

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 9, 2015 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Cann
_____	_____	Deputy Mayor Popko
_____	_____	Committeeman Benowitz
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	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 7, 2015, 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:

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. Mayor’s Proclamation Honoring William J. Hartman.
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 #2015-040-8 through #2015-040-17.
8. Resolution #2015-040-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 9. Resolution #2015-040-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
 10. Resolution #2015-040-10 entitled AMENDING TEMPORARY BUDGET FOR 2015 DEBT SERVICE.
 11. Resolution #2015-040-11 entitled RESOLUTION AUTHORIZING 2015 SAFETY CONTRACT, BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.
 12. Resolution #2015-040-12 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT'S.
 13. Resolution #2015-040-13 entitled RESOLUTION APPOINTING MS. VICKI SERADUK TO PROVIDE CLERICAL ASSISTANCE AND COVERAGE TO THE CONSTRUCTION DEPARTMENT DURING THE WEEK OF FEBRUARY 2-FEBRUARY 9, 2015.
 14. Resolution #2015-040-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 15. Resolution #2015-040-15 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 16. Resolution #2015-040-16 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.
 17. Resolution #2015-040-17 entitled RESOLUTION OPPOSING PARTICIPATION IN THE REAL PROPERTY ASSESSMENT DEMONSTRATION PROGRAM.
 18. Consideration of Introduction of Ordinance #2015-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE JOINT ADMINISTRATION OF LAND USE POWERS WITH THE CITY OF BORDENTOWN.
 19. Township Committee discussion of Resident Concern of Street Light Outage on Orchard Avenue.
 20. Township Committee discussion of Burlington County's request for Authorization to Conduct Aerial Larval/Adult Mosquito Control Activities.
 21. Township Committee discussion of Draft Environmental Commission Letter to Bordentown City Water Department regarding Remediation of the Radon Issue.

22. Township Committee discussion of Amending Land Use Ordinance to Allow for Additional Applications to be Submitted for the Environmental Commission Review.
23. Township Committee discussion of Purchasing a Tiller for the Public Works Department.
24. Township Committee discussion of Zoning Map Revisions.
25. Township Committee and Staff Reports.
26. Public Participation.

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

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

RESOLUTION #2015-040-8

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 9, 2015, 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.

02/09/15

RESOLUTION #2015-040-9

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 minutes of the Township Committee Closed Session Meeting of January 29, 2015, and the Regular Meeting of January 19, 2015, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

02/09/15

RESOLUTION #2015-040-10

AMENDING TEMPORARY BUDGET FOR 2015 DEBT SERVICE

WHEREAS, N.J.S.A. 40A:4-19 provides authority for appropriating in a temporary resolution the permanent debt service requirements for the coming fiscal year providing that such resolution is not made earlier than the last ten days of the preceding fiscal year; and

WHEREAS, the date of this resolution is subsequent to that date; and

WHEREAS, principal and interest will be due on various dates from January 1, 2015 to December 31, 2015, inclusive, on sundry bonds issued and outstanding;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, that the following appropriations be made to cover the period from January 1, 2015 to December 31, 2015 inclusive:

2015 DEBT SERVICE – TOWNSHIP OF BORDENTOWN

Payment of Notes	\$883,300.00
Payment of Bonds	\$726,000.00
Interest on Bonds	\$579,751.00
Interest on Notes	<u>\$ 19,824.00</u>
TOTAL	\$2,208,875.00

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-11

RESOLUTION AUTHORIZING 2015 SAFETY CONTRACT, BURLINGTON COUNTY
MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Bordentown is a member of the Burlington County Municipal Joint Insurance Fund; and

WHEREAS, it is a requirement that the Township of Bordentown enter into a safety contract for the year 2015;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the 2015 Safety Contract (copy hereto attached) with the Burlington County Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute the 2015 Safety Contract.

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-12

RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT'S

WHEREAS, the Township Committee of the Township of Bordentown has determined the need to appoint additional part-time (per diem) EMT's; and

WHEREAS, on January 30, 2015, Attorney Kearns polled the Township Committee requesting authorization to approve the appointment of the additional part-time (per diem) EMT's and received authorization for same (copy attached);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following part-time EMT effective retroactive to January 31, 2015;

Patrick J. Morrissey
Hollis A. DaSilva, II

BE IT FURTHER RESOLVED that compensation shall be set at \$12.50 per hour in accordance with Ordinance #2014-21.

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-13

RESOLUTION APPOINTING MS. VICKI SERADUK TO PROVIDE CLERICAL ASSISTANCE AND
COVERAGE TO THE CONSTRUCTION DEPARTMENT DURING THE WEEK OF FEBRUARY 2-
FEBRUARY 9, 2015

WHEREAS, the Construction Official has determined a need to appoint an individual to provide coverage to the Construction Office for the week of February 2-February 9, 2015, while the TACO is on scheduled vacation; and

WHEREAS, the Township Attorney polled the Township Committee on January 30, 2015, seeking authorization to proceed with this appointment and did, in fact, receive the necessary authorization for same (copy attached);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Ms. Vicki Seraduk to provide assistance and coverage to the Construction Office during the week of February 2-February 9, 2015; and

BE IT FURTHER RESOLVED that Ms. Seraduk shall be paid as a vendor at an hourly rate of \$35 for a maximum of four hours per day, up to three days, and therefore, shall not exceed 12 hours; and

BE IT FURTHER RESOLVED that this appointment shall be effective for the period of February 2, 2015 through February 9, 2015.

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-14

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00045 was redeemed on January 30, 2015, in the amount of \$1,091.05.

WHEREAS, Chrysalis Investors LLC, paid tax sale premium, in the amount of \$1,300.00 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 \$1,300.00 to Chrysalis Investors LLC; for Lien 13-00045 Block 93.02 Lot 12, commonly known as 18 Wyndham Court.

MAP
02/09/15

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-15

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 2015 taxes in the amount of \$36,750.50 to Amboy Bank for Block 57 Lot 6 commonly known as Team Campus 85.

02/09/15

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-16

RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT

WHEREAS, the Township Committee of the Township of Bordentown has determined the need to appoint an additional part-time (per diem) EMT; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following part-time EMT effective February 10, 2015;

Patrick D. Wells

BE IT FURTHER RESOLVED that compensation shall be set at \$12.50 per hour in accordance with Ordinance #2014-21.

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 February 9, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/09/15

RESOLUTION #2015-040-17

RESOLUTION OPPOSING PARTICIPATION IN THE REAL PROPERTY ASSESSMENT
DEMONSTRATION PROGRAM

WHEREAS, in 2013, Governor Chris Christie signed into law Chapter 15 P.L. 2013 (C.54:1-101 et seq.) known as the “Real Property Assessment Demonstration Program” to begin in Tax Year 2014, and the Monmouth County Board of Taxation and the Monmouth County Assessors decided to be the first county in the State to implement this program over the course of a five-year period; and,

WHEREAS, the declared goal of P.L. 2013, Chapter 15 is to demonstrate an enhanced system of municipal real property assessment as a complement to the County-based Real Property Assessment System Pilot Program undertaken in Gloucester County, pursuant to the provisions of P.L.2009, c.118 (C.54:1-86 et seq.), under which the entire real property assessment function formerly performed by the Municipal Tax Assessor, was transferred to the County through the appointment of a County Assessor and Deputy County Assessors. The existence of two programs under which the real property assessment function is performed using two different methods will allow the Legislature to evaluate the effectiveness of each system of real property assessment, and to determine whether the current statutory system of real property assessment function should be revised Statewide; and,

WHEREAS, a criteria for participating in the Real Property Assessment Demonstration Program requires that the members of the County Assessors Association, by not less than two-thirds of its voting membership, approve the implementation of the demonstration program; and,

WHEREAS, the Burlington County Board of Taxation expressed its interest in participating in P.L. 2013, Chapter 15 and solicited the Association of Municipal Assessors of Burlington County for their approval in implementing the Real Property Assessment Demonstration Program; and,

WHEREAS, the Burlington County Board of Chosen Freeholders approved Resolution 2014-00472 entering into a Shared Services Agreement with Monmouth County and the Monmouth County Tax Administrator for consulting services for the implementation and management of a Real Property Assessment Demonstration Program at a reported cost of \$50,000; and,

WHEREAS, on October 14, 2014 the Burlington County Board of Taxation approved Resolution 2014-4 supporting implementation of said Assessment Demonstration Program; and,

WHEREAS, the Municipal Tax Assessors of Burlington County were instructed to inform their municipalities that Burlington County is participating in the Real Property Assessment Demonstration Program, and;

WHEREAS,

- A stated objective of P.L. 2013, c15 is to establish a “collaborative system” with Municipalities and School Districts implementing this program.
- There are now (3) three different forms of real property tax assessment practices in New Jersey: 1.) County-based Real Property Assessment System Pilot Program (Gloucester Co. model) (P.L. 2009, Chapter 118), 2.) Real Property Assessment Demonstration Program (Monmouth Co. model) (P.L. 2013, Chapter 15, and 3.) The current traditional system in use by the remaining 19 counties making the property tax system in New Jersey more confusing for property owners, adding complexity, and additional costs.

- An internal inspection required every five (5) years of all properties is intrusive on property owners and unnecessary, given that material changes to properties are evaluated when Tax Assessors review Construction Permits and when reassessments and revaluations are periodically performed.
- The NJ Bar Association opposed S-1213, P.L. 2013, C.15.
- The Assessment Demonstration Program adds confusion to the tax appeal process establishing two different filing deadlines 1.) Changing the current deadline for County Tax Appeals from April 1 to January 15, and 2.) Retaining the April 1 deadline for Tax Appeals filed with the Tax Court.
- A stated intent of changing the County Tax Appeal filing deadline and issuing judgments earlier was to provide for more accurate tax values for current budget purposes and minimize estimates for Tax Appeal losses; however, Tax Court appeal dates, that for the most part are filed by large taxpayers and whose outcomes tend to be more onerous requiring bonding for large tax refunds, are not revised.
- The number of County Tax Appeals in Burlington County and statewide has dropped off significantly (From 1990-2014, the highest number in Burlington County and Statewide was in 2012 with 5,029 and 116,048 respectively, dropping to 1,742 (-65%) and to 69,034 (-40%) in 2014).
- Provisions in the Assessment Demonstration Program to revise Municipal assessments during the five year implementation of the Program based on the Common Level Ratio developed annually by the NJ Director of the Division of Taxation based on an analysis of real estate sales and corresponding tax assessments is contrary to good tax assessment practices and possibly unconstitutional; whereby it can have dramatic implications on Tax Rates, Tax Appeals, Budgeting, calculation of State and Federal aid, Shared Service Agreements, Regional and Joint School Budget calculations, and Bonding and Credit Ratings.
- Requiring municipalities to provide for annual interior inspections of 20% of its properties and an annual reassessment is an unfunded mandate. The time, cost, and management will be onerous on municipalities requiring increased compensation and/or the hiring outside professionals.
- The costs of the Assessment Demonstration Program cannot currently be excluded from the 2% Spending Cap as an Emergency Appropriation.
- Assemblyman Sean Kean (Monmouth) and Solicitor for Wall Township has introduced A-3980 which Permits demonstration Counties to terminate their participation in the "Real Property Assessment Demonstration Program".
- It is premature to enter into a PILOT Program that does not have a sustained record of success. In fact, it has only been partially implemented in Monmouth County and has only been in place for one year. The costs to municipalities are not justifiable with the history of the program that now exists.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey hereby states its opposition to Burlington County participating in the Real Property Assessment Program until such time that the Governing Body

and its Professional staff has had an opportunity to review and consider the costs and benefits of participating in this program and evaluate the final report detailing the experience of each demonstration county (currently Monmouth County) participating in the demonstration program, noting the successes of the program, any problems experienced under the program, and any recommendations for statutory or administrative changes to the current system of real property assessment in the State.

BE IT FURTHER RESOLVED, that a copy of this Resolution shall be forwarded to the Bordentown Township Tax Assessor, the Burlington County Board of Taxation, the Burlington County Board of Chosen Freeholders, the Directors of the New Jersey Divisions of Taxation and Local Government Services, Assemblyman Herb Conaway, Assemblyman Troy Singleton, and Senator Diane Allen.

CERTIFICATION

I, Colleen M. Eckert, Municipal Clerk of the Township of Bordentown, County of Burlington, and State of New Jersey do hereby certify this to be a true and accurate copy of the Resolution adopted by the Township Committee of the Township of Bordentown at their meeting held on the 9th day of February, 2015.

**COLLEEN M. ECKERT, RMC
MUNICIPAL CLERK**

DATE

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2015-2

An Ordinance of the Township of Bordentown Providing for the Joint Administration of Land Use Powers with the City of Bordentown.

WHEREAS, the New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-77, et seq., permits the Governing Bodies of two municipalities to enter into an Agreement providing for the joint administration of powers conferred upon the municipalities by the Municipal Land Use Law, and;

WHEREAS, there are properties along the Route 130 and Route 206 highway corridors which exist along the common Municipal Boundary between the Township of Bordentown (the "Township") and the City of Bordentown (the "City"), and which are in common ownership and/or common use ("Common Properties"), and;

WHEREAS, the Governing Bodies of the Township and the City desire to enter into an agreement that will designate which single municipality shall exercise Land Use Power for each Common Property, thus simplifying the land use approval and enforcement process, and:

WHEREAS, the Township Committee recognizes the benefits to be obtained by entering into such an Agreement; which include the comprehensive review of land use proposals on the Common Properties, elimination of duplicate applications and costs, and uniform Zoning Enforcement for the Common Properties, and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1.

1. Upon the adoption of a substantially similar Ordinance by the City of Bordentown within the time limit set forth by N.J.S.A. 40:55D-77, the Township Committee may enter into an agreement with the City of Bordentown, pursuant to this Ordinance, to provide for the joint administration of land use powers for the Common Properties.
2. The duties to be exercised for each Common Property shall be limited to:
 - a. The complete Land Use application process, whether it may be a Planning Board or Zoning Board application,

- b. Land use management of any subsequent Planning or Zoning Board-approved site construction, including receipt of Performance Guarantees, construction inspections, and release of Guarantees,
 - c. Zoning and Land Use enforcement.
3. The terms of the agreement shall set forth:
- a. The method for the designation of which Municipality shall regulate each individual Common Property; which may be determined either by: (1) a preponderance of lot area in one Municipality; or, (2) a preponderance of use in one Municipality; or, (3) such other methodology as may be mutually agreed upon which advances the purposes of this Ordinance and the Municipal Land Use Law.
 - b. The specific Common Properties to be regulated, listed by Tax Block and Lot numbers, and the designation of the Municipality which shall regulate each.
 - c. That both the Township and the City shall retain appointment power for all land use officials within their respective municipalities.
 - d. That both municipalities shall each be individually responsible for any expenses which they might incur as a result of entering into the Agreement.
 - e. The duration of the Agreement, which may not exceed a term of twenty (20) years.
 - f. That the Agreement may be extended for additional terms of up to twenty years each, if authorized by substantially similar Ordinances adopted by both Municipalities.
 - g. That either municipality may unilaterally terminate the Agreement upon adoption of an Ordinance. In accordance with N.J.S.A. 40:55D-83, termination of the Agreement shall not be made effective earlier than June 30 next succeeding the expiration of 12 full calendar months following the decision to terminate; provided that such termination may occur at an earlier date if both municipalities unanimously agree to such earlier date on or after the date of the decision to terminate as provided by the joint agreement.

Section 2. 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.

Section 3. This Ordinance shall take effect upon adoption and publication of notice of adoption as provided by Law; and, upon adoption of a substantially similar Ordinance by the City of Bordentown within six months.

