

## ATTENTION

Attached is the Township Council packet. This packet is posted online as a courtesy to the public.

Please take note that packets are generally posted the Monday prior to the Tuesday meeting. If there are any changes, additions or deletions made between the time of the packet posting and the meeting, same may not be reflected within this packet.

Subsequent to the packet posting, should you require additional information or a copy of a public document that is the subject of the meeting that was not available at the time of the packet posting, but is available prior to the meeting, you may contact the Township Clerk's Office via email at [swooding@willingboronj.gov](mailto:swooding@willingboronj.gov) or by calling 609-877-2200 Extension 1028.

Subsequent to the Council meeting, you may request documents by filing an Open Public Records Act (OPRA) request. You may obtain an OPRA form by going to the Township's website, [www.willingboronj.gov](http://www.willingboronj.gov), and typing OPRA in the search engine. Once you complete the online form and click SUBMIT, your request is automatically forwarded to the Township Clerk for response (within seven (7) business days).

Thank you,

**Sarah Wooding**

Sarah Wooding, RMC  
Township Clerk

**WILLINGBORO TOWNSHIP COUNCIL  
SPECIAL METING  
AGENDA  
September 3, 2019**

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

MANAGER'S REPORT

PUBLIC COMMENT (FOR AGENDA ITEMS)

ORDINANCE

**ORDINANCE 2019—4 (TABLED AT 6/18/19--7/2/19 MTG.-8/6/19 MTG.)**  
AN ORDINANCE SUPPLEMENTING AND AMENDING CHAPTER 150 OF THE  
TOWNSHIP CODE OF THE TOWNSHIP OF WILLINGBORO ENTITLED "FEES" TO  
ALLOW FOR THE COLLECTION OF A FEE FOR THE MAYOR TO SOLEMNIZE  
MARRIAGE OF CIVIL UNIONS TO BE KNOWN AS CHAPTER 150 SECTIONS 17

**RESOLUTIONS**

Res. 2019—129      RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP  
OF WILLINGBORO AUTHORIZING THE MAYOR AND TOWNSHIP  
CLERK TO RE-EXECUTE A DECLARATION OF COVENANTS,  
CONDITIONS AND RESTRICTIONS WITH WILLINGBORO  
ASSOCIATES, LLC, FOR THE MAJOR-RE-SUBDIVISION OF  
BLOCK 5.01, LOTS 13.02, 13.04, OF THE CURRENT TAX MAP OF  
THE TOWNSHIP OF WILLINGBORO  
**(TABLED FROM JULY 2, 2019 MEETING and AUGUST  
6, 2019)**

Res. 2019—155      RESOLUTION AUTHORIZING THE APPROVAL OF  
VOUCHERS FOR PAYMENT & RATIFICATION

Res. 2019--156      RESOLUTION AUTHORIZING REFUNDS FOR  
OVERPAYMENTS OF TAXES

9/3/19 Mtg.

Res. 2019—157 RESOLUTION OF THE TOWNSHIP OF WILLINGBORO  
AWARDING A BID FOR MUNICIPAL COMPLEX  
CONCRETE IMPROVEMENTS (RE-ADVERTISEMENT)

Res. 2019—158 RESOLUTION OF THE TOWNSHIP COUNCIL OF THE  
TOWNSHIP OF WILLINGBORO AUTHORIZING  
SETTLEMENT IN WAYNE BROWNE, JR. AND OMAR  
WILSON VS. TOWNSHIP OF WILLINGBORO, ET. AL.,  
DOCKET NO. BUR-L-2523-17

Res. 2019—159 RESOLUTION IN SUPPORT OF THE NEW JERSEY STATE  
LEAGUE OF MUNICIPALITIES' PETITION FOR  
RULEMAKING TO AMEND THE UNIFORM  
CONSTRUCTION CODE

Res. 2019—160 EXECUTIVE SESSION (IF NEEDED)

**TREASURER REPORT—APPROVE AND ADOPT**

**NEW BUSINESS:**

Public comment  
Council comment  
Adjournment

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

Resolution No. 2019-129

*Tabled by  
7/2/19  
Retabled  
at 8/6/19  
mtg*

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO RE-EXECUTE A DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS WITH WILLINGBORO ASSOCIATES, LLC. FOR THE MAJOR-RE-SUBDIVISION OF BLOCK 5.01, LOTS 13.02, 13.03 AND 13.04, OF THE CURRENT TAX MAP OF THE TOWNSHIP OF WILLINGBORO**

**WHEREAS**, on August 7, 2009, pursuant to Resolutions 2008-176 and 2009-108, the Township of Willingboro entered into a Redevelopment Agreement with Willingboro Associates, LLC to appoint it Redeveloper of the area known as Block 5.01, Lots 5 and 13 on the Willingboro Tax Map; and

**WHEREAS**, Willingboro Associates, LLC, is the owner of that certain real property designated as Block 5.01 Lots 13.02, 13.03, 13.04, 13.05, 13.06 and 13.07 on the approved Subdivision Plan subject to inclusion on the official tax map for the Township of Willingboro, Burlington County, New Jersey (the "Property and

**WHEREAS**, by Resolution 11-2008, the Planning Board of the Township of Willingboro granted Willingboro Associates, LLC approval of a Major Subdivision of Block 5.01, Lots 5 & 13, as follows: 1. "Proposed Lot 13" for residential development with frontage 900 ft. on US 130 Highway North and 2. a commercial lot "Proposed Lot 13.01" with frontage of 839.53 feet along U.S. Highway 130 and 349.97 feet of frontage along the southerly side of Pennypacker Drive; and

**WHEREAS**, pursuant to that certain Resolution of Memorialization dated January 12, 2009 in the matter entitled "Major Subdivision and Site Plan Application, Block 5.01, Lots 5 & 13, Rt. 130 & Pennypacker Drive and Rockland Drive" referencing Application No. 5-2008 (the "Resolutions") the Planning Board for the Township of Willingboro required that certain easements and restrictions encumber the Property; and

**WHEREAS**, by Resolution 4-2009, the Planning Board of the Township of Willingboro granted Willingboro Associates, LLC approval of subdivision of the "Proposed Lot 13" into three (3) residential lots: 1. Proposed Lot 13.02 ; Proposed Lot 13.03; Proposed Lot 13.04;

**WHEREAS**, the Willingboro Associates, LLC executed a Declaration of Covenants, Conditions and Restrictions dated August 7, 2009; and

**WHEREAS**, by Resolution 5-2010, the Planning Board of the Township of Willingboro has further granted Willingboro Associates, LLC approval of a major Re-Subdivision for the three lot residential development into six (6) lots as follows: Lot

13.02 to be subdivided into two new lots: Proposed Lot 13.02; Proposed Lot 13.05; Lot 13.03 to be subdivided into two new lots 13.03; 13.06 and Lot 13.04 to be subdivided into two new lots: Proposed Lot 13.04 and Proposed Lot 13.07; and

**WHEREAS**, no change was proposed with regard to the commercial lot 13.01.

**WHEREAS**, pursuant to that certain Resolution of Memorialization dated March 8, 2010 in the matter entitled “Major Re – Subdivision for Willingboro Associates LLC Block 5.01 Lots 13.02, 13.03 and 13.04 Rt. 130 N. at Pennypacker Dr.” referencing Application No. 2 – 2010 (the “Resolutions”) the Planning Board for the Township of Willingboro required the Re – Execution of the aforementioned Declaration of Covenants, Conditions and Restrictions amended to reflect creation of the six (6) lots in lieu of three (3) lots; and

**WHEREAS**, by Resolution 2010-97 the Township Council of the Township of Willingboro, the Mayor and Clerk, were authorized to execute a Declaration of Covenants, Conditions and Restrictions, pursuant to that certain Resolution of memorialization of March 8, 2010, Planning Board Resolution 5-2010, in the matter of “Major Re-Subdivision for Willingboro Associates, LLC, Block 5.01, Lots 13.02, 13.03, 13.04, Rte 130 N. at Pennypacker Drive” reflecting the creation of the six lots in lieu of three lots by and between the Township of Willingboro and Willingboro Associates, LLC”), commonly referred to as the Avery (the “Property”) by Willingboro Associates, LLC, f/k/a, Atlantic Delta Corp., at Montgomery, Inc., a New Jersey Corporation, trading as “Weiss Properties,” (hereinafter “Weiss”); and

**WHEREAS**, the Declaration of Covenants, Conditions and Restrictions was made and executed by the parties on or about July 29, 2010 authorized by Resolution 2010-97 was not recorded timely;

**WHEREAS**, in order to satisfy the conditions set forth in the Resolutions, the Township Council does hereby intend to authorize the Re-execution of the aforementioned Declaration of Covenants, Conditions and Restrictions so that it may be timely recorded.

**NOW THEREFORE BE IT RESOLVED THAT** on this 2<sup>nd</sup> day of July in open public session the Township Council of the Township of Willingboro does hereby authorize the Mayor and Clerk to re-execute the aforementioned Declaration of Covenants, Conditions and Restrictions.

**BE IT FURTHER RESOLVED THAT** a copy of this Resolution will be provided to Weiss, and to Jeffrey R. Surenian, Esquire.

Attest:

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Sarah Wooding, RMC, Clerk

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Martin Nock, Mayor

## RESOLUTION NO. 2019- 155

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

Whereas, Willingboro Township Council received the August 2019, 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 3rd day of September, 2019 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.

Attest:

\_\_\_\_\_  
Martin Nock  
Mayor

\_\_\_\_\_  
Sarah Wooding, RMC  
Township Clerk

Council Votes	Motion	2 <sup>nd</sup>	Ayes	Nays	Abstain	Absent
Councilman Anderson						
Councilman Holley						
Councilwoman Jennings						
Deputy Mayor Perrone						
Mayor Nock						

**RESOLUTION NO. 2019-- 156**  
**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 3rd day of September, 2019, 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.

\_\_\_\_\_  
Martin Nock  
Mayor

Attest:

\_\_\_\_\_  
Sarah Wooding, RMC  
Township Clerk

<b>Recorded Vote</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Councilman Anderson	_____	_____	_____	_____
Councilman Holley	_____	_____	_____	_____
Councilwoman Jennings	_____	_____	_____	_____
Deputy Mayor Perrone	_____	_____	_____	_____
Mayor Nock	_____	_____	_____	_____

## OVERPAYMENT FOR TAXES

MARVIN COLEMAN 26 MARBORO LANE WILLINGBORO, NJ 08046 BLOCK 536 LOT 9 26 MARBORO LANE OVERPAYMENT TAXES	\$5.00
FIRST NATIONAL LAND TRANSFER, INC. 701 W. BROAD STREET BETHLEHEM, PA 18018 BLOCK 833 LOT 45 8 EATON LANE OVERPAYMENT TAXES	\$1,716.28
JAKE RYAN PROPERTIES 2 E. SCOTT STREET SUITE 200 RIVERSIDE, NJ 08075 BLOCK 535 LOT 27 24 MEDALLION LANE OVERPAYMENT TAXES	\$1,175.18
PNC 3232 NEWARK DRIVE MIAMISBURG, OH 45342 BLOCK 225 LOT 21 31 BRUNSWICK LANE	\$687.09



RESOLUTION NO. 2019 – \_\_\_\_\_157

**A RESOLUTION OF THE TOWNSHIP OF WILLINGBORO AWARDING A BID FOR MUNICIPAL COMPLEX CONCRETE IMPROVEMENTS (RE-ADVERTISEMENT)**

**WHEREAS**, on August 12, 2019 , the Township Council of the Township of Willingboro Re-advertised its request that bids be submitted for Municipal Complex Concrete (Re-advertisement) in the Township of Willingboro; and

**WHEREAS**, the Municipal Complex Concrete Improvements at the Township's Municipal complex consists of the various concrete repairs in the following areas: the Municipal Complex front entrance ADA ramps and stair way; Municipal court entrance stairway and the Police Department entrance stairway, as described in the Township Engineer's letter of August 27, 2019 to the Township Manager.

**WHEREAS**, on August 23, 2019, the bids were received, opened, and read in public; and

**WHEREAS**, the sole bid was received from Quinn Construction, Inc., of 1017 4<sup>th</sup> Avenue, Suite 100, Essington, PA 19029.

**WHEREAS**, the Local Public Contracts Law, N.J.S.A. 40A:11-1, et seq., mandates that the Township award the contract to the lowest responsible bidder; and

**WHEREAS**, Township's Engineer reviewed the proposal submitted by the vendor, tabulated the bid received, and found it to be responsive and responsible; and

**WHEREAS**, the Township's Engineer recommends the Township accept the proposal of Quinn Construction, Inc., of 1017 4<sup>th</sup> Avenue, Suite 100, Essington, PA 19029, with the bid of \$73,390.00; and

**WHEREAS**, upon its consideration and review of the bids and recommendations, the Township Council has determined that it is in the best interest of the Township to accept the bid of Quinn Construction, Inc., of 1017 4<sup>th</sup> Avenue, Suite 100, Essington, PA 19029, whose proposal was determined to be responsive at the cost of \$73,390.00 for the Municipal Complex Concrete Improvements (Re-advertisement).

**WHEREAS**, the award of this bid is contingent upon the availability of funds for this purpose, and as indicated by the attached Chief Financial Officer's Certification.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Willingboro, assembled in public session this 3rd day of September, 2019, hereby accepts the bid of the Quinn Construction, Inc., of 1017 4<sup>th</sup> Avenue, Suite 100, Essington, PA 19029, with a bid of \$73,390.00 for the Municipal Complex Concrete Improvements.

**BE IT FURTHER RESOLVED**, that the bid shall be spread upon the minutes of this meeting.

**BE IT FURTHER RESOLVED THAT** a copy of this resolution shall be provided to the Township Finance Director, Township Engineer, and Quinn Construction, Inc.

Attest:

\_\_\_\_\_  
Martin Nock, Mayor

\_\_\_\_\_  
Sarah Wooding, RMC, Township Clerk

<b>Recorded Vote</b>	<b>Yes</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>
Mayor Martin Nock				
Deputy Mayor Rebecca Perrone				
Councilman Nat Anderson				
Councilman Darvis Holley				
Councilwoman Jacqueline Jennings				

RESOLUTION NO. 2019-158

**A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF WILLINGBORO AUTHORIZING SETTLEMENT IN WAYNE BROWNE, JR. AND OMAR WILSON VS. TOWNSHIP OF WILLINGBORO, ET AL., DOCKET NO. BUR-L-2523-17.**

**WHEREAS**, Wayne Browne, Jr. And Omar Wilson instituted civil litigation, pending in the Superior Court of New Jersey, Law Division, Burlington County, against the Township of Willingboro, Richard Brevogel, and Andrew Caruso, captioned as, Wayne Browne, Jr. and Omar Wilson vs. Township Of Willingboro, et al., Docket No. BUR-L-2523-17, hereinafter “the Litigation”; and

**WHEREAS**, counsel for the respective parties have negotiated a Settlement Agreement and Release, hereinafter “the Agreement,” resolving the outstanding issues in the Litigation between the parties; and

**WHEREAS**, without admitting any fault or liability, and to avoid complicated, costly and protracted proceedings, the parties have mutually agreed to resolve and avoid further litigation, pursuant to the Agreement attached hereto; and

**WHEREAS**, the terms set forth in the Agreement attached authorizes a contribution towards the settlement of the Litigation, which will resolve existing claims as to all parties; and

**WHEREAS**, the Township Council of the Township of Willingboro has determined that it is in the best interest of the Township of Willingboro to accept the terms of the Agreement; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Willingboro, on this 3rd day of September , 2019, the Township Council of the Township of Willingboro hereby accepts the Agreement and authorizes the Mayor to execute the Agreement on behalf of the Township; and

**BE IT FURTHER RESOLVED**, that certified copies of this Resolution shall be provided to all parties to the matter for their information and attention.

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Martin Nock, Mayor  
Township of Willingboro

Attest:

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Sarah Wooding, RMC, Clerk

RESOLUTION 2019-- 159

**Resolution in Support of the New Jersey State League of Municipalities' Petition for Rulemaking to Amend the Uniform Construction Code**

**WHEREAS**, the State of New Jersey has adopted a Uniform Construction Code (“UCC”) with the purpose to provide for uniform construction standards to insure healthy, safe, and sanitary construction but also less expensive construction for the citizens of the State; and

**WHEREAS**, the Department of Community Affairs (“DCA”) has been granted authority to amend or alter provisions of the UCC to insure the intent and purposes of the UCC continue to be fulfilled; and

**WHEREAS**, municipal construction officials act as the enforcing agency tasked with administering and enforcing all provisions of UCC for construction within municipal boundaries; and

**WHEREAS**, permits and inspections form the foundation for the safe building environment; and

**WHEREAS**, the DCA made amendments to N.J.A.C. 5:23-1.4, 2.7, 2.14, & 2.17A, commonly referred to as the “Minor Work” and “Ordinary Maintenance” provisions of the UCC that took effect on March 5, 2018, which undermine the UCC’s intent and purpose; and

**WHEREAS**, unless these amendments are retracted or further remedial amendments are made to the UCC, the health, safety, and welfare of the citizens of the State will be jeopardized and residents could see overall construction expenses increase if work is not properly performed; and

**WHEREAS**, the New Jersey State League of Municipalities along with New Jersey’s six professional code official associations has filed a petition for rulemaking with the DCA requesting necessary and appropriate amendments be made to ensure the intent and purpose of the UCC is reinforced and preserved.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Council of the Township of Willingboro, assembled in public session this 3<sup>rd</sup> day of September, 2019, that Willingboro Township supports the rulemaking petition submitted by the League and the six professional code official associations and requests that the DCA work to expeditiously adopt the measures offered by the petition; and

**BE IT FURTHER RESOLVED**, that copies of this Resolution be forwarded to the Governor and Lieutenant Governor of New Jersey, the Commissioner of the New Jersey Department of Community Affairs, Division of Codes and Standards, and the New Jersey State League of Municipalities.

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Sarah Wooding, RMC

Township Clerk

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Martin Nock, Mayor

RESOLUTION NO. 2019-- 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 3rd day of September, 2019 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.
- \_\_\_\_\_ 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.

- \_\_\_\_\_ 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: Litigation

**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.

\_\_\_\_\_  
Martin Nock, Mayor

Attest:

\_\_\_\_\_  
Sarah Wooding, RMC  
Township Clerk