

**TOWNSHIP OF EDGEWATER PARK
MINUTES -SEPTEMBER 19, 2017**

The Mayor called the meeting to order at 7:03 PM.

FLAG SALUTE

OPEN PUBLIC MEETINGS ACT STATEMENT

ROLL CALL

Township Committee Present: Mr. Azunnah Amutah, Mr. William Belgard, Mr. Michael Trainor, Mayor Lauren Kremper

Also Present: Mrs. Colleen Treusch, Municipal Clerk; Ms. Fallon Burress, Deputy Clerk; Mr. Gene DiFilippo, Chief of Police/Acting Administrator; Mr. Bernard, Superintendent of Public Works; Mr. Salvatore Siciliano, Siciliano & Associates, Township Solicitor; Ms. M. Lou Garty, The Garty Law firm, Labor Attorney (Closed); Ms. Mary Beth Lonergan, Clark canton Hintz, Affordable Housing Planner (Closed)

DISCUSSION(S)/PRESENTATION(S)/AUTHORIZATION(S)/CONSIDERATION(S):

Discussion: Per N.J.S.A. 40A: 16-1 Et. Seq., Appointment of Vacancy to fill the remainder of the 2017 year of the unexpired term of John McElwee until certification of results of the Special Election held with the General Election; Committeeman McElwee passed away on August 21, 2017.

Discussion: The following names were submitted by the Democratic Party on 08/30/2017 and presented to Township Committee on 09/05/2017:

1. Kevin Johnson
2. Judy Hall
3. Dennis Robbins

Motion to appoint **Kevin Johnson**.

Moved by: Mr. Trainor

Second: Mr. Amutah

Additional Discussion: None

Roll Call: Mr. Amutah – yes, Mr. Belgard – yes, Mr. Trainor – yes, Mayor Kremper - yes

OATH OF OFFICE TO NEWLY - APPOINTED OFFICIALS

Mrs. Treusch reported that Township Committee voted to appoint **Kevin Johnson** to fill the remainder of 2017 of the unexpired term of John McElwee until certification of the results of the Special Election held with the General Election; whose term expires December 31, 2018. The special election will be held on Election Day to fill the remaining 1 year of the term for 2018 and the candidate chosen at the special election may be sworn in immediately upon certification of said election results.

Assemblyman Herb Conaway administered the Oath of Office to **Kevin Johnson**. Will

Congratulations were expressed to Committeeman Johnson.

TOWNSHIP COMMITTEE

RECALL ROLL: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

FUNCTION APPLICATIONS:

Authorization to Approve Function Applications/Permits/Licenses/Raffles by consent agenda; if any items on the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mr. Belgard

Second: Mayor Kremper

Discussion: None

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes, but abstain from 2017-7, 2017-8 and 2017-9

Raffles:

Affirmation of Raffle License No.: 2017-6; Women's Club of Edgewater Park, 400 Delanco Road 50/50 Raffle at Weimann Building 400 Delanco Road, Edgewater Park, NJ, 10/2/17, 11/6/17, 12/4/17, 1/9/18, 2/5/18, 3/5/18, 4/9/18, 5/14/18 and 6/4/18 from 7:00 pm -10:00 pm, non-profit organization filed; A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Raffle License No. 2017-7, Edgewater Park PTO, 405 Cherrix Ave, 50/50 Raffle at 300 Delanco Road, Edgewater Park, NJ 10/20/17 from 7:00 pm -10:00 pm, non-profit organization filed; Request waiver Township fee, non-profit organization filed. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Raffle License No. 2017-8, Edgewater Park PTO, 405 Cherrix Ave, Merchandise Draw Raffle at 300 Delanco Road, Edgewater Park, NJ 10/20/17 from 7:00 pm -10:00 pm, non-profit organization filed; Request waiver Township fee, non-profit organization filed. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

Bingos:

Bingo License No. 2017-9, Edgewater Park PTO, 405 Cherrix Ave, Bingo at 300 Delanco Road, Edgewater Park, NJ 10/20/17 from 7:00 pm -10:00 pm, Legalized Games of Chance Control Commission Registration filed; non-profit organization filed. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application. A waiver of township fees is requested.

Public Functions: None

Charitable Clothing Bins Permit: None

Solicitors Permit:

Jim Dunphy, 3 Applewood Court, Hainesport, NJ Business Name and Address: Jim Dunphy's Landscaping, 4259 Rt. 130, Edgewater Park, NJ – Authorization to Sell Christmas Trees on Cramps Property (letter of permission from owner submitted) from November 28, 2017 thru December 24, 2017; fee submitted. A letter is on file from the Chief of Police advising that there is nothing in the background check that would preclude Committee from considering the permit application.

REPORTS

Report from the Acting Township Administrator - report appended to the minutes

Chief DiFilippo read his report for Committee. After discussing new main door security measures with Township Committee, Township Committee requested that similar security measures be looked inot for the Weimann Building.

Report from the Township Engineer - *report appended to the minutes*

Mr. Darji read his report for Committee.

Report from the Superintendent of Public Works - *report appended to the minutes*

Mr. Bernard summarized his report for committee. He added that having the new dump body on the older truck is like having a new truck.

Report from the Inspections Office - *report appended to the minutes*

Report from the Chief of Police - *report appended to the minutes*

Chief DiFilippo read his report for Committee.

Chief DiFilippo advised that he would be attending the Riverfront Chaplain Response Team (RCRT) kick-off on September 26 at 10:00 am. He advised of the program being a much needed added benefit to the community and can see utilizing the services in many situations.

Township Committee asked if there were any updates regarding the bicycle gang issues. Chief DiFilippo advised that several summons have been issued.

Report Acceptance

Moved by: Mayor Kremper

Second: Mr. Belgard

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

ORDINANCES:

ORDINANCE NO. 2017-2 (First Reading)

ORDINANCE OF THE TOWNSHIP OF EDGEWATER PARK, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ESTABLISHING AN ABANDONED PROPERTY LIST AND AUTHORIZING THE PUBLIC OFFICER TO DESIGNATE QUALIFIED REHABILITATION ENTITIES AND ADOPTING THE MUNICIPAL POWERS AUTHORIZED BY THE STATE OF NEW JERSEY'S ABANDONED PROPERTY AND REHABILITATION ACT, N.J.S.A. 55: 19-78 ET SEQ., AND RELATED STATUTORY PROVISIONS

WHEREAS, the Township of Edgewater Park contains a number of vacant buildings that have been abandoned by their owners, and that are in a state of disrepair and neglect; and

WHEREAS, these buildings, by virtue of their condition and their proximity to other buildings, are diminishing the value of neighboring properties and have a negative effect on the quality of life of adjacent residents and property owners, increasing the risk of property damage through arson and vandalism and discouraging neighborhood stability and revitalization; and

WHEREAS, many of these buildings, or the land on which they are situated, can be used for productive purposes, which will further the revitalization of the Township of Edgewater Park and improve its economic and social condition; and

WHEREAS, the Township of Edgewater Park strongly agrees with the State Legislature that, based upon the above, abandoned properties are presumptively considered to be nuisances, in view of their negative effects on nearby properties and the residents or users of those nearby properties; and

WHEREAS, the Township of Edgewater Park strongly agrees with the State Legislature that the continued presence of abandoned properties in the Township of Edgewater Park acts as a significant barrier to the Township's continued progressive development and revitalization; and

WHEREAS, the Township of Edgewater Park strongly agrees with the State Legislature that it is the responsibility of the property owner to maintain their property in sound condition and prevent it from becoming a nuisance; and

WHEREAS, the Township of Edgewater Park desires to use the powers granted local governments under the laws of the State of New Jersey to address the conditions created by these buildings, and further their reuse for productive purposes; and

WHEREAS, by creating an abandoned property list, as set forth in Section 36 of P.L. 1996, c.62 (C.55:19-55) as amended by Section 28 of P.L. 2003, c.210, the municipality will better be able to address the conditions created by these buildings, and further their reuse for productive purposes;

NOW, THEREFORE, BE IT ORDAINED:

- (1) The Public Officer to be designated by the Township Committee is hereby directed to identify abandoned properties within the municipality, place said properties on an abandoned property list established as provided in Section 36 of P.L. 1996, c.62 (N.J.S.A. 55:19-55), as amended by Section 28 of P.L. 2003, c.210, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.
- (2) The abandoned property list shall apply to the Township of Edgewater Park as a whole.
- (3) The Public Officer shall provide a report to the Mayor and Township Committee every six months, with respect to the number and location of properties on the abandoned property list, the status of those properties, and any actions taken by the municipality or by any qualified rehabilitation entity designated pursuant to the authority granted the public officer with respect to any property on the list or any other abandoned property within the Township of Edgewater Park.
- (4) This ordinance shall take effect immediately as provided by law.

ARTICLE I.

Section 1: Definitions

OWNER – Shall include the title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C46:10B-51 (P.L. 2008, c. 127, Sec 17 as amended by P.L. 2009, c.296), or any other entity determined by the Township of Edgewater Park to have authority to act with respect to the property.

Section 2: Registration Requirements.

Effective November 1, 2017, the owner of any vacant property as defined herein shall, within thirty (30) calendar days after the building becomes vacant property or within thirty (30) calendar days after assuming ownership of the vacant property, whichever is later; or within ten (10) calendar days of receipt of notice by the municipality, file a registration statement for such vacant property with the Property Maintenance Inspector on forms provided by the Township of Edgewater Park for such purposes. Failure to receive notice by the municipality shall not constitute grounds for failure to register the property.

- A. Each property having a separate block and lot number as designated in official records of the municipality shall be registered separately.
- B. The registration statement shall include the name, street address, telephone number and e-mail address (if applicable) of a person 21 years or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding on behalf of such owner or owners in connection with the enforcement of any applicable code; and the name, street address, telephone number and e-mail address (if applicable) of the firm and the actual name(s) of the firm's individual principal(s) responsible for maintaining the property. The individual or representative of the firm responsible for maintaining the property shall be available by telephone or in person on a 24 hour per day, seven-day per week basis. The two entities may be the same or different persons. Both entities shown on the statement must maintain offices in the State of New Jersey or reside within the State of New Jersey.
- C. The registration shall remain valid for one (1) year from the date of registration, except for the initial registration time, which shall be pro-rated through December 31. The owner shall be required to renew the registration annually as long as the building remains a vacant property and shall pay a registration or renewal fee in the amount prescribed in this Ordinance, for each vacant property registered.
- D. The annual renewal shall be completed by January 1st each year. The initial registration fee shall be pro-rated for registration statements received less than ten (10) months prior to that date.
- E. The owner shall notify the Township Clerk within thirty (30) calendar days of any change in the registration information by filing an amended registration statement on a form provided by the Township Clerk for such purpose.
- F. The registration statement shall be deemed prima facie proof of the statements herein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

Section 3: Access to Abandoned Properties.

The owner of any vacant property registered under this Article shall provide access to the Township to conduct exterior and interior inspections of the building to determine compliance with municipal codes, upon reasonable notice to the property owner or the designated agent. Such inspections shall be carried out on weekdays during the hours of 8:00am and 4:00pm, or such other time as may be mutually agreed upon between the owner and Township.

Section 4: Responsible Owner or Agent.

- A. An owner who meets the requirements of this Article with respect to the location of his or her residence or workplace in the State of New Jersey may designate him or herself as agent or as the individual responsible for maintaining the property.
- B. By designating an authorized agent under the provisions of this section, the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Township in writing of a change of authorized agent or until the owner files a new annual registration statement.
- C. Any owner who fails to register vacant property under the provisions of this Article shall further be deemed to consent to receive by posting on the building, in plain view, and by service of notice at the last known address of the owner of the property on record within the Township of Edgewater Park by regular and certified mail, any and all notices of code violations and all process in an administrative proceeding brought to enforce code provisions concerning the building.

Section 5: Fee Schedule.

- A. The initial registration fee for each building shall be \$500.00.
- B. The fee for the first renewal is \$1,000.00.
- C. The fee for a second renewal is \$2,000.00.
- D. The fee for any subsequent renewal beyond the second renewal is \$3,000.00.

Section 6: Requirements of Owners of Abandoned Property

The owner of any building that has become vacant property, and any person maintaining or operating or collecting rent for any such building that has become vacant, shall, within thirty (30) days thereof:

- A. Enclose and secure the building against unauthorized entry; and
- B. Affix a sign to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process and the person responsible for the day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than eight (8) inches by ten (10) inches; and
- C. Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete; and

- D. Ensure that the exterior grounds of the structure, including yards, fences, sidewalks, walkways, right-of-ways, alleys, retaining walls, attached or unattached accessory structures and driveways, are well maintained and free from trash, debris, loose litter and grass and weed growth; and
- E. Continue to maintain the structure in a secure and closed condition, keep the grounds in a clean and well-maintained condition, and ensure that the sign is visible and intact until the building is again occupied, demolished, or until repaired and/or rehabilitation of the building is complete.

Section 7: **Violations; Penalties.**

- A. Any person who violates any provision of this article shall, upon conviction in the Municipal Court of the Township of Edgewater Park, or such other court having jurisdiction, be liable to a fine not exceeding \$1,000, or imprisonment for a term not exceeding 90 days, or community service for a term not exceeding ninety (90) days, or all of the above. Each day that a violation occurs shall be deemed a separate and distinct violation, subject to the penalty provisions of this article.
- B. For purposes of this section, failure to file a registration statement within thirty (30) calendar days after a building becomes vacant or abandoned, or within thirty (30) calendar days after assuming ownership of a vacant or abandoned property, whichever is later, or within ten (10) calendar days of receipt of notice by the municipality, and failure to provide correct information on the registration statement, or failure to comply with the provisions contained herein shall be deemed to be violations of this Ordinance.

ARTICLE II.

Section 8: **Abandoned Property Criteria.**

- A. Except as provided in N.J.S.A. 55: 19-83, any property that has not been legally occupied for a period of six (6) months in the Township of Edgewater Park and which meets any one of the following additional criteria may be deemed to be abandoned property upon a determination by the Mayor that:
 - (1) The property is in need of rehabilitation in the reasonable judgment of the Mayor and no rehabilitation has taken place during that same six (6) month period; or
 - (2) Construction was initiated on the property and was discontinued prior to completion, leaving the building unsuitable for occupancy, and no construction has taken place for at least six (6) months as of the date of a determination by the Mayor pursuant to this section; or
 - (3) At least one installment of property tax remains unpaid and delinquent on that property as of the date of a determination by the Mayor pursuant to this section; or
 - (4) The property has been determined to be a nuisance by the Mayor in accordance with N.J.S.A. 55:19-82 or for one or more of the following reasons:

- (a) The property has been found to be unfit for human habitation, occupancy or use pursuant to N.J.S.A. 40:48-2.3;
 - (b) The condition and vacancy of the property materially increases the risk of fire to the property and adjacent properties;
 - (c) The property is subject to unauthorized entry leading to potential health and safety hazards; the owner has failed to take reasonable and necessary measures to secure the property; or the municipality has secured the property in order to prevent such hazards after the owner has failed to do so;
 - (d) The presence of vermin or the accumulation of debris, uncut vegetation or physical deterioration of the structure or grounds have created potential health and safety hazards and the owner has failed to take reasonable and necessary measures to remove the hazards; or
 - (e) The dilapidated appearance or other condition of the property materially affects the welfare, including the economic welfare, of the residents of the area in close proximity to the property, and the owner has failed to take reasonable and necessary measures to remedy the conditions.
- B. A property which contains both residential and non-residential space may be considered abandoned pursuant to N.J.S.A. 55:19-78 *et seq.* so long as two-thirds or more of the total net square footage of the building was previously legally occupied as residential space and none of the residential space has been legally occupied for at least six (6) months at the time of the determination of abandonment by the Mayor.

Section 9: Establishment of Abandoned Property List.

- A. The Mayor shall identify abandoned property within the Township of Edgewater Park for the purpose of establishing an Abandoned Property List. The Abandoned Property List shall include, for each abandoned property identified, the tax block and lot number, the name of the owner of record, if known, and the street address of the lot. The Mayor may add properties to the Abandoned Property List at anytime, and may delete properties at any time when he or she finds that the property no longer meets the definition of an abandoned property.
- B. An abandoned property shall not be included on the Abandoned Property List if rehabilitation is being performed in a timely manner, as evidenced by building permits issued and diligent pursuit of rehabilitation work authorized by those permits. A property on which an entity other than the Township of Edgewater Park has purchased or taken assignment from the Township of a tax sale certificate which has been placed on the Abandoned Property List may be removed if the owner of the certificate pays all municipal taxes and liens due on the property within thirty (30) days after the property is placed on the List; provided, however, that if the owner of the certificate fails to initiate foreclosure proceedings within six (6) months after the property was first placed on the List, the property shall be restored to the Abandoned Property List in accordance with the provisions of N.J.S.A. .55:19-103.

- C. The Mayor shall establish the Abandoned Property List and any additions or deletions thereto by authorizing the publication of the List in the official newspaper of the Township of Edgewater Park, which publication shall constitute public notice, and, within ten (10) days after publication, shall send a notice, by certified mail, return receipt requested, and by regular mail, to the owner of record of every property included on the List. The published and mailed notices shall identify property determined to be abandoned setting forth the owner of record, if known, the tax lot and block number and street address. The Mayor, in consultation with the tax collector, shall also send out a notice by regular mail to any mortgagee, servicing organization, or property tax processing organization that receives a duplicate copy of the tax bill pursuant to N.J.S.A. 54:4-64(d). When the owner of record is not known for a particular property and cannot be ascertained by the exercise of reasonable diligence by the tax collector, notice shall not be mailed but instead shall be posted on the property in the manner as provided in N.J.S.A. 40:48-2.7. The mailed notice shall indicate the factual basis for the Mayor's finding that the property is abandoned property as that term is defined herein and in N.J.S.A. 55:19-54, and shall specify the information relied upon in making such finding. In all cases a copy of the mailed or posted notice shall also be filed by the Mayor in the Office of the Burlington County Clerk. This filing shall have the same force and effect as a formal notice under N.J.S.A. 2A:15-6. The notice shall be captioned with the name of the Township of Edgewater Park as "plaintiff" and the name of the property owner as "defendant," as though an action had been commenced by the Township against the owner.
- D. An owner or lien holder may challenge the inclusion of his property on the Abandoned Property List by appealing that determination to the Mayor within thirty (30) days of the owner's receipt of the certified notice or forty (40) days from the date upon which the notice was sent. An owner whose identity was not known to the Mayor shall have forty (40) days from the date upon which notice was published or posted, whichever is later, to challenge the inclusion of a property on the Abandoned Property List. For good cause shown, the Mayor shall accept a late filing of an appeal. Within thirty (30) days of receipt of a request for an appeal of the findings contained in the notice, the Mayor shall schedule a hearing for re-determination of the matter. Any property included on the List shall be presumed to be abandoned property unless the owner, through the submission of an affidavit or certification asserting that the property, can demonstrate that the property was erroneously included on the List. The affidavit or certification shall be accompanied by supporting documentation such as, but not limited to, photographs, repair invoices, bills and construction contracts. The sole ground for appeal shall be that the property in question is not abandoned property as that term is defined herein and in N.J.S.A. 55:19-54. The Mayor shall decide any timely filed appeal within ten (10) days of the hearing on the appeal and shall promptly, by certified mail, return receipt requested, and by regular mail, notify the property owner of the decision and the reasons therefore.
- E. The property owner may challenge an adverse determination of an appeal with the Mayor pursuant to Subsection "D" of this section, by instituting, in accordance with the New Jersey Court Rules, a summary trial proceeding in the Superior Court, Burlington County. Such action shall be instituted within twenty (20) days of the date of the notice of decision mailed by the Mayor. The sole ground for appeal and new hearing before the Superior Court shall be that the property in question is not an abandoned property as that term is defined in N.J.S.A. 55:19-54. The failure to institute an action of appeal on a timely basis shall constitute a jurisdictional bar to challenging the adverse determination, except that, for good cause shown, the Court may extend the deadline for instituting the action.

- F. The Mayor shall promptly remove any property from the Abandoned Property List that has been determined by him or on appeal not to be abandoned and may, in his discretion, remove properties from said list whenever he deems such removal appropriate under the circumstances.
- G. The Abandoned Property List shall become effective, and the Township of Edgewater Park shall have the right to pursue any legal remedy with respect to properties on the List, at any time after at least one (1) property has been placed on the List and following the expiration of the period for appeal with respect to that first property or upon the denial of an appeal brought by the property owner of that first property.

Section 10: Interested Parties May Request Additions to the Abandoned Property List.

- A. Any interested party may submit a written request to the Mayor asserting that any property within the Township of Edgewater Park should be included on the Abandoned Property List. The written request must specify the street address and block and lot number of the property to be included, and the grounds for its inclusion. Within thirty (30) days of receipt of any such request, the Mayor shall provide a written response to the party, either indicating that the property will be added to the List or, if not, the reasons for not adding the property. For the purposes of this section, the term “interested parties” shall include any resident of the Township of Edgewater Park, any owner or operator of a business within the Township of Edgewater Park or any organization representing the interests of residents, business owners or otherwise engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.
- B. Any interested party may participate in a re-determination hearing regarding the inclusion of a property on the Abandoned Property List. Upon written request by any interested party, the Mayor shall provide that party with at least twenty (20) days’ notice of any such hearing. The party shall provide the Mayor with notice at least ten (10) days before the hearing of its intention to participate, and the nature of the testimony or other information that it proposes to submit at the hearing.

Section 11: Vehicles on Abandoned Properties

- A. No person shall park a motor vehicle for longer than 2 hours on any day (including Sundays and public holidays) upon any of the Abandoned Properties listed on the Township of Edgewater Park Abandoned Properties list or parts thereof.
- B. No person shall park a motor vehicle at any time on any of the Abandoned Properties listed on the Abandoned Properties list or parts thereof between the hours of 1:00am and 5:00am in the morning.
- C. Any motor vehicle found parked upon any Abandoned Property listed on the Township of Edgewater Park Abandoned Properties list or parts thereof in violation of any municipal ordinance or statute of the State of New Jersey may be removed by the Township of Edgewater Park at the expense of the owner thereof and shall be held impounded by the Township of Edgewater Park or at its direction until such expense has been paid by such owner.

- D. Violations of this chapter shall be punishable, upon conviction, by one or more of the following in the discretion of the court: a fine of not to exceed \$1,000; imprisonment for a period of not to exceed 90 days; a period of community service of not to exceed ninety (90) days.

Section 12: Removal of Property from Abandoned Properties List.

- A. An owner may request removal of their property from the Abandoned Properties List prior to sale of the tax sale certificate by paying all taxes and Township liens due, including interest and penalties, and:
- (1) by posting cash or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to N.J.S.A. 55:19-55 and by posting cash or a bond to cover the cost of any environmental cleanup required on the property, evidenced by a certification by a licensed engineer retained by the owner and reviewed and approved by the Mayor, stating that the cash or bond adequately covers the cost of the cleanup; or
 - (2) by demonstrating to the satisfaction of both the Mayor and Township Committee that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Mayor finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned, as evidenced by significant rehabilitation activity on the property, the Mayor may grant an extension of time of not more than one hundred and twenty (120) days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- C. If the owner has posted cash or a bond in order to have a property removed from the Abandoned Property List and the conditions because of which the property was determined to be abandoned have not been fully remediated within one (1) year of the date of posting the cash or bond, or, in the case of a property which requires a remediation of any known, suspected or threatened release of contaminants, if the owner has failed to enter into a memorandum of agreement with the New Jersey Department of Environmental Protection or an administrative consent order, as the case may be, or if an agreement or order is in effect but the owner has failed to perform the remediation in conformance with the agreement or order, then the cash or bond shall be forfeited to the Township which shall use the cash or bond and any interest which has accrued thereon for the purpose of demolishing or rehabilitating the property or performing the environmental remediation. Any funds remaining after the property has been demolished, rehabilitated or cleaned up shall be returned to the owner.

Section 13: Sale of Restricted Tax Liens.

- A. Notwithstanding the provisions of N.J.S.A. 54:5-19, or the provisions of any other law to the contrary, if a property is included on the Abandoned Property List and the property taxes or other Township liens due on the property are delinquent for six (6) or more quarters as of the date of expiration of the right to appeal the property's inclusion on the List, or, if an appeal has been filed, as of the date that all opportunities for appeal of inclusion on the List have been exhausted, then the tax lien on the property may be sold

in accordance with the procedures of the “Tax Sale Law,” N.J.S.A. 54:5-1 et seq., on or after the 90th day following the expiration of that time of appeal or final determination on an appeal.

- B. The Township of Edgewater Park may, at its option, require that the sale of the tax sale certificate or any subsequent assignment or transfer of a tax sale certificate held by the Township be subject to the express condition that the purchaser or assignee shall be obliged to perform and conclude any rehabilitation or repairs necessary to remove the property from the Abandoned Property List pursuant to N.J.S.A. 55:19-55 and to post a bond in favor of the Township to guarantee the rehabilitation or repair of the property. The Mayor may waive a requirement to post a bond imposed by the Township for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the Mayor that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in N.J.S.A. 55:19-80. The cost of rehabilitation and repairs and the cost of the bond shall be added to the amount required to be paid by the owner for redemption of the property. The purchaser, assignee or transferee of the tax sale certificate who is required to rehabilitate and repair the property shall be required to file the appropriate affidavits with the tax collector, pursuant to N.J.S.A. 54:5-62, representing the amounts of monies expended periodically toward the rehabilitation or repair of the property. A purchaser, assignee or transferee shall be entitled to interest on the amounts expended, as set forth in the affidavits, at the delinquent rate of interest for delinquencies in excess of \$1,500 in effect for the time period when the amounts were expended, pursuant to N.J.S.A. 54:4-67. The tax sale certificate purchaser, assignee or transferee, with the authority of the Township of Edgewater Park, shall be permitted to enter in and upon the property for the purposes of appraising the costs of rehabilitation and repair and to perform all other acts required to guarantee the completion of the rehabilitation or repair of the property. No rehabilitation or repair work shall be commenced, however, until proof of adequate liability insurance and an indemnification agreement, holding the Township of Edgewater Park harmless, has been filed with the Mayor.
- C. If the Township of Edgewater Park acquires the tax sale certificate for a property on the Abandoned Property List, then, upon ten (10) days written notice to the property owner and any mortgagee as of the date of the filing of the notice pursuant to N.J.S.A. 55:19-55, the Township shall be permitted to enter upon the property and remediate any conditions that caused the property to be included on the Abandoned Property List. No remediation shall be commenced, however, if within that ten day period the owner or mortgagee shall have notified the Township in writing that the owner or mortgagee has elected to perform the remediation itself. When the owner or mortgagee elects to perform the remediation itself, it shall be required to post bond in favor of the Township of Edgewater Park in order to ensure performance. The amount and conditions of the bond shall be determined by the Mayor.
- D. The cost of remediation incurred by the Township of Edgewater Park, as so certified by the entity incurring the cost upon completion of the remediation, shall constitute a lien upon the property first in time and right to any other lien, whether the other lien was filed prior to, or after the filing of any lien by the Township, except for Township taxes, liens and assessments and any lien imposed pursuant to the “Spill Compensation and Control Act,” N.J.S.A. 58:10-23.11 et seq., together with any interest thereon. The certification of cost shall be filed and recorded as a lien by the entity incurring the cost with the Burlington County Clerk.

- E. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to this Ordinance shall be considered a public purpose and public use, for which the power of eminent domain may be lawfully exercised.

Section 14: Special Tax Sale and Criteria for Bidders.

- A. The Township of Edgewater Park may hold special tax sales with respect to those properties eligible for tax sale pursuant to N.J.S.A. 54:5-19 which are also on the Abandoned Property List
- B. The Mayor, with the advice and consent of the Township Committee, shall establish criteria for eligibility to bid on properties at the sale, which may include, but need not be limited to:
 - (1) documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with Township's plans and regulations; commitments by the bidder to rehabilitate or otherwise reuse the property, consistent with Township's plans and regulations;
 - (2) commitments by the bidder to take action to foreclose on the tax lien by a date certain; and
 - (3) such other criteria as the Mayor, with the advice and consent of the Township Committee, may determine are necessary to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest.
- C. The Mayor, with the advice and consent of the Township Committee, may establish minimum bid requirements for a special tax sale that are less than the full amount of the taxes, interest and penalties due, to help ensure that the properties will be rehabilitated or otherwise utilized in a manner consistent with the public interest.
- D. The Mayor, with the advice and consent of the Township Committee, may combine properties in said special tax sale into bid packages, and require that bidders place a single bid on each package, rejecting any and all bids on individual properties that are submitted.
- E. The Mayor, with the advice and consent of the Township Committee, may sell said properties subject to provision that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale or misrepresents any material qualification that has been established as a condition of eligibility to bid pursuant thereto, then the properties and any interest thereto acquired by the purchaser shall revert to the Township, and any amount paid by the purchaser at the special tax sale shall be forfeit to the Township.
- F. In the event there are two (2) or more qualified bidders for any property or bid package in a special tax sale, the Township may designate the unsuccessful qualified bidder whose bid was closest to the successful bid, as an eligible purchaser. In the event that the selected purchaser of that property or bid package fails to meet any of the conditions of sale established by the Township pursuant and their interest in the property or properties reverts to the Township, the Township may subsequently designate the entity previously designated as an eligible purchaser as the winning bidder for the property or properties,

and assign the tax sale certificates to that entity on the basis of that entity's bid at the special tax sale, subject to the terms and conditions of the special tax sale.

- G. The Township of Edgewater Park shall provide notice of a special tax sale pursuant to N.J.S.A. 54:5-26. The notice shall include any special terms of sale established by the Township of Edgewater Park pursuant to this section. Nothing shall prohibit the Township from holding a special tax sale on the same day as a standard or accelerated tax sale.

Section 14: Expedited Action to Foreclose Right of Redemption

- A. When a person or entity other than the Township of Edgewater Park acquires a tax sale certificate for a property on the Abandoned Property List at tax sale, the purchaser may institute an action to foreclose the right of redemption at any time after the expiration of just six (6) months following the date of the sale of the tax sale certificate.
- B. When the Township of Edgewater Park is the purchaser at tax sale of any property on the Abandoned Property List pursuant to N.J.S.A. 54:5-34, an action to foreclose the right of redemption may be instituted in accordance with the provisions of subsection b of N.J.S.A. 54:5-77.
- C. After the foreclosure action is instituted, the right to redeem shall exist and continue to exist until barred by the judgment of the Superior Court; provided, however, that no redemption shall be permitted except where the owner:
 - (1) posts cash or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to N.J.S.A. 55:19-56, as determined by the Court; or
 - (2) demonstrates to the Court that the conditions because of which the property was determined to be abandoned have been remedied in full.

Section 15: Abandoned Property Status During Expedited Foreclosure.

- A. If an entity other than the Township of Edgewater Park has purchased or taken assignment from the Township of a tax sale certificate on a property that has not been legally occupied for a period of six (6) months, that property shall not be added to the Abandoned Property List under the following limited circumstances:
 - (1) the owner of the certificate has continued to pay all Township taxes and liens on the property in the tax year when due; and
 - (2) the owner of the certificate takes action to initiate foreclosure proceedings within six (6) months after the property is eligible for foreclosure pursuant to either subsection a or subsection b of N.J.S.A. 54:5-86, as appropriate, and diligently pursues foreclosure proceedings in a timely fashion thereafter.
- B. A property used on a seasonal basis shall be deemed abandoned only if it meets any two (2) of the additional criteria set forth in N.J.S.A. 55:19-81.
- C. A determination that a property is abandoned property under the provisions of this ordinance and N.J.S.A. 55:19-78 et seq., shall not constitute a finding that the use of the property has been abandoned for purposes of municipal zoning or land use regulation.

- D. Upon the request of a purchaser or assignee of a tax sale certificate seeking to bar the right of redemption on an abandoned property pursuant to subsection b of N.J.S.A. 54:5-86, the Mayor or the tax collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of an “abandoned property” according to the criteria established in N.J.S.A. 55:19-81 and N.J.S.A. 55:19-82

Section 16: Summary Action for Control and Possession of Abandoned Property.

- A. A summary action or other action to transfer possession and control of abandoned property in need of rehabilitation to the Township of Edgewater Park may be brought by the Township in the Superior Court, Burlington County. If the Court shall find that the property is abandoned and that the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Township to take possession and control of the property and to develop its own rehabilitation plan for the property.
- B. Where the Township has been granted possession and control, the Township may commence and maintain those further proceedings for the conservation, protection or disposal of the property, or any part thereof, that are required to rehabilitate the property, recoup the cost and expenses of rehabilitation, and for the sale of the property; provided, however, that the Court shall not direct the sale of the property if the owner applies to the Court for reinstatement of control and possession of the property as permitted by N.J.S.A. 55:19-92.
- C. Failure by the owner, mortgage holder or lien holder to submit a plan for rehabilitation to the Township, obtain appropriate construction permits or, in the alternative, submit formal applications for funding the cost of rehabilitation to Local, State or Federal agencies providing such funding within the initial six (6) month period, shall be deemed clear evidence that the owner has failed to take any action to further the rehabilitation of the property.
- D. An owner may defend against a complaint filed pursuant to N.J.S.A. 55:19-84 by submitting a plan for the rehabilitation and reuse of the property, which is the subject of the complaint and by posting a bond equal to 125% of the amount determined by the Mayor or the Court to be the projected cost of rehabilitation.
- E. Any plan submitted by an owner to defend against a complaint shall be submitted within sixty (60) days after the complaint has been filed, unless the Court provides the owner with an extension of time for good cause shown. A plan submitted by an owner pursuant to this section shall include, but not be limited to:
- (1) A detailed financial feasibility analysis, including documentation of the economic feasibility of the proposed reuse, including operating budgets or resale prices, or both, as appropriate;
 - (2) A budget for the rehabilitation of the property, including sources and uses of funds, based on the terms and conditions of realistically available financing, including grants and loans;
 - (3) A timetable for the completion of rehabilitation and reuse of the property, including milestones for performance of major steps leading to and encompassing the rehabilitation and reuse of the property; and

- (4) Documentation of the qualifications of the individuals and firms that will be engaged to carry out the planning, design, financial packaging, construction, and marketing or rental of the property.
- F. Where the Court approves the rehabilitation plan of the owner or other party in interest, then it may appoint the Mayor to act as monitor of compliance and progress. If the owner fails to carry out any step in the approved plan, then the Township may apply to the Court to have the posted bond forfeited, to transfer possession of the building to the Township to complete the rehabilitation plan, and to grant authorization to use the bond proceeds for the rehabilitation. The owner or other party in interest shall provide bi-monthly reports to the Mayor on its activities and progress toward rehabilitation and reuse of the property.
- G. If an owner is unsuccessful in defending against a complaint filed pursuant to N.J.S.A. 55:19-84, the mortgage holder or lien holder may seek to be designated in possession of the property by submitting a plan and posting a bond meeting the same conditions as set forth in N.J.S.A. 55:19-87. Their plan must be submitted within sixty (60) days following the Court's rejection of the owner's plan, unless the Court provides the mortgage holder or lien holder with an extension of time for good cause shown. If the Court approves any such mortgage holder or lien holder's plan, it shall designate that party to be in possession of the property for purposes of ensuring its rehabilitation.
- H. The mortgage holder or lien holder, as the case may be, shall provide bi-monthly reports to the Court and the Mayor on its activities and progress toward rehabilitation and reuse of the property. If the mortgage holder or lien holder fails to carry out any material step in the approved plan, then the Mayor shall notify the Court, which may order the posted bond forfeit, grant the Township possession of the property, and authorize the Township to use the proceeds of the bond for rehabilitation of the property.
- I. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property, including Court costs and reasonable attorney's fees, may be added to the unpaid balance due to that mortgage holder or lien holder, with interest calculated at the same rate set forth in the note or security agreement; or, in the case of a tax lien holder, at the statutory interest rate for subsequent liens.
- J. If no mortgage holder or lien holder meets the conditions of N.J.S.A. 55:19-88, then the Township may submit a plan to the Court which conforms with the provisions of N.J.S.A. 55:19-87. Such plan shall designate whether the Township or a qualified rehabilitation entity shall undertake the rehabilitation plan in accordance with the provisions of N.J.S.A. 55:19-90.

Section 17: Township Rehabilitation or Designation of Qualified Rehabilitation Entity.

- A. The Mayor, with the advice and consent of the Township Committee, may designate a qualified rehabilitation entity for the purpose of exercising the Township's rights, where that designation will further the rehabilitation and reuse of the property consistent with Township's plans and objectives.
- B. Regardless of whether the Township exercises its rights directly or the Mayor designates a qualified rehabilitation entity pursuant to this section, while in possession of a property, the Township shall maintain, safeguard, and maintain insurance on the property.

Notwithstanding the Township's possession of the property, the owner of the property shall not be relieved of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

- C. The Court may approve the borrowing of funds by the Township of Edgewater Park to rehabilitate the property and may grant a lien or security interests with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court must find as follows:
- (1) the Township sought to obtain the necessary financing from the senior lien holder, which declined to provide such financing on reasonable terms;
 - (2) the Township sought to obtain a voluntary subordination from the senior lien holder, which refused to provide such subordination; and
 - (3) lien priority is necessary in order to induce another lender to provide financing on reasonable terms. No lien authorized by the Court shall take effect unless recorded with the Clerk of Burlington County.
- D. Where the Township has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide bi-monthly reports to the Mayor on its activities and progress toward rehabilitation and reuse of the property. The Township or qualified rehabilitation entity, as the case may be, shall provide such reports to the Court as the Court determines to be necessary. If the Court finds that the Township or its designee have failed to take diligent action toward rehabilitation of the property within 1 year from the grant of possession, then the Court may request that the Township to designate another qualified rehabilitation entity to exercise its rights, or if the Township fails to do so, may terminate the order of possession and return possession and control of the property to its owner.
- F. The Township of Edgewater Park shall file a Notice of Completion with the Court, and shall also serve a copy on the owner and any mortgage holder or lien holder, at such time as the Township has determined that no more than six (6) months remain to the anticipated date on which rehabilitation will be complete. This notice shall include an affidavit of the Mayor, attesting that the rehabilitation is anticipated to be completed within six (6) months, and a statement setting forth the actions as it plans to undertake consistent with the plan.

Section 18: Petition for Reinstatement of Control and Possession by Owner.

- A. An owner may petition for reinstatement of the owner's control and possession of the property at any time after one (1) year from the Court's removal of possession, but no later than thirty (30) days after the Township of Edgewater Park has filed a Notice of Completion with the Court or, in the event the Notice of Completion is filed within less than one (1) year of the grant of possession, within thirty (30) days after the Township has filed said Notice.
- B. The Court may allow additional time for good cause if that additional time does not materially delay completion of the rehabilitation, place undue hardship on the Township of Edgewater Park or affect any of the terms or conditions under which the Township of Edgewater Park has applied for or received financing for the rehabilitation of the property.

- C. If the owner fails to petition for the reinstatement of control and possession of the property within thirty (30) days after the Township has filed a Notice of Completion or, in any event, within two (2) years after the initial grant of possession, or if the owner fails to meet any conditions that may be set by the Court in granting a reinstatement petition, the Court may grant the Township of Edgewater Park title or authorize the Township of Edgewater Park to sell the property, subject to the provisions of N.J.S.A. 55:19-96.

Section 19: Procedure for Township to Place Liens, Obtain Title and Sell Property.

- A. The Mayor, with the approval of the Court, may place a lien on the property to cover any costs of the Township of Edgewater Park in connection with any proceeding under N.J.S.A. 55:19-78 et seq. incurred prior to the grant by the Court of an order of possession, which may include costs incurred to stabilize or secure the property to ensure that it can be rehabilitated in a cost-effective manner. Any such lien shall be considered a Township lien for the purposes of N.J.S.A. 54:5-9, with the rights and status of a Township lien pursuant thereto.
- B. Where the Township of Edgewater Park seeks to gain title to the property, it shall purchase the property for fair market value on such terms as the Court shall approve, and may place the proceeds of sale in escrow with the Court.
- C. The Court may authorize the Township of Edgewater Park to sell the building free and clear of liens, claims and encumbrances, in which event all such liens, claims and encumbrances shall be transferred to the proceeds of sale with the same priority as existed prior to resale in accordance with the provisions of this section, except that municipal liens shall be paid at settlement. The proceeds of the purchase of the property shall be distributed as set forth in N.J.S.A. 55:19-97.
- D. Upon approval by the Court, the Township of Edgewater Park shall sell the property on such terms and at such price as the Court shall approve, and may place the proceeds of sale in escrow with the Court. The Court shall order a distribution of the proceeds of sale after paying Court costs in the order of priority set forth in N.J.S.A. 55:19-97.
- E. With the exception of the holding of special tax sales pursuant to N.J.S.A. 55:19-101, the remedies available under N.J.S.A. 55:19-78 et seq. shall be available to the Township with respect to any abandoned property, whether or not the Township has established an Abandoned Property List and whether or not the property at issue has been included on any such list.

ARTICLE III.

- A. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistencies.
- B. If any section, subsection, paragraph, phrase or sentence of this amendment to the Code of the Township of Edgewater Park is, for any reason, declared to be unconstitutional or invalid, such section, subsection, paragraph, phrase or sentence shall be deemed severable.

ARTICLE IV.

This Ordinance shall take effect immediately upon final publication as provided by law.

NOTICE OF INTRODUCTION

The foregoing was introduced by the Edgewater Park Township Committee at its meeting held on September 19, 2017. This ordinance will be consider for adoption of final reading and public hearing to be held on October 3, 2017 at 7:00 PM, or shortly thereafter, and place to which such meeting may be adjourned, in the Municipal Building, 400 Delanco Road, Edgewater Park, New Jersey. At which time and place all persons interested will be given an opportunity to be heard concerning said Ordinance. During the week prior to and up to and including the date of such meeting, copies of said ordinance will be made available at the Clerk's office to the members of the general public who shall request the same.

Moved by: Mr. Trainor

Second: Mr. Johnson

Discussion: Township Committee requested clarification on who would be the Public Officer. The Township Solicitor advised that it would be the Housing Inspector/Code Enforcement Officer.

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

RESOLUTION(S)

Motion to Approve Resolution No. 2017-128 through 2017-138 by consent agenda; if any items the consent agenda require consideration by separate roll call vote, it shall be removed from the consent agenda to the regular agenda.

Moved by: Mayor Kremper

Second: Mr. Amutah

Discussion: Township Committee requested clarification on Resolution 2017-129. Clarification was given.

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

RESOLUTION NO. 2017-128

Resolution Authorizing Mayor to Execute the Solid Waste Agreement with the County of Burlington, New Jersey

WHEREAS, the Township of Edgewater Park is authorized to enter into agreements for Solid Waste Disposal effective January 2017 through December 2021; and

WHEREAS, Burlington County provides Solid Waste Disposal for the Municipalities in the County;

NOW, THEREFORE, BE IT RESOLVED BY THE COMMITTEE OF THE TOWNSHIP OF EDGEWATER PARK that the Contract by and between the Township of Edgewater Park, a New Jersey municipal corporation, and Burlington County, a copy of which is attached hereto and made a part hereof, is hereby approved and the Mayor and the Township Clerk are hereby authorized to execute as many copies of the said Agreement as may be necessary.

RESOLUTION NO. 2017-129

Resolution Revising Resolution 2017-125 Which Authorized the Lease of Digital Copiers, Copier Maintenance and Service Plan Agreement between Kyocera Document Solutions America via Heritage Business Systems and the Township of Edgewater Park Due to a State Contract Pricing Error.

WHEREAS, the Township of Edgewater Park is desirous of awarding a lease for three Digital Copiers and service; and

WHEREAS, funds are available for this purpose; and

WHEREAS, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-12, any local contracting unit may without advertising for bids, purchase any goods or services under any contract or contracts for such goods or services entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, Kyocera Document Solutions America, 225 Sand Road, Fairfield, NJ 07004, is an approved State Contract Vendor #53090; and

WHEREAS, the Township Committee of the Township of Edgewater Park, County of Burlington, and State of New Jersey, will award said contract, for monthly lease payments of \$483.11 term of 60 months; and

WHEREAS, this resolution and the above-mentioned contract will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

BE IT RESOLVED that Chief Gene DiFilippo, Acting Administrator and Colleen A. Treusch, Municipal Clerk are hereby authorized to execute said contract.

RESOLUTION NO. 2017-130

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 1001, Lot 11 (95 N. Garden Blvd)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 95 N. Garden Blvd. and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$267.01; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 95 N. Garden Blvd., Block 1001 Lot 11 in the amount of \$267.01 is hereby

approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-131

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 1505, Lot 16 (310 Monroe Avenue)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 310 Monroe Avenue. and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$266.25; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 310 Monroe Avenue., Block 1505 Lot 16 in the amount of \$266.25 is hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-132

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 702, Lot 20 (5 Severs Ave.)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 5 Severs Ave. and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$976.06; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 5 Severs Ave., Block 702 Lot 20 in the amount of \$976.06 is hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-133

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 1811, Lot 34 (203 Cardinal Road)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 203 Cardinal Road and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$267.01; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 203 Cardinal Road., Block 1811 Lot 34 in the amount of \$267.01 is hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-134

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 703, Lot 2 (202 Stevenson Avenue)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 202 Stevenson Avenue and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$262.01; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 202 Stevenson Avenue., Block 703 Lot 2 in the amount of \$262.01 is hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-135

Resolution Certifying A Lien Against For Costs Incurred By The Township Of Edgewater Park In Accordance With The Property Maintenance Code for Block: 1504, Lot 6 (220 Stevenson Avenue)

WHEREAS, the New Jersey State Uniform Construction Code provides for fines to be imposed by the Construction Official; and

WHEREAS, Section 8.44.610 of the General Ordinance of the Township of Edgewater Park provides for abatement of certain conditions, and Section 8.44.620 provides that the cost of any abatement shall become a lien against real property by Resolution shall be collectible as provided by law; and

WHEREAS, the Property Maintenance Inspector has cited 220 Stevenson Avenue and has recommended to imposed fines and expenses for repair, maintenance, etc., on said property in the amount of \$241.34; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park that the fines and expenses certified by the Property Maintenance Inspector for 220 Stevenson Avenue., Block 1504 Lot 6 in the amount of \$241.34 is hereby approved and certified to the Tax Collector of the Township of Edgewater Park as liens against the specific property listed and to draw interest as tax liens as provided by law; and

BE IT FURTHER RESOLVED, that copies of said resolution be forwarded to the Collector, Auditor, and the Treasurer for their information and any appropriate action.

RESOLUTION NO. 2017-136

Refund of Certificate of Occupancy Fees – Block 404.08, Lot 11 Qualifier CK0022 (1475 Mt. Holly Rd. Unit K-2)

WHEREAS, Robert and Sheryl Lockley 182 East Country Club Drive, Westampton, NJ 08060 submitted an application for Certificate of Occupancy for a property located at *1475 Mt. Holly Rd. Unit K-2*; and

WHEREAS, the potential buyer decided not to move forward with the purchase prior to any inspections; and

WHEREAS, there has been a request by the applicant for a refund of the Certificate of Occupancy Fees; and

WHEREAS, the Municipal Clerk has researched the request and has found that the refund is justified.

WHEREAS, the total Certificate of Occupancy Fee was \$75.00; amount refunded shall be the full \$75.00; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the following money be refunded to the following applicant:

Check Payable to:
Robert & Sheryl Lockley
182 East Country Club Drive
Westampton, NJ 08060
\$75.00

BE IT FURTHER RESOLVED by the Township Committee that the Chief Financial Officer is hereby directed to draw a check in the above stated amount for said refund.

RESOLUTION NO. 2017-137

Refund of Trust Account-Street Opening Permit – 203 N. Garden Blvd.

WHEREAS, there are certain moneys in the Trust Account of the Township of Edgewater Park; and

WHEREAS, there has been a request by the contractor and/or homeowner for a refund of the escrow account balance; and

WHEREAS, the Municipal Clerk has researched the request and has found that the refund is justified; and

WHEREAS, the Superintendent of Public Works has inspected the street opening and has found it to be repaired in a workman like manner.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey that the following moneys in the Trust Account be refunded to the following applicant:

Robert Murphy
Amount: \$500.00
Escrow No. R-602
Property Address: 206 N. Garden Blvd.

BE IT FURTHER RESOLVED by the Township Committee that the Chief Financial Officer is hereby directed to draw a check in the above stated amount for said refund.

RESOLUTION NO. 2017-138

Resolution of the Township of Edgewater Park Authorizing Preparation of a Complete Streets Policy by Environmental Resolutions, Inc.

WHEREAS, the Township Committee of the Township of Edgewater Park is desirous awarding an engineering service contract for the preparation of a Complete Streets Policy: and

WHEREAS, WHEREAS, Environmental Resolutions, Inc. (ERI), Township Engineer, submitted a proposal to Township Committee to perform this service in the amount of \$4,750.00; and

WHEREAS, funds are available for this purpose; and

WHEREAS, this resolution and the above-mentioned proposal will be on file and available for public inspection in the Office of the Clerk of the Township of Edgewater Park.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Edgewater Park, County of Burlington, State of New Jersey, that the Mayor and/or Clerk of the Township of Edgewater Park are hereby authorized to enter into an Agreement with Environmental Resolutions, Inc to perform said services.

REPORTS FROM OFFICIALS

Mr. Amutah

Mr. Amutah congratulated Mr. Johnson on his appointment to Township Committee.

Liaison to the Recreation Committee

Mr. Amutah advised that the Recreation Committee met to discuss ideas for fall events. He suggested that they may try to partner with the EPAA bon-fire event.

Liaison to the Environmental Shade Tree Advisory Committee

Mr. Amutah discussed that they would be hosting a PSE&G seminar on November 3rd in the courtroom. He advised that the tree inventory would be tabled until spring but that training on how to do an inventory may be sooner.

Beverly/Edgewater Park Library

Mr. Amutah reported that the library wanted to thank the township for their support. He advised that they would be starting a fall reading program on September 23rd.

Mr. Belgard

Liaison to Redevelopment Advisory Committee

Mr. Belgard discussed that the Redevelopment Committee will be meeting tomorrow. He confirmed that delegates from the committee will be attending the 40 Mayors/40 Developers conference on October 13th.

Mr. Trainor

Liaison to EPAA

Mr. Trainor advised that the EPAA fall soccer season has been underway for 2 weeks and that they are still working to set an actual opening day celebration.

Senior Social

Mr. Trainor discussed the Senior Social that will be held at Ridgeway School on October 18th from 4 PM – 7 PM. He requested that anyone attending please RSVP by October 6th.

Mayor. Kremper

Liaison to Board of Education

Mayor Kremper reported that next Board of Education Meeting was scheduled for September 26th at 6:30 PM at Ridgway School. She also advised that the schools opened on Monday, September 11th with construction ongoing at night.

Liaison to the Planning Board

Mayor Kremper advised that the next planning board meeting would be on Thursday, September 21st at 7 pm.

OPEN TO THE PUBLIC

Mayor Kremper opened this portion of the meeting up to public comment:

Dennis Robbins, 9 Crystal Drive

Mr. Robbins addressed committee regarding an unsightly property in Silver Park West and asked if the proposed Ordinance would help that.

The Township Solicitor advised that the ordinance is for the registration of vacant and abandoned properties.

Fran Wilkins, 96 N. Garden Boulevard

Mrs. Wilkins asked about the parking on the curve on N. Garden and expressed that she feels it is dangerous.

Chief DiFilippo advised that there is currently no parking on one side and that there haven't been any issues.

Mrs. Wilkins also asked if the robo-call program could be utilized to notify residents of trash issues.

Chief DiFilippo advised that the system is for emergency use only and is controlled by the County.

Judy Hall, 6 Johnson Place

Mrs. Hall thanked Kevin Johnson for stepping up and filling the term of Mr. McElwee.

Mrs. Hall asked Township Committee if anything could be done to the overgrowth of the vegetation on the islands of West Franklin. Mr. Darji advised he will have someone from his office meet with Public Works to see what can be done.

Steve Malecki, 411 S. Arthur Drive

Mr. Malecki asked Township Committee to consider hosting a Pitch, Hit and Run event in Edgewater Park.

Township Committee advised that they will run it by EPAA but want to make sure it is not a conflict with the Elks: Batters Up, Hoop Shoot and Soccer Shoot.

Josephine Peterson, 530 Otto Avenue

Mrs. Peterson wanted to thank committee for the great job on the repairs on her street.

Mrs. Peterson also asked about why the library is not county affiliated.

Dave Jennings, 203 Warren Street

Mr. Jennings thanked Committee and the County for the swift clean-up and progress made on the neighboring properties.

APPROVAL OF BILLS

Approval of Bills from August 31, 2017 to September 13, 2017

Moved by: Mayor Kremper

Second: Mr. Belgard

Discussion: Township Committee requested clarification on page 6, Item 5. They were advised that the fees were for the special notices paper on which court notices are printed.

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

APPROVAL OF MINUTES

Public Session: August 15, 2017, September 5, 2017

Moved by: Mr. Belgard

Second: Mayor Kremper

Discussion: Township Committee confirmed that minutes are being worked on backwards. The Township Administrator confirmed that the current ones would be worked on and the other would be caught up in the manner described.

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

ANY OTHER BUSINESS

RESOLUTION NO. 2017-139

CLOSED SESSION

Where it is necessary to discuss personnel and personnel contracts. Where it is necessary to discuss the Township's third round affordable housing obligation and/or a potential developer's agreement. Where it is necessary to discuss items falling under litigation and/or attorney client privilege. Minutes will be kept and once the matter involving the confidentiality of the above no longer requires that confidentially, then the matter will be made public

WHEREAS, it is necessary to discuss personnel possible litigation involving the Township of Edgewater Park which is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with personnel matters is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with the purchase lease or acquisition of real property with public funds is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, questions dealing with any collective bargaining agreement or the terms or conditions of that agreement is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the disclosure of any material which constitutes an unwarranted invasion of individual privacy is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, the release of any information would impair a right to receive funds from the Government of the United States; is a proper subject of exemption under the Open Public Meetings Act; and

WHEREAS, any deliberations of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or

loss of a license or permit belonging to the responding party as a result of an act or omission for which the responding party bears responsibility is a proper subject of exemption under the Open Public Meetings Act;

WHEREAS, the Township Committee desires to close this portion of the meeting to consider the aforementioned titled matters.

NOW THEREFORE, BE IT RESOLVED that the portion of the meeting dealing with the aforementioned matters shall be closed to the public and the results of the discussions held under the closed sessions shall be made available to the public at such early a time as possible.

Moved by: Mr. Trainor

Second: Mr. Johnson

Discussion: Mayor Kremper announced that Committee does not anticipate conducting additional business after closed session.

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

ANY OTHER BUSINESS

ADJOURN

Moved by: Mayor Kremper

Second: Mr. Johnson

Time: 11:44 PM

Discussion: None

Roll Call: Mr. Amutah- yes, Mr. Belgard- yes, Mr. Johnson- yes, Mr. Trainor- yes, Mayor Kremper- yes

Lauren Kremper, Mayor

Colleen Treusch, Municipal Clerk