

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 25, 2019 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Holliday
	_____	_____	Committeeman Kostoplis
	_____	_____	Committeeman Mason
	_____	_____	Michael Theokas, Administrator
	_____	_____	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 7, 2019, 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 emailed 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.

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.

4. 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:

-- Potential Environmental Litigation

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.

5. Mayor's Proclamation recognizing Helen Elizabeth Roberts Campbell as an outstanding citizen and role model.

6. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence
 - c. Budget Discussion – CFO & Administrator

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 #2019-78 through #2019-82.
7. Resolution #2019-78 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 8. Resolution #2019-79 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 9. Resolution #2019-80 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES
 10. Resolution #2019-81 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING REMITTANCE OF ESCROW BALANCE TO STATE OF NEW JERSEY UNCLAIMED PROPPROPERTY.
 11. Resolution #2019-82 entitled CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY ATTORNEY CONSULTATION SERVICE -- BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.
 12. Public Hearing on Ordinance #2019-02 entitled AN ORDINANCE AMENDING BORDENTOWN TOWNSHIP ORDINANCE NO. 2008-23 REGARDING AFFORDABLE HOUSING FEES.
 13. Consideration of Adoption of Ordinance #2019-02 entitled AN ORDINANCE AMENDING BORDENTOWN TOWNSHIP ORDINANCE NO. 2008-23 REGARDING AFFORDABLE HOUSING FEES.
 14. Public Hearing on Ordinance #2019-03 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN APPROPRIATION BALANCES IN THE AGGREGATE AMOUNT OF \$1,380,152.07 AND RE-APPROPRIATING A PORTION OF SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND THE PURCHASE OF EQUIPMENT AND TRANSFERRING A PORTION OF SAID FUNDS TO THE CAPITAL IMPROVEMENT FUND.
 15. Consideration of Adoption of Ordinance #2019-03 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY; CANCELLING CERTAIN APPROPRIATION BALANCES IN THE AGGREGATE AMOUNT OF \$1,380,152.07 AND RE-APPROPRIATING A PORTION OF SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS AND THE PURCHASE OF EQUIPMENT AND

TRANSFERRING A PORTION OF SAID FUNDS TO THE CAPITAL IMPROVEMENT FUND.

16. Consideration of Introduction of Ordinance #2019-04 entitled CALENDAR YEAR 2019 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).
17. Administrator and Staff Reports.
18. Township Committee Reports.
19. Public Participation.

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

NOTICE

TOWNSHIP OF BORDENTOWN

NOTICE IS HEREBY GIVEN that the regular meeting of the Bordentown Township Committee scheduled for February 25, 2019, will commence at 7:00 p.m. (rather than the originally advertised start time of 6:30 p.m.) and will be held in the Main Meeting Room of the Municipal Building, 1 Municipal Drive, Bordentown, NJ 08505.

CYNTHIA DZIURA, RMC, DEPUTY TOWNSHIP CLERK

NOTICE TO NEWSPAPERS IS REQUIRED BY THE STATE OPEN PUBLIC MEETINGS LAW AND IS NOT TO BE PUBLISHED AS A PAID LEGAL ADVERTISEMENT.

RESOLUTION #2019-78

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated February 25, 2019, 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.

2/25/19

RESOLUTION #2019-79

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the Regular and Closed Session Meeting Minutes of February 11, 2019; 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 January 2019 as submitted by the Township Officials are hereby received and filed: Finance/Tax Collector, Township Clerk, Community Development, Construction, and Municipal Court.

2/25/19

RESOLUTION#2019-80

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 2019 taxes in the amount of \$1227.34 to Robert Reinke for Block 9 Lot 4 commonly known as 115 Carmen Ave

2/25/19

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RESOLUTION #2019-81

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING REMITTANCE OF ESCROW BALANCE TO STATE OF NEW JERSEY UNCLAIMED PROPERTY

WHEREAS, the applicants identified on attached Schedule A, deposited Escrow amounts as required by the Planning Board or Zoning Board of Adjustment of the Township of Bordentown for various development projects; and

WHEREAS, the Township Community Development Director has determined that the projects of the applicants set forth on Exhibit A are substantially complete and therefore, the balance of the Escrow can be released; and

WHEREAS, the Escrow Accounts identified on Exhibit A identify balances remaining after application of all relevant fees that have been satisfied and there appears no further basis to retain the Escrow Deposits; and

WHEREAS, after multiple attempts by the Community Development Office to reach said developers, no response was received, it is determined that these balances shall escheat to The State of New Jersey Department of Unclaimed Properties.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown that the Escrow balances referenced on attached Schedule A be released to The State of New Jersey Department of Unclaimed Properties.;

BE IT FURTHER RESOLVED that the Township Committee authorizes and directs the Chief Financial Officer to issues checks for the refunds identified on the attached Schedule.

2/25/19

SCHEDULE A
FOR RESOLUTION #2019-81

<u>Applicant</u>	<u>Escrow #</u>	<u>Block /Lot</u>	<u>Refund Amount</u>
Raven Propane	945100	139/2	\$500.00
Raven Propane	945102	139/2	\$10,955.61
Jersey Bus Sales	946501	137.02/8	\$0.77
R.C. Maxwell Co.	916300	137.02/8	\$442.50
Tri-State Petro	943600	29/1.01	\$1,279.15
OmniPoint Communications	937702	128.01/28	\$2,742.60
OmniPoint Communications	937500	57/6	\$620.00
VoiceStream Wireless	933301	90/1	\$2,572.80
VoiceStream Wireless	933300	90/1	\$86.84
Yardville National Bank	915900	129/1	\$12.25

RESOLUTION #2019-82

**CONTACT PERSON FOR THE EMPLOYMENT PRACTICES LIABILITY
ATTORNEY CONSULTATION SERVICE -- BURLINGTON COUNTY
MUNICIPAL JOINT INSURANCE FUND**

WHEREAS, the Governing Body of Bordentown Township hereinafter referred to as "MUNICIPALITY", is a member of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as "FUND"; and

WHEREAS, the FUND has adopted a policy authorizing the Employment Practices Liability Attorney Consultation Service; and

WHEREAS, the FUND has budgeted an annual allowance for each member for EPL consulting services; and

WHEREAS, the FUND requires the MUNICIPALITY to designate specific managerial or supervisory individuals who will have telephone access to the EPL Hotline;

NOW THEREFORE, BE IT RESOLVED, that the governing body of Bordentown Township does hereby appoint Michael Theokas as its Contact Person.

BE IT FURTHER RESOLVED, that the governing body does hereby appoint Jeffrey Elsasser as additional Contact Person.

2/25/19

ORDINANCE NO. 2019-02

**AN ORDINANCE AMENDING BORDENTOWN TOWNSHIP ORDINANCE NO. 2008-23
REGARDING AFFORDABLE HOUSING FEES**

WHEREAS, the Township Committee previously adopted Ordinance 2008-23 to establish standards for the collection, maintenance and expenditure of development fees as permitted by the Fair Housing Act, N.J.S.A. 52:27d-301 et. seq. and the Statewide Non-residential Development Fee Act, N.J.S.A. 40:55C-8.1 through 8.7; and

WHEREAS, the Township Committee now seeks to amend the collection process for non-residential development fees and to replace Section 25.503.1 of the Township Code with the provisions of Ordinance 2008-23 as amended herein.

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

Section 1:

a) Ordinance 2008-23 is hereby amended at Section 6 (h) to read as follows:

The developer shall pay 100 percent of the calculated development fee amount prior to the issuance of a temporary certificate of occupancy for the subject property.

b) Section 25.301.1 of the Township Code is hereby replaced with the provisions of Ordinance 2008-23 as amended herein.

Section 2. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 3. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 4. This ordinance shall take effect immediately upon adoption and publication according to law.

INTRODUCED: February 11, 2019

ADOPTED:

ORDINANCE NO. 2019-03

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN,
IN THE COUNTY OF BURLINGTON, NEW JERSEY;
CANCELLING CERTAIN APPROPRIATION BALANCES IN
THE AGGREGATE AMOUNT OF \$1,380,152.07 AND RE-
APPROPRIATING A PORTION OF SAID FUNDS FOR
OTHER CAPITAL IMPROVEMENTS AND THE PURCHASE
OF EQUIPMENT AND TRANSFERRING A PORTION OF
SAID FUNDS TO THE CAPITAL IMPROVEMENT FUND**

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 the full membership thereof affirmatively concurring), AS FOLLOWS:

Section 1. The appropriations set forth in the table below, which represent a portion of the amounts authorized for the specific projects referenced below pursuant to the Bond Ordinances specified below and which remain as balances in said Bond Ordinances, are hereby cancelled in order to be re-appropriated or transferred as further described herein.

	<u>Ordinance Number</u>	<u>Amount of Appropriation to be Cancelled</u>	<u>Short Description</u>
(a)	2007-19	\$16,803.96	Improvements to Northern Community Park
(b)	2007-33	\$2,562.58	General road improvements
(c)	2013-18	\$57,918.96	Public Works Buildings/Improvements
(d)	2013-18	\$535.00	Police equipment
(e)	2014-06	\$44,224.77	General road/infrastructure improvements
(f)	2015-13	\$177,674.57	Public Works equipment and improvements
(g)	2016-06	\$242,112.88	Various Road and Street improvements
(h)	2016-06	\$228,281.70	Renovations and improvements to Municipal Building
(i)	2016-06	\$85,320.90	Public Works vehicles and equipment
(j)	2016-06	\$20,588.21	Ambulance improvements/modifications
(k)	2016-06	\$23,270.21	Renovations to Municipal Building
(l)	2017-10	\$390,000.00	Renovations and improvements to Municipal Building
(m)	2018-02	\$36,663.01	Acquisition of property
(n)	2018-11	<u>\$54,195.32</u>	Public Works vehicles and equipment
		<u>\$1,380,152.07</u>	

Section 2. From the Bond Ordinances set forth above, (a) \$46,748.50 is hereby re-appropriated to be used for the development and construction of drainage improvements to East Drive and related costs, (b) \$32,383.11 is hereby re-appropriated to be used for the resurfacing of Hedding Road and related costs, (c) \$335,000.00 is hereby re-appropriated to be used for the acquisition of equipment for the Department of Public Works, as set forth in a list on file in the office of the Township Clerk (as such list may be supplemented and revised), (d) \$198,520.46 is hereby re-appropriated to be used for improvements to park facilities in the Township, including the purchase and installation of new fixtures and equipment, (e) \$185,000.00 is hereby re-appropriated for the acquisition of vehicles and equipment for the Police Department, as set forth in a list on file in the office of the Township Clerk (as such list may be supplemented and revised), (f) \$32,500.00 is hereby re-appropriated for upgrades and improvements to the Township's ambulance, and (g) \$50,000 is hereby re-appropriated for capital maintenance and capital repairs on the Township's Public Works Building. The remaining amount of cancelled appropriations, not re-appropriated to other purposes on the date hereof, in the amount of \$500,000, shall be transferred to the Township's Capital Improvement Fund.

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 amended capital budget and capital program as

approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available in the office of said Clerk for public inspection. The Township reasonably expects to commence the acquisition of the several improvements or purposes described in Section 2 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of the bonds or notes authorized by the Bond Ordinances described in Section 1. To the extent such costs are advanced, the Township further reasonably expects to reimburse such expenditures from the proceeds of the bonds or notes authorized by the Bond Ordinances described in Section 1 hereof, in an aggregate amount not to exceed the aggregate costs of the improvements described in Section 2 hereof.

Section 4. The equipment authorized to be purchased and 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 equipment or the improvements authorized hereby has been or shall be specially assessed on any property specially benefited thereby.

Section 5. The average useful life of the equipment and improvements authorized hereby is estimated, in accordance with the Local Bond Law, to be at least 13.37 years.

Section 6. All ordinances, or parts of ordinances, inconsistent herewith are hereby repealed to the extent of such inconsistency.

Section 7. This Bond Ordinance shall take effect twenty (20) days after the first publication thereof after final passage

INTRODUCED: February 11, 2019

ADOPTED:

TOWNSHIP OF BORDENTOWN

ORDINANCE #2019-04

**CALENDAR YEAR 2019 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET
APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK
(N.J.S.A. 40A: 4-45.14)**

WHEREAS, the Local Government Cap Law, N.J.S. 40A: 4-45.1 et seq., provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.5% unless authorized by ordinance to increase it to 3.5% over the previous year’s final appropriations, subject to certain exceptions; and,

WHEREAS, N.J.S.A. 40A: 4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and,

WHEREAS, the Township Committee of the Township of Bordentown in the County of Burlington finds it advisable and necessary to increase its CY 2019 budget by up to 3.5% over the previous year’s final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and,

WHEREAS, the Township Committee hereby determines that a 3.5 % increase in the budget for said year, amounting to \$ 330,205.51 in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and,

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years.

NOW THEREFORE BE IT ORDAINED, by the Township Committee of the Township of Bordentown, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2019 budget year, the final appropriations of the Township of Bordentown shall, in accordance with this ordinance and N.J.S.A. 40A: 4-45.14, be increased by 3.5%, amounting to \$ 330,205.51, and that the CY 2019 municipal budget for the Township of Bordentown be approved and adopted in accordance with this ordinance; and,

BE IT FURTHER ORDAINED, that any that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and,

BE IT FURTHER ORDAINED, that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

INTRODUCED:

ADOPTED: