

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: AUGUST 25, 2014 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Cann
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	Committeewoman Popko
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

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 6, 2014, 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 faxed to the REGISTER-NEWS, 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.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. 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 Public Works Personnel Matter; AFSCME Union Contract Matter; Fityere v. Township of Bordentown; Barbara Woolley-Dillon v. Township of Bordentown; Administration Department Personnel Matter.

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.

6. APPOINTMENT OF MEMBER TO ENVIRONMENTAL COMMISSION:

In accordance with N.J.S.A. 40:56A-1 et seq and Section 2-18 of the Revised General Ordinances of the Township of Bordentown, I, Stephen Benowitz, as Mayor, do hereby make the following appointment to the Environmental Commission:

Patricia Concannon 3 yr. unexpired term expiring 12/31/16

7. Resolution #2014-237-7 entitled PROMOTING SERGEANTS MARK COSTNER AND SHAWN MOUNT TO THE POSITION OF POLICE LIEUTENANT.

--Administration of Oaths of Office to Lt. Mark Costner and Lt. Shawn Mount

8. 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 #2014-237-9 through #2014-237-34.
9. Resolution #2014-237-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
10. Resolution #2014-237-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
11. Resolution #2014-237-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
12. Resolution #2014-237-12 entitled A RESOLUTION TO CANCEL TAXES.
13. Resolution #2014-237-13 entitled A RESOLUTION TO CANCEL TAXES.
14. Resolution #2014-237-14 entitled A RESOLUTION CANCELING TAXES.
15. Resolution #2014-237-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
16. Resolution #2014-237-16 entitled A RESOLUTION CANCELING TAXES.
17. Resolution #2014-237-17 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
18. Resolution #2014-237-18 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
19. Resolution #2014-237-19 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2013.

20. Resolution #2014-237-20 entitled APPROVING CORRECTIVE ACTION PLAN FOR REPORT OF AUDIT FOR THE YEAR ENDING DECEMBER 31, 2013.
21. Resolution #2014-237-21 entitled APPROVING RAFFLE LICENSE #RL:404.
22. Resolution #2014-237-22 entitled APPROVING RAFFLE LICENSE #RL:405.
23. Resolution #2014-237-23 entitled APPROVING RAFFLE LICENSE #RL:406.
24. Resolution #2014-237-24 entitled A RESOLUTION TO DESIGNATE NISSIM REALTY CO. AS THE REDEVELOPER FOR CERTAIN PROPERTY SUBSTANTIALLY OWNED BY NISSIM REALTY CO.
25. Resolution #2014-237-25 entitled RESOLUTION AMENDING THE 2014 MEETING SCHEDULE FOR THE BORDENTOWN TOWNSHIP COMMITTEE.
26. Resolution #2014-237-26 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.
27. Resolution #2014-237-27 entitled RESOLUTON REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.
28. Resolution #2014-237-28 entitled RELEASE OF MAINTENANCE GUARANTEE FOR 130 BORDENTOWN ASSOCIATES, LLC (BOTTOM DOLLAR FOOD STORE).
29. Resolution #2014-237-29 entitled RESOLUTION ESTABLISHING HOURLY RATES FOR PART-TIME (PER DIEM) EMT'S.
30. Resolution #2014-237-30 entitled RELEASE OF PERFORMANCE GUARANTEE FOR THE ROCKEFELLER GROUP (CENTRAL CROSSINGS BUSINESS PARK) RETAINING WALL AT SITE OF BUILDING NO. 1, HEDDING ROAD.
31. Resolution #2014-237-31 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO SERGEANT WAYNE LEBAK UPON RETIREMENT.
32. Resolution #2014-237-32 entitled RELEASE OF PERFORMANCE GUARANTEE FOR MIM-HAYDEN CENTRAL CROSSING 4, LLC (CENTRAL CROSSING BUSINESS PARK) SITE IMPROVEMENTS FOR BUILDING NO. 4, 401 HEDDING ROAD.
33. Resolution #2014-237-33 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE BORDENTOWN TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO MAKE A DETERMINATION REGARDING A REDEVELOPMENT AREA.
34. Resolution #2014-237-34 entitled RESOLUTION SUPPORTING THE ENVIRONMENTAL COMMISSION'S RESOLUTION TO CREATE AN ANTI-IDLING POLICY.
35. Public Hearing on Ordinance #2014-22 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE APPROPRIATION OF A PORTION OF

REVENUES FROM A CERTAIN PAYMENT IN LIEU OF TAXES (PILOT) BENEFIT OF THE BORDENTOWN REGIONAL SCHOOL DISTRICT.

36. Consideration of Adoption of Ordinance #2014-22 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE APPROPRIATION OF A PORTION OF REVENUES FROM A CERTAIN PAYMENT IN LIEU OF TAXES (PILOT) BENEFIT OF THE BORDENTOWN REGIONAL SCHOOL DISTRICT.
37. Public Hearing on Ordinance #2014-23 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
38. Consideration of Adoption of Ordinance #2014-23 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
39. Public Hearing on Ordinance #2014-24 entitled VACATING PORTION OF WOODLAND AVENUE.
40. Consideration of Adoption of Ordinance #2014-24 entitled VACATING PORTION OF WOODLAND AVENUE.
41. Public Hearing on Ordinance #2014-25 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH SAAJ URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.
42. Consideration of Adoption of Ordinance #2014-25 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH SAAJ URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.
43. Consideration of Introduction of Ordinance #2014-26 entitled AN ORDINANCE PROVIDING FOR AN AGREEMENT FOR A FIVE-YEAR TAX EXEMPTION WITH W.W. GRAINGER, INC., FOR PROPERTY LOCATED ON HEDDING ROAD IN THE CENTRAL CROSSINGS BUSINESS PARK AND IDENTIFIED AS BLOCK 138.12 AND 137.
44. Township Committee discussion of sample “Sump Pump” Ordinance.
45. Township Committee discussion of Municipal Aid Grants.
46. Township Committee discussion of Phase 3 Site Remediation at Public Works Facility.
47. Township Committee discussion of Request from Gray Construction to extend Construction Hours.
48. Township Committee and Staff Reports.

49. **Public Participation.**

Questions, comments or statements from members of the public in attendance.

50. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

RESOLUTION #2014-237-7

PROMOTING SERGEANTS MARK COSTNER AND SHAWN MOUNT TO THE POSITION OF POLICE LIEUTENANT

WHEREAS, the New Jersey Civil Service Commission has certified the names of eligible for permanent appointment to the position of Police Lieutenant based upon the examination results; and

WHEREAS, the Chief of Police is recommending the promotion of Sergeant Mark Costner and Sergeant Shawn Mount to the appointment of Police Lieutenant;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Sergeant Mark Costner and Sergeant Shawn Mount to the position of Police Lieutenant, at an annual salary of \$99,500 as specified in Ordinance #2014-21, based upon the Township Committee evaluation of the eligible candidates on the Certificate of Eligibles for appointment certified by the New Jersey Civil Service Commission under Certification No. PL131396, dated December 3, 2013; and

BE IT FURTHER RESOLVED that said appointment to permanent status shall be effective September 6, 2014.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-9

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 August 25, 2014, 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.

08/25/14

RESOLUTION #2014-237-10

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of July 21, 2014 and August 7, 2014; the Regular Meeting of July 21, 2014; and the Special Meeting of August 7, 2014, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of July 2014 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Municipal Court, and Finance.

08/25/14

RESOLUTION #2014-237-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00016 was redeemed on July 28, 2014, in the amount of \$436.30.

WHEREAS, US BANK Cust for Pro Capital III, LLC, paid tax sale premium, in the amount of \$500.00 for said lien.

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 tax sale premium, in the amount of \$500.00 to US BANK Cust for Pro Capital III, LLC; for Lien 13-00016, Block 93.01 Lot 137, commonly known as 4 Windingbrook Court.

MAP
08/25/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-12

A RESOLUTION TO CANCEL TAXES

WHEREAS, the United States Department of Veteran Affairs has classified Robert Jensen 100% Permanently and Totally Disabled.

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from June 30, 2014.

WHEREAS, N.J.S.A.54:4-3.30a – Allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute.

WHEREAS, the following taxes must be canceled and any monies paid by the owner should be refunded.

THEREFORE BE IT RESOLVED, that the following taxes be canceled:

Block 12	Lot 6	2014	\$1,912.15
		2015	\$1,912.15

BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Township Committee.

08/25/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-13

A RESOLUTION TO CANCEL TAXES

WHEREAS, the United States Department of Veteran Affairs has classified Ronald L. Steen 100% Permanently and Totally Disabled.

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from May 30, 2014.

WHEREAS, N.J.S.A.54:4-3.30a – Allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute.

WHEREAS, the following taxes must be canceled and any monies paid by the owner should be refunded.

THEREFORE BE IT RESOLVED, that the following taxes be canceled:

Block 9 Lot 1	2014	\$3,728.10
	2015	\$3,186.93

BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Township Committee.

08/25/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-14

A RESOLUTION CANCELING TAXES

WHEREAS, the Township of Bordentown and K Johnson Urban Renewal, LLC have entered into a Payment in Lieu agreement for Block 57 Lot(s) 6.01 and 6.02, commonly known as 100/120 Route 130.

WHEREAS, the agreement between the Township of Bordentown and K Johnson Urban Renewal, LLC was executed April 7, 2014 and effective retroactive to January 1, 2013.

WHEREAS, K Johnson Urban Renewal, LLC has made the required payment incorporated into said agreement and the balance of 2013 tax must be canceled.

WHEREAS, the Tax Collector for the Township of Bordentown is reporting the following delinquencies on said Block and Lots:

Block 57	Lot 6.01	\$ 98.36
Block 57	Lot 6.02	\$2,943.63

WHEREAS, N.J.S.A. 54:4-99 and 100 – allows the governing body of a municipality to cancel taxes that are illegal assessments or where “past due taxes” are due and owing.

THEREFORE BE IT RESOLVED, the Township of Bordentown Committee, hereby authorizes the cancellation of said taxes.

AND BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Municipal Committee on this matter.

08/25/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-15

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00021 was redeemed on August 18, 2014, in the amount of \$2,003.71.

WHEREAS, Chrysalis Investors, LLC, paid tax sale premium, in the amount of \$900.00 for said lien.

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 tax sale premium, in the amount of \$900.00 to Chrysalis Investors, LLC; for Lien 13-00021, Block 118 Lot 7.01, commonly known as 18 Cemetary Lane.

MAP
08/28/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-16

A RESOLUTION CANCELING TAXES

WHEREAS, the Township of Bordentown and Mooneyham Land and Cattle Company have entered into an agreement conveying certain property to the Township of Bordentown.

WHEREAS, by way of deed dated March 18, 2014, the Township of Bordentown has accepted conveyance of Block 92 Lot 9.03, commonly known as 266 Crosswicks Road.

WHEREAS, the Tax Collector for the Township of Bordentown is reporting the following delinquencies on said Block and Lots;

Block 92	Lot 9.03	2014	\$7,972.29
		2015	\$7,821.34

WHEREAS, N.J.S.A. 54:4-99 and 100 – allows the governing body of a municipality to cancel taxes that are illegal assessments or where “past due taxes” are due and owing.

THEREFORE BE IT RESOLVED, the Township of Bordentown Committee, hereby authorizes the cancellation of said taxes.

AND BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Municipal Committee on this matter.

08/25/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-17

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 2014 taxes in the amount of \$2,443.71 to Weisberg, Milton & Sylvia Est. of for Block 129 Lot 7.01 QFARM commonly known as 50 ½ Georgetown Road.

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 2014 taxes in the amount of \$1,488.82 to Weisberg, Milton & Sylvia Est. of for Block 129 Lot 13.02 commonly known as 50 Georgetown Road.

08/25/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-18

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00012 was redeemed on August 20, 2014, in the amount of \$1,049.14.

WHEREAS, SOHEHA, paid tax sale premium, in the amount of \$700.00 for said lien.

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 tax sale premium, in the amount of \$700.00 to SOHEHA; for Lien 13-00012, Block 92.06 Lot 22.023 c.023, commonly known as 6 Covington Court.

MAP
08/28/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-237-19

ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2013

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2013 has been filed by a Registered Municipal Accountant with the Township of Bordentown Municipal Clerk as per the requirements of N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body, and

WHEREAS, the Local Finance Board of the State of New Jersey is authorized to prescribe reports pertaining to the local fiscal affairs, as per R.S. 52:27BB-34, and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled Schedule of Findings and Recommendations as evidenced by the group affidavit form of the governing body; and

WHEREAS, such resolution of certification shall be adopted by the governing body no later than forty-five days after the receipt of the annual audit, as per the regulations of the Local Finance Board; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject members of the governing body to the penalty provisions of R.S. 52:27BB-52 - to with:

R.S. 52:27BB-52 - "A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined no more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office."

NOW THEREFORE BE IT RESOLVED, that the Township Committee of the Township of Bordentown hereby states that it has complied with the promulgation of the Local Finance Board of the State of New Jersey dated July 30, 1968 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-20

APPROVING CORRECTIVE ACTION PLAN FOR REPORT OF AUDIT FOR THE YEAR ENDING
DECEMBER 31, 2013

WHEREAS, the New Jersey Division of Local Government Services has advised the Chief Financial Officer and the Township Auditor by Local Finance Notice #92-15 that all municipalities must prepare and submit a Corrective Action Plan beginning within 60 days of receipt by the governing body of the Report of Audit; and

WHEREAS, the Township Committee of the Township of Bordentown has received the Report of Audit for the year ending December 31, 2013; and

WHEREAS, the Township Committee of the Township of Bordentown received the Corrective Action Plan submitted and prepared by the Chief Financial Officer;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the Corrective Action Plan for the 2013 Report of Audit.

It is hereby certified that the foregoing is a true and correct copy
of a resolution adopted by the Township Committee of the Township
of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-21

APPROVING RAFFLE LICENSE #RL:404

WHEREAS, the Bordentown Elks Lodge #2085 has filed an application with the Township of Bordentown to hold a Raffle at the Lodge located at 11 Amboy Road in the Township of Bordentown on October 2, 2014, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:404 be issued to the Bordentown Elks Lodge #2085, with the stipulation that the proceeds be used towards charity and youth activities.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-22

APPROVING RAFFLE LICENSE #RL:405

WHEREAS, the Bordentown Rotary Club has filed an application with the Township of Bordentown to hold a Raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown on October 23, 2014, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:405 be issued to the Bordentown Rotary Club, with the stipulation that the proceeds be used towards charities and scholarships.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-23

APPROVING RAFFLE LICENSE #RL:406

WHEREAS, the Hamilton Square NJ Chapter of SPEBSQSA, Inc., has filed an application with the Township of Bordentown to hold a Calendar Raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown on various dates, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:406 be issued to the Hamilton Square NJ Chapter of SPEBSQSA, Inc., with the stipulation that the proceeds be used towards assisting in educating, funding and promoting high school and college age persons who are interested in learning about barbership music as well as to cover the costs of chapter operations including cost of music, coaching, travel and uniforms.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

TOWNSHIP OF BORDENTOWN

RESOLUTION #2014-237-24

A RESOLUTION TO DESIGNATE NISSIM REALTY CO AS THE REDEVELOPER FOR CERTAIN PROPERTY SUBSTANTIALLY OWNED BY NISSIM REALTY CO.

WHEREAS, the Nissim Family LLC and Nissim Family Investments LLC, doing business jointly as Nissim Realty Co., a New Jersey limited liability company are the owners of or intend to acquire ownership of the property known and designated as Block 1.01, Lot(s) 3, 6, 9 and 20 on the Township of Bordentown Tax Map and seek to Redevelop the property in accord with a Redevelopment Plan approved by the Township of Bordentown in Ordinance 2011-19, and

WHEREAS, it is appropriate for the majority property owner to be designated and recognized as the redeveloper for the property, and

WHEREAS, the Township Committee of the Township of Bordentown, by Resolution #2014-125-13A, designated Nissim Realty Co. as the Redeveloper for Block 1.01, Lot(s) 3, 6, 9 and 20 for a period of two (2) years and subject to Nissim Realty Co. and the Township of Bordentown entering into a Redevelopment Agreement prior to August 31, 2014 on terms that are mutually acceptable to the parties,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Resolution #2014-125-13A, be and hereby is amended to extend the time for Nissim Realty Co. and the Township of Bordentown to enter into a Redevelopment Agreement to June 30, 2015, on terms that are mutually acceptable to the parties.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-25

RESOLUTION AMENDING THE 2014 MEETING SCHEDULE FOR THE BORDENTOWN TOWNSHIP COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby amend the 2014 meeting schedule to provide for additional regular meeting dates to be held on September 15, 2014 and September 29, 2014; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby cancel the regular meetings scheduled for September 8, 2014 and September 22, 2014.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-26

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS

WHEREAS, The Foundation for Bordentown Traditions located at 272 Dunns Mill Road, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit to take place at the Joseph Lawrence Park in the Township of Bordentown on November 22, 2014; and

WHEREAS, Section 6-4 of the Revised General Ordinances of the Township of Bordentown requires the issuance of a Public Gathering Permit to any association which conducts traveling and other shows, circuses, carnivals, fairs, theatrical performances, motion picture exhibitions, plays, exhibitions, concerts, dances, dinner dances, picnics, outings fetes, parades, etc., in the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves the application and authorizes the Township Clerk to issue a Public Gathering Permit to The Foundation for Bordentown Traditions; and

BE IT FURTHER RESOLVED that due to the event being a fundraiser to benefit the Bordentown Fireworks, the Township Committee hereby authorizes the fee to be waived for this permit.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-27

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown in the County of Burlington, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2014 in the sum of \$19,023.87, which is now available from the Township of Bordentown, in the amount of \$19,023.87; and

BE IT FURTHER RESOLVED that the like sum of \$19,023.87 is hereby appropriated under the caption "State of New Jersey – Clean Communities Grant"; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Township of Bordentown in the amount of \$19,023.87.

It is hereby certified that the foregoing is a true and correct copy
of a resolution adopted by the Township Committee of the Township
of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

TOWNSHIP OF BORDENTOWN

RELEASE OF MAINTENANCE GUARANTEE FOR

**130 Bordentown Associates, LLC (Bottom Dollar Food Store)
262 Route 130
BLOCK: 127 LOT: 3**

RESOLUTION NO. 2014-237-28

WHEREAS, 130 Bordentown Associates, LLC is the owner of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot, known as Bottom Dollar Food Store, subject to certain terms and conditions, including, but not limited to, the filing of a Maintenance Guarantee which was posted as a condition of the release of a Performance Guarantee; and

WHEREAS, 130 Bordentown Associates, LLC provided a maintenance guarantee, in the amount of \$84,292.20, which was in the form of a 90% Letter of Credit (LOC) in the amount of \$75,862.98, and a 10% cash guarantee in the amount of \$8,429.22; and

WHEREAS, 130 Bordentown Associates, LLC has notified the Township in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53, requesting release of the maintenance guarantee and

WHEREAS, the Director of Community Development, Brian Johnson, PE, has inspected the improvements which were covered by the maintenance guarantee, and has filed a report dated August 19, 2014, recommending release of the guarantee; and

WHEREAS, the Township Committee has reviewed said request and report and desires to act favorably with respect to the Director's recommendations in accordance with N.J.S.A. 40:55D-53.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby approves release of the Maintenance Guarantee for 130 Bordentown Associates, LLC.
2. The Township hereby releases any claim to Irrevocable Standby Letter of Credit #2013-2 issued by Capital Bank of Rockville, MD, in the amount of \$75,862.98, and also releases the cash guarantee in the amount of \$8,429.22 plus any interest accrued and due the developer in accordance with N.J.S.A. 40:55D-53.1.

3. The Township Clerk shall forward a certified copy of this resolution to: 130 Bordentown Associates, LLC, c/o Nellis Corporation, 6001 Montrose Road, Suite 600, Rockville, Maryland 20852

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-29

RESOLUTION ESTABLISHING HOURLY RATES FOR PART-TIME (PER DIEM) EMT'S

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby establish the hourly rate for the Bordentown Township Emergency Medical Services part-time (per diem) EMT's to be set at \$12.50 per hour.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**The Rockefeller Group (Central Crossings Business Park)
Retaining Wall at site of Building No. 1
Hedding Road
BLOCK: 138.12 LOT: 5.01**

RESOLUTION NO. 2014-237-30

WHEREAS, Rockefeller Group was the owner/developer of a certain property within the Township of Bordentown and was granted preliminary approval and final approval of development plans which included the construction of a retaining wall, on the above captioned block and lot. Said approval was subject to certain terms and conditions, including, but not limited to, the filing of a Third Party Performance Guarantee, insuring the satisfactory installation of the retaining wall; and

WHEREAS, Rockefeller Group did provide a performance guarantee, in the form of an Irrevocable Standby Letter of Credit, issued by Bank of Tokyo-Mitsubishi UFJ, No. S013475 in the amount of \$367,200.00; and

WHEREAS, Rockefeller Group did complete the improvements in approximately the year 2007; and

WHEREAS, Rockefeller Group has recently notified the Township in accordance with the procedures set forth in N.J.S.A. 40:55D-53, and has requested a release of said performance guarantee; and

WHEREAS, the Planning Board Engineer, Frederick Turek, P.E., has inspected the improvements of which notice has been given and herein recommends that the Township Committee approve the release of the performance guarantee, and

WHEREAS, due to the amount of time which has lapsed since the completion of the improvements, the Engineer recommends that no maintenance guarantee be required at the time of release of the Performance Guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.d.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee consisting of Irrevocable Standby Letter of Credit, issued by Bank of Tokyo-Mitsubishi UFJ, No. S013475 in the amount of \$367,200.00; and
2. The Township Clerk shall forward a certified copy of this resolution to The Rockefeller Group, 500 International Drive North, Mt. Olive, NJ 07828, Attn: Clark Machermer

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-31

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO
AUTHORIZE FINAL COMPENSATION TO SERGEANT WAYNE LEBAK UPON RETIREMENT

WHEREAS, Sergeant Lebak has retired his position with the Bordentown Township Police Department effective September 1, 2014; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Sergeant Lebak's service to the Township, its residents, and the community at large is noteworthy and that Sergeant Lebak ends this service in good standing; and

WHEREAS, the Township Finance Department has determined that the total and final compensation due to Sergeant Lebak upon retirement is \$12,000.00, as detailed in the contract between the Township of Bordentown and the Bordentown Township Police Sergeant's Association; and

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown hereby authorizes final compensation to Sergeant Lebak upon retirement of a total of \$12,000.00; and

BE IT FURTHER RESOLVED that the Township Committee hereby directs the Township Clerk to provide Sergeant Lebak a certified copy of this resolution; and

BE IT FURTHER RESOLVED that the Township Committee hereby states its wishes to Sergeant Lebak for a happy and healthy retirement.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**MIM-Hayden Central Crossings 4, LLC (Central Crossings Business Park)
Site Improvements for Building No. 4
401 Hedding Road
BLOCK: 137.01 LOT: 2**

RESOLUTION NO. 2014-237-32

WHEREAS, MIM-Hayden Central Crossings 4 is the owner/developer of a certain property within the Township of Bordentown and was granted preliminary approval and final approval of site development plans, on the above captioned block and lot. Said approval was subject to certain terms and conditions, including, but not limited to, the filing of a Third Party Performance Guarantee, insuring the satisfactory installation of the improvements; and

WHEREAS, MIM-Hayden Central Crossings 4 did provide a performance guarantee, in the form of a surety bond, issued by Bond Safeguard Insurance Co., No. 5014974 in the amount of \$441,758.12; and a cash deposit, currently in the amount of \$47,084.24.

WHEREAS, the improvements were completed in approximately the year 2006; and

WHEREAS, MIM-Hayden Central Crossings 4 has recently notified the Township in accordance with the procedures set forth in N.J.S.A. 40:55D-53, and has requested a release of said performance guarantee; and

WHEREAS, the Planning Board Engineer, Frederick Turek, P.E., has inspected the improvements of which notice has been given and herein recommends that the Township Committee approve the release of the performance guarantee, and

WHEREAS, due to the amount of time which has lapsed since the completion of the improvements, the Engineer recommends that no maintenance guarantee be required at the time of release of the Performance Guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.d.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee in the form of a surety bond, issued by Bond Safeguard Insurance Co., No. 5014974 in the amount of \$441,758.12; and a cash deposit, currently in the amount of \$47,084.24; and

2. The Township Clerk shall forward a certified copy of this resolution to MIM-Hayden Central Crossings 4, LLC, Five Tower Bridge, 300 Barr Harbor Drive, Suite 750, West Conshohocken, PA 19428, Attn: Joseph Linaugh, VP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-33

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE BORDENTOWN TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO MAKE A DETERMINATION REGARDING A REDEVELOPMENT AREA

WHEREAS, the Township Committee of the Township of Bordentown is concerned about the substandard, unsafe, and unsanitary condition of certain buildings, as well as the discontinuation of the use of those buildings and their dilapidation, all of which buildings are identified on the Township of Bordentown tax map as Block 58, Lots 10.04, 10.05, 30-34, 36 and 37 and Block 28, Lots 1-3; and

WHEREAS, the area includes the severely dilapidated former buildings, which have fallen into disrepair, all of which properties involve buildings and/or constitute sites that have been closed, unused or underdeveloped for many years, and that are currently in deplorable and/or deteriorating condition; and other buildings within the area that appear to be in dilapidated, unsafe and/or substandard condition; and

WHEREAS, the Township Committee is interested in employing the powers and authority vested in municipal governing bodies by the “Local Redevelopment and Housing Law”, NJSA 40A:12A-1 et seq., and seeks a determination as to whether the area constitutes a “redevelopment area” or “area in need of redevelopment” as those terms are defined in the statute; and

WHEREAS, NJSA 40A:12A provides that “no area of a municipality shall be determined a redevelopment area unless the governing body of the municipality shall, by resolution, authorize the Planning Board to undertake a preliminary investigation to determine whether the proposed area is a redevelopment area according to the criteria set forth in (this Statute)”; and

WHEREAS, the criteria include, among other things, a determination as to whether any of the following conditions is found:

- (a) The generality of buildings are substandard, unsafe, unsanitary, dilapidated, or obsolescent, or possess any of such characteristics, or are so lacking in light, air, or space, as to be conducive to unwholesome living or working conditions;
- (b) The discontinuance of the use of buildings previously used for commercial, manufacturing, or industrial purposes; the abandonment of such buildings; or the same being allowed to fall into so great a state of disrepair as to be untenable;
- (c) Areas with buildings or improvements which, by reason of dilapidation, obsolescence, overcrowding, faulty arrangement or design, lack of ventilation, light and sanitary facilities, excessive land coverage, deleterious land use or obsolete layout, or any combination of these or other factors, are detrimental to the safety, health, morals or welfare of the community; and

WHEREAS, the Township Committee is desirous of commencing the process to allow a determination to be made as to whether this area constitutes a “redevelopment area” or an “area in need of redevelopment”;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, assembled in public session this 25th day of August, 2014, the Planning Board of the Township of Bordentown is hereby directed to undertake a preliminary investigation to determine whether the area described above, and proposed for redevelopment by the Township Committee, is qualified as a redevelopment area pursuant to the criteria set forth as NJSA 40A:12-5; and

BE IT FURTHER RESOLVED that due to a lack of appropriated funds to undertake the study, the Township Committee hereby requests the assistance of the Burlington County Bridge Commission and its planning staff to perform the study and prepare the redevelopment plan; and

BE IT FURTHER RESOLVED that certified copies of this resolution shall be provided to the Planning Board of the Township of Bordentown and to the Township Administrator, Solicitor, Engineer, Planning Consultant and the Burlington County Bridge Commission for their information and attention.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

RESOLUTION #2014-237-34

RESOLUTION SUPPORTING THE ENVIRONMENTAL COMMISSION'S RESOLUTION
TO CREATE AN ANTI-IDLING POLICY

WHEREAS, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

WHEREAS, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

WHEREAS, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

WHEREAS, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, businesses, etc.) where residents can be exposed to concentrated sources of air pollutant emissions; and

WHEREAS, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO₂), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

WHEREAS, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

WHEREAS, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

WHEREAS, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality;

NOW THEREFORE BE IT RESOLVED that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Make enforcing existing violations and penalties under New Jersey's existing no-idling law a priority for all Township Police Officers pursuant to C. 39:3-70.2 and C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;

4. Promote the widespread use of emission controls in construction contracts (for example, see the “Diesel Emission Controls in Construction Projects: Model Contract Specification” developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 25, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/25/14

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2014-22

An Ordinance of the Township of Bordentown Providing for the appropriation of a portion of revenues from a certain Payment In Lieu of Taxes (PILOT) benefit of the Bordentown Regional School District

WHEREAS, the Township of Bordentown has entered into, and may enter into, Financial Agreements with developers for non-residential developments which will provide for the payment of an Annual Service Charge (Payment In Lieu Of Taxes) to the Township of Bordentown, and

WHEREAS, the Township Committee of the Township of Bordentown finds and determines that the law requires that a portion of that payment shall be paid over to the County of Burlington and that it is appropriate and in the public interest that an appropriation of a portion of the remaining funds be shared with the Bordentown Regional School District, even though such sharing is not required by law,

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

Section 1. From the Annual Service Charge (Payment In Lieu Of Taxes) paid by developers on non-residential developments in accordance with specific financial agreements between the developer and the Township, the Township Committee shall annually appropriate for the benefit of the Bordentown Regional School District an amount calculated as follows:

a. from the funds actually collected by the Township there shall first be paid the sum due to the County of Burlington in accordance with the provisions of N.J.S.A. 40A:20-12;

b. there shall then be retained by the Township an amount equal to the amount of taxes that would have been received by the Township if there were no financial agreement providing for an Annual Service Charge (Payment In Lieu Of Taxes),

c. the then remaining balance shall be divided with twenty-five percent (25%) being appropriated to the Bordentown Regional School District and the remainder being retained by the Township of Bordentown.

d. funds shall be distributed within 60 business days after the receipt and collection of the Annual Service Charge (Payment In Lieu Of Taxes) by the Township.

Section 2. If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court or competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 4. This ordinance shall take effect immediately upon final passage. Notice of adoption shall be published as provided by law.

TOWNSHIP OF BORDENTOWN

Stephen Benowitz, Mayor

Colleen M. Eckert, R.M.C.,
Township Clerk

ORDINANCE #2014-23

AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

BE IT ORDAINED an enacted Ordinance by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey, as follows:

SECTION 2. Section 2 of Ordinance #2014-21 is hereby amended as follows:

ANNUAL SALARIES

ADMINISTRATOR

\$60,000.00 – \$140,000.00

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and the provisions thereof shall be effective as of January 1, 2014, and shall remain in effect until such time as amendments are required. No rights are created beyond the effective period of this ordinance.

SECTION 7. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. Severability. In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of the ordinance, which are hereby declared to be severable.

**BORDENTOWN TOWNSHIP
ORDINANCE NO. 2014-24**

**VACATING PORTION
OF WOODLAND AVENUE**

WHEREAS, the Bordentown Township Planning Board (“Planning Board”) previously adopted Resolution No. PB-2010-04 approving Preliminary and Final Major Site Plan involving Block 63, Lots 1, 2 and 39 and Block 64, Lot 3, at 195 Route 130 on the Tax Map of the Township of Bordentown; and

WHEREAS, said Resolution required compliance with a number of conditions, including, at Page 8, Par. 7.K the vacation of a portion of Woodland Avenue in accord with the approved plans; and

WHEREAS, the Township previously adopted Ordinance No. 2010-10 to effectuate this vacation, but the vacation was never filed with the County Clerk’s Office and as such the Township desires to ensure validity and proper filing of the vacation by enacting this Ordinance anew; and

WHEREAS, the Township Committee of the Township of Bordentown (“Township”) desires to vacate a portion of Woodland Avenue in accord with the conditions of the Planning Board approval toward the rear of Woodland Avenue leading toward Thorntown Lane.

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

Section 1. The Township of Bordentown hereby vacates a portion of Woodland Avenue as indicated on the Existing Conditions and Demolition Plan prepared by Daniel W. Caruso, P.E., last revised March 8, 2013 and on file with the office of Community Development, also shown on the attached excerpt of Sheet 13 of the official Tax Maps of the Township of Bordentown, and further described as:

A portion of Woodland Avenue beginning at the northwest corner of Block 64, Lot 3 and extending eastward to Block 63, Lot 40, and connecting to Thorntown Lane.

Section 2. This Ordinance shall take effect upon passage and notice in accordance with the law. Any public improvements such as sewer or water lines underlying the street or right of way area being vacated by this Ordinance, if any, are reserved out and subject to an easement for continued right of access for maintenance, improvement and/or repair.

Section 3. Repealer. Any Ordinances inconsistent with this ordinance are hereby repealed to the extent of its inconsistency.

Section 4. Severability. If any provision of this Ordinance is deemed unlawful by a Court is found to be contrary to law by a court of competent jurisdiction, such provision shall be of no force or effect; but the remainder of this Agreement shall continue in full force and effect.

Section 5. Effective date. This Ordinance shall take effect upon proper passage in accordance with the law.

Section 6. Filing. This Ordinance shall be filed with the County Clerk within 60 days of passage in accord with the law.

**TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2014-25**

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING A FINANCIAL AGREEMENT WITH SAAJ URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.

WHEREAS, the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey (the "**Township**") caused to be undertaken an investigation to determine whether certain lands located at 195 Route 130 and now designated as Block 63, Lots 1, 2 and 39 and Block 64, Lot 3 on the Official Tax Map of the Township (the "**Property**") (the "**Redevelopment Area**"), constitute an area in need of redevelopment; and

WHEREAS, following an investigation conducted by the Planning Board of the Township and a public hearing, the Township Committee declared that the Property constituted an area in need of redevelopment in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A: 12A-1 et seq; and

WHEREAS, the Township Committee adopted the Redevelopment Plan for the Property on April 13, 2009 by Resolution No. 2009-11 (the "**Redevelopment Plan**") for the redevelopment of a certain redevelopment area, including the Property; and

WHEREAS, by Resolution No. 2008-239-10 adopted on November 24, 2008, the Township, designated SAAJ Urban Renewal LLC, a New Jersey limited liability company (the "**Entity**"), qualified as an urban renewal entity under the provisions of the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq. (the "**Tax Exemption Law**"), as the redeveloper for the Redevelopment Plan; and

WHEREAS, by Resolution adopted on August 7, 2014, the Township authorized a Redevelopment Agreement (the "**Redevelopment Agreement**"), pursuant to which the Entity, agreed, among other things, to develop the Property in accordance with the Redevelopment Plan; and

WHEREAS, the Entity obtained approval from the Planning Board and Township Committee to redevelop the Property by constructing certain improvements (collectively, the "**Improvements**") and together with the Property, the "**Project**") in accordance with Resolution No. 2009-09 adopted by the Planning Board of Bordentown Township on January 14, 2010; and

WHEREAS, the Tax Exemption Law permits a municipality to exempt from the payment of real estate taxes, for a limited period of time, any rehabilitation or improvements made in the redevelopment of a

redevelopment area, subject to the terms and conditions of a financial agreement complying with the requirements of N.J.S.A. 40A:20-9 to 11; and

WHEREAS, in order to improve the feasibility of Project, the Entity made an application for a long term tax exemption and financial agreement (the “**Application**”) pursuant to the Tax Exemption Law, which Application is on file with the Township Clerk; and

WHEREAS, the Township has reviewed the terms of a proposed financial agreement (the “**Financial Agreement**”), a copy of which has been filed with the Township Clerk and which by this reference incorporated herein; and

WHEREAS, the Financial Agreement sets forth findings that the relevant benefits of Project to the redevelopment of the Redevelopment Area outweigh the costs, if any, associated with the long term tax exemption for the Project; and

WHEREAS, the Township hereby determines that the assistance provided to Project pursuant to the Financial Agreement will be a significant inducement for the Entity to proceed with the Project.

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 members thereof affirmatively concurring), **AS FOLLOWS:**

Application for Exemption Approved.

The Application, which is on file with the Township Clerk and has been recommended for approval to the Township Committee by the Mayor, is hereby accepted and approved.

Approval Of Financial Agreement

The form of the Financial Agreement, as presented herewith and made a part hereof, is hereby approved. The Mayor is hereby authorized to execute and deliver on behalf of the Township the Financial Agreement in the form attached hereto, with such changes as counsel may advise and the Mayor may approve, such approval to be evidenced by the Mayor’s execution thereof. The Township Clerk is hereby authorized to attest to the execution of the Financial Agreement by the Mayor and to affix the corporate seal of the Township to such Financial Agreement.

The Township Clerk shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township and the Director of the Division of Local Government Services within the Department of Community Affairs in accordance with Section 12 of the Tax Exemption Law.

Severability.

If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Inconsistencies.

All ordinances or parts of ordinances of the Township heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Effective Date.

This ordinance shall take effect according to law. immediately upon adoption and publication of notice of adoption as provided by law.

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2014-26

AN ORDINANCE PROVIDING FOR AN AGREEMENT FOR A FIVE-YEAR TAX EXEMPTION WITH W.W. GRAINGER, INC. FOR PROPERTY LOCATED ON HEDDING ROAD IN THE CENTRAL CROSSINGS BUSINESS PARK AND IDENTIFIED AS BLOCK 138.12 and 137.0

WHEREAS, the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Act") enables municipalities to temporarily abate local property taxes imposed upon eligible dwellings, commercial and industrial structures; and

WHEREAS, the certain areas within the Township of Bordentown (the "Township") were designated by the Planning Board of the Township in accordance with P.L. 1975, Chapter 104 (now, N.J.S.A. 40A:12A-14) as areas in need of rehabilitation and is an area endangered by blight and in need of rehabilitation; and

WHEREAS, since that designation, the conditions within the Township remain a concern with a persistent need to stimulate ratable growth within the Township's industrial and commercial areas, in competition with other municipalities, both within and outside the State of New Jersey, and continued underutilization of the tract known as the Central Crossings Business Park and specifically as BLOCK 138.12 and 137.0; and

WHEREAS, pursuant to the Act, the Township adopted Ordinance 2009-19 which authorized a program to attract private investment and ratable growth within these industrial areas via a program of tax abatement and exemption; and

WHEREAS, the Township has negotiated with W.W. Grainger, Inc. to acquire the development of a major warehouse facility providing both jobs and a tax ratable for the Township. The Township acknowledges the substantial investment being made by W.W. Grainger, Inc. and has authorized a five year exemption and a payment in lieu of taxes agreement (the “Agreement”) with W.W. Grainger, Inc. for improvements consisting of an approximately 1,470,000 square foot commercial warehouse and related site and parking improvements to be constructed on Hedding Road in the Central Crossings Business Park, BLOCK 138.12 and 137.0 (the “Project”) and

WHEREAS, the Agreement allowed for the exemption of the taxable value for the improvements to be constructed as part of the Project as follows:

<u>Year</u>	<u>Percent of Exemption</u>
One	100%
Two	80%
Three	60%
Four	40%
Five	20%
Six and thereafter	0%

WHEREAS, the exemption and schedule of payments on the improvements authorized therein would become effective upon a Certificate of Occupancy for the improvements; and

WHEREAS, the Project has not been constructed due to economic and financial conditions generally prevalent in the Township and the State of New Jersey; and

WHEREAS, the Township Committee of the Township of Bordentown desires to reaffirm the approval granted under Ordinance 2009-19 and to make it applicable to BLOCK 138.12 and 137.0;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee

of the Township of Bordentown that:

1. The Township of Bordentown hereby approves the application for the 5-year tax abatement in accord with the application of W.W. Grainger, Inc. dated May 16, 2014; provided however that absent additional future action, this approval will lapse if the Township does not issue a Certificate of Occupancy for the Project on or before December 31, 2020.

2. This ordinance shall take effect upon final passage, approval and publication as provided by law.