

**AGENDA
WOOLWICH TOWNSHIP COMMITTEE
DECEMBER 6, 2021**

Call to order:

The December 6, 2021 regular meeting of the Woolwich Township Committee is being called to order. Adequate notice of this meeting has been given in accordance with the Open Public Meetings Act.

Roll Call:

Flag Salute:

Privilege of the Floor/Agenda Items: The public is reminded to please stand and state their name and address for the record prior to addressing the Committee.

Ordinances:

2021-22 An Ordinance of the Township of Woolwich, County of Gloucester, State of New Jersey Authorizing and Approving the Application for a Tax Exemption and the Execution and Delivery of a Financial Agreement Between the Township of Woolwich and DPIF3 NJ 8 2057 Woolwich Urban Renewal, LLC, for a Redevelopment Project Located on Property Currently Designated as Block 12, Lot 3 on the Official Tax Maps of the Township, Pursuant to the Long Term Tax Exemption Law (N.J.S.A. 40A:20-1 et seq.)
Second Reading/Public Hearing

2021-23 An Ordinance of the Township of Woolwich, County of Gloucester, State of New Jersey Adopting an Amendment to the Redevelopment Plan for Block 14, Lots 2 and 4 Known as the Nike Missile Base Site
Second Reading/Public Hearing

2021-24 An Ordinance Authorizing the Creation of a Municipal Sewer Utility Pursuant to N.J.S.A. 40:A:26A-1 et. Seq.
First Reading/Introduction

Resolutions:

R-2021-203 Resolution of the Township of Woolwich Authorizing the Acceptance and Filing of Performance Bond(s) Filed on the Behalf of DPIF3 NJ 4 Woolwich 322, LLC

R-2021-204 Resolution of the Township of Woolwich Authorizing the Acceptance and Filing of Performance Bond(s) Filed on the Behalf of DPIF3 NJ 5 2062 Woolwich LLC

R-2021-205 Resolution Authorizing the Proposal of Remington and Vernick Engineers to Conduct Engineering and Inspection of FY2021 NJDOT Swedesboro Avenue Rehabilitation

R-2021-206 Resolution Authorizing the Tax Collector to Transfer/Refund Overpayment of Taxes

R-2021-207 Resolution Certifying that all Members of the Governing Body have Reviewed the Annual Report of Audit for the Year 2020

R-2021-208 Resolution of the Township of Woolwich, County of Gloucester, Authorizing the Execution of a Commodity Resale Agreement Between the Township of Woolwich and the Borough of Swedesboro for the Purchase of Fuel

R-2021-209 Resolution of the Township Committee of the Township of Woolwich, State of New Jersey Supporting the Application of Woolwich Wellness Company, LLC for a Class 1 Cannabis Cultivator License

R-2021-210 Resolution Authorizing Cancellation or Refund of Taxes for 2020-2021

R-2021-211 Resolution Authorizing the Tax Collector to Waive Interest/Blk. 3.16, Lot 18

R-2021-212 Resolution Designating Northpoint Investments, I, LLC as Conditional Redeveloper and Authorizing Execution of Agreement to Designate Conditional Redeveloper, Provide for Payment of Administrative Costs

R-2021-213 Resolution of the Township of Woolwich Making an Elevation within the Woolwich Township Police Department

R-2021-214 Resolution Authorizing Disposal of Certain Township Owned Equipment and Personal Property from the Fixed Asset List of the Township of Woolwich

R-2021-215 Resolution of the Township of Woolwich Approving the Corrective Action Plan for the 2020 Municipal Audit

Old Business:

Privilege of the Floor: The public is reminded to please stand and state their name and address for the record prior to addressing the Committee.

R-2021-216 Resolution for Closed Session

Personnel-CFO Position & Leave Request

New Business:

Schedule close out meeting

Approval of Bills:

Adjournment:

NOTICE PURSUANT TO N.J.S.A. 10:4-8(d)

The items listed on the tentative agenda of the Mayor and Township Committee of the township of Woolwich constitutes the agenda to the extent known at the time of posting. Since this agenda is tentative, items may be added and/or deleted prior to the commencement of the meeting. Formal action may or may not be taken regarding each item listed on the final agenda.

RULES AND REGULATIONS OF THE WOOLWICH TOWNSHIP COMMITTEE: These procedures are designed to ensure an orderly conduct of business and to allow the tape recording of the proceedings to record all comments made with accuracy.

Township Committee welcomes public comment on any governmental issue that a member of the public feels may be of concern to the resident of the municipality. There will be two (2) portions, up to thirty (30) minutes in duration or as determined by the Mayor or Deputy Mayor, set aside for such comment at every monthly meeting of the Committee. There will be no other public comment accepted unless directed by the Mayor or Deputy Mayor or by an approved motion of the Committee, such as a public hearing.

Comments relating to specific items that are scheduled for a public hearing can only be made at the time of the public hearing on the issue. In taking action on these items, the Township Committee will consider the comments presented at public hearing and any member of the committee can request the Mayor or Deputy Mayor designee for permission to question or address Township Committee.

Each person who wishes to speak shall raise his or her hand to be recognized before speaking. When recognized, the speaker must state their name, address and purpose of their comments. A second opportunity for the same individual to speak will only be allowed after all others have had their opportunity.

Individuals' comments will be limited to a maximum of five (5) minutes to allow as many residents to speak as possible. Other members of the Committee, municipal employees or Township professionals will respond only when requested by the Mayor or his/her designee.

No intra-audience dialogue is permitted during the open session of any meeting. Such behavior is disruptive and will not be permitted.

Speakers on both sides shall treat each other with courtesy and respect in both action and utterance. No personal attacks or "poisonous" rhetoric will be permitted. The Mayor or Deputy Mayor will give one warning of improper behavior or rhetoric to a speaker. On the next offense the speaker will be asked to relinquish the floor to another speaker.

Closed sessions of the Township Committee will normally be held at the end of the normal business part of any meeting. Exceptions to this may be made due to professional commitments or anticipated outcomes deemed of significant public interest.

**TOWNSHIP OF WOOLWICH
ORDINANCE NO. 2021-22**

**AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH,
COUNTY OF GLOUCESTER, NEW JERSEY
AUTHORIZING AND APPROVING THE APPLICATION
FOR A TAX EXEMPTION AND THE EXECUTION AND
DELIVERY OF A FINANCIAL AGREEMENT BETWEEN
THE TOWNSHIP OF WOOLWICH AND DPIF3 NJ 8 2057
WOOLWICH URBAN RENEWAL, LLC, FOR A
REDEVELOPMENT PROJECT LOCATED ON PROPERTY
CURRENTLY DESIGNATED AS BLOCK 12, LOT 3 ON THE
OFFICIAL TAX MAPS OF THE TOWNSHIP, PURSUANT
TO THE LONG TERM TAX EXEMPTION LAW (N.J.S.A.
40A:20-1 et seq.)**

WHEREAS, the Township of Woolwich ("Township") is a municipal entity organized and existing under the laws of the State of New Jersey and located in the County of Gloucester; and

WHEREAS, pursuant to the provisions of the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* ("Redevelopment Law"), specifically including *N.J.S.A. 40A:12A-6(a)*, on April 17, 2017, the Township Committee of the Township ("Township Committee") adopted Resolution No. 2017-120 designating certain parcels of real property in the Township as an "Area in Need of Redevelopment" ("Redevelopment Area") as such term is defined in the Redevelopment Law; and

WHEREAS, pursuant to such designation, by Ordinance 2017-12 adopted by the Township Committee on July 17, 2017, the Township adopted the "Kings Landing Redevelopment Plan, Route 322 Corridor", a redevelopment plan that includes applicable development goals and standards for, among other things, the redevelopment of the Redevelopment Area ("Original Redevelopment Plan"); and

WHEREAS, the Township has heretofore designated the Township Committee as the "Redevelopment Entity" (as such term is defined in the Redevelopment Law) for the purpose of implementing the Redevelopment Plan; and

WHEREAS, the Township Committee, by virtue of Ordinance No. 2019-25 adopted on December 30, 2019, adopted an amendment to the Original Redevelopment Plan entitled the "Kings Landing at Woolwich Township, 2019 Amendment to the Kings Landing Redevelopment Plan, Route 322 Corridor", dated December 2019, and may hereafter further amend the Original Redevelopment Plan (as amended, the "Redevelopment Plan"); and

WHEREAS, the Township Committee, by way of Ordinance 2021-11, adopted on July 19, 2021, adopted a further amendment to the Original Redevelopment Plan entitled "Kings

Landing at Woolwich Township, 2019 Amendment to the Kings Landing Redevelopment Plan, Route 322 Corridor,” dated December 2019 (the “Redevelopment Plan Amendment”); and

WHEREAS, certain property designated as Block 12, Lot 3 on the Official Tax Map of the Township ("Property") is located within the Redevelopment Area; and

WHEREAS, by resolution, the Township Committee appointed DPIF3 NJ 8 2057 Woolwich Urban Renewal, LLC ("Developer"), as the redeveloper of the Property; and

WHEREAS, the redevelopment plan of the Developer consists of the redevelopment of the Property by the undertaking of certain improvements to the Property consisting of the development and construction of an approximately 336,700 square foot commercial warehouse facility and related amenities on the Property, together with associated parking, landscaping, lighting and other site improvements (collectively, the "Project"); and

WHEREAS, the Developer has purchased the Property and will construct, or cause to be constructed, the Project; and

WHEREAS, in connection with the Redevelopment Plan, and as part of the Project in particular, the Township has issued its bonds to finance the costs of certain infrastructure improvements such as the extension of sanitary sewer service along Route 322, pursuant to the Redevelopment Area Bond Financing Law, N.J.S.A. 40A:12A-64 et seq. ("RAB Law"), the Redevelopment Law and other applicable law; and

WHEREAS, the New Jersey Long Term Tax Exemption Law, the *N.J.S.A. 40A:20-1 et seq.* ("Long Term Tax Exemption Law") permits a municipality to enter into a financial agreement exempting real property from tax assessment and accepting payments of an Annual Service Charge, in lieu of taxes, where the property is qualified; and

WHEREAS, in accordance with the Long Term Tax Exemption Law, the Developer submitted a written application ("Application") to the Township for approval of a tax exemption for the improvements to be constructed as part of the Project ("Improvements"); and

WHEREAS, based upon, among other things, the representations made by the Developer in the Application, and the other materials included by the Developer therein, and after review of the Application by the Township Committee, the Township Committee has determined, *inter alia*, that the Project would not have been constructed without a tax exemption for the Improvements; and

WHEREAS, as part of its Application for tax exemption, the Developer submitted a form of Financial Agreement ("Financial Agreement") providing for payments of an Annual Service Charge, in lieu of taxes, a copy of which is attached to this Ordinance as Exhibit "A", which includes exhibits and schedules attached to the Financial Agreement; and

WHEREAS, the Township Committee has heretofore determined that exemption from taxation of the Improvements pursuant to the Financial Agreement and receipt by the Township of an Annual Service Charge, in lieu of taxes, allows maximum redevelopment of the Property; and

WHEREAS, the maximum redevelopment of the Property is in the best interest of the Township and is in accordance with the provisions of the Long Term Tax Exemption Law and the public purposes pursuant to which the redevelopment has been undertaken; and

WHEREAS, the Township Committee now deems it to be in the best interest of the Township to adopt this Ordinance authorizing the Township to approve the Application submitted by the Developer and to enter into the Financial Agreement with the Developer on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein, including *inter alia* the granting of a tax exemption:

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey, that the Application submitted by the Developer is hereby approved and, as a result thereof, the Township will enter into a Financial Agreement with the Developer on the terms and conditions stated in the Financial Agreement attached to this Ordinance and as further set forth herein:

1. The Township Committee makes such determinations and findings by virtue of and pursuant to and in conformity with the Long Term Tax Exemption Law, the RAB Law and other applicable law.

2. The development of the Project is hereby approved for the grant of a tax exemption under the Long Term Tax Exemption Law by virtue of, pursuant to and in conformity with the provisions of the same.

3. The Financial Agreement, in substantially the form attached (with such changes as shall be approved by the Township Business Administrator and the Township Solicitor upon prior notice to the Township Committee), and all exhibits and schedules thereto, are hereby authorized and approved.

4. The Improvements, when constructed and deemed substantially completed, shall be exempt from real property taxation and, in lieu of real property taxes, the Developer shall make payments of an Annual Service Charge to the Township during the term and under the provisions set forth in the Financial Agreement.

5. Upon adoption of this Ordinance and execution of the Financial Agreement, a certified copy of this Ordinance and the Financial Agreement shall be transmitted to the Department of Community Affairs, Director of the Division of Local Government Services; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon proper passage in accordance with the law; and

BE IT FURTHER ORDAINED that the Mayor, the Township Business Administrator, the Township Chief Financial Officer are each hereby authorized to execute the Financial Agreement and any additional documents as are necessary to implement and carry out the intent of this Ordinance and the Financial Agreement. Such Financial Agreement and any additional documents may each be attested on behalf of the Township by the Township Clerk or Township Deputy Clerk.

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST:

Jane DiBella, Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 15th day of November, 2021. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such ordinance at which time any interested person(s) may be heard. Said meeting is to be conducted on the 6th day of December, 2021, at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey, beginning at 6:00 p.m.

Jane DiBella, Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing at a meeting of the Woolwich Township Committee on the 6th day of December, 2021.

Jane DiBella, Clerk

AN ORDINANCE OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, STATE OF NEW JERSEY ADOPTING AN AMENDMENT TO THE REDEVELOPMENT PLAN FOR BLOCK 14, LOTS 2 AND 4 KNOWN AS THE NIKE MISSILE BASE SITE

ORDINANCE 2021-23

WHEREAS, the Township of Woolwich purchased property identified on the Tax Maps of the Township of Woolwich as Block 14, Lots 2 and 4 and commonly known as the former Nike Missile Base Site from the Government Services Administration in 2009; and

WHEREAS, on June 18, 2009, the Township Joint Land Use Board adopted Resolution R-2009-18 recommending that the Township Committee designate the Property an Area in Need of Redevelopment pursuant to N.J.S.A. 40A:12A-1 et. seq.; and

WHEREAS, on July 20, 2009, the Township Committee adopted Resolution R-2009-165 designating the Property an Area In Need of Redevelopment; and

WHEREAS, thereafter, the Township Committee adopted a redevelopment plan entitled "Nike Missile Site Redevelopment Plan" prepared by J. Timothy Kernan, Maser Consulting, pursuant to Ordinance 2017-03 on March 6, 2017; and

WHEREAS, the purpose of this Ordinance is to Amend the Nike Missile Site Redevelopment Plan to incorporate special use, bulk, area and design criteria as part of that redevelopment plan with the ultimate goal of facilitation of redevelopment of the Nike Missile Site; and

WHEREAS, the special bulk, area and design criteria are attached hereto as Exhibit "A" and incorporated into this Ordinance by reference; and

WHEREAS, the Township Committee of the Township of Woolwich desires to adopt said Amendment to the Nike Missile Site Redevelopment Plan.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of Woolwich Township, County of Gloucester, State of New Jersey, that:

1. The Redevelopment Plan entitled, "Nike Missile Site Redevelopment Plan," is hereby amended to include and incorporate the use, bulk, area and design criteria depicted on Exhibit "A" attached hereto and referenced herein; and
2. Where bulk standards are not provided in Exhibit A, standards shall continue to be governed by the Nike Missile Site Redevelopment Plan; and
3. The Township Committee of Woolwich Township notes that the power of eminent domain is not made a part of the Nike Missile Site Redevelopment Plan; and
4. The Amendments to the Nike Missile Site Redevelopment Plan will be on file in the office of the Woolwich Township Clerk for review by the public during normal business hours.

TOWNSHIP OF WOOLWICH

By: _____
Vernon Marino, Mayor

ATTEST:

Jane DiBella, Administrator / Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the ____ day of _____, 2021. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such Ordinance at which time any interested person(s) may be heard. Said hearing is to be conducted on the ____ day of _____, 2021, at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey beginning at 6:00pm.

Jane DiBella, Administrator / Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing at a meeting of the Woolwich Township Committee on the ____ day of _____, 2021.

Jane DiBella, Administrator / Clerk



PARKER McCAY

Parker McCay P.A.
9000 Midlantic Drive, Suite 300
P.O. Box 5054
Mount Laurel, NJ 08054

P: 856-596-8900
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Memorandum

Via Email

Date: December 1, 2021
To: Mayor and Township Committee
From: Parker McCay P.A.
Re: Procedures for Establishment and Information Relates to Sewer Utility
30386-2

INTRODUCTION

This memorandum examines the procedures that are necessary for Woolwich Township (the "Township") to create a sewer utility.

I. Enabling Authority

The Municipal and County Sewerage Act, *N.J.S.A.* 40A:26A-1 et seq., (the "Act") grants municipalities and counties either separately or in combination with other municipalities and counties the power to finance, acquire, construct, maintain, operate or improve works for the collection, treatment, transport and disposal of sewage and to provide for the financing of these facilities. Once the Township has created the sewer utility, the sewer utility is authorized and empowered to, among other things, issue bonds of the Township to pay all or part of the cost of the purchase, construction, improvement, extension, enlargement or reconstruction of sewerage facilities, *N.J.S.A.* 40A:26A-5. The bonds issued by the Township may be: 1) general obligation bonds payable from unlimited *ad valorem* taxes, which may additionally be secured by a pledge of revenues; 2) local improvement assessment bonds payable from local improvement assessments, additionally secured by unlimited *ad valorem* taxes; or 3) general obligation bonds secured and payable from rates, rentals and other charges levied, and additionally secured by unlimited *ad valorem* taxes. Bonds may also be secured by a pledge of any grant, subsidy or contribution received by the issuing Township from the United States or the State of New Jersey, or any agency, instrumentality or political subdivision thereof. *N.J.S.A.* 40A:26A-9.

II. Procedures to Create a Sewer Utility

a. Ordinance from the Governing Body

Pursuant to *N.J.S.A.* 40A:26A-4, the governing body of the Township must determine that the public health, safety or welfare can best be assured by the acquisition, construction or

COUNSEL WHEN IT MATTERS.SM

Mount Laurel, New Jersey | Hamilton, New Jersey | Atlantic City, New Jersey | Camden, New Jersey



operation of a sewer utility by the Township. To do so, the Township must adopt an ordinance creating said utility. Furthermore, no sewerage facilities may be acquired, constructed or operated until all necessary permits and approvals have been received from the appropriate State agencies, such as permits from the New Jersey Department of Environmental Protection ("NJDEP").

b. Establishing Rates

Once the operations of the sewerage facilities have begun, Aqua will establish uniform and equitable rates, rentals, or other charges for supplying sewerage services.

In addition to the rates and rentals described above, a separate charge in the nature of a connection fee or tapping fee for each connection of any property to the sewerage system may be imposed by the Township upon the owner or occupant at the property so connected. These connection charges must be uniform within each class of users and the amount charged shall not exceed the actual cost of the physical connection plus an amount representing the fair payment towards the cost of the system. *N.J.S.A. 40A:26A-11.*

c. Granting the Governing Body the Power to Contract

The Township shall have the power to authorize, by resolution, officials to enter into and execute contracts pursuant to the Act. The governing body shall have the full power and authority to do and perform all acts and things provided under the terms and conditions of the contracts, *N.J. S.A. 40A:26A-18.*

III. Treatment of Utility under Local Budget Law

Pursuant to *N.J.S.A. 40A:4-33*, the anticipated revenues from the operation of any utility or enterprise owned or operated by a local unit and the appropriations to be made therefor shall be set forth in a separate section of the budget.

In addition, pursuant to *N.J.S.A. 40A:4-33*, dedicated revenues, derived from publicly owned or operated utilities, shall not be stated in the budget in an amount which is in excess of the appropriation therein to the purposes to which the same are applicable, or in excess of the amount actually realized in cash from the same source during the preceding fiscal year, unless the Director of the Division of Local Government Services shall, upon application of the governing body, determine that the facts clearly warrant the expectation that such excess amount will actually be realized in cash during the fiscal year and shall certify such determination in writing to the local unit.

Pursuant to *N.J.S.A. 40A:4-34*, appropriations for any utility owned or operated by the Township shall be in the form and detail prescribed by the regulations of the local governing



board and shall include, at least (a) operations, (b) interest and debt retirement, and (c) deferred charges and statutory expenditures.

Further, pursuant to *N.J.S.A. 40A:4-35*, if, in any year as a result of the operation of such utility or enterprise under the system of accounting used for the Township, there is a surplus, or such surplus can be reasonably anticipated, then such surplus, when authorized by the board or body controlling the utility, the surplus may be included in the Township's budget as an item of miscellaneous revenue, under the caption of "Surplus from (designation of the utility fund)".

Conversely, if, in any year as a result of such operation, there is a deficit or an anticipated deficit, then an appropriation for such deficit is included in the budget under the caption of "Deficit in (designation of the utility fund)". If any anticipated deficit exceeds the appropriation therefor, the excess is to be provided for in the budget of the following year. *N.J.S.A. 40A:4-35* does not, however, supersede the specific dedication of receipts from a utility unless so directed by the board or body controlling the same.

IV. Establishment of Utility as Self-Liquidating; Treatment under Local Bond Law

Pursuant to *N.J.S.A. 40A:2-45*, any municipal public utility shall be deemed to be self-liquidating if the cash receipts from fees, rents or other charges, and for redevelopment utilities, taxes other than taxes assessed on real property, in a fiscal year are sufficient to meet operating and maintenance costs (exclusive of depreciation and obsolescence) and interest and debt redemption charges payable or accruing in such year without recourse to general taxation or deficit, if any, anticipated in the dedicated utility assessment budget.

For such purpose, pursuant to *N.J.S.A. 40A:2-45*, there may be included in such cash receipts any fees, rents and other charges collected from other departments or utilities of the local unit at a rate not in excess of the fees, rents or other charges to other consumers, customers or users, or if there be no other consumers, customers or users properly comparable, then not in excess of the comparable fees, rents and other charges of privately owned or operated utilities or enterprises.

Further, pursuant to *N.J.S.A. 40A:2-45*, any municipal public utility may include interest on investments and deposits and appropriated surplus as revenues, in addition to the other revenues authorized by this section, in a determination of whether that municipal public utility shall be deemed to be a self-liquidating purpose.

In addition, pursuant to *N.J.S.A. 40A:2-46*, any municipal public utility shall be deemed to be self-liquidating during the period of construction or acquisition and until it shall have been in operation for at least 1 fiscal year if the local government board or, in the case of a project consisting of acquisition of land areas needed for a redevelopment housing project, the Division of Planning and Development in the Department of Conservation and Economic Development



shall have determined by order on the basis of a project report that the said municipal public utility will have an income sufficient to make it a self-liquidating purpose.

Pursuant to *N.J.S.A. 40A:2-47*, any obligations to finance an improvement or extension of a municipal public utility shall be deemed to be for a self-liquidating purpose in the fiscal year in which the obligations to finance the same shall have been authorized or issued if:

- (i) such utility would have been self-liquidating during the last fiscal year had there been included in the interest and debt redemption charges for such year an amount equal to interest for 1 year at the rate of 4 1/2 % per annum on such obligations, and the amount of the first installment of serial bonds legally issuable to finance such improvement or extension plus an amount for charges as aforesaid with respect to all bonds and notes authorized but not issued for such utility;
- (ii) the local government board or, in the case of a project consisting of acquisition of land areas needed for a redevelopment housing project, the Division of Planning and Development in the Department of Conservation and Economic Development, shall determine by order on the basis of a project report that said utility would have been self-liquidating during the last preceding fiscal year if there had been included interest and debt redemption charges for said obligations and prospective income from said improvement or extension, or that said utility would have been self-liquidating if charges had been collected in said last preceding fiscal year as prescribed in said report.

To the extent that the utility is deemed self-liquidating, debt issued for such utility (and charged to the utility) is a deduction from the gross debt of the Township. See *N.J.S.A. 40A:2-44(c)*.

Further, any bond ordinances authorizing debt to be amortized by the revenues of the utility, do not require a down payment. See *N.J.S.A. 40A:2-11(c)* and *N.J.S.A. 40A:2-7(h)*.

Finally, pursuant to *N.J.S.A. 40A:2-7(h)*, to the extent that the utility is self-liquidating, the Township is permitted to adopt a bond ordinance for utility purposes even if such bond ordinance would exceed the Township's otherwise applicable debt limitation.

Please let us know if you have any questions regarding the above
4888-0236-1861, v. 1

**TOWNSHIP OF WOOLWICH
GLOUCESTER COUNTY**

ORDINANCE 2021-24

**AN ORDINANCE AUTHORIZING THE CREATION OF A MUNICIPAL SEWER
UTILITY PURSUANT TO N.J.S.A. 40A:26A-1 et. seq.**

WHEREAS, The Municipal and County Sewerage Act, N.J.S.A. § 40A:26A-1 et seq., (the "Act") grants municipalities and counties, either separately or in combination with other municipalities and counties, the power to finance, acquire, construct, maintain, operate or improve works for the collection, treatment, transport and disposal of sewage and to provide for the financing of these facilities; and

WHEREAS, in recent years the Township of Woolwich has undergone an increase in residential and non-residential development; and

WHEREAS, due to this increased development, there is now a need for public sewer within the Township; and

WHEREAS, pursuant to N.J.S.A. § 40A:26A-4, the Township Committee of the Township of Woolwich has determined that the public health, safety and/or welfare can best be assured by the acquisition, construction or operation of a sewer utility by the Township or its designee Aqua; and

WHEREAS, pursuant to N.J.S.A. § 40A:26A-6, the Township has conducted surveys, investigations, studies, borings, maps, plans, drawings and estimates of costs and of revenues as may be necessary for the creation of said sewer utility; and

WHEREAS, on April 22, 2021 the Township and Aqua New Jersey, Inc. entered into a Water/Sewer Infrastructure Lease and Purchase Agreement whereby Aqua New Jersey will among other things operate, maintain and repair the Township's sewer mains. Woolwich Township will

retain ownership of the Township's sewer mains until such time as Aqua is legally permitted to take ownership pursuant to bonding restrictions. Said Agreement is attached hereto.

WHEREAS, the Township Committee of the Township of Woolwich now wishes to authorize by Ordinance the creation of a sewer utility; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Township Committee of Woolwich Township, County of Gloucester, State of New Jersey, that:

Section 1-Establishment

Pursuant to N.J.S.A. 40A:26A-1 et. seq., and N.J.S.A. 40:14B-1 et seq. and N.J.S.A. 40:14A-1 et. seq., the Township Committee of the Township of Woolwich, County of Gloucester, New Jersey ("Township") does hereby declare and establish that a Municipal Sewer Utility of the Township shall hereafter be operated and maintained as a self-liquidating public utility for purposes of the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and Local Budget Law, N.J.S.A. 40A:4-1 et seq., with respect to, among other things, the construction of a regional sanitary sewer collection system to transmit waste to the Gloucester County Utilities Authority ("GCUA") Treatment Plant and one or more wastewater pumping stations to serve the Township, all as more particularly described in the drawings prepared and on file and available for inspection in the office of the Township Clerk, as such drawing, plans and specifications may hereafter be amended, supplemented and revised (collectively, the "Municipal Utility"). Said utility shall be known as the "Woolwich Township Sewer Division in the Department of Public Works."

Section 2- Fees, rents, etc.

The Municipal Utility is hereby authorized to receive such fees, rents, rates or other charges for or in connection with the use or services of such Municipal Utility, which sums shall be held, used and applied in accordance with the Local Bond Law, N.J.S.A. 40A:2-1 et seq., and the Local Budget Law, N.J.S.A. 40A:4-1 et seq., as well as other applicable statutes.

Section 3-Accounting.

The Township Chief Financial Officer or his or her designee is responsible for establishing a financial management system to accurately account for revenues generated by the system All future revenue and accounting from said sewer utility shall be on a dedicated utility basis in conformity with N.J.S.A. 40A:4-35, and all money derived from the connection and impact fees of said sewer utility shall be kept segregated in a separate fund, which shall be known as the "Sewer Utility Fund," and all disbursements for any installation costs of the sewer utility shall be taken from said Sewer Utility Fund.

Section 4- Budget.

The dedicated budget of this sewer utility shall include appropriations for capital improvements, debt service and for the payment of all bonds, principal and interest and all other deferred charges and statutory expenses as may be required.

Section 5- Management

Management of the Municipal Utility hereinabove established shall be vested in the Township Committee of the Township of Woolwich.

Section 6- Definitions.

Unless the context clearly indicates otherwise, the following words, terms and phrases shall have the following meanings when used in this article:

CUSTOMER or OWNER

Any person, corporation or organization contracting for water or sewer connections or use, products or services or who use said services, or who is the owner or occupant, or both, of any real property which directly or indirectly has been connected to the sewer system or to which directly or indirectly has been furnished or supplied the use, products or services of the sewer system or sewer services, facilities or products.

DIVISION

The Woolwich Township Sewer Division of the Department of Public Works.

DOMESTIC SEWAGE

Waste and wastewater comprising the discharge of household, commercial or otherwise wastes from bathroom toilet facilities, home laundries and kitchens which are predominantly the result of natural human waste elimination associated with bodily function and food preparation.

ENFORCING OFFICIAL

The Township Committee or its designee in the Department of Public Works.

MAIN

The Township and/or Aqua-owned, leased, operated or shared piping and appurtenances in or along public highways and streets or along privately owned rights-of-way, used for the collection of domestic sewage or industrial wastes from its customers.

NON-RESIDENTIAL USE

All users and connections other than those defined as residential use, including but not limited to business, commercial, industry, restaurants, taverns, theaters, camps, churches, schools, hospitals, boarding homes, nursing homes, etc.

PERSON

An individual, corporation, partnership or other entity or organization, and includes the plural thereof as well as the singular.

RESIDENTIAL USE

A single-family or multifamily dwelling, apartment, trailer, mobile home, hotel or motel unit which is designed and used exclusively for providing living accommodations.

TOWNSHIP

The Township of Woolwich.

SEWER OPERATOR

Aqua and the licensed professional responsible for the overall operation of the sewer utility

UNIT

In the case of a residential use, each dwelling unit, e.g., a single-family residential dwelling, a townhouse unit, etc., and in the case of a nonresidential use, a single nonresidential use drawing a maximum of 300 gallons of water per day, and for any usage in excess of 300 gallons per day, an additional unit shall be calculated in accordance with the flow criteria contained at N.J.A.C. 7:14A-23.3.

Section 7- General regulations.

A. Connection required.

(1)

The owners of all houses, buildings or properties used for human occupancy, employment, recreation, commercial, industrial, non-residential or other purposes, situated within the Township and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a sanitary sewer, are hereby required, at the owner's expense, to connect the drainage of all sources of sewage to the sewer in accordance with the provisions of this article, and except as otherwise provided herein, within 120 days after date of official notice to do so or upon request for plumbing permit, provided that the sewer is within two hundred feet of the property line.

(2)

New sewers and connections to the system shall be properly designed and constructed.

(3)

All costs and expenses incidental to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the Township from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer.

B. Connection fee; permit.

The Township Committee hereby establishes a fee to be paid by each user to assist the municipality in financing the capital cost of construction of both its infrastructure and from the costs associated with the upgrades required for the plant to which the Townships sewage flow is to be directed. The fee schedule established herein will allow the Township to meet its obligations with regard to the repayment of those capital costs.

(1)

Each applicant for a connection from a single-family residential dwelling to the sewer system shall pay to the Township a fee to make the connection as set forth in Section 8 herein. The connection fee shall be a first lien or charge against the property benefitted therefrom, which may be levied and shall be enforceable in the manner provided for real property tax liens.

(a)

The fee shall be due and payable as follows: for existing houses, the fee shall be paid at the time of the issuance of the plumbing permit. For new development whether residential or nonresidential, the fee shall be paid 1/2 at the time of the issuance of preliminary approval of the lot and 1/2 upon the issuance of a building permit.

(b)

Interest. Interest upon a connection fee which remains unpaid for 30 days after the amount is due shall accrue at a rate of 6% per annum.

(c)

Installment payments for amounts that remain unpaid. Any residential user in an existing residence that fails to pay the connection fee within 30 days of the date due, but instead submits a first payment of \$1,000, along with a written notice indicating his or her intent to pay in a total of five installments, who also satisfies the conditions stated herein, in accordance with N.J.S.A. 54:5-19, may pay the connection fee by way of an installment plan consisting of a total of five payments. If a user who has failed to pay the total amount due within 30 days of the date it is due and payable elects to pay the connection fee in five installments and makes such payments in a timely fashion, the Township and its Tax Collector will not exercise its right to enforce its lien during this time. Interest will, however, continue to accrue as set forth in Subsection **B(1)(b)** above until the final payment is made. The first payment which shall be due at the time specified in Subsection **B(1)(a)** above must be \$1000.00 (which will be credited towards principal), with the remainder to be paid in four installments of \$865.77 due on September 1 of each year. Assuming an interest rate of 6%, each of the four remaining payments, including interest will be in the amount of \$4,463.08. An individual is only eligible to pay in installments as set forth herein, provided that the connection fee does not apply to any parcel of property which has been included in any plan adopted by any municipality of the state or under any statute of the state whereunder prior extensions for the payment of delinquent taxes were authorized; provided, further, that the right of any person interested in paying in installments shall be conditioned upon prompt payment of installments of taxes for the current year and all subsequent taxes and assessments and other municipal liens imposed or becoming a lien thereafter, including all installments thereafter payable on assessments theretofore levied, and also prompt and full payment of all installments of arrears as herein authorized; and provided, further, that in case any such installment of arrears under this plan or of any new taxes, assessments or other liens are not promptly paid, that is to say, within 30

days after the date when the same is due and payable, then such installment plan shall be void, and the Township shall enforce its lien in the manner set forth for tax sales.

(d)

Time for connection for residential users and discontinuance of septic systems:

[1]

For residential users currently served by a septic system which is deemed to be failing or otherwise presents any health dangers to the community, then connection shall be made within 60 days upon the availability of same.

[2]

For residential users currently serviced by septic systems which do not present immediate health concerns, all such septic systems shall be discontinued and terminated and connection shall be made within 120 days after date of official notice to do so.

(3)

Each applicant for a connection from a non-residential source to the sewer system shall pay the Township a fee as set forth in Section 8 herein. The connection fee shall be a first lien or charge against the property benefitted therefrom, which may be levied and shall be enforceable in the manner provided for real property tax liens.

(a)

The fee shall be payable as follows: for existing non-residential uses, at the time of issuance of the plumbing permit, and for new nonresidential uses, 1/2 at the time of preliminary approval and 1/2 at the time of issuance of the building permit.

C. Individual pumps.

(1)

Any pump required to pump sewage from the user to the system will be purchased, installed, and maintained by the user. The homeowner or commercial property owner is responsible for all on site sewer laterals, individual unit pump stations, and force main up to the public sewer connection point. For individual pump station, the property owner is responsible for all electric required to operate the pump as well as any alarm or other electrical system associated with same. If a new pump station is being constructed to serve multiple residential homes, a developer's agreement will be entered into to determine ownership and maintenance responsibility of the pump station. If the Township assumes ownership, easements will need to be recorded to provide access for maintenance activities.

(2)

The user is responsible for proper use of the waste system from their house to the pump, and any damage to the pump caused by the misuse of the system will be the responsibility of the user.

D. Prohibited connections.

(1)

The construction or maintenance of any privy, cesspool, septic or other individual sewage disposal system within areas of the Township adequately serviced by the Township sewer system is declared to be a nuisance and is hereby prohibited.

(2)

No person shall discharge, deposit, cause or allow to be deposited or discharged in the Township sewer system any substance, wastewater or pollutant specifically prohibited by the GCUA Sewer Use and Pretreatment Rules and Regulations as currently in effect and amended.

E. Nonliability of Township.

The Township shall not be held liable or accountable for any damage which may result from leaks, burst pipes, sewer backups or from any other causes connected with discharge or sewage in occupied or unoccupied buildings.

Section 8 Connection Fee Schedule

\$4,500.00 Per Domestic Consumer Unit (DCU) or Equivalent Domestic Consumer Unit (EDCU)				
	TYPE OF STRUCTURE		UNITS	FEE
01	Single Family, Twin, Townhouse Residential		1.00	\$4,500.00
02	Rental or Condominium Apartment Unit		0.70	\$3,150.00
03	Senior Citizen Apartment Unit		0.70	\$3,150.00
04	Hotel or Motel Per Living Unit		0.50	\$2,250.00
05	Service Station	Per Filling Position	0.40	\$1,800.00
		Per Service Bay	0.20	\$900.00
		Mini-Market per each 3,000 square feet of gross floor area or segment thereof	1.00	\$4,500.00
06	Supermarket	Per first 3,000 square feet of gross floor area or segment thereof	1.00	\$4,500.00
		Per each additional 5,000 square feet of gross floor area or segment thereof	1.00	\$4,500.00
07	Clubs	Residential per member	0.25	\$1,125.00
		Non-Residential per every 10 members	1.00	\$4,500.00
08	Catering/Banquet Halls	1-45 persons	3.00	\$13,500.00
		Each additional 15 persons or segment thereof	1.00	\$4,500.00
09	Church	Worship Area Only per each 100 seats or segment thereof	1.00	\$4,500.00
10	Commercial Garage with Water Fixtures		1.00	\$4,500.00
11	Eating Establishments	Take-Out Restaurant without seating facilities	2.00	\$9,000.00
		Fast Food Restaurant each 20 seats or segment thereof	1.00	\$4,500.00
		Average Restaurant 1-25 seating capacity	3.00	\$13,500.00

\$4,500.00 Per Domestic Consumer Unit (DCU) or Equivalent Domestic Consumer Unit (EDCU)				
	TYPE OF STRUCTURE		UNITS	FEE
		Each additional 10 seats or segment thereof	1.00	\$4,500.00
		24-Hour Service Restaurant each 6 seats or segment thereof	1.00	\$4,500.00
		Bar/Cocktail Lounge each 15 seats or segment thereof	1.00	\$4,500.00
		Hospitals (Includes staff) per each 10 beds or segment thereof	6.00	\$27,000.00
12	Institutions	Other Institutions, including but not limited to Nursing Homes, Convalescent Homes, Long-Term Patient Facilities, and Assisted Living Facilities where no more than 2 residents share a room. Per each 10 beds or segment thereof	4.00	\$18,000.00
13	Office Building per each 3,000 square feet of gross floor area or segment thereof		1.00	\$4,500.00
14	Laundromat or Self-Service Laundromat per each machine		0.50	\$2,250.00
15	Swim Clubs (Wastewater Fixtures Only) NOTE: SWIMMING POOL DRAINS MAY NOT BE CONNECTED TO THE SANITARY SEWER SYSTEM		2.00	\$9,000.00
16	Retail & General Commercial Business	Per first 3,000 square feet of gross floor area or segment thereof	1.00	\$4,500.00
		Per each additional 5,000 square feet of gross floor area or segment thereof	1.00	\$4,500.00
17	Warehouse per each 12,000 square feet of gross floor area or segment thereof NOTE: RATE BASED ON ONE OPERATIONAL SHIFT PER DAY FOR MULTIPLE SHIFTS, THE UNITS SHALL BE MULTIPLIED BY THE NUMBER OF DAILY SHIFTS		1.00	\$4,500.00
18	Theater (Indoors) per each 100 seats or segment thereof		1.00	\$4,500.00
19	Industrial or Manufacturing Plant without Industrial Waste per each 12,000 square feet of gross floor area or segment thereof NOTE: WOOLWICH TOWNSHIP RESERVES THE RIGHT TO USE A DIFFERENT PARAMETER SHOULD THE INDUSTRIAL USER INCORPORATE A LARGE QUANTITY OF WATER EITHER IN THEIR PRODUCT MANUFACTURED OR CLEAN-UP REQUIREMENT		1.00	\$4,500.00
20	Mobile Home Units	Single Wide Pad, one or two bedrooms	0.75	\$3,375.00
		Single Wide Pad, three or more bedrooms	1.00	\$4,500.00
		Double Wide Pad	1.00	\$4,500.00
NOTE: IN THE EVENT A BUSINESS OR STRUCTURE IS NOT DESCRIBED IN THIS SCHEDULE, WOOLWICH TOWNSHIP SHALL DETERMINE THE MINIMUM EQUIVALENT DOMESTIC CONSUMER UNITS. IN ADDITION TO THE TOWNSHIP FEES, ANY NEW CONNECTION MUST COMPLY WITH ANY AND ALL GLOUCESTER COUNTY UTILITIES AUTHORITY (GCUA) REGULATIONS AND FEES.				

Section 9- Enforcement and penalty.

A.

Any person who violates or neglects to comply with any provision of this chapter or code established herein, or notice issued pursuant thereto, shall, upon conviction thereof, be liable to a penalty of not less than \$50 nor more than \$1,000 for each violation. A separate violation shall occur on each day of noncompliance.

B.

Nothing contained herein shall be deemed to modify or substitute for the penalties set forth at N.J.A.C. 7:9A-1.7, but instead all penalties are designed and intended to be supplemental and separate.

C.

Moreover, in the event that the owner of such building fails to connect in accordance with the terms of this article, the Woolwich Township Committee is hereby authorized to order such connection by written notice signed by the designee of the Township Committee and served by the designee of the Township either upon the owner(s) personally or by leaving such notice at the owner'(s) usual place of abode with a family member above the age of 18 years. If, following service of such an order in the manner described above, the owner(s) fails to connect within 30 days of receipt of the aforesaid order, the owner shall be subject to a fine of \$25 plus \$10 for each day of delay following the expiration of the thirty-day period which succeeds the day of receipt by the owner(s) of the aforesaid order.

D.

In the event that the Township is required to institute action, to compel connection to the municipal sewer system, and/or determines to institute suit to recover any costs or fees incurred by the Township in the course of undertaking any emergency repairs authorized under this chapter, and in the further event that the Township is successful in the course of that action, the property owner against whom said action is brought shall be responsible for all reasonable attorney's fees and costs of suit incurred by the Township in the course of such proceeding, even if, at the conclusion of the matter, it is determined by a Court of competent jurisdiction that the property owner's contractors were responsible for the damages, it being the determination of the Township Committee that said contractors serve as the agents, servants and employees of the property owner, who is ultimately responsible.

Section 10- Repealer, Severability and Effective Date.

A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

C. This Ordinance shall take effect upon passage and publication according to law.

TOWNSHIP OF WOOLWICH

By: _____
Vernon Marino, Mayor

ATTEST:

Jane DiBella, Administrator / Clerk

CERTIFICATION

The foregoing Ordinance was introduced upon first reading by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021. It will be further considered for final adoption upon a second reading and subsequent to a public hearing to be held on such Ordinance at which time any interested person(s) may be heard. Said hearing is to be conducted on the 20th day of December, 2021, at the Woolwich Township Building, 120 Village Green Drive, Woolwich Township, New Jersey beginning at 6:00pm.

Jane DiBella, Administrator / Clerk

CERTIFICATION OF ADOPTION

The foregoing Ordinance was adopted upon second reading and subsequent to a public hearing at a meeting of the Woolwich Township Committee on the 20th day of December, 2021.

Jane DiBella, Administrator / Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH AUTHORIZING THE ACCEPTANCE AND FILING OF
PERFORMANCE BONDS FILED ON THE BEHALF OF DPIF3 NJ4 WOOLWICH 322, LLC**

R-2021-203

WHEREAS, development improvements are proposed by DPIF3 NJ4 Woolwich 322, LLC on Block 6, Lot 6;
and

WHEREAS, the Woolwich Township Engineer has provided cost estimates for said proposed
improvements; and

WHEREAS, accordingly, the Township has received the following guarantees;

Performance Surety Bond #800046661 in the amount of \$38,735.65 Safety and Stabilization

Performance Surety Bond #800129703 in the amount of \$191,580.00 Landscape Buffer

Performance Surety Bond #800129704 in the amount of \$1,286,734.80 Public Facilities

WHEREAS, said Performance Bonds are approved as to form and content; and

WHEREAS, the Woolwich Township Clerk is directed to maintain said original bonds on file until
authorized for reduction or release;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That the Woolwich Township Clerk be and is hereby authorized and directed to accept
Performance Bond # 800046661, #800129703 and #800129704 issued by Atlantic Specialty
Insurance Company as described above as posted for Block, 6, Lot 6 on the behalf of DPIF3 NJ4
Woolwich 322, LLC until such time as direction for reduction and/or release is issued.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at
a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH AUTHORIZING THE ACCEPTANCE AND FILING OF
PERFORMANCE BONDS FILED ON THE BEHALF OF DPIF3 NJ5 2062 WOOLWICH LLC**

R-2021-204

WHEREAS, development improvements are proposed by DPIF3 NJ5 2062 Woolwich LLC on Block 7, Lot 4.01; and

WHEREAS, the Woolwich Township Engineer has provided cost estimates for said proposed improvements; and

WHEREAS, accordingly, the Township has received the following guarantees;

Performance Surety Bond #800129705 in the amount of \$89,280.00 Landscape Buffer

Performance Surety Bond #800046662 in the amount of \$43,043.37 Safety and Stabilization

WHEREAS, said Performance Bonds are approved as to form and content; and

WHEREAS, the Woolwich Township Clerk is directed to maintain said original bonds on file until authorized for reduction or release;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That the Woolwich Township Clerk be and is hereby authorized and directed to accept Performance Bond #800129705 and #800046662 issued by Atlantic Specialty Insurance Company as described above as posted for Block, 7, Lot 4.01 on the behalf of DPIF3 NJ5 2062 Woolwich, LLC until such time as direction for reduction and/or release is issued.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION AUTHORIZING THE PROPOSAL OF REMINGTON AND VERNICK ENGINEERS TO CONDUCT
ENGINEERING AND INSPECTION OF FY2021 NJDOT SWEDESBORO AVENUE REHABILITATION**

R-2021-205

WHEREAS, the Township of Woolwich has been informed by the New Jersey Department of Transportation that \$215,000 of State Aid Funds have been allocated towards the rehabilitation of Swedesboro Avenue; and

WHEREAS, in a letter dated October 4, 2021, the Woolwich Township Engineer has provided a project cost estimate, which includes engineering and inspection costs and project administration as follows:

Engineering Cost	\$30,000
Inspection Cost	\$13,750
Contract Administration	\$ <u>3,250</u>
Total	\$47,000

WHEREAS, the Woolwich Township CFO has issued a Certification of Funds in this regard;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That Remington and Vernick Engineers be and are hereby authorized and directed to conduct bid preparation, contract administration and inspection services relative to the NJDOT FY2021 Swedesboro Avenue Rehabilitation project per their proposal(s) dated October 4, 2021 in the "Not to Exceed" amount(s) described above.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO TRANSFER/ REFUND OVERPAYMENT OF TAXES

R-2021-206

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey, that it hereby authorizes the Woolwich Tax Collector to process the following transfer to the 2021 /2022 tax year and/or refunds as noted:

Block 28.43	Lot 10	Matlack, Brett	\$ 1,367.39 refund
Block 3.16	Lot 2.16	Lereta	2,769.14 refund
Block 3.27	Lot 11	Corelogic	3,546.81 refund
Block 24	Lot 4.11	Corelogic	3,745.52 refund
Block 28.41	Lot 9	Corelogic	580.68 refund

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vern Marino, Mayor

ATTEST:

Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich, at a meeting held on the 6th day of December 2021.

Jane DiBella, Clerk

**RESOLUTION CERTIFYING THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED THE
ANNUAL REPORT OF AUDIT FOR THE YEAR 2020
R-2021-207**

WHEREAS, N.J.S.A. 40A:5-4 requires the Governing Body of every local unit to have made an annual audit of its books, accounts and financial transactions; and

WHEREAS, the Annual Report of Audit for the year 2019 has been filed by a registered Municipal Accountant with the Woolwich Township Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by every member of the Governing Body; and

WHEREAS, N.J.S.A. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the Governing Body of each municipality shall by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the Governing Body have reviewed, at a minimum, the sections of the annual audit entitled "Findings and Recommendations"; and

WHEREAS, all members of the Governing Body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Findings and Recommendations", as evidenced by the group affidavit form of the Governing Body attached hereto; and

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board; and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the governing body to the penalty provisions of N.J.S.A. 52:27BB-52-to wit:

N.J.S.A. 52:27BB-52- A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the Director, under the provisions of this Article, shall be guilty of a misdemeanor, and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his/her office.

NOW THEREFORE BE IT RESOLVED that the Township Committee in the Township of Woolwich hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

ATTEST: _____
Jane DiBella, Clerk

Vernon Marino, Mayor

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH, COUNTY OF GLOUCESTER, AUTHORIZING THE
EXECUTION OF A COMMODITY RESALE AGREEMENT BETWEEN THE TOWNSHIP OF WOOLWICH AND
THE BOROUGH OF SWEDESBORO FOR THE PURCHASE OF FUEL**

R-2021-208

WHEREAS, NJAC 5:34-7.15 authorizes local contracting units to enter into Commodity resale Agreements for the purchase of certain commodities from other contracting units; and

WHEREAS, the Borough of Swedesboro is in need of the ability to purchase fuel for their fleet and equipment, and has requested that the Township of Woolwich enter into an agreement between both municipalities for this purpose, with the Township of Woolwich as "Provider" and the Borough of Swedesboro as "User" for the resale of fuel per the terms of said Agreement attached hereto; and

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Woolwich that the Mayor and Municipal Clerk be and hereby authorized and directed to execute the attached "Agreement Between the Township of Woolwich and the Borough of Swedesboro for the purchase of Fuel"; and

BE IT FURTHER RESOLVED that the Municipal Clerk forward a certified copy of this resolution along with the executed agreement to the Clerk of the Borough of Swedesboro for the approval and execution of said agreement.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF WOOLWICH, STATE OF
NEW JERSEY, SUPPORTING THE APPLICATION OF WOOLWICH WELLNESS COMPANY, LLC FOR
A CLASS 1 CANNABIS CULTIVATOR LICENSE
R-2021-209**

WHEREAS, Woolwich Wellness Company, LLC ("WWC") has notified the Woolwich Township Mayor and Township Committee of its intent to submit an application to the New Jersey Cannabis Regulatory Commission ("CRC") for a Class 1 Cannabis Cultivator License to operate a cannabis cultivation facility at premises located at 857 Russell Mill Road in the Township of Woolwich; and

WHEREAS, a business with a Class 1 Cannabis Cultivator License is permitted as an agricultural use conditional use in Woolwich Township's R-1 Residential District pursuant to Woolwich Township Code Section 203-40.B.(1), which incorporates by reference the permitted uses in the 5A District (Code Section 203-39.A.(1)(b) and (g)); and

WHEREAS, a business with a Class 1 Cannabis Cultivator License is also permitted as an agricultural use pursuant to Woolwich Township's Right to Farm Ordinance (Code Section 203-18.B.); and

WHEREAS, as a permitted agricultural use, a licensed Class 1 Cannabis Cultivator is exempt from site plan review requirements pursuant to Woolwich Township Code Section 149-4.C.; and

WHEREAS, the premises located at 857 Russell Mill Road is within the R-1 Residential District of the Township of Woolwich, and WWC's proposed Class 1 cannabis cultivation facility is permitted as an agricultural use in that district, and is exempt from site plan review; and

WHEREAS, N.J.A.C. 17:30-5.1(g)(1) requires a municipality with a governing body to demonstrate local support for the suitability of a cannabis business' proposed location to the CRC by adopting a resolution evidencing the suitability of the proposed location by indicating that the intended location is appropriately located or otherwise suitable for activities related to the operations of the proposed cannabis business;

NOW THEREFOR BE IT RESOLVED that the Woolwich Township Committee has determined that the premises located at 857 Russell Mill Road is appropriately zoned and suitable for the operation of a cannabis cultivator and all activities related to the legal operation of a cannabis cultivator pursuant to New Jersey law as a permitted agricultural use in the R-1 District that does not require a use variance, conditional use approval, or site plan review, subject to issuance of a zoning permit by the Woolwich Township Zoning Officer in response to a zoning permit application that demonstrates compliance with the aforesaid R-1 District requirements; and

BE IT FURTHER RESOLVED that the Woolwich Township Committee supports the application of Woolwich Wellness Company, LLC, for a Class 1 Cannabis Cultivator License to operate a Class 1 Cannabis Cultivator at premises located at 857 Russell Mill Road in the Township of Woolwich.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Attest: _____
Jane DiBella, Clerk

Vernon Marino, Mayor

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

RESOLUTION AUTHORIZING CANCELLATION OR REFUND OF TAXES FOR 2020/2021

R-2021-210

BE IT RESOLVED, by the Township Committee of Woolwich, County of Gloucester, and State of New Jersey, that it hereby authorizes the Woolwich Township Tax Collector, to cancel taxes on the following:

Block 11	Lot 23.07	The Enclave @ Stone Meeting House	\$377.41 2020 tax year
			377.96 2021 tax year

Due to an error by the County Tax Assessor an Appeal was filed with the State and they granted the appeal to change the property class from vacant land (1) to exempt (15F) taxes for the 2020/2021 tax year. appeal and judgment are attached hereto and incorporated into this Resolution.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino Mayor

ATTEST: _____

Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of Woolwich Township at a meeting held on the 6th day of December 2021.

Jane DiBella, Clerk

RESOLUTION AUTHORIZING THE TAX COLLECTOR TO WAIVE INTEREST

R-2021-211

WHEREAS, due to the misplacement of a check resulting in a late posting of tax payment which occurred after the due date, interest in the amount of \$31.84 was accrued on Blk. 3.16, Lot 18; and

WHEREAS, this was due to an error on the part of the Tax Collector;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Woolwich, County of Gloucester, and State of New Jersey, that it hereby authorizes the Woolwich Tax Collector to process the following:

Block 3.16 Lot 18 Milo, Joseph & Caitlin Interest in the amount of \$31.84 waived

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of Woolwich, at a meeting held on the 6th day of December 2021.

Jane DiBella, Clerk

TOWNSHIP OF WOOLWICH

**RESOLUTION DESIGNATING NORTHPOINT INVESTMENTS I, LLC AS
CONDITIONAL REDEVELOPER AND AUTHORIZING EXECUTION OF
AGREEMENT TO DESIGNATE CONDITIONAL REDEVELOPER, PROVIDE FOR
PAYMENT OF ADMINISTRATIVE COSTS
R-2021-212**

WHEREAS, the Township of Woolwich has pursued efforts to facilitate the commercial development of certain Property located along Route 322, said Property also known as Block 10, Lot 4 (collectively the "Property"); and

WHEREAS, the Township Committee has determined it to be in the best interests of the residents, citizens, and taxpayers of the Township of Woolwich to evaluate the redevelopment of said Property in a fashion the acceptable to the Township; and

WHEREAS, Northpoint Investments I, LLC, an experienced commercial developer, has proposed to develop the Property, and the Township is desirous of allowing its professionals and staff to meet with the Developer and its professionals to explore and promote the development of the Property; and

WHEREAS, the Township Committee is desirous of minimizing the costs to the taxpayers associated with said efforts, and has therefore required the Developer to deposit an escrow to fund the costs of the Township's professionals, and the Developer has agreed to do so; and

WHEREAS, the Township Committee is desirous of executing the attached "Agreement to Designate Conditional Redeveloper, Provide for Payment of Administrative Costs" so that the discussions regarding the development of the Property can commence in earnest; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey, that the Mayor and

Township Clerk are hereby authorized and directed to execute the attached "Agreement to Designate Conditional Redeveloper, Provide for Payment of Administrative Costs" with Northpoint Investments I, LLC, whose address is 8120 Woodmont Avenue, Suite 550, Bethesda, Maryland 20814; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey that Northpoint Investments I, LLC is hereby designated as the Conditional Redeveloper for Block 10, Lot 4; and

NOW THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Woolwich, County of Gloucester, State of New Jersey.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting conducted on the 6th day of Dcember, 2021.

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH MAKING AN ELEVATION
WITHIN THE WOOLWICH TOWNSHIP POLICE DEPARTMENT
R-2021-213**

WHEREAS, Officer Brandon Lopez has served the Woolwich Township Police Department with distinction since December 12, 2019; and

WHEREAS, the effective Agreement between the Township of Woolwich and PBA Local #122 calls for the elevation in Class after one (1) year;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That Brandon Lopez be and is hereby elevated to the position of 7th Class Patrolman within the Woolwich Township Police Department effective as of December 12, 2021.
2. That in accordance with the Agreement between the Township of Woolwich and PBA Local #122, the salary for 7th Class Patrolman shall be \$55,713 prorated for the remainder of 2021.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION AUTHORIZING DISPOSAL OF CERTAIN TOWNSHIP OWNED EQUIPMENT AND PERSONAL
PROPERTY FROM THE FIXED ASSET LIST OF THE TOWNSHIP OF WOOLWICH**

R-2021-214

WHEREAS, the Township of Woolwich keeps, maintains and updates its Fixed Asset Accounting System as required by the State of New Jersey Division of Local Government Services Technical Accounting Directive 85-2; and

WHEREAS, due to terminal failures or reaching the end of the useful life of equipment in the normal course of business it becomes necessary to dispose of said fixed assets; and

WHEREAS, the Township Committee of the Township of Woolwich authorized, in accordance with NJSA 40A:11-36, the assets to be either sold by sealed bid and/or transferred to another body politic and/or sold at private sale and/or destroyed, which equipment and personal property are therefore to be removed from the fixed asset list as attached hereto; and

WHEREAS, all manner of disposition of said property was conducted in accordance with NJSA 40A:11-36;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows;

1. That the Fixed Asset Accounting System of the Township of Woolwich as required by the State of New Jersey Division of Local Government Services Technical Accounting Directive 85-2, be and is hereby updated to dispose of the property as attached hereto.
2. That all property has been disposed of in accordance with NJSA 40A:11-36, as documented within the files of the Township of Woolwich.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021

Jane DiBella, Clerk

**RESOLUTION OF THE TOWNSHIP OF WOOLWICH APPROVING THE
CORRECTIVE ACTION PLAN FOR THE 2020 MUNICIPAL AUDIT
R-2021-215**

WHEREAS, the Township Committee of the Township of Woolwich is in receipt of the Annual Audit for the Year 2020 as promulgated by N.J.S.A. 40A: 5-4; and

WHEREAS, as part of said annual audit, a Corrective Action Plan is to be created and implemented in regards to the findings and recommendations contained within the audit report; and

WHEREAS, the Woolwich Township Committee, by way of resolution R-2021-207 certified that they have reviewed the 2020 Audit Report, and have reviewed the general comments and recommendations, and copies of such have been provided to the Woolwich Township Committee;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich as follows:

1. That the Woolwich Township Committee hereby approves the submitted Corrective Action Plan, attached hereto and made a part of this resolution, as it applies to the comments and recommendations contained within the 2020 Audit of the Township of Woolwich
2. That the Woolwich Township Clerk be and is hereby authorized and directed to submit the Corrective Action Plan to the Division of Local Government Services, along with a certified copy of this resolution.

Adopted this 6th day of December, 2021

TOWNSHIP OF WOOLWICH

Vernon Marino, Mayor

ATTEST: _____
Jane DiBella, Clerk

CERTIFICATION

The foregoing Resolution was duly adopted by the Township Committee of the Township of Woolwich at a meeting held on the 6th day of December, 2021.

Jane DiBella, Clerk

**RESOLUTION AUTHORIZING A CLOSED SESSION OF THE TOWNSHIP
COMMITTEE OF THE TOWNSHIP OF WOOLWICH:
PERSONNEL: CFO POSITION AND REQUEST FOR LEAVE
R-2021-216**

WHEREAS, the Township Committee of the Township of Woolwich is subject to the requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6 et seq.; and

WHEREAS, the Open Public Meetings Act of the State of New Jersey generally requires that all meetings of public bodies be open to the public; and

WHEREAS, the Open Public Meetings Act further provides that a public body may exclude the public from a portion of a meeting at which the public body discusses items enumerated in the Open Public Meetings Act at N.J.S.A. 10:4-12b, which items are recognized as requiring confidentiality; and

WHEREAS, it is necessary and appropriate for the Woolwich Township Committee to discuss certain matters in a meeting not open to the public consistent with N.J.S.A. 10:4-12b;

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Woolwich that:

1. The Woolwich Township Committee shall hold a closed meeting from which the public shall be excluded on **December 6, 2021**
2. The general nature of the subject to be discussed at said closed meeting shall be;

Contractual: Personnel: CFO Position and Leave Request

The minutes of said closed meeting shall be available for disclosure to the public consistent with N.J.S.A. 10:4-13, when the items which are the subject of the closed session discussion are resolved and a reason for confidentiality no longer exists.

Adopted on the 6th day of December, 2021

ATTEST:

TOWNSHIP OF WOOLWICH

Jane DiBella, Clerk

Vernon Marino, Mayor