

**WILLINGBORO TOWNSHIP COUNCIL**

**AGENDA**

**November 8, 2017**

7:00 PM  
Call to order  
Flag Salute  
Statement  
Roll Call

**Manager's Report**

**ORDINANCE 2017-11 (PUBLIC HEARING)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE  
TOWNSHIP OF WILLINGBORO, CHAPTER 150 FEES, SECTION 3,  
VITAL STATISTICS FEES**

**NOTICE**

Notice is hereby given that the foregoing Ordinances 2017-11 was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Willingboro, in the County of Burlington, State of New Jersey, held on October 17, 2017 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the November 8, 2017 at 7 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at One Rev. Dr. M. L. King, Jr. Drive, Willingboro, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning these ordinances. Copies will be made available at the Township Clerk's office in the Municipal Building to the members of the general public who shall request the same.

**ORDINANCE NO. 2017 – 12 (FIRST READING)**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 OF THE  
CODE OF THE TOWNSHIP OF WILLINGBORO  
FLOOD DAMAGE PREVENTION**

**NOTICE**

Notice is hereby given that the foregoing Ordinances 2017-12 was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Willingboro, in the County of Burlington, State of New Jersey, held on November 8, 2017 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the November 21, 2017 at 7 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at One Rev. Dr. M. L. King, Jr. Drive, Willingboro, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning these ordinances. Copies will be made available at the Township Clerk's office in the Municipal Building to the members of the general public who shall request the same.

**ORDINANCE 2017-13 (FIRST READING)**

ORDINANCE OF THE TOWNSHIP OF WILLINGBORO, IN  
THE COUNTY OF BURLINGTON, NEW JERSEY PROVIDING  
FOR THE CANCELIZATION OF UNFUNDED & FUNDED  
APPROPRIATION BALANCES UNDER CERTAIN BOND  
ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP  
OF WILLINGBORO FOR VARIOUS CAPITAL IMPROVEMENT  
PROJECTS IN THE TOTAL AMOUNT OF \$34,061.29

**NOTICE**

Notice is hereby given that the foregoing Ordinances 2017-13 was introduced and passed on first reading at a regular meeting of the Township Council of the Township of Willingboro, in the County of Burlington, State of New Jersey, held on November 8, 2017 and will be considered for second reading and final passage at the regular meeting of said Township Council to be held on the November 21, 2017 at 7 p.m. or as soon thereafter as this matter can be reached, at the meeting room of the Municipal Building located at One Rev. Dr. M. L. King, Jr. Drive, Willingboro, New Jersey, at which time all persons interested shall be given an opportunity to be heard concerning these ordinances. Copies will be made available at the Township Clerk's office in the Municipal Building to the members of the general public who shall request the same.

**RESOLUTION**

- |               |  |
|---------------|--|
| Res. 2017—157 | RESOLUTION AUTHORIZING THE APPROVAL OF<br>VOUCHERS FOR PAYMENT AND RATIFICATION  |
| Res. 2017—158 | RESOLUTION AUTHORIZING REFUNDS FOR<br>OVERPAYMENTS OF TAXES  |
| Res. 2017—159 | RESOLUTION AUTHORIZING THE APPOINTMENT OF AN<br>ADMINISTRATIVE AGENT FOR THE FAIR SHARE PLAN<br>ADMINISTRATION OF AFFORDABLE HOUSING UNITS |
| Res. 2017—160 | EXECUTIVE SESSION (IF NEEDED)  |

APPROVAL OF MINUTES:

August 1, 2017, September 5, 2017, September 25, 2017 and October 3, 2017

TREASURER REPORT APPROVAL

Public Comment  
Council Comment  
Adjournment

ALL BUSINESS ITEMS ARE TENTATIVE PENDING THE REVIEW AND APPROVAL OF  
THE LAW DEPARTMENT

Willingboro Township Council Meeting of November 8, 2017 was held in Council’s Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

7:00 P.M. meeting  
Flag Salute  
Required Statement  
Roll Call

The Required statement was read.

In compliance with the Open Public Meeting Act, this is to announce that adequate notice of this meeting was provided in the following manner.

On January 2, 2017 advance written notice of this meeting was posted on the bulletin board in the Municipal Complex.

On January 2, 2017, advance written notice of this meeting was mailed to the Burlington County Times, Willingboro, the Trenton Times, the Philadelphia Inquirer and the Courier Post.

On January 2, 2017, advance written notice of this meeting was filed with the Township Clerk.

The Clerk is directed to enter into the minutes of this meeting this public announcement.

Roll Call:	Councilman Anderson	Present
	Councilwoman Jennings	Present
	Councilwoman Perrone	Present
	Deputy Mayor Nock	Present
	Mayor Holley	Present

Also, Richard Brevogel, Deputy Twp. Manager/Director of Public Works; Wendell Bibbs, P.E., Township Engineer; Cristal Holmes-Bowie, Esq., Firm of Michael Armstrong, Township Solicitor; Jill Cyrus, Director of Recreation; Reva Foster, Director of Community Affairs/Sr. Center; Brenda Bligen, Acting Director of Inspections; Walter Howard, IT Department;

**Manager’s Report (See attached)**

Councilman Anderson:                   Regarding the surveillance system; a resident was concerned at the last Council meeting, prior to the 30<sup>th</sup>, that several vendors were viewed and we had an opportunity... based on the report I see that was done. It was narrowed down. The process has taken place. Thank you very much.

Rich Brevogel:                           That process as completed by Captain Kendrick and his report was given to Director Rucker.

Mayor Holley:                            Just for clarification, I think the resident—if I recall correctly, they were looking for more information in regards to the different vendors that the information was

granted to the Township for. I don't know if that information can be made public. Some type of document, so the resident can see how the decision was arrived at...

Rich Brevogel: Sure we can do that.

Deputy Mayor Nock: You included a letter here from Captain Kendrick you talked about. He was part of the concept of the Smart City Initiative. He listed all of the vendors: E Phillips (inaudible) and PS&EG and the Verizon he attend and then he did the rest. Is this to become a public document?

Rich Brevogel: I guess it can become a public document. It is just a letter. Cristal, would this be okay to because a public document?

Cristal Holmes-Bowie: I don't know I am just reviewing it for the first time.

Rich Brevogel: I guess we could put together a chart of the different companies that we looked at. We could do that.

Mayor Holley: Presentation at a future meeting?

Rich Brevogel: Yes sir, I will speak to Director Rucker about that.

Councilwoman Perrone: I found your report to be clear and detailed. Thank you.

Rich Brevogel: Appreciate it.

**ORDINANCES**

**ORDINANCE 2017-11 (PUBLIC HEARING)\_**

**AN ORDINANCE AMENDING AND SUPPLEMENTING THE CODE OF THE TOWNSHIP OF WILLINGBORO, CHAPTER 150 FEES, SECTION 3, VITAL STATISTICS FEES**

**150-3 Vital statistics fees**

**The following fees are established for licenses and certificates issued by the Registrar of Vital Statistics:**

# Township of Willingboro

**To:** The Honorable Darvis K. Holley, Mayor  
The Honorable Martin Nock, Deputy Mayor  
The Honorable Jacqueline Jennings, Councilwoman  
The Honorable Nathaniel Anderson, Councilman  
The Honorable Rebecca Perrone, Councilwoman

**From:** Richard A. Brevogel,  
Acting Township Manager

**Date:** November 8, 2017

**Re:** Agenda

## MANAGER'S REPORT

- In preparation for the installation of the Solar system at the JFK center several trees needed to be removed to allow maximum sun contact with the panels. The area is in disarray. The Township will plan to re-landscape the courtyard area in the Spring of 2018. In addition, trees that will be planted that will not interfere with the system in the long term. We appreciate the patience of everyone while we move forward with the Solar installation.
- Attached is a recommendation to move forward with the Packe Talke Surveillance system. The review is attached from the Willingboro Police Department. I concur with their recommendation. This will be part of the budget discussion in 2018.
- There will be Veteran's Day Observance on November 11<sup>th</sup> at 11:00am at the Willingboro VFW Post 4914.
- Attached is a list of the scheduled recreation planned events for the month of November and December.
- The Willingboro PD will be allowing officers to grow beards (groomed) for the month of November. They will be contributing to the American Cancer Society based on the number of officers that choose to participate.

## Agenda Items

- Ordinance 2017-12 Flood Management Ordinance
  - Modifies current ordinance based on the 500 year flood plan. The adoption of this ordinance ensures Willingboro will be eligible for participation in the National Flood Insurance Plan (NFIP).
- Ordinance 2017- 13 Cancellation of Outstanding Capital

## RESIDENT QUESTIONS:

- Ms. Harvey: Henderson Lane
  - The Township website expired
    - See attached email from Walter Howard Director of IT
  - Shared Service Agreements:
    - The Shared service agreements are encouraged by the State of NJ to promote efficient use of resources. There are many cases where it is an exchange of a service the township or another township provides. As the Deputy Township Manager and Director of Public Works it is my first priority to serve the residents of this township. All agreements either save

the township money, generate a revenue or allow access to a piece of equipment or expertise the department does not have.

- **Mr. Jansen: Northampton Drive**
  - Many of the issues Mr. Jansen referred to are ones that can be addressed by Code enforcement or the Police department. I am having discussions with those departments regarding the strategy to address them moving forward. In respect to the plowing of snow, operators must move at a pace to complete the entire town in a timely manner. The township is responsible for 128 miles on roads and make 512 miles in passes per storm (4 passes per road). The township DPW's goal is to clear roads curb to curb to prevent lack of drainage as snow melts. I understand the concern for resident safety and have instructed the DPW supervisor's to discuss this issue as we begin snow removal in the winter.
- **Ms. Whitfield: Blueberry Lane:**
  - Question regarding the selection of the zoning officer. The individual selected is in Code enforcement and has the required state licensing.

## **EXECUTIVE SESSION**

### **1. CONTRACTS:**

- **Professional Expenses (NTE)**
  - Labor Counsel
  - Township Solicitor
- **Misc. Contracts**
  - Big "D" Marina

### **2. DELCO Pilot Discussion**

### **3. Employee RICE Notification**

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

- C. **Marriage licenses: \$28. (\$25.00 due to State of NJ) (\$3.00 due to Township of Willingboro)**
- D. **Vital statistics record correction: \$25.00**
- E. **Burial Permits: \$5.00**
- F. **Legal Name Change: \$2.00**
- G. **Returned Check Fee: \$25.00**

There were no comments on the public hearing of the above ordinance.

On motion by Councilman Anderson

Seconded by Deputy Mayor Nock

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

Motion carried. Ordinance 2017-11 approved for final adoption

**Ordinance No. 2017 - \_\_ 12**

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 175 OF THE CODE  
OF THE TOWNSHIP OF WILLINGBORO  
FLOOD DAMAGE PREVENTION  
SECTION §175-1.0**

**STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES**

**§175-1.1 STATUTORY AUTHORIZATION**

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Council of the Township of Willingboro of Burlington County, New Jersey does ordain as follows:

**§175-1.2 FINDINGS OF FACT**

- a) The flood hazard areas of the Township of Willingboro are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures

B for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

### **§175-1.3 STATEMENT OF PURPOSE**

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

### **§175-1.4 METHODS OF REDUCING FLOOD LOSSES**

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

## **SECTION §175-2.0**

### **DEFINITIONS**

**§175-2.1** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

**AO Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

**AH Zone-** Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

**Appeal** — A request for a review of the Township Manager's interpretation of any provision of this ordinance or a request for a variance.

**Area of Shallow Flooding** — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

**Area of Special Flood Hazard** — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

**Base Flood** — A flood having a one percent chance of being equaled or exceeded in any given year.

**Base Flood Elevation (BFE)** — The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

**Basement** — Any area of the building having its floor subgrade (below ground level) on all sides.

**Breakaway Wall** — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

**Development** — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

**Digital Flood Insurance Rate Map (DFIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Elevated Building** — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

**Existing Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

**Flood or Flooding** — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

**Flood Insurance Rate Map (FIRM)** — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

**Flood Insurance Study (FIS)** — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

**Floodplain Management Regulations** — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

**Floodproofing** — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

**Floodway** — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

**Freeboard** — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

**Highest Adjacent Grade** — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

**Historic Structure** — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
  - (1) By an approved State program as determined by the Secretary of the Interior; or
  - (2) Directly by the Secretary of the Interior in States without approved programs.

**Lowest Floor** — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

**Manufactured Home** — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

**Manufactured Home Park or Manufactured Home Subdivision** — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

**New Construction** — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

**New Manufactured Home Park or Subdivision** — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

**Recreational Vehicle** — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

**Start of Construction** — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

**Structure** — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

**Substantial Damage** — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

**Substantial Improvement** — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures

which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

**Variance** — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

**Violation** — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

### **SECTION 3.0 GENERAL PROVISIONS**

#### **§175-3.1 LANDS TO WHICH THIS ORDINANCE APPLIES**

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Willingboro, Burlington County, New Jersey.

#### **§175-3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD**

The areas of special flood hazard for the Township of Willingboro, Community No. 340119 are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Burlington County, New Jersey (All Jurisdictions)" dated DECEMBER 21, 2017.
- b) "Flood Insurance Rate Map for Burlington County, New Jersey (All Jurisdictions)" as shown on Index and panels 34005C0116F,0117F,0118F,0119F,0136F,0138F, 0232F,0251F, whose effective date is DECEMBER 21, 2017.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at Willingboro Municipal Complex, 1 Rev. Dr. Martin Luther King, Jr. Drive, Willingboro, New Jersey.

#### **§175-3.3 PENALTIES FOR NONCOMPLIANCE**

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements

(including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than [\$2,000.00] or imprisoned for not more than [30] days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Willingboro, from taking such other lawful action as is necessary to prevent or remedy any violation.

#### **§175-3.4 ABROGATION AND GREATER RESTRICTIONS**

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **§175-3.5 INTERPRETATION**

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

#### **§175-3.6 WARNING AND DISCLAIMER OF LIABILITY**

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Willingboro, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

### **SECTION §175-4.0**

#### **ADMINISTRATION**

##### **§175-4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT**

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section §175-3.2. Application for a Development Permit shall be made on forms furnished by the Township Manager, Construction Official or his designee, and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been floodproofed.
- c) Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in section §175-5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

#### **§175-4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR**

The Township Manager, his designee or Construction official is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

#### **§175-4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR**

Duties of the Township Manager, his designee or Construction official shall include, but not be limited to:

##### **§175-4.3-1 PERMIT REVIEW**

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of §175-5.3 a) are met.

##### **§175-4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA**

When base flood elevation and floodway data has not been provided in accordance with section §175-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Township Manager, his designee or Construction official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections §175-5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and §175-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

##### **§175-4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED**

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved floodproofed structures:
  - i. verify and record the actual elevation (in relation to mean sea level); and
  - ii. maintain the floodproofing certifications required in §175-4.1 c).
- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

**§175-4.3-4 ALTERATION OF WATERCOURSES**

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

**§175-4.3-5 SUBSTANTIAL DAMAGE REVIEW**

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections §175-5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, §175-5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and §175-5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

**§175-4.3-6 INTERPRETATION OF FIRM BOUNDARIES**

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 175-4.4.

**§175-4.4 VARIANCE PROCEDURE**

**§175-4.4-1 APPEAL BOARD**

- a) The Planning Board of the Township of Willingboro as established by Township of Willingboro Council shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Planning Board shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Township Manager, his designee or Construction official in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Planning Board, or any taxpayer, may appeal such decision to the Superior Court of New Jersey, as provided by law.
- d) In passing upon such applications, the Planning Board, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
  - i. the danger that materials may be swept onto other lands to the injury of others;

- ii. the danger to life and property due to flooding or erosion damage;
  - iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
  - iv. the importance of the services provided by the proposed facility to the community;
  - v. the necessity to the facility of a waterfront location, where applicable;
  - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
  - vii. the compatibility of the proposed use with existing and anticipated development;
  - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
  - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
  - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
  - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 175-4.4-1 (d) and the purposes of this ordinance, the Planning Board may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Township Manager, his designee or Construction official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

#### **§175-4.4-2 CONDITIONS FOR VARIANCES**

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 175-4.4-1(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
  - i. A showing of good and sufficient cause;
  - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
  - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in section 175-4.4-1 (d), or conflict with existing local laws or ordinances.
- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

**SECTION §175-5.0**

**PROVISIONS FOR FLOOD HAZARD REDUCTION**

**§175-5.1 GENERAL STANDARDS**

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

**§175-5.1-1 ANCHORING**

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

**§175-5.1-2 CONSTRUCTION MATERIALS AND METHODS**

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

**§175-5.1-3 UTILITIES**

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

#### **§175-5.1-4 SUBDIVISION PROPOSALS**

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;
- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

#### **§175-5.1-5 ENCLOSURE OPENINGS**

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

#### **§175-5.2 SPECIFIC STANDARDS**

In all areas of special flood hazards where base flood elevation data have been provided as set forth in §175-3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in §4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

##### **§175-5.2-1 RESIDENTIAL CONSTRUCTION**

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive ;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the

- c) lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

#### **§175-5.2-2 NONRESIDENTIAL CONSTRUCTION**

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 175-4.3-3 b) ii.

#### **§175-5.2-3 MANUFACTURED HOMES**

- a) Manufactured homes shall be anchored in accordance with section 175-5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
  - i. Be consistent with the need to minimize flood damage,
  - ii. Be constructed to minimize flood damage,
  - iii. Have adequate drainage provided to reduce exposure to flood damage,
  - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
  - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

**§175-5.3 FLOODWAYS**

Located within areas of special flood hazard established in section 175-3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 175-5.3 a) is satisfied, all new construction and substantial improvements must comply with section 175-5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION §175-6.0**

**SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION §175-7.0**

**ENACTMENT**

**§175-7.01 ADOPTION**

This Ordinance shall be effective on *(effective date)* and shall remain in force until modified, amended or rescinded by *Township Council of the Township of Willingboro, Burlington County, New Jersey.*

ENACTED AND ADOPTED by the Township Council of the Township of Willingboro this [ ] day of October, 2017.

On motion by Councilman Anderson

Seconded by Councilwoman Jennings

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

**Motion carried. Ordinance 2017-12 approved –First Reading**

**ORDINANCE2017-13 (FIRST READING)**

ORDINANCE OF THE TOWNSHIP OF WILLINGBORO, IN THE COUNTY OF BURLINGTON, NEW JERSEY PROVIDING FOR THE CANCELIZATION OF UNFUNDED & FUNDED APPROPRIATION BALANCES UNDER CERTAIN BOND ORDINANCES PREVIOUSLY ADOPTED BY THE TOWNSHIP OF WILLINGBORO FOR VARIOUS CAPITAL IMPROVEMENT PROJECTS IN THE TOTAL AMOUNT OF \$34,061.29

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

BE IT ORDAINED BY THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WILLINGBORO, IN THE COUNTY OF BURLINGTON,  
NEW JERSEY (not less than Two-thirds of all members thereof affirmatively  
concurring) AS FOLLOWS:

Section 1. Pursuant to N.J.S.A. 40A:2-39 , it is hereby determined that  
certain debt authorizations in the aggregate amount of \$153.78 provided for in the  
various ordinances listed below are no longer needed for the purposes referenced  
therein. The Township of Willingboro, in the County of Burlington, New Jersey  
(the "Township") desires, therefore, to cancel the following debt authorizations:

<b>Ordinance Number</b>	<b>Improvement Description and Date of Adoption</b>	<b>Amount to be Cancelled</b>
2008-7(d)	Office of Aging--Vehicle; Library, Human Services, Clerk, Tech & Admin Equipment, Software and Furniture; Police Dept.--Police and Various Equipment and Motor Cycles; Fire Dept/Emer Squad/Emer Management--Acq. Vehicles & Various Equipment; Public Works Dept--Vehicles and Other Equipment; Recreation Dept.-- Acquisition of Various Equipment, Streets and Roads-- Road, Sidewalks and Storm Water/Drainage Improvement  Adopted 10/28/2008	\$153.78

Section 2. Pursuant to N.J.S.A. 40A:2-39, it is hereby determined that certain funded authorizations in the aggregate amount of \$33,907.51 provided for in the various ordinances listed below are no longer needed for the purposes referenced. The funded improvement balances are to be cancelled to Capital Surplus. The Township of Willingboro, in the County of Burlington, New Jersey (the "Township") desires, therefore, to cancel the following funded appropriations:

<b>Ordinance Number</b>	<b>Improvement Description and Date of Adoption</b>	<b>Amount to be Cancelled</b>
2007-11(e)	Public Works Department- Acquisition of Vehicle, Other Equip. and Parking Lot Improvements  Adopted 7/3/2007	\$454.34
2008-7(e)	Public Works Dept.- Acquisition Of Vehicles & Equipment  Adopted 10/28/2008	\$5.84
2010-1(b)	Police Department - Acquisition of Various Equipment  Adopted 3/10/2010	\$638.59
2010-1(d)	Public Works Department - Acquisition of Vehicles and Signs for Parks and Paving of  the Department of Public Works Yard  Adopted 3/10/2010	\$12,483.82
2010-1(e)	Recreation Department - Acquisition of Various Equipment  Adopted 3/10/2010	\$17,200.00
2014-1	Acquisition of Recycling Buckets, Public Works Trucks & Equipment, Replacement of Roof on Municipal Building & Renovation of Various Municipal Buildings  Adopted 2/18/2014	\$2,823.31
2016-9	Acquisition of a Backhoe  Adopted 7/5/2016	\$301.61

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

Certified as a true copy of Ordinance 2017-13 adopted by the Willingboro

Council on this 8<sup>th</sup> day of November, 2017.

On motion by Councilwoman Perrone

Seconded by Councilwoman Jennings

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

**Motion carried. Ordinance 2017-13 approved –First Reading**

**RESOLUTIONS**

**RESOLUTION NO. 2017-157**

**Authorizing the Approval of Vouchers for Payment & Ratification**

Whereas, Willingboro Township Council received the October 2017, Bill List and had an opportunity to review said Bill List; and

Now, Therefore, Be It Resolved by the Township Council of the Township of Willingboro, assembled in public session this 8th day of November, 2017 that the Council hereby authorizes the Approval of Vouchers for Payment and Ratification including those items purchased under state contract and identified as such and all Trust Other Accounts (Recreation Trust, Tax Redemption, Escrow, and Dedicated by Rider Accounts).

Be It Further Resolved that a copy of this resolution shall be forwarded to the Director of Finance for her information and attention.

On motion by Deputy Mayor Nock

Seconded by Councilwoman Perrone

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

**Motion carried. Resolution 2017—157 Approved**

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**RESOLUTION NO. 2017--158**

**A RESOLUTION AUTHORIZING REFUNDS FOR  
OVERPAYMENTS OF TAXES**

WHEREAS, the records of the Tax Collector of the Township of Willingboro indicate overpayments of taxes due and overpayments; and

WHEREAS, refunds are due for these overpayments as listed on the attached schedule and made a part hereto;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session this 8th day of November, 2017, that refunds be made as per the attached schedule; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to the Finance Director for information, attention and compliance.

**OVERPAYMENT FOR TAXES**

<b>EMMETT PHILLIPS</b>	<b>\$1,178.38</b>
<b>36 CRESTVIEW DRIVE</b>	
<b>WILLINGBORO, NJ 08046</b>	
<b>BLOCK 412</b>	
<b>LOT 40</b>	
<b>36 CRESTVIEW DRIVE</b>	
<b>OVERPAYMENT TAXES</b>	

On motion by Councilwoman Jennings

Seconded by Councilwoman Perrone

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

**Motion carried. Resolution 2017—158 Approved**

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

RESOLUTION NO. 2017-159

**RESOLUTION AUTHORIZING THE APPOINTMENT OF AN  
ADMINISTRATIVE AGENT FOR THE FAIR SHARE PLAN  
ADMINISTRATION OF AFFORDABLE HOUSING UNITS**

**WHEREAS**, the planning Board of the Township of Willingboro adopted a Housing Element and Fair Share Plan, endorsed by the Township Council on December 23, 2008;

**WHEREAS**, under authorization of the New Jersey Fair Housing Act (N.J.S.A. 52:27D-301, *et seq.*, hereinafter the "Act") the Township of Willingboro has implemented a program to provide affordable housing units to low- and moderate-income households desiring to live within the Township; and

**WHEREAS**, at Title 5, Chapter 80, Subchapter 26 of the New Jersey Administrative Code, the State has promulgated affordability controls in regulations designed to implement the Act, by assuring that low- and moderate-income units that are created under the Act are occupied by low- and moderate-income households for an appropriate period of time (the "Rules"); and

**WHEREAS**, N.J.A.C. 5:80-26.14 provides that affordability controls may be administered by an administrative agent acting on behalf of a municipality; and

**WHEREAS**, the Township executed a Redevelopment Agreement with Willingboro Associates, LLC, which also required that the Township appoint an Administrative Agent for the units in the Township's affordable housing program upon the request of the developer; and

**WHEREAS**, the Township Clerk publicly advertised a request for proposals (RFP) February 2, 2017, for an Administrative Agent for Fair Share Plan Administration of Affordable Housing Units; and

**WHEREAS**, the responses to the request for proposals were due on February 24, 2017; and

**WHEREAS**, there was only one response received, from Triad Associates which was nonetheless a qualified and responsible response to the RFP.

**WHEREAS**, the Township Council reviewed the response and by motion on March 7, 2017, selected Triad Associates to be the Administrative Agent for the purposes of providing affordability control services for all affordable housing units within the Township of Willingboro.

**WHEREAS**, it is the Council's intention to enter into a contract with Triad Associates based upon their response to the RFP, and to authorize the Mayor to enter into the contract for these services.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Willingboro, assembled in public session this 8th day of November 2017, on behalf of the Council that Triad Associates is appointed to be the Administrative Agent for the Township; and

**BE IT FURTHER RESOLVED**, that the Mayor is authorized to execute a contract with Triad Associates for this purpose, subject to the review and approval of the legal department; and

**BE IT FURTHER RESOLVED**, that a certified copy of this Resolution shall be forwarded to Triad Associates; to Jeffrey R. Surenian, Esquire and Associates; and to the Department of Community Affairs for their information and attention.

**Discussion**

Cristal Holmes-Bowie, Esq.: This actually, administrative agent, TRIAD, actually was appointed by motion by Council back in March, but there was no resolution. Resolution needed to be done in order to enter into a contact with them; so, that's what this is doing.

Deputy Mayor Nock: I thought we were totally done and out of the housing issue based on... we are not?

Cristal Holmes-Bowie, Esq: It's on-going, in fact our new plan will take us for another 10 years. So, it is affordable housing issue continued.

Deputy Mayor Nock: I thought we were. I thought that the lawsuit became part of it and we were excused by the Supreme Court or something.

Cristal Holmes-Bowie, Esq: So, the superior court; there is a plan that is in placed that we are responsible for so many units, and we have, I believe a ten year period to fulfill that plan, and this administrative agent is supposed to assist in administrating it. For example: making sure that they are properly advertised. They have certain responsibilities that they will have to do, and each municipality is required by the State to have an Administrative Agent as well.

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

- Deputy Mayor Nock: And, the lawyer cannot be the administrative...
- Cristal-Holmes-Bowie, Esq.: No.
- Councilwoman Perrone: Is there a requirement for a salary? Is something we have to pay for?
- Cristal-Holmes-Bowie, Esq.: I don't think that the State dictates the salary. I know that in the past we have entered into a contract and if I am not mistaken, I believe they were paid by the developer, because most of their work was involving the Weiss Development, because that's where most of our new affordable units were or are actually. At this time I don't want to quote the exact number, but we are not responsible for additional numbers. We have been fortunate that we have the same obligation, but that obligation is continuing and it is required to be fulfilled over the next ten years.
- Councilwoman Perrone: So, everything remains the same for the next 10 years. Would there be anything that cost the township that we need to be aware of?
- Cristal Holmes-Bowie, Esq.: Yes, if there is new development then the township may have an obligation associated with that. There is a trust fund that if there is new development; a certain portion is put into that fund to help [pay for some of the affordable housing. There are a lot of different components to it. This organization is one of the few that arte knowledgeable about this process. They were recommended by attorneys that represent us in the Affordable Housing cases as well.
- Councilwoman Perrone: Thank you.
- Deputy Mayor Nock: To continue on that for a second, so, part of that lawsuit that came out of... and we asked questions about the land behind Alpha Church that was an issue for so much affordable housing and the rest...I really thought we were done with that; and so, is that still in place?

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

**RESOLUTION NO. 2017 --160**

**AUTHORIZING**

**AN EXECUTIVE SESSION OF THE TOWNSHIP COUNCIL**

**WHEREAS**, the New Jersey Open Public Meetings Act, N.J.S.A. 10:4-6 et seq., permits a public body to exclude the public from portions of a meeting at which specific matters set forth in N.J.S.A. 10:4-12b are discussed; and

**WHEREAS**, a request has been made of the Township Council assembled in public session on this 8th day of November, 2017 to convene a closed Executive session consistent with the provisions of N.J.S.A. 10:4-12b; and

**NOW, THEREFORE**, upon motion duly made and seconded and passed by a vote of in favor and opposed, **BE IT RESOLVED** by the Township Council of the Township of Willingboro, County of Burlington, State of New Jersey that an Executive Session of the Township Council meeting shall be convened to discuss one or more of the following categories as noted:

- \_\_\_\_\_ 1. Any matter which, by express provision of federal law, state statute or rule of court is rendered confidential or excluded from the public portion of the meeting.
- \_\_\_\_\_ 2. Any matter in which the release of information would impair the right to receive funds from the United States Government.
- \_\_\_\_\_ 3. Any material the disclosure of which constitutes and unwarranted invasion of privacy as set forth in N.J.S.A. 10:4-12b(3).
- \_\_\_\_\_ 4. Any Collective Bargaining Agreement or the terms and conditions which are proposed for inclusion in any Collective Bargaining Agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees.
- \_\_\_\_\_ 5. Any matter involving the purchase, lease or acquisition of real estate with public funds, the setting of banking rates or investment of public funds where it could adversely affect the public interest if discussions of such matters were disclosed.
- \_\_\_\_\_ 6. Any tactics and techniques utilized in protecting the safety and property of the public and any investigations of violations or possible violations of law.
- XX\_\_\_\_\_ 7. Any pending or anticipated litigation or contract negotiations in which Township Council is or may become a party.

- \_\_\_\_\_ 8. Any matters falling within the attorney/client privilege to the extent that confidentiality is required for the attorney to exercise his/her ethical duties as a lawyer.
- XXX\_\_9. Any matter involving the employment, appointment, termination of employment, terms and conditions of employment and other categories set forth in N.J.S.A. 10:4-12b(8).
- \_\_\_\_\_ 10. Any deliberations occurring after a public hearing that may result in the imposition of specific civil penalty or the suspension or loss of a license or permit as set forth in N.J.S.A. 10:9-12b(9).

**BE IT FURTHER RESOLVED** that the general nature of the subject to be discussed relates to:  
Professional Services Contracts -- Personnel

**BE IT FURTHER RESOLVED** that the time when and the circumstances under which the discussion conducted in closed session will be disclosed to the public, in accordance with N.J.S.A. 10:4-14, and to the extent that it is not inconsistent with N.J.S.A. 10:4-12.

Cristal Holmes-Bowie, Esq.:                      So, the executive session items were mentioned by the manager. There are at least three contract issues including the one that Mr. Bibbs has mentioned; Big D Marina is one of them as well as with regards to some of the professional services agreement with the attorneys.

On motion by Councilwoman Jennings

Seconded by Deputy Mayor Nock

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes.

**Motion carried. Resolution 2017—160 Approved**

Willingboro Township Council Meeting of November 8, 2017 was held in Council's Chambers,  
One Rev. Dr. M.L. King, Jr. Drive, Willingboro, NJ 08046

**APPROVAL OF MINUTES**

August 1, 2017, September 5, 2017, September 25, 2017 and October 3, 2017

**Discussion**

Deputy Mayor Nock:                    Just want to say that when approving this we are also approving the  
executive session at the same time.

On motion by Councilwoman Jennings

Seconded by Deputy Mayor Nock

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes

**Motion carried. Minutes approved**

**TREASURER REPORT APPROVAL**

On motion by Councilwoman Jennings

Seconded by Deputy Mayor Nock

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes

**Motion carried. Treasurer approved**

**Public Comment 11/8/17**

- Mayor Holley: At this time it is now time for public comment. If you have a comment, please approach the microphone and give your name and address before speaking. You have a total of four minutes per person for public comment.
- Jacqueline Mack: Jacqueline Mack, Maplewood Lane. You mentioned the Big "D" Marina, I am wondering, can you talk about that at all and give us an idea of what might be coming? That's all. Thank you.
- Cristal Holmes-Bowie: Actually Ms. Mack, we are still in negotiations so we can't discuss it. Not at this time.
- Mayor Holley: Any other public comments? That's a first. Alright. Hearing none, seeing none, we'll move forward to Council Comments.

**Council Comment:**

- Councilwoman Perrone: Good evening Willingboro. I just want to say thank you all for coming out this evening as well as those who voted for me. I am very excited about this term and I look forward to your visits to the council meetings letting me know your concerns and/or your suggestions as well as my email is made available on the website. I am available via phone as well, so please feel free to utilize all sources of contact and I look forward to serving you as a Councilwoman. Thank you.
- Councilwoman Jennings: Yes, I'd like to congratulate Ms. Perrone and the other folks who were elected into terms yesterday. Congratulations. I don't have much to say tonight. Mayor Holley and myself went to a ribbon cutting ceremony on Saturday over at the automotive place on JFK. Is it called John's? I can't remember.
- Mayor Holley: J&J Automotive.
- Councilwoman Jennings: J&J Automotive. And I don't know if many of you have been riding by, but it is just so neat. It is a pleasure to go over there and the ribbon cutting ceremony was very nice. They had games and activities for the children and they had hot dogs and they had old cars that were there. Some of the classics were absolutely beautiful, and so I am glad that we were able to participate in that on Saturday. And then Saturday morning...I also want to urge

people to use him because we like to keep our businesses in town and he is a new business and he is very friendly, his partner was there. But Saturday evening I went to celebrate the 70<sup>th</sup> birthday of Reverend Gordon Parks over at our own JFK and the center was beautiful. He used a smaller venue than usual, so it wasn't the big room, but it was really very intimate and really very, very nice. And so, I, up until Saturday I thought that he was older than me, but I found out I am older than him. But it was very nice also, so I just wanted to congratulate him. We did do a proclamation on behalf of the Mayor, so that was a lovely event also. Thank you for coming out.

Councilman Anderson:

I just want to echo the sentiments of my council colleagues. It is good to see everyone out there this evening. I just want to thank everyone who supported me yesterday, and for those of you who did not, it gives me another four years to be able to earn your respect and your confidence moving forward. I would also like to acknowledge our very own Troy Singleton who made history by becoming the first African American State Senator in the Legislative District #7. Thank you.

Deputy Mayor Nock:

First of all, I want to say good evening and secondly I'd like to also congratulate Councilman Anderson and Councilwoman Perrone for their victory yesterday. The second thing is, I had a visit. We are having some streets paved and the engineering firm called me and asked would I like to see this particular machinery in action. I went to see it. It is interesting, it is very interesting device to pummel the street and then recycle it. It looks like sand, but after interjection of some liquid stuff or something, it becomes as hard as a rock and made rock a man-made rock and it is just nice to be able to just turn that over. I was very, very impressed with that process. I wish we could do every street in the town to redo it. And I appreciate your calling me to ask me to come and look at it. Number two, some of you don't know but I'm the Vice Chair of the Democratic Party. We had an extremely great victory last night. Some of you don't know I chair the interviewing process for the candidates for freeholder. There were four and we picked two. And before, as part of that process I extracted from them a commitment to rebuild that bridge; and both of them say they will support it. They plan to support it, and that was part of the interviewing and one of the questions and one of the candidates hedged on that and I said forget it. You know, pretty much – the

team – it was a team of people. But we might get that done if we can get another freeholder on board next year and there are two up next year. So I'm really excited about that prospect because seniors, especially I just hear from the seniors, really do not want to go on Route 295 because once they come off the next exit, it is really difficult to move those four lanes and they have problems. So for those of you that are not aware, the county has almost a three hundred million dollar budget and we need our fair share here. We definitely do. Willingboro makes and breaks every single race in this county, and that's what I feel that we as a people here in this Township should be concentrating on. We do not get our fair share. That little piece or stretch from the McDonalds to through Route 295 was almost in passing, ran into the County engineer at recovery and said why don't you do something for this town, that street is in horrible shape. He said I think I can do that. I said well it shouldn't be I think I can do that, it should be on your list to do. So now we have other roads in counties here and maybe we'll get an opportunity to do some of those other roads that are all county related here. But I need to send him a thank you for at least that part that he has done even though it hasn't been striped coming into Willingboro. I think it hasn't been striped going out of Willingboro. But we have some serious issues around the county roads and everybody thinks that we are responsible for it. So by having two freeholders on that board with the possibility of having probably a majority next year in the race, I think it would only bring wonders to Willingboro. So just encourage your people to vote next year as we begin to look at that. Thank you.

Mayor Holley:

Good evening, thank you everyone for coming out tonight. First and foremost I want to congratulate Councilman Anderson and Councilwoman Perrone on their victory. I look forward to continuing to work with you guys for the next few years. A few things that I had an opportunity as Councilwoman Jennings stated, there was a ribbon cutting ceremony at J&J Automotive. They cleaned up the lot there beautifully and had a nice ceremony to open it up, so if anyone has any car repairs needed, please stop by and see them. Also Saturday morning I had the opportunity to do a little community service with a group of young men through a fraternity I am involved with Kappa Alpha Psi Fraternity Incorporated; and we did a rake and run and we targeted some

houses in Willingboro whose lawns weren't raked and we just went over and raked them. We raked the leaves to the curb and just left a donation slip in the doorway. This program, we take the young men from the elementary all the way through high school, we take them on college tours have mentoring sessions and things of that nature with them. So I did receive some feedback from people via social media so if anyone knows any young men in our community that are interested in getting involved, please reach out to me, email me and I will make sure we get them signed up. We have one of my fraternity brothers Carl Turner here who was with us when we took on that initiative Saturday morning. People often make comments about things like what are we doing for the youth in the community and there is a lot great things that are taking place and we just got to make sure that we get the word out and get our youth involved. Also on Monday evening, Mr. Brevogel already alluded to it, I did have an opportunity myself, Deputy Mayor Nock, Director Cyrus, had a chance to sit down with the board of directors for the Panther Football League and had a joint meeting last month and there was a lot of concerns about the shape that the field was in and some of those concerns; so we were able to sit down with them and come up with a plan moving forward short term and hopefully long term. So I believe everybody left that meeting feeling good about what the future held for the youth football program here. I'm a former Panther myself so that is something extremely important to me. And once again I would just like to thank everyone for coming out and see you at our next meeting. Thank you.

Councilwoman Jennings: I have one more comment. I failed to congratulate Councilman Anderson. I was looking in this direction, so I just want to go on record. I'm so used to him sitting here next to me. So I just wanted to go on record to say congratulations.

Mayor Holley: So there is a possibility that we may be taking a vote coming out of executive session for anyone who wants to stick around this evening.

Executive Session began at 7:30PM  
Executive Session ended at 9:15PM

Motion to return to public session was done by Councilwoman Jennings and seconded by Councilwoman Perrone. All in favor and none opposed

As discussed in executive session, motion to amend not to exceed amount for the Firm of Michael Armstrong & Assoc. LLC.

On motion by Councilman Anderson  
Seconded by Councilwoman Jennings

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	Yes
	Mayor Holley	Yes

Motion carried.

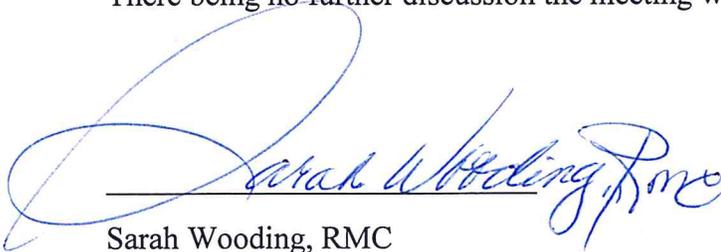
As discussed in executive session, motion to amend not to exceed amount for the Firm of Long, Marmero & Assoc. LLP.

On motion by Councilwoman Jennings  
Seconded by Councilman Anderson

Roll Call:	Councilman Anderson	Yes
	Councilwoman Jennings	Yes
	Councilwoman Perrone	Yes
	Deputy Mayor Nock	No
	Mayor Holley	Yes

Motion carried.

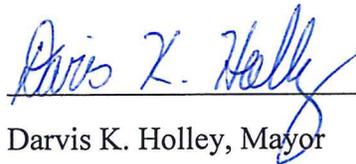
There being no further discussion the meeting was adjourned at 9:20PM



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Sarah Wooding, RMC

Clerk



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Darvis K. Holley, Mayor