

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: APRIL 27, 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 Borden’s Crossing Performance Bond Litigation; Chief Financial Officer Personnel Matter; Public Works Expansion Contract Matter (Alt. Engineer Proposal); Charles Bossert Park Contract Matter (Alt. Engineer Proposal).

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. Public Hearing on 2015 Municipal Budget as introduced.

7. Resolution #2015-117-7 entitled RESOLUTION CONDUCTING ANNUAL BUDGET SELF-EXAMINATION FOR THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON.
8. Resolution #2015-117-8 entitled RESOLUTION TO READ BUDGET BY TITLE ONLY.
9. Resolution #2015-117-9 entitled ADOPTION OF 2015 MUNICIPAL BUDGET.
10. Mayor's Proclamation Supporting Earth Day, April 22, 2015.
11. 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, James Cann, as Mayor, do hereby make the following appointment to the Environmental Commission:

John A. Sargent                      3 Year Unexpired Term Expiring 12/31/16

12. 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 #2015-117-13 through #2015-117-21.
13. Resolution #2015-117-13 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  14. Resolution #2015-117-14 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.
  15. Resolution #2015-117-15 entitled A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED TAX BILLS FOR THE YEAR OF 2015.
  16. Resolution #2015-117-16 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
  17. Resolution #2015-117-17 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  18. Resolution #2015-117-18 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.
  19. Resolution #2015-117-19 entitled AUTHORIZING THE SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION FOR THE YEAR 2014.

20. Resolution #2015-117-20 entitled RESOLUTION TO APPOINT SPECIAL COUNSEL FOR COAH MATTERS.
21. Resolution #2015-117-21 entitled RESOLUTION TO ACCEPT PROPOSAL FROM R.J. WALSH ASSOCIATES, INC., FOR THE INSTALLATION OF ABOVE GROUND STORAGE TANK AND ALL RELATED WORK FOR THE PUBLIC WORKS EXPANSION PROJECT.
22. Public Hearing on Ordinance #2015-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CNACELLING CERTAIN FUNDED APPROPRIATION BALANCES IN THE AMOUNT OF \$59,262 AND REAPPROPRIATING SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND FOR OTHER PURPOSES.
23. Consideration of Adoption of Ordinance #2015-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CNACELLING CERTAIN FUNDED APPROPRIATION BALANCES IN THE AMOUNT OF \$59,262 AND REAPPROPRIATING SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND FOR OTHER PURPOSES.
24. Township Committee and Staff Reports.
25. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
26. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
27. Motion to adjourn.

RESOLUTION #2015-117-7

RESOLUTION CONDUCTING ANNUAL BUDGET SELF-EXAMINATION FOR THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Bordentown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2015 budget year;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bordentown that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
  - a. Payment of interest and debt redemption charges
  - b. Deferred charges and statutory expenditures
  - c. Cash deficit of preceding year
  - d. Reserve for uncollected taxes
  - e. Other reserves and non-disbursement items
  - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
  - a. All estimates of revenue are reasonable, accurate and correctly stated.
  - b. Items of appropriation are properly set forth.
  - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION #2015-117-8

RESOLUTION TO READ BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection in the free public library, if any, located within the municipality and a county library. If there is no county library located within the municipality, then it must be provided to any county library in the county wherein the municipality is located. Further, the public officer delegated the responsibility for delivery of the copies to said libraries has completed a certification forwarded to the governing body that such deliveries were made and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the 2015 Municipal Budget to be read by title only.

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

04/27/15

RESOLUTION #2015-117-13

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 April 27, 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.

04/27/15

RESOLUTION #2015-117-14

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of April 13, 2015, and the Regular Meeting of April 13, 2015, 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 March 2015 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Construction, Community Development and Finance; and

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. Memorandum to Township Committee from David Kocian, Chief Financial Officer, dated April 16, 2015, regarding Sale of \$1,450,000 Aggregate Principal Amount of Bond Anticipation Notes, 2015 Series A.

04/27/15

**RESOLUTION# 2015-117-15**

**A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED  
TAX BILLS FOR THE YEAR OF 2015**

**WHEREAS**, the Division of Local Government Services, State of New Jersey has the authority by State Statute to examine, review and then certify all local government budgets to the County Board of Taxation for the purpose of real estate taxation, and

**WHEREAS**, the Burlington County Board of Taxation has not yet received certification of the Township of Bordentown's budget and cannot strike a tax rate until such certification is received from the State of New Jersey and will therefore cause the delay in receiving state funding, and

**WHEREAS**, the Township Committee has determined that there will be insufficient cash flow to support operations in August 2015 unless third quarter revenue is received on time, and

**WHEREAS**, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3,

**NOW THEREFORE, BE IT RESOLVED**, that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, hereby authorized that:

1. The Tax Collector is directed to prepare and issue estimated tax bills for the Municipality of Bordentown Township for the third quarter 2015, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2015 is hereby set at \$33,713,998.69
3. The Tax Collector takes any additional steps necessary to immediately implement this resolution.

**BE IT FURTHER RESOLVED**, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector.

MAP  
04/27/15

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2015-117-16**

**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 \$399.19 to Craparotta, David & Gail for Block 103.06 Lot 6 commonly known as 12 Bordenshire Drive.

04/27/15

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

## **RESOLUTION #2015-117-17**

### **AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00032 was redeemed on April 17, 2015 in the amount of \$13,332.73.

WHEREAS, TWR as Cust for Edbury Fund 1NJ LLC, paid tax sale premium, in the amount of \$17,500.00 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 \$17,500.00 to TWR as Cust for Edbury Fund 1NJ LLC; for Lien 13-00032, Block 40 Lot 13, commonly known as 13 Spruce Avenue.

MAP  
04/27/15

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-117-18

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMITS TO 130 CRABCO NJ, LLC T/A CHICKIE'S AND PETE'S

WHEREAS, 130 Crabco NJ, LLC, located at 183 Route 130 North, Bordentown, NJ 08505, has filed applications for Public Gathering Permits to take place at Chickie's & Pete's in the Township of Bordentown on May 7, 2015 (Bike Night for Charity Embrace Kids Foundation); May 30, 2015 (Bike Night for GI Go Fund); and August 13, 2015 (Bike Night for Charity Christine's Hope for Kids); 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 applications and authorizes the Township Clerk to issue Public Gathering Permits to 130 Crabco NJ, LLC, t/a Chickie's and Petes.

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

04/27/15

RESOLUTION #2015-117-19

AUTHORIZING THE SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION FOR THE YEAR 2014

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,** A resolution authorizing this municipality to apply for the **2014 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Bordentown Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,** Such a resolution acknowledges Tom Sahol of the Township of Florence as a *Certified Recycling Professional* to ensure the application is properly completed and timely filed under the law.

**NOW THEREFORE BE IT RESOLVED** that the Township of Bordentown hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas A. Sahol, NJ Certified Recycling Professional, to ensure that the application is properly filed; and

**BE IT FURTHER RESOLVED** that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

04/27/15

RESOLUTION #2015-117-20

RESOLUTION TO APPOINT SPECIAL COUNSEL FOR COAH MATTERS

WHEREAS, there is a need to appoint special counsel for COAH matters for the Township of Bordentown; and

WHEREAS, Jeffrey R. Surenian and Associates, LLC, has provided a proposal for special counsel in the aforementioned matters in an amount of \$185.00 per hour, with an amount not to exceed \$17,500;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal submitted by Jeffrey R. Surenian and Associates, LLC, with offices located at 707 Union Avenue, Suite 301, Brielle, NJ 08730, as special counsel for this matter; and

BE IT FURTHER RESOLVED that it does hereby authorize the Mayor and Township Clerk to execute a Professional Services Agreement for same.

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

04/27/15

RESOLUTION #2015-117-21

RESOLUTION TO ACCEPT PROPOSAL FROM R.J. WALSH ASSOCIATES, INC., FOR THE  
INSTALLATION OF ABOVE GROUND STORAGE TANK AND ALL RELATED WORK FOR THE PUBLIC  
WORKS EXPANSION PROJECT

WHEREAS, Alternate Township Engineer, Fred Turek, has obtained a proposal from R.J. Walsh Associates, Inc., for the installation of the above ground storage tank and all related work for same for the Public Works Expansion Project; and

WHEREAS, it has been determined that R.J. Walsh Associates, Inc., is a State Contract Vendor #T0849; and

WHEREAS, public bids are not required when the contract is under a State Contract in accordance with N.J.S.A. 40A:11-12 of the Local Public Contracts Law; and

WHEREAS, funds are available to accept this proposal as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from R.J. Walsh Associates, Inc., in the amount of \$234,926.76 for the installation of the above ground storage tank and all related work for same for the Public Works Expansion Project.

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 April 27, 2015.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

04/27/15

**TOWNSHIP OF BORDENTOWN, NEW JERSEY**

**ORDINANCE NO. 2015-6**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES IN THE AMOUNT OF \$59,262 AND REAPPROPRIATING SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND FOR OTHER PURPOSES;**

**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), pursuant to the Local Bond Law, Chapter 169 of the Laws of the State of New Jersey, as amended and supplemented ("Local Bond Law"), as follows:

**Section 1.** The following appropriations, remaining as balances in bond ordinances heretofore adopted by the Township, are hereby cancelled:

	<b><u>Ordinance Number</u></b>	<b><u>Amount of Funded Appropriation to be Cancelled</u></b>
<u>A.</u>	2014-06, Section 3(a)(I)	\$59,262
	TOTAL	\$59,262

**Section 2.** The aggregate sum of \$59,262 is hereby reappropriated from the bond ordinance referred to in Section 1 hereof, as follows:

- |    |  |          |
|----|--|----------|
| a. | Acquisition of Public Works Equipment, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor and incidental thereto. | \$59,262 |
|----|--|----------|

**Section 3.** The Capital Budget is hereby amended to conform with the provisions of this bond ordinance to the extent of any inconsistency therewith, and the resolution promulgated by the Local Finance Board showing full detail of the amended Capital Budget and Capital Program as approved by the Director of the Division of Local Government Services, is on file with the Municipal Clerk and available for inspection.

**Section 4.** The improvements authorized hereby are not current expenses and are general improvements that the Township may lawfully make. No part of the cost of the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

**Section 5.** All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

**Section 6.** This ordinance shall take effect twenty (20) days after the first publication thereof after final passage.

