

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JULY 17, 2017 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Cann
	_____	_____	Committeeman Holliday
	_____	_____	Committeewoman Popko
	_____	_____	Michael Theokas, Administrator
	_____	_____	Township Clerk Eckert
	_____	_____	Attorney Fahey
	_____	_____	Chief Financial Officer Elsasser

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

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

On January 11, 2017, 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 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:

1. Community Development Personnel Matter.
2. OPRA Litigation Matters.
3. Affordable Housing Contract Matter.
4. POA Contract Matter.
5. Bordentown Waterfront Community Contract Matters.

6. Finance Department Contract Matter. (Payroll Services)

7. Finance 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. Presentation by Paul Forlenza, Burlington County Joint Insurance Fund, regarding Bordentown Township's Membership Renewal.

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 #2017-198-8 through #2017-198-24.

8. Resolution #2017-198-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

9. Resolution #2017-198-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

10. Resolution #2017-198-10 entitled RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT RENEWING MEMBERSHIP IN THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.

11. Resolution #2017-198-11 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE.

12. Resolution #2017-198-12 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO, NJ, LLC T/A CHICKIE'S & PETE'S.

13. Resolution #2017-198-13 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO, NJ, LLC T/A CHICKIE'S & PETE'S.

14. Resolution #2017-198-14 entitled RESOLUTION TO APPOINT POLICE OFFICERS FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.

15. Resolution #2017-198-15 entitled RESOLUTION ACCEPTING PROPOSAL FROM BLACK LAGOON FOR POND MANAGEMENT PROGRAM LOCATED AT NORTHERN COMMUNITY PARK.

16. Resolution #2017-198-16 entitled RESOLUTION AUTHORIZING A REFUND OF A SIGN PERMIT APPLICATION TO FORMAN SIGN CO., FOR PERMIT LOCATED AT 160 ROUTE 130.
17. Resolution #2017-198-17 entitled RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE EXTENSION OF TRANSPORT AGREEMENT FOR BORDENTOWN TOWNSHIP EMS.
18. Resolution #2017-198-18 entitled RESOLUTION TO APPOINT CRAIG WHEELLOCK TO THE POSITION OF PUBLIC WORKS LABORER IN THE DEPARTMENT OF PUBLIC WORKS.
19. Resolution #2017-198-19 entitled RESOLUTION TO APPOINT FULL-TIME EMT.
20. Resolution #2017-198-20 entitled APPROVING CORRECTIVE ACTION PLAN FOR REPORT OF AUDIT FOR THE YEAR ENDING DECEMBER 31, 2016.
21. Resolution #2017-198-21 entitled RELEASE OF PERFORMANCE GUARANTEE FOR INTERSTATE 7 DISTRIBUTION CENTER – INTERIM STORMWATER IMPROVEMENTS, RISING SUN ROAD, BLOCK 137.02, LOT. 5.01.
22. Resolution #2017-198-22 entitled RELEASE OF PERFORMANCE GUARANTEE FOR INVESTORS BANK, 213 US ROUTE 206/130, BLOCK 116, LOTS 1, 2 & 3.
23. Resolution #2017-198-23 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
24. Resolution #2017-198-24 entitled ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.
25. Public Hearing on Ordinance #2017-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 APT 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.
26. Consideration of Adoption of Ordinance #2017-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 APT 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.
27. Public Hearing on Ordinance #2017-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 TH 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.

28. Consideration of Adoption of Ordinance #2017-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 TH 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.
29. Consideration of Introduction of Ordinance #2017-15 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AMENDING CERTAIN PRIOR ORDINANCES OF THE TOWNSHIP AND AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$102,055 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING OBLIGATIONS OF THE TOWNSHIP TO REFUND CERTAIN TAX APPEALS AND APPROPRIATING THE PROCEEDS OF SUCH REFUNDING OBLIGATIONS TO SUCH PURPOSE.
30. Administrator and Staff Reports.
31. Township Committee Reports.
32. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
33. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

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

RESOLUTION #2017-198-8

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 July 17, 2017, 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.

07/17/17

RESOLUTION #2017-198-9

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 June 26, 2017, and the Regular Meeting of June 26, 2017, 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 June 2017 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, and Community Development.

07/17/17

RESOLUTION #2017-198-10

**Resolution Authorizing the Execution of a Contract Renewing Membership In The  
BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Township of Bordentown (hereinafter the "MUNICIPALITY") is a member of the Burlington County Municipal Joint Insurance Fund (hereinafter the "FUND"); and

WHEREAS, the MUNICIPALITY'S membership terminates as of January 1, 2018 unless earlier renewed by a Contract between the MUNICIPALITY and the FUND; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (m) provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the subject matter is for the purchase of insurance coverage and consultant services, provided that the award is in accordance with the requirements for extraordinary unspecifiable services; and

WHEREAS, N.J.S.A. 40A:11-6.1(b) provides that the MUNICIPALITY shall make a documented effort to secure competitive quotations; however, a Contract may be awarded upon a determination, in writing, that the solicitation of competitive quotations is impracticable; and

WHEREAS, in accordance with N.J.A.C. 5:34-2.3, a designated official of the MUNICIPALITY, has filed a certificate with the governing body describing in detail, as set forth below in this Resolution, why this Contract meets the provisions of the statutes and the regulations and why the solicitation of competitive quotations is impracticable; and

WHEREAS, it has been determined that the purchase of insurance coverage and insurance consultant services by the MUNICIPALITY requires a unique knowledge and understanding of the municipal exposures and risks associated with the operation of a municipal entity, and many insurance professionals are not qualified to assess these risks and exposures based upon their inherent complexity; and

WHEREAS, insurance coverage for municipal entities can vary greatly in the type, limits, and exceptions to coverage, and therefore particularized expertise in determining and obtaining the appropriate coverage is required to protect the MUNICIPALITY; and

WHEREAS, it is the goal of the MUNICIPALITY to obtain a single integrated program to provide all types of insurance coverage with a plan to limit the MUNICIPALITIES exposure; and

WHEREAS, the FUND has provided comprehensive insurance coverage to member municipalities since 1991; and

WHEREAS, since 1991, the Fund has continually refined all of the types of coverage that it provides to its members so that it offers comprehensive insurance coverage and limits to all members that is unique and cannot be purchased from a single entity in the commercial insurance market; and

WHEREAS, the FUND has also developed and made available to its members Safety, Risk Management, and Litigation Management programs that address the specific exposures and risks associated with municipal entities; and

WHEREAS, the FUND provides the MUNICIPALITY with Fund Administration, Claims Review, Claims Processing, Claims Administration, Actuarial and Legal services; and

WHEREAS, the FUND is one of the most financially sound Municipal Joint Insurance Funds in New Jersey, and the FUND operates with strong fiscal controls, member oversight, and meets all of the requirements promulgated by the New Jersey Department of Community Affairs and the Department of Banking and Insurance; and

WHEREAS, as an existing member of the FUND, the MUNICIPALITY would be renewing its membership in an organization with experienced and dedicated FUND Professionals who provide specialized services to the members; and

WHEREAS, the membership of the FUND includes many neighboring municipalities that have uniquely similar exposures to the MUNICIPALITY, and with whom the MUNICIPALITY has existing inter-local arrangements; and

WHEREAS, all of the aforementioned factors categorize the award of this Contract as an "extraordinary, unspecifiable service" that cannot be duplicated, accounted for, accurately detailed, or described in a manner that truly depicts the value of the MUNICIPALITY'S membership in the FUND; and

WHEREAS, for all of the aforementioned reasons, it is impracticable for the MUNICIPALITY to seek competitive quotations for a Contract to provide the procurement of insurance coverage and consultant services; and

WHEREAS, the FUND has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and as such is an agency of the municipalities that created it; and

WHEREAS, N.J.S.A. 40A:11-5(2) also provides that a Contract which exceeds the bid threshold may be negotiated and awarded by the governing body without public advertising for bids and bidding therefor, if the Contract is entered into with a municipality or any board, body, officer, agency or authority thereof; and

WHEREAS, the FUND meets the definition of an agency as set forth in N.J.S.A. 40A:11-5(2); and

WHEREAS, for all of the aforementioned reasons, the MUNICIPALITY desires to enter into a Contract to renew its membership with the FUND for a period of three (3) years, for insurance coverage and consultant services, as an exception to the public bidding requirements of the Local Public Contracts Law.

NOW THEREFORE, be it resolved by the governing body of the MUNICIPALITY as follows:

1. The MUNICIPALITY agrees to renew its membership in the FUND and to be subject to the Bylaws, Rules and Regulations, coverages, and operating procedures thereof as presently existing or as modified from time to time by lawful act of the FUND.
2. The Mayor and Clerk of the MUNICIPALITY shall be and hereby are authorized to execute the "Contract to Renew Membership" annexed hereto and made a part hereof and to deliver same to the FUND evidencing the MUNICIPALITY'S renewal of its membership.
3. In accordance with N.J.A.C. 5:34-2.3, the certificate of a designated official of the MUNICIPALITY, which details why the solicitation of competitive quotations is impracticable, is attached hereto and made a part of this Resolution.
4. The Clerk of the MUNICIPALITY is authorized and directed to place a notice of the adoption of this Resolution and the award of this Contract in the official newspaper of the MUNICIPALITY.



This Resolution agreed to this 12<sup>th</sup> day of June, 2017 by a vote of:

\_\_\_\_\_ Affirmative      \_\_\_\_\_ Negative      \_\_\_\_\_ Abstentions

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(Municipal Official)

CERTIFICATION

I hereby certify that the foregoing is a true copy of Resolution \_\_\_\_ adopted by the Township of Bordentown, in the County of Burlington, at a regular meeting thereof held on June 12, 2017.

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(Clerk)

**CONTRACT TO RENEW MEMBERSHIP WITH THE  
BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Burlington County Municipal Joint Insurance Fund (hereinafter the "FUND") is a duly chartered Municipal Joint Insurance Fund as authorized by NJSA 40A:10-36 et seq.; and

WHEREAS, the MUNICIPALITY is currently a member of said FUND; and

WHEREAS, effective January 1, 2018, said membership in the FUND will expire unless earlier renewed; and

WHEREAS, the Governing Body of the MUNICIPALITY has authorized the entry into this Contract to renew said membership through the adoption of a Resolution # 2017-\_\_\_ which details the reasons for renewing said membership with the FUND; and

WHEREAS, the FUND has agreed to offer renewal of membership of the MUNICIPALITY in the FUND.

NOW, THEREFORE, it is hereby contracted and agreed between the FUND and the MUNICIPALITY as follows:

1. The MUNICIPALITY hereby renews its membership in the FUND for a three (3) year term commencing on January 1, 2018 and ending on January 1, 2021 as authorized by Resolution #2017-\_\_\_.
2. The MUNICIPALITY hereby ratifies and reaffirms the Indemnity and Trust Agreement, the By-Laws and other organizational and operating documents of the FUND as are from time to time amended and altered by the FUND and/or the Department of Banking and Insurance in accordance with the applicable statutes and administrative regulations as if each and every one of said documents were re-executed contemporaneously herewith.
3. The MUNICIPALITY shall be a participating member of the FUND for the three (3) year term of this Contract, and the MUNICIPALITY shall comply with all of the rules and regulations and obligations associated with said membership.
4. In consideration of the continuing membership of MUNICIPALITY in the FUND, the FUND has agreed to the continuing membership of the MUNICIPALITY subject to the continuing approval of the Commissioner of Banking and Insurance, to accept the renewal application of the MUNICIPALITY.

This Contract was executed on this \_\_\_\_ day of \_\_\_\_\_, 2017 as the lawful and binding act and deed of the MUNICIPALITY and the FUND, and the execution of this Contract has been duly authorized by Resolution # 2017-\_\_ of the governing body of the MUNICIPALITY.

**MUNICIPALITY**

Attest: \_\_\_\_\_

**CLERK**

\_\_\_\_\_

**MAYOR**

**FUND**

Attest: \_\_\_\_\_

**SECRETARY**

\_\_\_\_\_

**CHAIRPERSON**

RESOLUTION #2017-198-11

RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES

WHEREAS, the Township Committee of the Township of Bordentown has received applications for the renewal of Plenary Retail Consumption licenses for 2017-2018, and

WHEREAS, fees have been paid according to Township Ordinances and State regulations;

NOW, THEREFORE, BE IT RESOLVED that, based upon review of the applications, investigation of the applicants and inspection of the premises to be licensed by the appropriate agencies or officials of the Township, and reports submitted to the Township Committee, the Township Committee affirmatively finds that the applicants listed herein have met the following criteria for the renewal of licenses for the dispensing or sale of alcoholic beverages:

- (a) The submitted application form is completed in all respects; and
- (b) The applicant is qualified to be licensed according to all statutory, regulatory and local governmental ABC laws and regulations; and
- (c) Where the applicant has disclosed that additional financing was obtained in the previous licensed term for use in the licensed business, the issuing authority has reviewed the source of all funds for such additional financing; and

BE IT FURTHER RESOLVED that the Township Committee does hereby authorize the issuance and endorsement of the following Plenary Retail Consumption licenses:

LICENSE #0304-33-013-008

Town & Country Diner, Inc.  
175 Route 130  
Township of Bordentown  
Block 58 Lots 20 & 21

Fee Paid - \$2,000.00  
Effective Date - July 1, 2017  
Authorized – July 17, 2017

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-12

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO, NJ, LLC T/A CHICKIES & PETE'S

WHEREAS, 130 Crabco NJ, LLC, T/A Chickie's & Pete's located at 183 Route 130, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit for a Bike Night to be held in the Township of Bordentown on July 20, 2017; 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 130 Crabco NJ, LLC T/A Chickie's & Pete's.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-13

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO, NJ, LLC T/A CHICKIES & PETE'S

WHEREAS, 130 Crabco NJ, LLC, T/A Chickie's & Pete's located at 183 Route 130, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit for a Bike Night to be held in the Township of Bordentown on August 17, 2017; 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 130 Crabco NJ, LLC T/A Chickie's & Pete's.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-14

RESOLUTION TO APPOINT POLICE OFFICERS FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Bordentown that as recommended by the Acting Chief of Police, the following candidates for Police Officers, as listed by the Civil Service Commission Certification #OL170564, dated May 5, 2017, are hereby appointed as Police Officers in the Police Department of the Township of Bordentown:

Sean Ferrari  
Joshua Gardner  
Jennifer Passerella

BE IT FURTHER RESOLVED that said appointment shall be effective August 10, 2017, and dependent upon each candidate's successfully completion of the pre-employment selection process; and

BE IT FURTHER RESOLVED that compensation for said appointments shall be at the position of Police Recruit, or \$40,000/year, in accordance with the Memorandum of Agreement with the Bordentown Township Police Officer's Association and the adoption of the appropriate salary ordinance; and

BE IT FINALLY RESOLVED that the appointments shall be subject to the Rules and Regulations of the New Jersey Civil Service Commission.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-15

RESOLUTION ACCEPTING PROPOSAL FROM BLACK LAGOON FOR POND MANAGEMENT PROGRAM LOCATED AT NORTHERN COMMUNITY PARK

WHEREAS, Black Lagoon has submitted a proposal to provide pond management services for the Northern Community Park pond; and

WHEREAS, the Township Committee wishes to accept a proposal from Black Lagoon for pond management services in the amount of \$3,750; and

WHEREAS, there is a permit fee required in the amount of \$250.00; and

WHEREAS, funds are available for said project 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 Black Lagoon in the amount of \$3,750 with an additional \$250.00 to acquire the necessary permit to cover the pond management services for the pond at Northern Community Park.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17



RESOLUTION #2017-198-16

RESOLUTION AUTHORIZING A REFUND OF A SIGN PERMIT APPLICATION TO FORMAN SIGN CO., FOR PERMIT LOCATED AT 160 ROUTE 130

WHEREAS, Forman Sign Co., submitted a sign permit application, in the amount of \$105.00 for the property located at 160 Route 130; and

WHEREAS, it has been determined that the referenced property is not located in the Township of Bordentown and Forman Sign Co., by way of correspondence dated May 30, 2017, is requesting a refund of the application fee in the amount of \$105.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize a refund in the amount of \$105.00 to be paid to Forman Sign Co., 10447 Drummond Road, Philadelphia, PA 19154.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-17

RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE EXTENSION OF TRANSPORT AGREEMENT FOR BORDENTOWN TOWNSHIP EMS

WHEREAS, on July 28, 2008, the Township Committee adopted Resolution #2008-210-11, authorizing the Mayor and Township Clerk to execute the transport agreement with Virtua Health, Inc., to provide Advanced Life Support Services for Bordentown Township EMS; and

WHEREAS, the current agreement expires August 31, 2017, and is due to be extended for a one-year term beginning September 1, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute the agreement with Virtua Health, Inc., for a one-year term beginning September 1, 2017 and ending August 31, 2018.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-18

RESOLUTION TO APPOINT CRAIG WHEELOCK TO THE POSITION OF PUBLIC WORKS  
LABORER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has determined that there is a need to appoint a Public Works Laborer in the Department of Public Works; and

WHEREAS, the Township Committee, upon recommendation by the Public Works Director, has concluded that Craig Wheelock is best qualified to fill this position; and

WHEREAS, the necessary and appropriate background investigation has been conducted and Mr. Wheelock has met the qualifications necessary to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Craig Wheelock to the position of Public Works Laborer in the Department of Public Works, effective July 18, 2017; and

BE IT FURTHER RESOLVED that compensation to Mr. Wheelock shall be set at \$18.00 per hour in accordance with Ordinance #2013-18 and the existing Township – AFSCME Local 3827-D collective bargaining agreement; and

BE IT FURTHER RESOLVED that Mr. Wheelock is appointed in accordance with and subject to the New Jersey Civil Service Commission rules and regulations.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-19

RESOLUTION TO APPOINT FULL-TIME EMT

WHEREAS, Thomas Krowicki has served as a per diem (part-time) EMT for the Bordentown Township EMS since 2009; and

WHEREAS, a determination has been made that there is a need for an additional full-time EMT; and

WHEREAS, Brian Maugeri, Jr., EMT Supervisor, recommends the appointment of Mr. Krowicki to full-time EMT;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Thomas Krowicki as full-time EMT effective July 18, 2017; and

BE IT FURTHER RESOLVED that compensation shall be set at \$13.53 per hour in accordance with Ordinance #2017-11.

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

RESOLUTION #2017-198-20

APPROVING CORRECTIVE ACTION PLAN FOR REPORT OF AUDIT FOR THE YEAR ENDING  
DECEMBER 31, 2016

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, 2016; 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 2016 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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

**TOWNSHIP OF BORDENTOWN**

**RELEASE OF PERFORMANCE GUARANTEE FOR  
Interstate 7 Distribution Center – Interim Stormwater Improvements  
Rising Sun Road  
BLOCK: 137.02 LOT: 5.01**

**RESOLUTION NO. 2017-198-21**

WHEREAS, Trammell Crow Company is the developer 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, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, Trammell Crow Company provided a performance guarantee in the form of a Surety Bond, issued by U.S. Specialty Insurance Company, #1001060389, in the amount of \$1,153,623.60; and a cash guarantee in the amount of \$128,180.40; and

WHEREAS, Trammell Crow Company has notified the Township in writing and in accordance with the procedures set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-53.d, that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a release of said performance guarantee; and

WHEREAS, the Director of Community Development has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Director'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 for Interstate 7 Distribution Center with the following conditions:
2. A two-year Maintenance Guarantee must be posted in the amount of \$160,225.50; and
3. The release of the guarantee is conditioned upon payment of any outstanding negative balance in the escrow account, and
4. The Township Clerk shall forward a certified copy of this resolution to: TC Bordentown Associates, LLC, c/o Trammell Crow Company, 300 Conshohocken State Road, Suite 250, West Conshohocken, PA 19428.

**TOWNSHIP OF BORDENTOWN**  
**RELEASE OF PERFORMANCE GUARANTEE FOR**

**Investors Bank**  
**213 US Route 206/130**  
**BLOCK: 116 LOT: 1, 2 & 3**

RESOLUTION NO. 2017-198-22

WHEREAS, Investors Bank the developer 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, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, Investors Bank provided a performance guarantee in the form of a Surety Bond, issued by Lexon Insurance Company, #1061506, in the amount of \$101,552.40; and a cash guarantee in the amount of \$11,283.60; and

WHEREAS, Investors Bank has notified the Township in writing and in accordance with the procedures set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-53.d, that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a release of said performance guarantee; and

WHEREAS, the Director of Community Development has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Director'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 for Investors Bank with the following conditions:
2. A two-year Maintenance Guarantee must be posted in the amount of \$14,104.50; and
3. The release of the guarantee is conditioned upon payment of any outstanding negative balance in the escrow account, and
4. The Township Clerk shall forward a certified copy of this resolution to: Investors Bank, 213 US Route 206/130, Bordentown, NJ 08505.

**RESOLUTION #2017-198-23**

**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 2017 taxes in the amount of \$4642.13 to CHASE for Block 140 Lots 7 and 8 commonly known as Route 130

07/17/17

JCE

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17



RESOLUTION #2017-198-24

ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN

WHEREAS, on June 26, 2017, the Township Committee of the Township of Bordentown adopted Ordinance #2017-11 entitled AN ORDINANCE TO AMEND ORDINANCE #2016-8 TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES; and

WHEREAS, this ordinance provides salary and wage increments or ranges for certain officials and employees of the Township of Bordentown; and

BE IT RESOLVED that in accordance with Ordinance #2017-11, the Township Committee does hereby establish the following annual salaries effective January 1, 2017 (or otherwise noted) for the following:

Frank M. Nucera, Jr.	Chief of Police	\$154,447.38 (retired 2/1/17)
Brian Pesce	Police Captain	\$113,467.02
Shawn Mount	Police Lieutenant	\$108,461.70
Matt Crowell	Police Lieutenant	\$106,335.00 (effective 3/7/17)
Michael Theokas	Twp. Administrator	\$120,000.00 (effective 5/22/17)
Suzanne McCanney	Court Administrator	\$67,276.96
Melissa Ross	Dpty Court Administrator	\$46,718.23
Dean Buhrer	Director of Public Works	\$75,983.41
Andrew Law	Emergency Mgmt. Coord.	\$22,888..80
Dean Buhrer	Dep. Emergency Mgmt. Coord.	\$ 6,494.60
Colleen Eckert	Township Clerk	\$90,148.22
David Kocian	CFO/Director of Finance	\$114,877.41 (retired 6/1/17)
Jeffrey Elsasser	CFO	\$22,374.00 (effective 6/1/17)
Jeffrey Elsasser	Tax Collector	\$67,626.00
David Dietrich	Supervisor of Public Works	\$62,047.10
Joseph Montalto	Municipal Court Judge	\$57,997.39
Brian Maugeri Sr	EMT Supervisor	\$56,308.14
Eileen Carlos	Tax Assessor	\$41,616.00
Brian Johnson	Community Dev. Dir./ Engineer	\$97,418.90
Joseph LaRocca	Construction Official/ Code Enforcement Off.	\$104,040.00 (F/T 1/1/17-3/12/17)
Joseph LaRocca	Construction Official/	\$ 42,500.00 (P/T effective 3/13/17)
David Kocian	CFO	\$500/mo. (Incentive 1/1/17-6/1/17)
Brian Pesce	Acting Chief (Police Department)	\$1,000/mo.(Stipend effective 2/1/17)
Jeffrey Elsasser	Tax Collector (Finance Department)	\$3,000.00 (Stipend 1/1/17-6/1/17)

Kim Wolverton	Administrative Asst. 3 (Emergency Management)	\$1,500.00 (Stipend)
Michelle Augustino	Keyboarding Clerk 2 (EMS)	\$12,000.00 (Stipend)

BE IT FURTHER RESOLVED that in accordance with Ordinance #2017-11, the Township Committee hereby establishes the following hourly rates of compensation retroactive to January 1, 2017, (or otherwise noted) for the following employees of the Township of Bordentown:

Jacquelyn Sauro	Keyboarding Clerk 2	\$23.20/hr.
Kim Wolverton	Administrative Assistant 3	\$17.46/hr.
Carol Gaynor	Violations Clerk Typing	\$17.34/hr.
Sarah Graubart	Violations Clerk Typing	\$16.00/hr.
		\$16.50/hr. (effective 2/1/17)
		\$17.00/hr. (effective 8/17/17)
Michelle Augustino	Keyboarding Clerk 2	\$22.10/hr.
Marlene Lyszcak	Keyboarding Clerk 1	\$15.30/hr.
Cynthia Dziura	Keyboarding Clerk 1	\$19.09/hr.
Leslie Cubberly	Crossing Guard	\$11.62/hr.
Robert Magnus	Crossing Guard	\$10.97/hr.
Kenneth Miller	Crossing Guard	\$10.97/hr.
Lori Engler	EMT	\$13.53/hr.
Jennifer Koeller	EMT	\$13.53/hr.
Michael Mikhailik	EMT	\$13.26/hr. (terminated 7/1/17)
Henry Skala	Electrical Subcode Official	\$43.33/hr.
James Hoey	Building Inspector	\$35.00/hr.
Robert Salmons	Building Inspector	\$30.00/hr. (P/T 1/1/17-3/12/17)
Robert Salmons	Building Subcode Official/ Plumbing Inspector	\$42.31/hr. (F/T effective 3/13/17)
Thomas Layou	Fire Subcode Official Inspector	\$40.00/hr.
Norman Hand	Code Enf. Officer Trainee	\$20.40/hr. (1/1/17-4/3/17)
Norman Hand	Code Enf. Officer	\$25.00/hr. (effective 4/4/17)
Donna Muldrow	Treasurer	\$28.70/hr.
Terri Ezzo	TACO	\$26.01/hr.
Pamela Keintz	Keyboard Clerk 1	\$17.60/hr. (1/1/17-3/23/17)
		\$18.25/hr. (effective 2/24/17)
Nicole Bencivengo	Animal Control Officer	\$15.30/hr.
Mark Costner	Special Officer/Class II	\$20.00/hr. (effective 5/9/17)
Wayne Lebak	Special Officer/Class II	\$20.00/hr. (effective 5/9/17)
Matthew Dillon	Special Officer/Class II	\$20.00/hr. (effective 5/9/17)

BE IT FURTHER RESOLVED that in accordance with Ordinance #2017-11, the Township Committee hereby establishes the following annual salaries of compensation retroactive to January 1, 2017, for the following officials of the Township of Bordentown:

Stephen Benowitz	Twp. Committee Member	\$4,125.97
James Cann	Twp. Committee Member	\$4,125.97
Eugene Fuzy	Twp. Committee Member	\$4,125.97
Eric Holliday	Twp. Committee Member	\$4,125.97
Jill Popko	Twp. Committee Member	\$4,125.97

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 July 17, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

07/17/17

**TOWNSHIP OF BORDENTOWN  
ORDINANCE NO. 2017-13**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 APT 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**, acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**LRHL**”), the Township of Bordentown in the County of Burlington, New Jersey (the “**Township**”) has designated an area within its borders, including those certain properties then identified on the official tax map of the Township as Block 140 Lots 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 and Block 141 Lot 4 (collectively, the “**Redevelopment Area**”) as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, on April 28, 2008 the Township adopted by ordinance a redevelopment plan superseding the provisions of the Township Zoning Ordinance for the Redevelopment Area (as amended, the “**Redevelopment Plan**”); and

**WHEREAS**, in furtherance of the redevelopment of this area, the Township entered into an amended and restated redevelopment agreement with Bordentown Waterfront Community, L.L.C., a limited liability company of the State of New Jersey (“**BWC**”) dated June 23, 2008 (along with any amendments thereto, the “**Redevelopment Agreement**”), which Redevelopment Agreement specifies the rights and responsibilities of the Township and BWC with respect to certain aspects of the Phase 2B Project (as hereinafter defined); and

**WHEREAS**, the Township entered into that certain Project Finance Agreement with BWC dated August 8, 2011 (the “**Project Finance Agreement**”) setting forth the terms and conditions of the Township’s provision of financial assistance with respect to the redevelopment of the Redevelopment Area; and

**WHEREAS**, BWC2 APT Urban Renewal LLC (the “**Entity**”), a limited liability company of the State of New Jersey authorized to operate as an urban renewal entity under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the “**Tax Exemption Law**”) filed an application with the Township on June 20, 2017 (the “**Application**”) for a long term tax exemption with respect to **Block 140, Lot 13 and portions of Block 140, Lots 12 and 14 (together, proposed Lot 11.01)** (collectively, the “**Property**”) for the construction of 165 market-rate rental units, 11 low and moderate income rental units, a leasing/clubhouse building, related amenities and related infrastructure and other improvements (the “**Phase 2B Project**”), which application is on file with the Township Clerk;

**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**, 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 is incorporated herein; and

**WHEREAS**, the Financial Agreement sets forth findings that the relevant benefits of the Phase 2B Project to the redevelopment of the Redevelopment Area outweigh the costs, if any, associated with the long term tax exemption for the Phase 2B Project; and

**WHEREAS**, the Township hereby determines that the assistance provided to the Phase 2B 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:**

**Incorporation of Recitals.**

The aforementioned recitals are hereby incorporated herein as though fully set forth at length.

**Application for Long Term Tax 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.**

(a) The form of the Financial Agreement, as set forth in Exhibit A attached hereto 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.

(b) 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.

(c) Within ten days following the later of the effective date of this Ordinance following final adoption or the execution of the Financial Agreement by the Entity, the Township Clerk shall provide a certified copy of this Ordinance and the Financial Agreement to the Chief Financial Officer for Burlington County and to the Burlington County Counsel for informational purposes, 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 other 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.

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

Introduction: June 26, 2017

Enactment:

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**EXHIBIT A**

**Form of Financial Agreement**

**TOWNSHIP OF BORDENTOWN  
ORDINANCE NO. 2017-14**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 TH 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**, acting in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “**LRHL**”), the Township of Bordentown in the County of Burlington, New Jersey (the “**Township**”) has designated an area within its borders, including those certain properties then identified on the official tax map of the Township as Block 140 Lots 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 and Block 141 Lot 4 (collectively, the “**Redevelopment Area**”) as an area in need of redevelopment pursuant to N.J.S.A. 40A:12A-5; and

**WHEREAS**, on April 28, 2008 the Township adopted by ordinance a redevelopment plan superseding the provisions of the Township Zoning Ordinance for the Redevelopment Area (as amended, the “**Redevelopment Plan**”); and

**WHEREAS**, in furtherance of the redevelopment of this area, the Township entered into an amended and restated redevelopment agreement with Bordentown Waterfront Community, L.L.C., a limited liability company of the State of New Jersey (“**BWC**”) dated June 23, 2008 (along with any amendments thereto, the “**Redevelopment Agreement**”), which Redevelopment Agreement specifies the rights and responsibilities of the Township and BWC with respect to certain aspects of the Phase 2A Project (as hereinafter defined); and

**WHEREAS**, the Township entered into that certain Project Finance Agreement with BWC dated August 8, 2011 (the “**Project Finance Agreement**”) setting forth the terms and conditions of the Township’s provision of financial assistance with respect to the redevelopment of the Redevelopment Area; and

**WHEREAS**, BWC2 TH Urban Renewal LLC (the “**Entity**”), a limited liability company of the State of New Jersey authorized to operate as an urban renewal entity under the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 *et seq.* (the “**Tax Exemption Law**”) filed an application with the Township on June 20, 2017 (the “**Application**”) for a long term tax exemption with respect to a **portion of Block 140, Lots 11-16, 18 and 19, and Block 141, Lot 4** (collectively, the “**Property**”) for the construction of approximately 70 market-rate townhome units and related infrastructure and other improvements (the “**Phase 2A Project**”), which application is on file with the Township Clerk;

**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**, 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 is incorporated herein; and

**WHEREAS**, the Financial Agreement sets forth findings that the relevant benefits of the Phase 2A Project to the redevelopment of the Redevelopment Area outweigh the costs, if any, associated with the long term tax exemption for the Phase 2A Project; and

**WHEREAS**, the Township hereby determines that the assistance provided to the Phase 2A 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:**

**Incorporation of Recitals.**

The aforementioned recitals are hereby incorporated herein as though fully set forth at length.

**Application for Long Term Tax 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.**

(a) The form of the Financial Agreement, as set forth in Exhibit A attached hereto 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.

(b) 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.

(c) Within ten days following the later of the effective date of this Ordinance following final adoption or the execution of the Financial Agreement by the Entity, the Township Clerk shall provide a certified copy of the Ordinance and the Financial Agreement to the Chief Financial Officer for Burlington County and to the Burlington County Counsel for informational purposes, 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 other 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.

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

Introduction:

Enactment:

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

**EXHIBIT A**

**Form of Financial Agreement**