

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: DECEMBER 17, 2018 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Holliday
	_____	_____	Committeeman Kostoplis
	_____	_____	Committeeman Mason
	_____	_____	Michael Theokas, Administrator
	_____	_____	Township Clerk Eckert
	_____	_____	Deputy Township Clerk Dziura
	_____	_____	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, 2018, 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 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 and will act as the minutes of the meeting in conjunction with the abbreviated form of the minutes. Requisite minutes are kept for all meetings, whether open or closed to the public.
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:

- Personnel Matters
- Potential Litigation
- Contract Negotiations/Matters:
 - Affordable Housing
 - Environmental-Public Works Building

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 Chuck Klosinski as outstanding citizen and recognize his achievements and contributions.
7. Mayor's Proclamation honoring the Bordentown Youth Football and Cheer Inc.
8. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence – Mayor Benowitz to read letter received from Director Patrick L. Patterson of the PA DEP dated December 6, 2018.

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 #2018-351-9 through #2018-351-15.
9. Resolution #2018-351-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 10. Resolution #2018-351-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 11. Resolution #2018-351-11 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 12. Resolution #2018-351-12 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMTS.
 13. Resolution #2018-351-13 entitled A RESOLUTION TO AWARD A CONTRACT TO EARLE ASPHALT FOR THE DEPARTMENT OF PUBLIC WORKS PAVEMENT RESTORATION PROJECT.
 14. Resolution #2018-351-14 entitled RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE REMOVAL OF AMERICANS WITH DISABILITIES ACT (ADA) BARRIERS ON HOLLOWAY LANE AND WILLIAMSBURG DRIVE.
 15. Resolution #2018-351-15 entitled AUTHORIZING DECEMBER 17, 2018 BUDGET TRANSFERS.
 16. Public Hearing on Ordinance #2018-32 entitled AN ORDINANCE GRANTING A FIVE YEAR TAX EXAMPTION AND ABATEMENT OF LOCAL REAL ESTATE TAXES PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ. TO MATRIX BORDENTOWN LOT 2, LLC FOR THE REAL

PROPERTY LOCATED AT BLOCK 130, LOT 2 AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH MATRIX BORDENTOWN LOT 2, LLC FOR BLOCK 130, LOT 2.

17. Consideration of Adoption of Ordinance #2018-32 entitled AN ORDINANCE GRANTING A FIVE YEAR TAX EXAMPTION AND ABATEMENT OF LOCAL REAL ESTATE TAXES PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ. TO MATRIX BORDENTOWN LOT 2, LLC FOR THE REAL PROPERTY LOCATED AT BLOCK 130, LOT 2 AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH MATRIX BORDENTOWN LOT 2, LLC FOR BLOCK 130, LOT 2.
18. Administrator and Staff Reports.
19. Township Committee Reports.
20. Public Participation.

Questions, comments or statements from members of the public in attendance.
21. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
22. Motion to Adjourn.

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

RESOLUTION #2018-351-9

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated December 17, 2018, 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.

12/17/18

RESOLUTION #2018-351-10

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Regular and Closed Session Meeting of December 3 2018; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

BE IT RESOLVED that the following reports for the month of November 2018 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Construction, Municipal Court, and Finance.

12/17/18

RESOLUTION #2018-351-11

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 2018 taxes in the amount of \$2348.47 to Glenn Ashton for Block 93.01, Lot 141 commonly known as 12 Windingbrook Road.

12/17/18

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RESOLUTION #2018-351-12

RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMTS

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following part-time EMTs effective December 17, 2018;

Cassandra Lynn Scully
Brandon James Hudik

BE IT FURTHER RESOLVED that compensation shall be set at \$12.50 per hour in accordance with Ordinance #2018-17.

12/17/18

RESOLUTION #2018-351-13

A RESOLUTION TO AWARD A CONTRACT TO EARLE ASPHALT FOR THE DEPARTMENT OF PUBLIC WORKS PAVEMENT RESTORATION PROJECT

WHEREAS, one (1) bid was received by the Township Engineer on October 4, 2018, for the Department of Public Works Pavement Restoration Project; and

WHEREAS, the Township Committee has reviewed the recommendation made by the Township Engineer to award said contract to the apparent low bidder, and only bidder, Earle Asphalt; and

WHEREAS, at the request by the Township, Earle Asphalt Company submitted a letter to the Township of Bordentown extending its bid pricing to January 7, 2019.

WHEREAS, funds are available for said project as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract for the Department of Public Works Pavement Restoration Project to Earle Asphalt, P.O. Box 556, Farmingdale, NJ 07727 in the amounts of \$688,613.13 for the Base Bid Items 1 through 45, and \$77,000.00 for the Alternate Bid Items 1 through 10, inclusive; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized and directed to execute a contract for same.

12/17/18

RESOLUTION #2018-351-14

A RESOLUTION AUTHORIZING THE FILING OF AN APPLICATION FOR A 2019 COMMUNITY DEVELOPMENT BLOCK GRANT FOR THE REMOVAL OF AMERICANS WITH DISABILITIES ACT (ADA) BARRIERS ON HOLLOWAY LANE AND WILLIAMSBURG DRIVE.

WHEREAS, the Burlington County Community Development Block Grant Program has been allocated funds for fiscal year 2019 by the United States Department of Housing and Urban Development for locally determined activities; and

WHEREAS, the Township of Bordentown is a participant in the Burlington County Community Development Block Grant Program; and

WHEREAS, the removal of ADA barriers at the Bordentown Township Municipal Complex and various municipal rights-of-ways is thereby an eligible activity for expenditure of Block Grant funds under the Community Development Block Grant Regulations; and

WHEREAS, the Township of Bordentown Committee will hold a public hearing on December 24, 2018, reviewing the Block Grant Program guidelines; receiving public comment; and, considering the needs of the Township's low to moderate income population with respect to eligible activities under the Community Development Block Grant Program;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey, that an application be submitted under the Fiscal Year 2019 Community Development Block Grant.

12/17/18

RESOLUTION #2018-351-15

AUTHORIZING DECEMBER 17, 2018 BUDGET TRANSFERS

BE IT RESOLVED by the Township of the Township of Bordentown that it hereby approves and authorizes the Chief Financial Officer to make the following 2018 Budget Appropriation transfers pursuant to N.J.S.A. 40A:4-58:

2018 BUDGET TRANSFERS

12/17/2018

ACCOUNT NUMBER	NAME	DEBIT	CREDIT
8-01-25-240-101	POLICE - S/W	\$ 25,000.00	
8-01-25-240-215	POLICE - O/E		\$ 25,000.00
8-01-21-200-215	UCC - O/E	\$ 102,000.00	
8-01-26-330-215	DOCUMENT SCANNING		\$ 102,000.00
8-01-20-110-101	MAYOR/COMMITTEE S/W	\$ 3,000.00	
8-01-20-145-101	TAX COLLECTION S/W		\$ 3,000.00
8-01-26-325-200	COMMUNITY SERVICES ACT.	\$ 15,000.00	
8-01-23-220-000	EMPLOYEE GROUP INSURANCE		\$ 8,000.00
8-01-20-165-200	ENGINEERING COSTS O/E		\$ 7,000.00
8-01-36-472-000	SOCIAL SECURITY	\$ 12,000.00	
8-01-20-120-101	MUNICIPAL CLERK S/W	\$ 3,500.00	
8-01-21-190-101	COMMUNITY DEVELOPMENT S/W		\$ 15,500.00
8-01-20-130-101	FINANCIAL ADMINISTRATION S/W	\$ 1,000.00	
8-01-31-440-000	TELECOMMUNICATIONS	\$ 3,000.00	
8-01-20-130-215	FINANCIAL ADMINISTRATION O/E		\$ 4,000.00
8-01-31-447-200	PETROLEUM PRODUCTS O/E	\$ 15,000.00	
8-01-27-340-200	GREEN TEAM ADVISORY COMMITTEE		\$ 4,000.00
8-01-26-315-101	VEHICLE MAINTENANCE S/W		\$ 15,000.00
8-01-21-200-101	UCC S/W		\$ 25,000.00
8-01-20-155-200	LEGAL	\$ 29,000.00	
TOTAL		\$ 208,500.00	\$ 208,500.00

12/17/18

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2018-32

AN ORDINANCE GRANTING A FIVE YEAR TAX EXEMPTION AND ABATEMENT OF LOCAL REAL ESTATE TAXES PURSUANT TO N.J.S.A. 40A:21-1 ET SEQ. TO MATRIX BORDENTOWN LOT 2, LLC FOR THE REAL PROPERTY LOCATED AT BLOCK 130, LOT 2 AND AUTHORIZING THE EXECUTION OF A FINANCIAL AGREEMENT WITH MATRIX BORDENTOWN LOT 2, LLC FOR BLOCK 130, LOT 2

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

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

WHEREAS, by Resolution 2018-295-15, adopted October 22, 2018, the Township designated certain real properties to be areas in need of rehabilitation pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq; and

WHEREAS, conditions within the Township remain a concern with a persistent need to stimulate ratable growth within the Township’s industrial and commercial areas, in competition with other municipalities, both within and outside the State of New Jersey; and

WHEREAS, Matrix Bordentown Lot 2, LLC (“Matrix”) is the owner of certain real property within the Township located within the area designated as an area in need of rehabilitation commonly known as Block 130, Lot 2, on the Township of Bordentown Tax Map (the “Property”); and

WHEREAS, Matrix is proposing to construct on the Property an approximately 569,145 square foot warehouse distribution facility and all related site and parking improvements (the “Project”); and

WHEREAS, Matrix timely filed an application with the Township requesting a five (5) year tax exemption and abatement of local real property taxes in connection with the Project; and

WHEREAS, Matrix submitted the required application materials and application fee pursuant to N.J.S.A. 40A:21-9 and Township Ordinance 2009-19; and

WHEREAS, having reviewed Matrix’s application and submission materials, the Township is satisfied that the Project to be constructed by Matrix satisfies the requirements to qualify for a five (5) year tax exemption and abatement pursuant to N.J.S.A. 40A:20-21 et seq. and Township Ordinance 2009-19;

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

1. Pursuant to the Laws of the State of New Jersey, N.J.S.A. 40A:21-1 et seq. and Township Ordinance 2009-19, the Township Committee of the Township of Bordentown hereby approves the Application of Matrix for a five (5) year tax exemption and abatement for its Project to be constructed on Block 130, Lot 2, provided, however that absent additional future action, the tax exemption and abatement will lapse if the Township does not issue a temporary or permanent certificate of occupancy for the Project on or before the fifth anniversary of the effective date of the associated Agreement for Payment in Lieu of Taxes (“Financial Agreement”).

2. The Committee hereby authorizes a Financial Agreement in a form approved by the Township Attorney and Township Administrator to be entered into between Matrix and the Township authorizing the tax exemption and abatement and setting forth the obligations of the respective parties and payment schedule for Matrix’s payment in lieu of taxes.

3. The Mayor, on behalf of the Township, is hereby authorized to execute, and the Deputy Township Clerk to attest and affix the seal of the Township to the Financial Agreement.

4. The Township Clerk shall maintain a copy of the Application and executed Financial Agreement on file in the Township Clerk’s Office, and shall forward a copy of the executed Financial Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within thirty (30) days of full execution of the Financial Agreement.

5. The tax exemption and abatement shall commence on the date of issuance of a temporary certificate of occupancy or permanent certificate of occupancy, whichever is issued first, for the improvements and expire five (5) years thereafter.

6. The Property shall be subject to the total tax levy as more fully set forth in the Financial Agreement.

7. The Township Tax Assessor and Township Tax Collector are hereby authorized to take any and all necessary actions granted under law to implement the provisions of this Ordinance.

8. Matrix shall provide to the Township all required information concerning construction costs and any other relevant information requested by the Township Tax Assessor or Tax Collector.

9. Matrix, or any subsequent owner of the Property, shall notify the Township in writing pursuant to the notice provisions of the Financial Agreement, of any alternation and/or improvements made to the Property that were not specifically approved by the Financial Agreement as qualifying for a five (5) year tax exemption and abatement. Such notice shall include a description of the alterations and/or improvements, a copy of any permits issued for the alterations and/or improvements, and the total cost of said alterations and improvements.

10. In the event that alterations and/or improvements are made to the Property pursuant to Paragraph 9 immediately above, the additional costs shall be added to the initial cost of the development as set forth in the Application and included in the payment in lieu of taxes calculated in accordance with the terms of the Financial Agreement.

11. Fraud or misrepresentation of material facts surrounding the Application and related documents thereto shall be grounds to rescind the Financial Agreement *ab initio*.

BE IT FURTHER ORDAINED that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective.

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict.

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage.

INTRODUCED: November 19, 2018

ADOPTED: