board;
  3. to present the previous meeting's minutes at scheduled meetings for corrections, additions and/or approval by the Board;
  4. to keep records of the terms of the members of the Board and notify each member and the Mayor by December 1 of each year of the expiring terms for January appointments; and
  5. to perform such other duties of an Advisory Board secretary as may be prescribed by law and/or established in Sections 11 and 12 of this Chapter.
- E. Treasurer: The duties of the treasurer shall be as follows:
1. to prepare an annual budget for the BID no later than the November meeting to be reviewed and approved by the Advisory Board for its presentation to the Governing Body by the December deadline specified by the Township Clerk;
  2. to provide a regular account of the financial status of the BID, including but not limited to preparing regular financial reports which shall be presented at each Advisory Board meeting; and
  3. to oversee the preparation of an annual audit of the books, accounts and financial transactions of the Advisory Board to be filed with the Governing Body within four (4) months of the close of the fiscal year in accordance with N.J.S.A. 40:56-88 and to be filed with the New Jersey Department of Community Affairs within five (5) days of the filing of the audit with the Governing Body; and
  4. to perform such other duties of an Advisory Board treasurer as may be prescribed by law and/or established in Sections 11 and 12 of this Chapter.

#### 34A.10 Municipal Liaison

The Township's Director of Community & Business Development shall serve as the Municipal Liaison, unless the Governing Body appoints, by resolution, another individual to serve as the Municipal Liaison. The duties of the Municipal Liaison shall include, but not be limited to, facilitating open communications between the Board and the Governing Body and such other duties and/or functions as the Governing Body may deem necessary to ensure such open communications and to promote the coordination of efforts between the Governing Body and the Board in furtherance of the purpose of the BID.



## CONDUCT OF MEETINGS; RULES AND REGULATIONS OF ADVISORY BOARD

### 34A.11 Conduct of Meetings

- A. The Advisory Board shall hold regular meetings not less than six (6) times per year. The chairperson has authority to cancel and/or reschedule any meeting or change the location thereof, provided that the secretary shall have sufficient time to publish notice of cancellation in the time required by law. The chairperson also may call a special meeting of the Advisory Board upon adequate public notice as specified in the New Jersey Open Public Meetings Act.
- B. All meetings shall be conducted in accordance with the Open Public Meetings Act, including the notice provisions thereof. It shall be the duty of the secretary to give appropriate notice of the time, place and purpose of all regularly-scheduled and special meetings. Such notice shall be published in a newspaper of general circulation within the Township of Voorhees and shall be posted in the Voorhees Township Municipal Building in accordance with law. If possible, the notice required herein also may be posted on the official website of the Township of Voorhees.
- C. Quorum: A majority of the members of the Advisory Board shall constitute a quorum. A quorum shall be required to conduct any business of the Advisory Board. If a quorum is not present at any meeting of the Advisory Board, the members present shall cancel the meeting without any notice other than an announcement to all those present. In the event a meeting is canceled for lack of a quorum, the agenda shall be added to the agenda for the next meeting of the Advisory Board and all action to be taken thereon shall be taken at the next meeting of the Advisory Board where a quorum is present.
- D. Voting: All action of the Advisory Board shall require the affirmative vote of a majority of those present (so long as same constitutes a quorum), it being the intent that a "majority" shall mean at least one member in excess of 50% of the members present. Voting by proxy and/or voting by mail or email are not valid methods of voting and any votes attempted to be cast by such methods shall not be counted. A vote by a member who is participating by telephone conference call pursuant to Section 34A-12(F) shall be valid and shall be counted.

### 34A.12 Advisory Board Rules and Regulations

The conduct of the Advisory Board and all members thereof shall be subject to and in conformance with the following:

- A. All expenditures of the Advisory Board for any and all products or services must be authorized in advance and in writing by the Governing Body.
- B. No part of the BID's financial resources shall inure to the personal benefit, either directly or indirectly, of any member of the Advisory Board, or any relative thereof, or any business or business entity owned, either in whole or in part, by any member of the Board, nor for the benefit of any other private individual.
- C. Neither the Advisory Board nor any member thereof shall, in any manner or to any extent, participate or intervene in any political campaign on behalf of any candidate for public office of the Township of Voorhees, including the publication and/or distribution of any statement, advertisement and/or propaganda regarding same.

- D. All Advisory Board members are expected to attend every scheduled meeting of the Board or, if a member is unable to attend, such member shall be responsible for notifying the chairperson or secretary of their anticipated absence, such notice being provided in advance of the meeting at which they are unable to attend.
- E. All Advisory Board members are expected to serve on any committee to which he or she is appointed and to attend said committee's regularly scheduled meetings. Nothing hereinabove shall be construed to prohibit any Board member from attending a meeting of a committee to which he or she was not appointed; provided, however, that the attendance of such member shall not be permitted if such attendance would create a quorum of the Board; and provided further that such member, if properly permitted to attend, shall not have a vote in any action taken by the committee.
- F. A Board member may participate in a meeting of the Board or any committee thereof by means of a telephone conference call; provided, however, that the Board member must first notify the chairperson and secretary of his or her intent to do so and shall make all necessary arrangements to ensure that the telephonic conference call will operate as intended and will not cause a nuisance, distraction or otherwise impede the progress of the meeting.
- G. Committees: Standing committees and special committees may be established or dissolved by the chairperson of the Advisory Board as needed, provided that any member of the Board may suggest the formation of a new committee. Committees shall consist of as many Board members as do not constitute a quorum of the full Advisory Board. Committees also may consist of owners or occupants of properties within the BID who are not members of the Advisory Board and/or such other persons who are not members of the Advisory Board but who have an interest or stake in the success of the BID, including but not limited to appropriate employees of the Township of Voorhees and residents of the Township and/or volunteers so long as such persons are not related to or have an ownership interest in any business or property the owner of which is a member of the Advisory Board. The chairperson shall, with their consent, appoint members to committees and may appoint such other persons who meet the requirements of this subsection and agree to serve as a member thereof. Actions taken by any committee shall be reported to the Advisory Board at the next meeting following the committee meeting at which such action was taken.
- H. The Township of Voorhees shall, to the extent legally permissible, indemnify each person who may serve or who has served at any time as an officer of the Advisory Board against all expenses and liabilities, including without limitation, reasonable counsel fees, judgments, fines, penalties and settlement payments reasonably incurred by or imposed upon such person in connection with any threatened, pending or completed action, suit or proceeding in which he or she may become involved by reason of his or her service in such capacity; provided that no indemnification shall be provided for any such person with respect to any matter as to which he or she shall have been found in any proceeding not to have acted in good faith in the reasonable belief that such action was in the best interests of the BID. The indemnification provided hereunder shall inure to the benefit of the heirs, executors and administrators of persons entitled to indemnification hereunder.

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

**SECTION 4. REPEAL OF ALL INCONSISTENT ORDINANCES.** All ordinances of the Township of Voorhees that are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION 5. EFFECTIVE DATE.** This Ordinance shall take effect upon its passage and publication, as required by law.

ATTEST  
Dee Ober, RMC, Township Clerk

TOWNSHIP OF VOORHEES  
By: Michael Mignogna, Mayor

I, Dee Ober, Clerk of the Township of Voorhees, hereby certify the foregoing to be a true and correct copy of an Ordinance adopted by the Mayor and Township Committee at their meeting of May 29, 2018 held in the Municipal Building, 2400 Voorhees Town Center, Voorhees, New Jersey.

Dee Ober, RMC, Township Clerk

INTRODUCED: May 14, 2018  
ADOPTED: May 29, 2018