

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 11, 2019 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Fuzy
_____	_____	Committeeman Holliday
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Michael Theokas, Administrator
_____	_____	Deputy Township Clerk Dziura
_____	__X__	Attorney Fahey
_____	_____	Attorney David Serlin
_____	_____	Chief Financial Officer Elsasser

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 7, 2019, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was emailed to the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

The proceedings of this meeting, which are open to the public, are being electronically recorded and will act as the minutes of the meeting in conjunction with the abbreviated form of the minutes. Requisite minutes are kept for all meetings, whether open or closed to the public.

4. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing:

- Affordable Housing Contract Negotiations
- Potential Litigation
- Potential Environmental Litigation
- Personnel Matter

Keyboarding Clerk I

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

5. Mayor's Proclamation recognizing Black History Month.
6. Mayor's Proclamation recognizing Eagle Scout Henry Francis Huber.
7. Administrative Review
  - a. Review of agenda
  - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
  - b. Questions or comments from the audience on consent agenda items.
  - c. Motion, Second and Roll Call to adopt Resolutions #2019-72 through #2019-76.
8. Resolution #2019-72 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  9. Resolution #2019-73 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
  10. Resolution #2019-74 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
  11. Resolution #2019-75 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING REFUND OF DEVELOPER'S ESCROW ACCOUNT BALANCES.
  12. Resolution #2019-76 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN COUNTY OF BURLINGTON, STATE OF NEW JERSEY ASSESSING LIEN UPON DWELLINGS OR LANDS FOR PROPERTY MAINTENANCE PURSUANT TO N.J.S.A. 40:48-1.14.
  13. Public Hearing on Ordinance #2019-01 entitled REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,270,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS DESCRIBED HEREIN, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.
  14. Consideration of Adoption of Ordinance #2019-01 entitled REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,270,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS DESCRIBED HEREIN, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.

15. Consideration of Introduction of Ordinance #2019-02 entitled AN ORDINANCE AMENDING BORDENTOWN TOWNSHIP ORDINANCE NO. 2008-23 REGARDING AFFORDABLE HOUSING FEES.
16. Consideration of Introduction of Ordinance #2019-03 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN APPROPRIATION BALANCES IN THE AGGREGATE AMOUNT OF \$1,380,152.07 AND RE-APPROPRIATING A PORTION OF SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND THE PURCHASE OF EQUIPMENT AND TRANSFERRING A PORTION OF SAID FUNDS TO THE CAPITAL IMPROVEMENT FUND. (Ordinance to be provided).
17. Administrator and Staff Reports.
18. Township Committee Reports.
19. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
20. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
21. Motion to Adjourn.

**ALL PROPOSED LEGISLATION LISTED BELOW IS SUBJECT TO CHANGE AND IS CONSIDERED TO BE A DRAFT UNTIL IT IS OFFICIALLY ADOPTED BY THE GOVERNING BODY.**

RESOLUTION #2019-72

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated February 11, 2019, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

2/11/19

RESOLUTION #2019-73

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the Regular and Closed Session Meeting Minutes of January 28, 2019; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as ( \_\_\_\_\_ submitted) ( \_\_\_\_\_ corrected).

2/11/19

**RESOLUTION#2019-74**

**AUTHORIZING REFUND OF OVERPAYMENT OF TAXES**

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2019 taxes in the amount of \$90.42 to MONARCH TITLE for Block 49.01 Lot 55 commonly known as 18 KLEIN DRIVE

2/11/19

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RESOLUTION #2019-75

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING REFUND OF DEVELOPER'S  
ESCROW ACCOUNT BALANCES

WHEREAS, the applicants identified on attached Schedule A, deposited Escrow amounts as required by the Planning Board or Zoning Board of Adjustment of the Township of Bordentown for various development projects; and

WHEREAS, the Township Community Development Director has determined that the projects of the applicants set forth on Exhibit A are substantially complete and therefore, the balance of the Escrow can be released; and

WHEREAS, the Escrow Accounts identified on Exhibit A identify balances remaining after application of all relevant fees that have been satisfied and there appears no further basis to retain the Escrow Deposits.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown that the Escrow balances referenced on attached Schedule A be released;

BE IT FURTHER RESOLVED that the Township Committee authorizes and directs the Chief Financial Officer to issue checks for the refunds identified on the attached Schedule.

2/11/19

SCHEDULE A FOR RESOLUTION #2019-75

<u>Applicant</u>	<u>Escrow #</u>	<u>Block /Lot</u>	<u>Refund Amount</u>
Smolar Management	912600	128.01/37	\$1,043.25
George Abbott	926900	18/13	\$183.50
Pilot Corporation	930200	134.01/10, 11	\$67.50
Earle's Tire Service	929600	137.02/5.03	\$534.00
Earle's Tire Service	929603	137.02/5.03	\$2,759.15
Bordentown Hospitality	934100	131/1, 4.01	\$823.75
Michael J. Welsh	937200	134.02/1.01	\$1,112.99
Michael J. Welsh	951000	134.02/1.01	\$545.00
O'Donnell Enterprises, Inc.	947100	137.01/4.04	\$1,646.20

**RESOLUTION OF THE TOWNSHIP OF  
BORDENTOWN COUNTY OF BURLINGTON,  
STATE OF NEW JERSEY ASSESSING LIEN UPON  
DWELLINGS OR LANDS FOR PROPERTY  
MAINTENANCE PURSUANT TO N.J.S.A. 40:48-1.14.**

**WHEREAS**, under the direction of the Township Administrator and the Code Enforcement Officer of the Township of Bordentown such officers have certified to the Mayor and Superintendent of the Department of Public Works the cost to be charged against said dwelling or lands; the amount so charged shall become a lien upon such dwelling or lands and shall be added to and become part of the taxes next to be assessed and levied upon such dwelling or lands, the same to bear interest at the same rate as taxes, and shall be collected by the Tax Collector in the same manner as taxes.

**NOW, THEREFORE, BE IT RESOLVED**, by the Mayor and Council that the Tax Collector place liens on the properties listed below:

<b>PROPERTY ADDRESS</b>	<b>BLOCK</b>	<b>LOT</b>	<b>AMOUNT</b>
440 Rising Sun Road	134.01	13	\$443.46
Emergency Board-Up			

**ORDINANCE NO. 2019-01**

**REFUNDING BOND ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$2,270,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS DESCRIBED HEREIN, AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING BONDS TO SUCH PURPOSE.**

**WHEREAS**, the Township of Bordentown, in the County of Burlington, New Jersey (the “**Township**”) has determined to authorize a refunding program, including the issuance of refunding bonds, pursuant to the Local Bond Law, constituting Chapter 169 of the Laws of 1960 of the State of New Jersey, as amended and supplemented (the “**Local Bond Law**”);

**WHEREAS**, the Township has previously issued its General Obligation Bonds, Series 2009, dated February 26, 2009, in the original aggregate principal amount of \$4,000,000, of which \$2,120,000 will be outstanding subsequent to February 15, 2019 (the “**2009 Bonds**”);

**WHEREAS**, the Township has determined to provide for the authorization of the refunding of the 2009 Bonds through the issuance by the Township of its General Obligation Refunding Bonds in an aggregate principal amount not to exceed \$2,270,000, as provided in this Refunding Bond Ordinance;

**NOW, THEREFORE, BE IT ORDAINED** by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey (not less than two-thirds of all the members thereof affirmatively concurring), as follows:

**Section 1.** The Township hereby authorizes a refunding program involving the refunding of the 2009 Bonds to provide net present value savings. In order to finance the costs of the refunding program, negotiable refunding bonds of the Township are hereby authorized to be issued in an aggregate principal amount not to exceed \$2,270,000 (the “**Refunding Bonds**”) pursuant to and within the limitations prescribed by the Local Bond Law. The proceeds of the Refunding Bonds are hereby appropriated to the refunding of the 2009 Bonds and the payment of the costs of issuance of the Refunding Bonds, as further described herein.

**Section 2.** (a) The purposes for which the proceeds of the Refunding Bonds are authorized to be used are (i) refunding all or a portion of the principal amount of the 2009 Bonds, including the payment of principal of and interest on the 2009 Bonds to maturity or earlier redemption and, as applicable, the payment of interest accrued thereon to the date fixed for redemption and the redemption price thereof, and (ii) paying the costs of the issuance relating to the Refunding Bonds.

(b) The aggregate costs of issuing the Refunding Bonds as provided by N.J.S.A. 40A:2-51(b), including underwriter’s discount, will not exceed \$150,000. Such amount is included in the maximum authorized aggregate principal amount set forth in Section 1 hereof.

(c) The 2009 Bonds determined to be refunded shall be called for redemption prior to maturity thereof in the manner provided for by the terms of the 2009 Bonds. Proceeds from the sale of the Refunding Bonds shall be applied immediately to the payment of the 2009

Bonds selected for redemption or shall be deposited in trust to provide for the payment and retirement of such 2009 Bonds. Any moneys in trust may be invested as provided in N.J.S.A. 40A:2-60.

**Section 3.** The Township Committee hereby delegates to the Chief Financial Officer of the Township the power to sell the Refunding Bonds at public or private sale, to determine the terms of the Refunding Bonds, to prepare and file with the Local Finance Board within the Division of Local Government Service in the Department of Community Affairs a summary of the refunding in accordance with N.J.A.C. 5:30-2.5, and to perform such other actions and make such other determinations, subject to the limitations, if any, to be set forth in a subsequent resolution of the Township.

**Section 4.** The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the Refunding Bonds authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the “**Code**”), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

**Section 5.** The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the Refunding Bonds authorized by this Refunding Bond Ordinance. The Refunding Bonds shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the Refunding Bonds and the interest thereon without limitation as to rate or amount.

**Section 6.** All other matters with respect to the Refunding Bonds not contained or determined in or pursuant to this Refunding Bond Ordinance shall be determined by resolution of the Township adopted prior to the issuance of the Refunding Bonds.

**Section 7.** The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof shall be filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to final passage hereof. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by \$2,270,000 by the authorization of the Refunding Bonds in this Refunding Bond Ordinance. Upon issuance of the Refunding Bonds and determination of the final amount thereof, if less than the \$2,270,000 authorized hereby, an amended Supplemental Debt Statement shall be made and filed, along with any other required filings, and this Township Committee shall, by resolution, approve the cancellation of such amount authorized hereby which has not been issued.

**Section 8.** This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage, as provided by the Local Bond Law, provided that the consent of the Local Finance Board has been endorsed upon a certified copy of this Refunding Bond Ordinance, as finally adopted as required by N.J.S.A. 40A:2-55, or this Refunding Bond Ordinance qualifies under the requirements set forth in N.J.A.C. 5:30-2.5.

**THE TOWNSHIP OF BORDENTOWN IN THE  
COUNTY OF BURLINGTON, NEW JERSEY**

Introduced: January 28, 2019

Adopted:

**ORDINANCE NO. 2019-02**

**AN ORDINANCE AMENDING BORDENTOWN TOWNSHIP ORDINANCE NO. 2008-23  
REGARDING AFFORDABLE HOUSING FEES**

WHEREAS, the Township Committee previously adopted Ordinance 2008-23 to establish standards for the collection, maintenance and expenditure of development fees as permitted by the Fair Housing Act, N.J.S.A. 52:27d-301 et. seq. and the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55C-8.1 through 8.7; and

WHEREAS, the Township Committee now seeks to amend the collection process for non-residential development fees and to replace Section 25.503.1 of the Township Code with the provisions of Ordinance 2008-23 as amended herein.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown, County of Burlington as follows:

**Section 1:**

a) Ordinance 2008-23 is hereby amended at Section 6 (h) to read as follows:

The developer shall pay 100 percent of the calculated development fee amount prior to the issuance of a temporary certificate of occupancy for the subject property.

b) Section 25.301.1 of the Township Code is hereby replaced with the provisions of Ordinance 2008-23 as amended herein.

**Section 2. Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 3. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 4.** This ordinance shall take effect immediately upon adoption and publication according to law.