

RESOLUTION NO. 40 - 1997

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A.10:4-12.

WHEREAS, The Township Council of the Township of Willingboro is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et. seq.: and

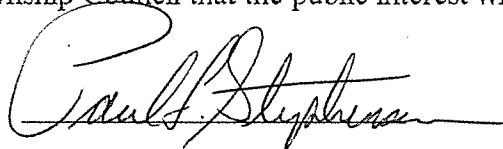
WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution; and

WHEREAS, it is necessary for the Township Council of the Township of Willingboro to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (7) Matters relating to Litigation, Negotiations and: the Attorney-Client Privilege: Any pending or anticipated litigation or contract negotiation in which the public body is, or may become a party. Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.
- (8) Matters Relating to the Employment Relationship: Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance of promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all the individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting.

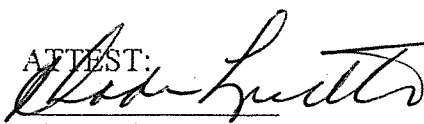
NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session on March 4, 1997, that an Executive Session closed to the public shall be held on March 4, 1997, at 7:55 p.m. in the Willingboro Township Municipal Complex, One Salem Road Willingboro, New Jersey, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon determination of the Township Council that the public interest will no longer be served by such confidentiality.



MAYOR

ATTEST:



Rhoda Lichtenstadter, RMC
Township Clerk

TOWNSHIP OF WILLINGBORO

Resolution No. 1997-41_____

A Resolution of the Township Council of the Township of Willingboro Authorizing a Tax Exemption and Agreement for Payments In Lieu of Taxes for the Project Known as Willingboro Senior Housing In Accordance With the Provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983

WHEREAS, Willingboro Senior Housing, L.L.P. (hereinafter referred to as the “applicant”) proposes to construct a housing project known as Willingboro Senior Housing (hereinafter referred to as the “development” or the “housing”) pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended [N.J.S.A. 55:14K-1 et seq.] [hereinafter referred to as the “HMFA Law”] within the Township of Willingboro, County of Burlington and State of New Jersey, hereinafter sometimes referred to as the (“Township”) on a site identified as Block 2, Lot 7.04 on the Tax Map of the Township of Willingboro, and more particularly described in accordance with the Site Plan on file with the Township Clerk of the Township of Willingboro, which plan was prepared by David V. Denton, P.E. and which is dated January 17, 1996, and which was granted preliminary conditional site plan approval as memorialized in Resolution No. 4-1996, adopted by the Planning Board on March 11, 1996, and

WHEREAS, the proposed development will be subject to the Rules and Regulations of both the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as “NJHMFA”); and

WHEREAS, pursuant to the provisions of the HMFA Law, the Township Council of the Township of Willingboro hereby certifies that there is a need for this low and moderate income housing project in the Township; and

WHEREAS, the Sponsor has presented to the Township Council a financial statement dated APRIL 11, 1996, a copy of which is attached hereto and made a part hereof as Exhibit A, covering the cost of the land and improvements and the operation of the Development as estimated by the Sponsor and NJHMFA which reasonably assures the successful

completion and operation of the Development,

Now, therefore, BE IT RESOLVED, by the Township Council of the Township of Willingboro, assembled in public session on March 4, 1997, that:

(a) The proposed development will meet or meets an existing housing need, specifically being rental units for senior citizens with low and moderate incomes, which does not presently exist within the Township of Willingboro,

(b) The proposed development conforms to the requirements of all applicable ordinances of this Township,

(c) The development of the Project is hereby approved; and

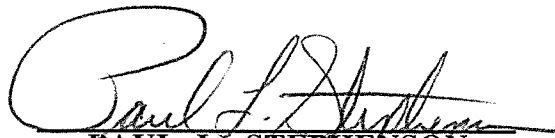
BE IT FURTHER RESOLVED, that the Township Council hereby makes the determinations and findings herein contained by virtue of, pursuant to and in conformity with the provisions of the HMFA Law with the intent and purpose that the NJHMFA shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Development; and

BE IT FURTHER RESOLVED, that the Township Council does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the NJHMFA mortgage, the proposed Development will be exempt from real property taxation as provided in *N.J.S.A. 55:14K-1*, et seq., and that in lieu of taxes, the Sponsor shall make to the Township payment of an annual service charge for municipal services in such amount as is set forth in the Agreement between the Township and the Applicant, attached hereto as Exhibit B. The exemption is being made with the understanding that the land taxes shall continue to be assessed but that payment thereof shall be credited toward the annual service charge, and

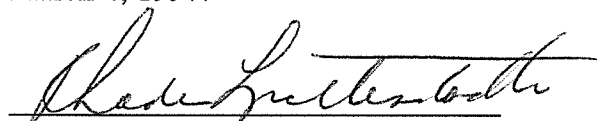
BE IT FURTHER RESOLVED, that the Mayor and Clerk are authorized and directed to execute, on behalf of the Township the Agreement for Payments in Lieu of Taxes, a copy of which is attached hereto; and

BE IT FURTHER RESOLVED, that the Township Council understands and agrees

that the amounts set forth in Exhibit A are estimates only and agrees that the sponsor may, upon NJHMFA approval, make reasonable changes in the construction, maintenance and operation of the development to ensure compliance with financial and statutory requirements of NJHMFA, which will necessitate reasonable changes in the amounts set forth n Exhibit A..


PAUL L. STEPHENSON
Mayor

I HEREBY CERTIFY, that the foregoing is a true copy of a resolution adopted by the Township Council at the Township of Willingboro, New Jersey at a public meeting held on March 4, 1997.


Rhoda Lichtenstadter, RMC
Township Clerk

AGREEMENT FOR PAYMENT IN LIEU OF TAXES

between

WILLINGBORO SENIOR HOUSING, L.L.P.

and the

TOWNSHIP OF WILLINGBORO

THIS AGREEMENT, made this **4th day of March , 1997**, between Willingboro Senior Housing, L.L.P., a limited liability partnership of the State of New Jersey, having its principal office at 19 West Cuthbert Boulevard, Collingswood, NJ (hereinafter the "Sponsor") and the Township of Willingboro, a municipal corporation in the County of Burlington, and State of New Jersey (hereinafter the "Township").

WITNESSETH

In consideration of the mutual covenants herein contained and for other good and valuable consideration, it is mutually covenanted and agreed as follows:

1. This Agreement is made pursuant to the authority contained in Section 37 of the New Jersey Housing and Mortgage Finance Agency Law of 1983 (*N.J. S.A.55:14K-1 et seq.*) (hereinafter "HMFA Law") and a Resolution of the Township Council of the Township of Willingboro adopted on March 4, 1997, and with the approval of the New Jersey Housing and Mortgage Finance Agency (hereinafter the "NJHMFA"), as required by *N.J.S.A.55:14K-37*.
2. The Township recognizes and approves the Sponsor as the owner and operator of the development to be known as Willingboro Senior Housing (hereinafter the "Project") as previously approved by the Township Council in the Resolution dated April 11, 1996.
3. In accordance with the provisions of *N.J.S.A. 55:14K-37*, the Township is authorized to grant a tax exemption to a project which meets or will meet an existing housing need in the Township, provided that the Township makes the determination by means of a resolution

and that in lieu of taxes the housing sponsor (as that term is defined in *N.J.S.A. 55:14K-3*), owning the project pays to the Township an annual service charge for municipal services.

4. It is expressly understood and agreed that the Township enters into this Agreement in reliance upon the data set forth in the financial plan attached hereto as Exhibit "A" and which was submitted to the Township in support of the request for this Agreement, and upon the supervision over the Sponsor vested by statute in the NJHMFA. The Township recognizes, however, that the Sponsor may have to make reasonable changes in the construction, maintenance and operation of the Project which may be required by the NJHMFA and/or the New Jersey Department of Community Affairs and/or in the U.S. Department of Housing and Urban Development, to insure compliance with all applicable statutory and regulatory requirements, and further to comply with the covenants made to prospective bond holders of the New Jersey Housing and Mortgage Finance Agency, provided, however, that the reasonable changes shall not modify any obligations to the Township under this Agreement.

5. The lands upon which the development is to be undertaken are described as follows: Block 2, Lot 7.04, as shown on the Tax Map of the Township of Willingboro.

6. The payment in lieu of taxes established by *N.J.S.A. 55:14K-37* shall be effective as of the date the Sponsor executes a first mortgage upon the Development in favor of the NJHMFA and shall not extend beyond the date on which the NJHMFA Mortgage is paid in full or the expiration of thirty (30) years, whichever shall first occur.

7. (a) The Sponsor shall make payment to the Township of an annual service charge in lieu of taxes in the amount and manner as follows:

- (1) From the date of the execution of the NJHMFA Mortgage until the date of substantial completion of the Development, no real property taxes shall be due or payable. As used herein "Substantial Completion" means the date upon which the Construction Official issues a Certificate of Occupancy or Temporary Certificate of Occupancy for ninety percent (90%) of all of the units in the Project.
- (2) From the date of Substantial Completion of the Project and for the remaining term of the NJHMFA Mortgage, the Sponsor shall make payment to the Township in an amount equal to
 - (i) 4.360 percent of the Annual Gross Revenues of the Project as defined and determined in the manner set forth Exhibit "A" annexed hereto or

- (ii) the Minimum Tax Payment which shall be fixed at Twenty-two Thousand (\$22,000.00) dollars.

As used herein "Annual Gross Revenues" means the total annual gross rental or carrying charge or other income of the Sponsor from the Project less the costs of utilities furnished by the Project, which shall include the costs of gas, electricity, heating fuel, water supplied, and sewage charges, if any. Annual Gross Revenues shall not include the operating Loan funds provided to the Development by the New Jersey Urban Multi-Family Production Program of the Department of Community Affairs. ("JUMPP" Program) or any rental subsidy contributions received from any federal or state program.

- (b) Payments by the Sponsor shall be made on a quarterly basis in accordance with bills issued by the Tax Collector of the Township in the same manner and on the same dates as real estate taxes are paid to the Township and shall be based upon Annual Gross Revenues of the previous quarter. No later than three (3) months following the end of the first fiscal year of operation after the date of Substantial Completion and each year thereafter that this Agreement remains in effect, the Sponsor shall submit to the Township a certified, audited financial statement of the operation of the Project, setting forth the Annual Gross Revenues of the Project and the total service charge due to the Township if (i) calculated at 0.60 percent of the Annual Gross Revenues as set forth in the Audit (the "Audit Amount"), as determined in h manner set forth in Exhibit "A" annexed hereto or (ii) based on the Minimum Tax Payment, which amount is set forth in Exhibit "A". The Sponsor simultaneously shall pay the difference, if any, between (i) the greater of the Audit Amount or the Minimum Tax Payment and (ii) payments paid by the Sponsor to the Township for the preceding fiscal year. The Township may accept any such payment without prejudice to its right to challenge the amount due. In the event that the payment amount for any fiscal year shall exceed the greater of the Audit Amount or the Minimum Tax Payment for the fiscal year, the Township shall credit the amount of the excess to the account of the Sponsor.
- (c) All payments pursuant to this Agreement shall be in lieu of taxes and the Township shall have all the rights and remedies of tax enforcement granted to Municipalities by law just as if the payments constituted regular tax obligations on real property within the Township. If, however, the Township disputes the total amount of the annual service charge due it. based upon the Sponsor's Annual Audit, it may apply to the Superior Court, Chancery Division for an accounting of the service charge due the Township, in accordance with this Agreement and HMFA Law. Any such action must be commenced within one year of the receipt of the Sponsor's audit by the Township.
- (d) In the event of any delinquency in the aforesaid payments, the Township shall give notice to the Sponsor and NJHMFA in the manner set forth in 11(a) below, prior to any legal action being taken.

8. The tax exemption provided herein shall apply only so long as the Sponsor or its successors and assigns and the Project remain subject to the provisions of the HMFA Law and the Regulations made thereunder and the supervision of the NJHMFA, but in no event longer than the term of the NJHMFA Mortgage.

9. The tax exemption provided herein shall apply only so long as all of the units within the project, excluding only the unit reserved for the resident manager, shall qualify for credits against the low and moderate income housing obligation of the Township of Willingboro as determined by the Council on Affordable Housing of the State of New Jersey. It shall be the obligation of the sponsor to provide the Township with verification that the units have so qualified.

10. Upon any termination of the tax exemption, whether by affirmative action of the Sponsor, its successors and assigns, or by virtue of the provisions of HMFA Law, or any other applicable state law, or by determination that the units no longer qualify for credit against the low and moderate income housing obligation of the Township of Willingboro as determined by the Council on Affordable Housing of the State of New Jersey, the Project shall be taxed as omitted property in accordance with the law.

11. The Sponsor, its successors and assigns shall, upon request, permit inspection of property, equipment, buildings and other facilities of the Project and also documents and papers by representatives duly authorized by the Township. Any such inspection, examination, or audit shall be made during reasonable hours of the business day, in the presence of an officer of the general partner or agent of the Sponsor or its successors and assigns.

12. Any notice or communication sent by either party to the other hereunder shall be sent by certified mail, return receipt requested, addressed as follows:

- (a) When sent by the Township to the Sponsor, it shall be addressed to Willingboro Senior Housing, L.L.P., at 19 West Cuthbert Boulevard, Collingswood, NJ 08108 or to such other address as the Sponsor may hereinafter designate in writing and a copy of the notice or communication by the Township to the Sponsor shall be sent by the Township to the New Jersey Housing and Mortgage Finance Agency at 3625 Quakerbridge Road, CN 18550, Trenton, NJ 08650-2085.
- (b) When sent by the Sponsor to the Township, it shall be addressed to the Treasurer/Chief Financial Officer, Municipal Complex, One Salem Road, Willingboro New Jersey 08046. or to such other address as the Township may designate in writing; and a copy of the notice or communication by the Sponsor to the Township shall be sent by the Sponsor to the New Jersey Housing and Mortgage Finance Agency at 3625 Quakerbridge Road, CN 18550, Trenton, New Jersey 08650-2085.

13. It is agreed and understood that subject to the terms and provisions of paragraph 8 and 9 above, the Sponsor agrees that it will not sell or transfer the Project together with the

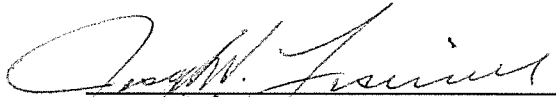
improvements to be located thereon, to any corporation, association or entity, unless the corporation, association or entity qualifies under the HMFA Law or any other applicable state law at the time of the transfer, and that all of the units within the project, excluding only the unit reserved for the resident manager, shall qualify for credits against the low and moderate income housing obligation of the Township of Willingboro as determined by the Council on Affordable Housing of the State of New Jersey, without first obtaining the prior written consent of the Township and the NJHMFA, provided, however, that any transfer or syndication of partnership interests in the Sponsor shall not be deemed to constitute a sale or transfer of the Project.

14. In the event of a breach of this Agreement by either of the parties hereto or a dispute arising between the parties in reference to the terms and provisions as set forth herein, either party may apply to the Superior Court, Chancery Division, to settle and resolve the dispute in such fashion as will tend to accomplish the purposes of the HMFA Law.

15. Notwithstanding anything to the contrary in Paragraph 7 or elsewhere in this Agreement, land taxes shall continue to be assessed against the real property but payment thereof shall be credited toward each quarterly payment of the annual service charge.


IN WITNESS WHEREOF, the parties have caused these presents to be executed the day and year first above written.

Willingboro Senior Housing, L.L.P.



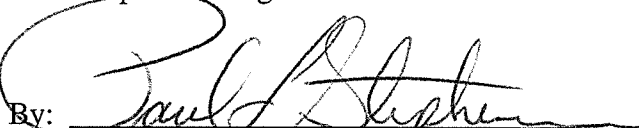
Joseph W. Lisiewski
Managing Partner

ATTEST



Rhoda Lichtenstadter, R.M.C.
Township Clerk

Township of Willingboro

By: 

Paul L. Stephenson
Mayor

EXHIBIT "A"
 FINANCIAL ESTIMATE
 RELATING TO ANNUAL SERVICE CHARGES
 OF

With regard to a housing development to be constructed, known as **Willingboro Senior Housing**, to be located on Block 2, Lot 7.04, in the Township of Willingboro, County of Burlington and State of New Jersey.

Dated: April 11, 1996

Estimated Rent Payable by Tenants	\$	618,000.00
Estimated Other Income (Including Parking, Commercial, etc. but excluding JUMPP funds and rental subsidies)	\$	0.00
Less estimated costs of water & sewer utilities	\$	115,000.00
Subtotal:	\$	503,000.00
Estimated Annual Gross Revenue	\$	503,000.00
Municipal Service Charge of 4.36 0% of Annual Gross Revenues	\$	21,629.00
Minimum Tax Payment	\$	22,000.00
Total Number of Units:		One Hundred Four [104]
Estimated Total Development Cost:	\$	9,650,042.00
Estimated Mortgage Amount:	\$	2,062,328.36

RESOLUTION NO. 1997 - 42

A RESOLUTION REQUESTING APPROVAL OF
DIRECTOR OF DIVISION OF LOCAL GOVT. SERV.
FOR "DEDICATION BY RIDER".

WHEREAS, N.J.S.A. 40A:4-39 provides that the Director of Local Government Services may, at the request of the governing body of any municipality, approve the appropriation of certain dedicated revenues for specific purposes, and


WHEREAS, N.J.S.A. 40A:5-29 provides that any municipality may accept bequests, legacies and gifts made to it and utilize such funds for the purpose of such bequest, legacies and gifts; and

WHEREAS, the Township of Willingboro does annually hold parades and festivals for which fund raising activities are held to defray the costs thereof; and

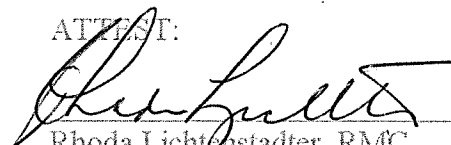
WHEREAS, it is the desire of the governing body to authorize the expenditure of those funds together with any funds for such purpose appropriated in the annual budget of the Township of Willingboro and transferred to the escrow fund created by this resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Willingboro, County of Burlington assembled in public session this 18th day of March, 1997, hereby requests the approval of the Division of Local government Services to appropriate moneys received in trust for Willingboro Parades and Festivals for payment of expenditures related thereto.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services for her approval immediately after passage.


PAUL L. STEPHENSON
MAYOR

ATTEST:


Rhoda Lichtnstadter, RMC
Township Clerk

RESOLUTION NO. 1997 - 42

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WHEREAS, N.J.S.A. 40A:5-29 provides that any municipality may accept bequests, legacies and gifts made to it and utilize such funds for the purpose of such bequest, legacies and gifts; and

WHEREAS, the Township of Willingboro does annually hold parades and festivals for which fund raising activities are held to defray the costs thereof; and

WHEREAS, it is the desire of the governing body to authorize the expenditure of those funds together with any funds for such purpose appropriated in the annual budget of the Township of Willingboro and transferred to the escrow fund created by this resolution.

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 APPOINTED DESIGNEE DATE

PAUL L.
MAYOR

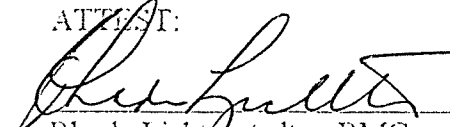
APPROVAL of NJSA 40A:4-39 RESOLUTION

Rider Parades - Festivals + 40A:5-29

DEPARTMENT OF COMMUNITY AFFAIRS
Division of Local Government Services
Beth Gates, Director

By Christine M. Zupinski 4-9-97

ATTEST:


Rhoda Lichtstadter, RMC
Township Clerk

CERTIFIED A TRUE COPY OF RESOLUTION ADOPTED

BY WILLINGBORO TWP. COUNCIL ON March 18, 1997


TOWNSHIP CLERK



TOWNSHIP OF WILLINGBORO

MUNICIPAL COMPLEX ONE SALEM ROAD
WILLINGBORO, NEW JERSEY 08046
(609) 877-2200 FAX (609) 835-0782

COUNCIL MEMBERS

James E. Ayer
Doreatha D. Campbell
Lavonne B. Johnson
Jeffrey E. Ramsey
Paul L. Stephenson

TOWNSHIP MANAGER
Norton N. Bonaparte, Jr.

March 19, 1997

Commissioner Jane M. Kenny
Department of Community Affairs
101 S. Broad Street
CN 800
Trenton, New Jersey 08625-0800

Dear Commissioner Kenny:

Enclosed please find two (2) certified copies of Resolution No. 1997 - 42 adopted by Willingboro Township Council at their meeting of March 18, 1997 requesting approval for a dedication by rider.

If you have any questions, please let me know.

Sincerely,

Rhoda Lichtenstadter, RMC
Township Clerk

rl

Encs.

*To
Council
for Approval*

WILLINGBORO TOWNSHIP
INTEROFFICE MEMO

DATE: March 12, 1997
TO: MR. BONAPARTE
FROM: JOANNE G. DIGGS *JGD*
SUBJECT: ITEM FOR COUNCIL

Attached is the Resolution for to request approval of a "Dedicated by Rider" to allow us to set up a trust account to accept donations for Parades and Festivals and spend those donations along with the fund appropriated by council for that purpose.

If Council supports this resolution and it is approved by Local Government Services we will have a method to use donations for the parades to pay the expenses of the parades. Currently any donations that we receive are taken in as revenue and go back to fund balance.

c. Rhoda Lichtenstadter
C. Rhoda Lichtenstadter

**RESOLUTION REQUESTING APPROVAL OF
DIRECTOR OF DIVISION OF LOCAL GOVERNMENT SERVICES
FOR "DEDICATION BY RIDER" APPROVAL FOR**

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WHEREAS, N.J.S.A. 40A:5-29 provides that any municipality may accept bequests, legacies and gifts made to it and utilize such funds for the purpose of such bequest, legacies and gifts, and

WHEREAS, the Township of Willingboro does annually hold Parades and Festivals for which fund raising activities are held to defray the costs thereof, and

Whereas, it is the desire of the governing body to authorize the expenditure of those funds together with any funds for such purpose appropriated in the annual budget of the Township of Willingboro and transferred to the escrow fund created by this resolution,

NOW, THEREFORE BE IT RESOLVED that in accordance with N.J.S.A. 40A:4-39 the Township Council of the Township of Willingboro, County of Burlington hereby requests the approval of the Division of Local Government Services to appropriate moneys received in trust for Willingboro for payment of expenditures related thereto. Parades + Festivals.

BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services for her approval immediately after passage.

**RESOLUTION REQUESTING APPROVAL OF
DIRECTOR OF DIVISION OF LOCAL GOVERNMENT SERVICES
FOR "DEDICATION BY RIDER" APPROVAL FOR**

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BE IT FURTHER RESOLVED, that two certified copies of this resolution be forwarded to the Director of the Division of Local Government Services for her approval immediately after passage.

WILLINGBORO TOWNSHIP

INTEROFFICE MEMO

DATE: March 12, 1997
TO: MR. BONAPARTE
FROM: JOANNE G. DIGGS 
SUBJECT: ITEM FOR COUNCIL

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