



MINUTES

Mount Holly Township Council Meeting
23 Washington Street, Mount Holly, New Jersey
Monday, February 8, 2016
7:00 PM

1. CALL TO ORDER

Mayor Jones called the meeting to order at 7:22 p.m.

2. ROLL CALL

Township Clerk Muller called the roll. Councilmembers Brown, DiFolco, Sykes, Thiessen and Jones were in attendance and a quorum was determined.

3. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was recited.

4. MOMENT OF SILENCE

A moment of silence was observed.

5. VERIFICATION OF NOTICE

This meeting is being held pursuant to the Open Public Meetings Act of 1974 and all provisions of that Act have been met with adequate notice of this meeting having been published in the Township's two official newspapers on January 7th and 8th, 2016, published on the Township's website and posted on the official Township bulletin board.

Township Clerk Muller read the verification of notice into the record.

6. COMMUNICATIONS

a) EAC/GT January Report

Ms. Randi Rothmel presented the January report to Council.

7. APPROVAL OF MINUTES

a) September 16, 2015 Regular Meeting - Minutes are incomplete pending receipt of Resolution No. 2015-172

b) January 25, 2016 Executive Session

Motion made by Mr. DiFolco, seconded by Mr. Brown.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: **4** Nays: **0** Abstain: **Thiessen**

c) January 25, 2016 Regular Meeting

Motion made by Mr. Brown, seconded by Mr. DiFolco.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: **3** Nays: **0** Abstain: **Sykes & Thiessen**

8. ORDINANCES – FIRST READING BY TITLE ONLY

a) Ordinance No. 2016-7: Ordinance Amending Chapter 65 of the Code of the Township of Mount Holly (False Alarms; Disconnection)

Public Hearing to be set for February 22, 2016 at approximately 7:00 p.m.

Motion made by Mr. DiFolco, seconded by Mr. Thiessen.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: **5** Nays: **0** Abstain: **0**

b) Ordinance No. 2016-8: Ordinance Amending Chapter 149-73 of the Municipal Code to Provide for Additional Waivers for Site Plan Approval Applicability

Public Hearing to be set for February 22, 2016 at approximately 7:00 p.m.

Motion made by Mr. Brown, seconded by Mr. DiFolco.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: **5** Nays: **0** Abstain: **0**

c) Ordinance No. 2016-9: Ordinance Authorizing the Lease of 92 Levis Drive to TRFDP Mount Holly Urban Renewal, LLC (“TRFDP”) to Aid in the Redevelopment and Construction of the Gardens Redevelopment Area

Public Hearing to be set for February 22, 2016 at approximately 7:00 p.m.

Motion made by Mr. DiFolco, seconded by Ms. Sykes.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: **5** Nays: **0** Abstain: **0**

9. ORDINANCES – SECOND READING AND PUBLIC HEARING

Mayor Jones opened the public hearing for consideration of Ordinance No. 2016-2. Mr. Luis Lopez of 370 S. Martin Street asked questions pertaining to the Ordinance. There being no further public comment, Mayor Jones then closed the public hearing.

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE 2016 – 2

AN ORDINANCE OF THE TOWNSHIP OF MOUNT HOLLY AMENDING CHAPTER 213 OF THE CODE OF THE TOWNSHIP OF MOUNT HOLLY (VACANT AND ABANDONED PROPERTIES) TO ADD THE “ABANDONED PROPERTY DESIGNATION PROGRAM”

WHEREAS, the Township of Mount Holly contains several structures which are vacant and abandoned in whole or large part; and

WHEREAS, in many cases, the owners or responsible parties of these structures are neglectful of them, not maintaining or securing them to an adequate standard and/or not restoring them to productive use; and

WHEREAS, it has been established that vacant and abandoned structures cause severe harm to the health, safety, and general welfare of the community, including diminution of neighboring property values, increased risk of fire, and potential increases in criminal activity and public health and safety risks; and

WHEREAS, the Township of Mount Holly incurs disproportionate costs in order to deal with the problems of vacant and abandoned structures, including but not limited to, excessive police calls, fire calls, and property inspections; and

WHEREAS, vacant and abandoned properties are a strain on the resources of local Police, Fire, Building and Health Departments, depreciate property values, reduce property tax revenue, attract crime and degrade the quality of life for remaining residents, and

WHEREAS, taxpayers who take care of their homes and properties should not have to subsidize these properties and, accordingly, a registration fee should be assessed to cover such costs; and

WHEREAS, it is necessary to take steps to monitor such properties and protect Borough residents

NOW THEREFORE BE IT ORDAINED by the Council of the Township of Mount Holly, in the County of Burlington and State of New Jersey that the Township Code is hereby amended as follows:

The following section 213-10 shall be inserted to the Code for the Township of Mount Holly.

1. DEFINITIONS

a. "Abandoned Property" shall mean any property that is determined to be abandoned pursuant to P.L. 2003, c. 210 (N.J.S.A. 55: 19- 78 et al.) as follows:

i. Property must not have been legally occupied for six(6) months and must meet any one of the following criteria:

1. Property is in need of rehabilitation in the reasonable judgment of the public officer, and no rehabilitation has taken place during that six (6) month period; or

2. Construction was initiated and 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 determination that the building is abandoned; or

3. At least one (1) installment of property tax remains unpaid and delinquent as of the date of determination; or

4. The property has been determined to be a nuisance by the public officer as defined in this section.

ii. Exceptions to abandoned property.

1. A property on which an entity other than the municipality holds a tax sale certificate is not deemed to be abandoned if the owner of the certificate (1) continues to pay all municipal taxes and liens when due; and (2) initiates foreclosure proceedings within six (6) months after the property is eligible for foreclosure.

2. A property used on a seasonal basis is deemed to be abandoned only if it meets any two of the criteria listed in paragraphs in the definitions of "Abandoned Property" above.

b. "Township" shall mean the Township of Mount Holly

c. "Department" shall mean the New Jersey Department of Community Affairs.

d. "Lien holder or mortgage holder" shall mean any person or entity holding a note, mortgage or other interest secured by the building or any part thereof.

e. "Owner" shall mean the holder or holders of title to an abandoned property.

f. "Public Officer" shall mean the Director of Property Maintenance or any designees of the Director of Property Maintenance.

g. "Qualified rehabilitation entity" shall mean an entity organized or authorized to do business under the New Jersey statutes which shall have as one of its purposes the construction or rehabilitation of residential or nonresidential buildings, the provision of affordable housing, the restoration of abandoned property, the revitalization and improvement of urban neighborhoods, or similar purpose, and which shall be well qualified by virtue of its staff, professional consultants, financial resources, and prior activities set forth in P.L. 2003, c. 10 (N.J. S. A. 55- 19- 78 et al.) to carry out their habilitation of vacant buildings in urban areas.

2. Designation and Power of Public Officer.

The Public Officer 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 P.L. 2003, c. 210, § 28, effective January 8, 2004; P.L. 2005, c. 118, § 1, effective June 29, 2005; P.L. 2006, c. 24, § 4, effective June 22, 2006, and provide such notices and carry out such other tasks as are required to effectuate an abandoned property list as provided by law.

3. Abandoned property report.

The Public Officer shall provide a report to the Mayor, Township Manager and governing body 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 Mount Holly.

4. Establishment and Updates to abandoned property list.

The Public Officer shall establish the abandoned property list or any additions thereto by publication in the official newspaper of the Township of Mount Holly, 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 Public Officer, 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 subsection d. of N.J. S.A. 54:4- 64. 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 section 5 of P. L. 1942, c. 112 (N.J.S.A. 40:48- 2.7). The mailed notice shall indicate the factual basis for the public officer's finding that the property is abandoned property as that term is defined in section 35 of P.L. 1996, c. 62 (N.J. S.A. 55: 19- 54) and the rules and regulations promulgated thereunder, specifying 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 Public Officer in the office of the Burlington County Clerk or Register of Deeds and Mortgages. This filing shall have the same force and effect as a notice of lis pendens under N.J.S.A. 2A: 15- 6. The notice shall be indexed by the name of the property owner as defendant and the name of the Township as plaintiff, as though an action had been commenced by the Township against the owner.

5. Appeals of Abandoned Property List Inclusion.

a. An owner or lienholder may challenge the inclusion of his or her property on the abandoned property list by appealing that determination to the Public Officer 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 Public Officer 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 Public Officer 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 pursuant to § 4, the Public Officer shall schedule a hearing for redetermination 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 by the property owner averring that the property is not abandoned and stating the reasons for such averment, 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 in section 35 of P.L. 1996, c. 62 (N.J.S.A. 55: 19-54). The Public Officer 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 therefor.

b. The property owner may challenge an adverse determination of an appeal with the Public Officer pursuant to § 5(A), by instituting, in accordance with the New Jersey Court Rules, a summary proceeding in the Superior Court, Law Division, sitting in Burlington County, which action shall be tried de novo. Such action shall be instituted within twenty (20) days of the date of the notice of decision mailed by the Public Officer pursuant to subsection A of this section. The sole ground for appeal shall be that the property in

question is not abandoned property as that term is defined in section 35 of P.L. 1996, c. 62 (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.

c. The Public Officer shall promptly remove any property from the abandoned property list that has been determined not to be abandoned on appeal.

d. The abandoned property list shall become effective, and the Township of Mount Holly shall have the right to pursue any legal remedy with respect to properties on the abandoned property list at such time as any one property has been placed on the list in accordance with the provisions of this section, upon the expiration of the period for appeal with respect to the property or upon the denial of an appeal brought by the property owner.

6. Sale of tax lien.

a. Notwithstanding 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 municipal liens due on the property are delinquent six (6) or more quarters as of the date of expiration of the right to appeal 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 in 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, as appropriate. The Township of Mount Holly 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 section 36 of P. L. 1996, c. 62 N.J. S.A. 55: 19- 55) and to post a bond in favor of the municipality to guarantee the rehabilitation or repair of the property. The public officer may waive a requirement to post a bond imposed by a municipality for any purchaser, assignee or transferee of a tax sale certificate that provides documentation acceptable to the public officer that the purchaser, assignee or transferee is a qualified rehabilitation entity as defined in section 3 of P.L. 2003, c. 210 (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 moneys 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 one thousand five hundred (\$ 1, 500) dollars pursuant

to N.J. S. A. 54:4- 67 of the Township of Mount Holly in effect for the time period when the amounts were expended. The tax sale certificate purchaser, assignee or transferee, under the auspices and with the authority of the Township of Mount Holly, 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 Mount Holly harmless is filed with the public officer. If the tax sale certificate is not purchased at the initial auction of the tax sale certificate and the municipality purchases the certificate pursuant to N.J. S. A. 54: 5- 34, then the Township of Mount Holly is authorized and empowered to convey and transfer to the New Jersey Redevelopment Authority or any of its subsidiaries, without receiving compensation therefor, all of its right, title and interest in that certificate; however, any portion of the amount paid to the Tax Collector to redeem the tax sale certificate that represents tax or other municipal lien delinquencies and subsequent municipal liens, including interest, shall be returned by the Tax Collector to the Township of Mount Holly.

b.

- i. If the Township of Mount Holly or the New Jersey Redevelopment Authority or its subsidiaries 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 lis pendens notice under subsection d. of section 36 of P. L. 1996, c. 62 (N.J.S.A. 55: 19- 55), that entity 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 10- day period the owner or mortgagee shall have notified the Township of Mount Holly or the New Jersey Redevelopment Authority or its subsidiary, as appropriate, 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 Mount Holly or the New Jersey Redevelopment Authority or its subsidiaries, as appropriate, in order to ensure performance. The amount and conditions of the bond shall be determined by the Public Officer.
- ii. The cost of remediation incurred by the Township of Mount Holly or the New Jersey Redevelopment Authority or its subsidiaries pursuant to this subsection, 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 municipality or the New Jersey Redevelopment Authority, except for municipal taxes, liens and assessments and any lien imposed pursuant to the " Spill Compensation and Control Act," P.L. 1976, c. 141 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 county clerk or register of deeds and mortgages, as appropriate, in the county in which the property is located.

c.

- i. Failure of an owner or lienholder to remove a property from the abandoned property list within the period of time for appeal of inclusion of the property on the list pursuant to subsection e. of section 36 of P.L. 1996, c. 62 (N.J. S. A. 55: 19- 55), shall be prima facie evidence of the intent of the owner to continue to maintain the property as abandoned property.
- ii. The clearance, development, redevelopment, or repair of property being maintained as an abandoned property pursuant to paragraph (C)(1) of this subsection shall be a public purpose and public use for which the power of eminent domain may be exercised.

7. Removal of property from list of abandoned properties; remediation.

- a. An owner may remove a property from the list of abandoned properties prior to sale of the tax sale certificate by paying all taxes and municipal liens due, including interest and penalties and:
 - i. by posting a certified check, money order, or a bond equal to the cost of remediating all conditions because of which the property has been determined to be abandoned pursuant to section 36 of P. L. 1996, c. 62 (N.J. S.A. 55: 19- 55) and posting a certified check, money order, 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 public officer stating that the certified check, money order, or bond adequately covers the cost of the cleanup; or
 - ii. by demonstrating to the satisfaction of the Public Officer that the conditions rendering the property abandoned have been remediated in full; provided, however, that where the Public Officer finds that the owner is actively engaged in remediating the conditions because of which the property was determined to be abandoned pursuant to section 36 of P.L. 1996, c. 62 (N.J. S.A. 55: 19- 55), as evidenced by significant rehabilitation activity on the property, the Public Officer may grant an extension of time of not more than 120 days for the owner to complete all work, during which time no further proceedings will be taken against the owner or the property.
- b. If the owner has posted a certified check, money order, 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 year of the date of posting a certified check, money order 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

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 municipality which shall use the a certified check, money order, 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.

8. Acquisition of tax sale certificate for abandoned property; action to foreclose right of redemption.

- a. When a person other than the Township of Mount Holly or the New Jersey Redevelopment Authority or its subsidiaries 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 six months following the date of the sale of the tax sale certificate.
- b. Notwithstanding section 6 of P. L. 1948, c. 96 (N.J. S.A. 54: 5- 104. 34), when the Township of Mount Holly is the purchaser at tax sale of any property on the abandoned property list pursuant to N.J. S.A. 54: 5- 34, or when the New Jersey Redevelopment Authority or any of its subsidiaries acquires the tax sale certificate pursuant to subsection a. of section 37 of P. L. 1996, c. 62 (N.J. S.A. 55: 19- 56), 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:
 - i. posts a certified check, money order, or a bond equal to the cost of remediating the conditions because of which the property was determined to be abandoned pursuant to section 36 of P. L. 1996, c. 62(N.J. S.A. 55: 19- 55), as determined by the court; or
 - ii. demonstrates to the court that the conditions because of which the property was determined to be abandoned pursuant to section 36 of P. L. 1996, c. 62 (N.J. S.A. 55: 19- 55) have been remedied in full.

9. Entry of final judgment barring right of redemption; grounds for reopening judgment.

Once a final judgment barring the right of redemption with respect to a property on the list of abandoned properties has been recorded, no court shall reopen such judgment at any time except on the grounds of lack of jurisdiction or fraud in the conduct of the action; in

any such proceeding, the provisions of P.L. 1996, c. 62 (N.J.S.A. 55: 19- 20 et al.) shall be construed liberally in favor of the purchaser, assignee or transferee of the tax sale certificate.

10. Property Deemed not Abandoned; Criteria; Certification of Abandonment Provided Upon Request.

- a. If an entity other than the Township of Mount Holly 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 placed on the abandoned property list pursuant to section 36 of P.L. 1996, c. 62(N.J. S.A. 55: 19- 55) if(1) the owner of the certificate has continued to pay all Township of Mount Holly 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 which is used on a seasonal basis shall be deemed to be abandoned only if the property meets any two (2) of the additional criteria set forth in Section 4 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 81).
- c. A determination that a property is abandoned property under the provision of P. L. 2003, c. 210 (N.J. S.A. 55: 19- 78 et al.) 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 public officer or the Tax Collector shall, in a timely fashion, provide the requester with a certification that the property fulfills the definition of abandoned according to the criteria set forth in Section 4 and 5 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 81 and N.J.S. A. 55: 19- 82).

11. Transfer of Possession and Control of Abandoned Property.

- a. A summary action or otherwise to transfer possession and control of abandoned property in need of rehabilitation to the Township of Mount Holly may be brought by the Township of Mount Holly in the Superior Court in Burlington County. If the Court shall find that the property is abandoned pursuant to Section 4 of P. L. 2003, c. 210 (N.J. S.A. 55: 19- 81) and the owner or party in interest has failed to submit and initiate a rehabilitation plan, then the Court may authorize the Township of Mount Holly to take possession and control of the property and develop a rehabilitation plan.

b. The Township of Mount Holly granted possession and control 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, necessary to 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 of the property as provided in Section 15 of P.L. 2001 c. 210 (N.J. S. A. 55: 19- 92).

c. Failure by the owner, mortgage holder or lien holder to submit plans for rehabilitation to the Township of Mount Holly, obtain appropriate construction permits for rehabilitation or, in the alternative, submit formal applications for funding the cost of rehabilitation to local, State or Federal agencies providing such funding within that six(6) month period shall be deemed prima facie evidence that the owner has failed to take any action to further the rehabilitation of the property.

12. Filing of Complaint; Required Information.

a. A complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (N.J.S.A. 55: 19- 84) shall include:

- i. Documentation that the property is on the municipal abandoned property list or a certification by the public officer that the property is abandoned; and
- ii. A statement by an individual holding appropriate professional qualifications that there are sound reasons that the building should be rehabilitated rather than demolished based upon the physical, aesthetic or historical character of the building or the relationship of the building to other buildings and lands within its immediate vicinity.

13. Filing of Complaint; Notice Requirements; Entry to Secure, Stabilize, Repair or Inspect the Property.

a. Within ten (10) days of filing a complaint pursuant to P. L. 2003, c. 210 (N.J.S.A. 55: 19- 78 et al.), the plaintiff shall file a notice of lis pendens with the County of Burlington recording officer.

b. At least thirty (30) days before filing the complaint, the Township of Mount Holly shall serve a notice of intention to take possession of an abandoned building. The notice shall inform the owner and interested parties that the property has not been legally occupied for six (6) months and of those criteria that led to a determination of abandonment pursuant to Section 4 of P. L. 2002, c. 210 (N.J. S.A. 55: 19- 81).

The notice shall provide that unless the owner or a party in interest prepares and submits a rehabilitation plan to the appropriate Township of Mount Holly official, the Township will

seek to gain possession of the building to rehabilitate the property and the associated costs shall be a lien against the property, which may be satisfied by the sale of the property, unless the owner applies to the court for reinstatement of control of the property as provided in Section 16 of P.L. 2003, c. 210 (N.J.S.A. 55: 19- 92).

After the complaint is filed, the complaint shall be served on the parties in interest in accordance with the New Jersey Rules of Court.

c. After serving the notice of intent pursuant to subsection (B) of this section, the Township of Mount Holly or its designee may enter upon that property after written notice to the owner by certified mail, return receipt requested, in order to secure, stabilize or repair the property, or in order to inspect the property for purposes of preparing the plan to be submitted to the Court pursuant to Section 12 of P.L. 2003, c. 210(N.J.S.A. 55: 19- 89).

14. Property Owner, Defense Against Complaint; Requirement.

a. Any owner may defend against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (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 one hundred twenty-five (125%) percent of the amount determined by the Public Officer or the Court to be the projected cost of rehabilitation. 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.

b. A plan submitted by an owner pursuant to this section shall include, but not be limited to:

- i. 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;
- ii. 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;
- iii. 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

- iv. 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.
- c. The Court shall approve any plan that, in the judgment of the Court, is realistic and likely to result in the expeditious rehabilitation and reuse of the property, which is the subject of the complaint.

If the Court approves the owner's plan, then it may appoint the public officer to act as monitor of the owner's compliance. If the owner fails to carry out any step in the approved plan, then the Township may apply to the Court to have the owner's bond forfeited, possession of the building transferred to the Township to complete the rehabilitation plan and authorization to use the bond proceeds for rehabilitation of the property.

The owner shall provide quarterly reports to the Township on its activities and progress toward rehabilitation and reuse of the property. The owner shall provide those reports to the Court on its activities that the court determines are necessary.

- d. The Court may reject a plan and bond if it finds that the plan does not represent a realistic and expeditious means of ensuring the rehabilitation of the property or that the owner or his representatives or agents, or both, lack the qualifications, background or other criteria necessary to ensure that the plan will be carried out successfully.

15. Owner Unsuccessful in Defending Against Complaint; Mortgage or Lien Holders to be Designated in Possession of Property.

- a. If an owner is unsuccessful in defending against a complaint filed pursuant to Section 7 of P.L. 2003, c. 210 (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 Section 10 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 87). The plan shall be submitted within sixty (60) days after the Court has rejected 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 and reuse and may appoint the public officer to act as monitor of the party's compliance.

The mortgage holder or lien holder, as the case may be, shall provide quarterly reports to the Court and the Township 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 public officer shall notify the Court, which may order the 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.

b. Any sums incurred or advanced for the purpose of rehabilitating the property by a mortgage holder or lien holder granted possession of a property pursuant to subsection A of this section, including Court costs and reasonable attorney' s fees, may be added to the unpaid balance due that mortgage holder or lien holder, with the 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.

16. Township of Mount Holly to be Designated in Possession of Property; Submission of Plan to Court.

a. If no mortgage holder or lien holder meets the conditions of Section 11 of P. L. 2003, c. 210 (N.J. S.A. 55: 19- 88), then the Township shall submit a plan to the Court which conforms with the provisions of subsection b. of Section 10 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 87). The plan shall designate the entity which shall implement the plan, which may be the Township or that entity designated in accordance with the provisions of Section 13 P. L. 2003, c. 210 (N.J.S.A. 55: 19- 90).

b. The Court shall grant the Township possession of the property if it finds that:

- i. The proposed rehabilitation and reuse of the property is appropriate and beneficial;
- ii. The Township is qualified to undertake the rehabilitation and reuse of the property; and
- iii. The plan submitted by the Township represents a realistic and timely plan for the rehabilitation and reuse of the property.

c. The Township shall take all steps necessary and appropriate to further the rehabilitation and reuse of the property consistent with the plan submitted to the Court. In making its findings pursuant to this subsection, the Court may consult with qualified parties, including the Department of Community Affairs, and, upon request by a party in interest, may hold a hearing on the plan.

d. Where either a redevelopment plan pursuant to P. L. 1992, c. 79 (N.J. S. A. 40A: 12- 1 et seq.) or a neighborhood revitalization plan pursuant to P.L. 2001, c. 415 (N.J. S.A. 52:27D- 490 et seq.) has been adopted or approved by the Department of Community Affairs, as appropriate, encompassing the property which is the subject of a complaint, the Court shall make a further finding that the proposed rehabilitation and reuse of the property are not inconsistent with any provision of either plan.

17. The Township of Mount Holly Exercise of Rights to Further Rehabilitation and Reuse of Property; Designation of Qualified Rehabilitation Entity.

The Township may exercise its rights under P. L. 2003, c. 210 (N. J. S.A. 55: 19- 78 et al.) directly, or may designate a qualified rehabilitation entity to act as its designee for the purpose of exercising the Township's rights where that designation will further the rehabilitation and reuse of the property consistent with the Township's plans and objectives. This designation shall be made by resolution of the Council of the Township of Mount Holly. The Township Council may delegate this authority to the Public Officer.

Regardless of whether the Township exercises its rights directly or designates a qualified rehabilitation entity pursuant to this section, while in possession of a property pursuant to P. L. 2003, c. 210 (N.J. S.A. 55: 19- 78 et al.), the Township shall maintain, safeguard, and maintain insurance on the property. Notwithstanding the Township's possession of the property, nothing in P. L. 2003, c. 210(N.J. S.A. 55: 19- 78 et al.) shall be deemed to relieve the owner of the property of any civil or criminal liability or any duty imposed by reason of acts or omissions of the owner.

18. The Township of Mount Holly Deemed Possessor of Property; Borrowing of Funds; Reporting and Filing Requirements.

a. If the Township has been granted possession of a property pursuant to Section 12 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 89), the Township shall be deemed to have an ownership interest in the property for the purpose of filing plans with public agencies and boards, seeking and obtaining construction permits and other approvals, and submitting applications for financing or other assistance to public or private entities.

For the purposes of any State program of grants or loans, including but not limited to programs of the Department of Community Affairs and the New Jersey Housing and Mortgage Finance Agency, possession of a property under this subsection shall be considered legal control of the property.

Notwithstanding the granting of possession to the Township, nothing in P. L. 2003, c. 210 N.J. S. A. 55: 19- 78 et al.) shall be deemed to relieve the owner of the property of any obligation the owner or any other person may have for the payment of taxes or other Township liens and charges, or mortgages or liens to any party, whether those taxes, charges or liens are incurred before or after the granting of possession. The granting of possession shall not suspend any obligation the owner may have as of the date of the granting of possession for payment of any operating or maintenance expense associated with the property, whether or not billed at the time of the granting of possession.

b. The Court may approve the borrowing of funds by the Township to rehabilitate the property and may grant a lien or security interest with priority over all other liens or mortgages other than municipal liens. Prior to granting this lien priority, the Court shall find that (1) the Township sought to obtain the necessary financing from the senior lien holder, which the assignment will further the purposes of this section.

c. Where the Township has been granted possession by the Court in the name of the Township, the Township may seek the approval of the Court to assign its rights to another entity, which approval shall be granted by the Court when it finds that: (1) the entity to which the Township's rights will be assigned is a qualified rehabilitation entity; and (2) the assignment will further the purposes of this section.

d. Where the Township has designated a qualified rehabilitation entity to act on its behalf, the qualified rehabilitation entity shall provide quarterly reports to the Township 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 one (1) year from the grant of possession, then the Court may request 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 the property to its owner.

e. The Township 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 public officer attesting that rehabilitation can realistically be anticipated to be complete within that time period, and a statement setting forth such actions as it plans to undertake to ensure that reuse of the property takes place consistent with the plan.

19. 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 grant of possession, but no later than thirty (30) days after the Township 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 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, or affect any of the terms or conditions under which the Township, has applied for or received financing for the rehabilitation of the property.

c. Any petition for reinstatement of the owner's control and possession of the property filed pursuant to Section 15 of P. L. 2003, c. 210 (N.J. S. A. 55: 19- 92) shall:

- i. Include a plan for completion of the rehabilitation and reuse of the property consistent with the plan previously approved by the court;
- ii. Provide legally binding assurances that the owner will comply with all conditions of any grant or loan secured by the Township or repay those grants or loans in full, at the discretion of the maker of the loan or grant; and
- iii. Be accompanied by payment equal to the sum of (1) all Township liens outstanding on the property; (2) all costs incurred by the Township in bringing action with respect to the property; (3) any costs incurred by the Township not covered by grants or loans to be assumed or repaid pursuant to this section; and (4) any costs remaining to complete rehabilitation and reuse of the property, as determined by the public officer, which payment shall be placed in escrow with the Clerk of the Court pending disposition of the petition.

20. Obligations of Owner Prior to Grant of Petition.

Prior to the granting of a petition on the part of the owner by the Court pursuant to Section 15 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 92), the owner may be required to post a bond or other security in an amount determined by the Court, after consultation with the Public Officer, as likely to ensure that the owner will continue to maintain the property in sound condition. That bond or other security shall be made available to the Township to make any repair on the property in the event of a Code violation which is not corrected in timely fashion by the owner. The bond or other security may be forfeited in full in the event that the owner fails to comply with any requirement imposed as a condition of the reinstatement petition filed pursuant to Section 15 of P. L. 2003, c. 210 (N.J. S.A. 55: 19- 92).

The owner may seek approval of the Court to be relieved of this requirement after five (5) years, which shall be granted if the court finds that the owner has maintained the property in good repair during that period, that no material violations affecting the health and safety of the tenants have occurred during that period, and that the owner has remedied other violations in a timely and expeditious fashion.

21. Failure of Owner to Petition for Reinstatement of Control and Possession of Property; Granting of Title to the Township of Mount Holly; Authority to Sell.

If the owner fails to petition for the reinstatement of control and possession of the property within thirty(30) days after the entity in possession 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 filed pursuant to Section 15 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 92), upon petition from the entity in possession, the Court may grant the Township title or authorize the Township to

sell the property, subject to the provisions of Section 19 of P. L. 2003, c. 210 (N.J. S.A. 55: 9-96).

22. Procedure of Township of Mount Holly Seeking to Gain Title to Property; Authorization to Sell; Proceeds.

a. Where the Township 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. The Court may authorize the Township 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 Section 20 of P. L. 2003, c.

b. The Township may seek approval of the Court to sell the property to a third party when the Court finds that such conveyance will further the effective and timely rehabilitation and reuse of the property.

c. Upon approval by the Court, the Township 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 Section 20 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 97).

23. Distribution of Proceeds.

a. The proceeds paid pursuant to subsection c. of Section 19 of P. L.2003, c. 210(N.J.S.A. 55: 19- 96) shall be distributed in the following order of priority:

- i. The costs and expenses of sale;
- ii. Other governmental liens;
- iii. Repayment of principal and interest on any borrowing or indebtedness incurred by the Township and granted priority lien status pursuant to subsection a. of Section 21 of P. L. 2003, c. 210 (N.J. S.A. 55: 19- 98);
- iv. A reasonable development fee to the Township consistent with the standards for development fees established for rehabilitation programs by the New Jersey Department of Community Affairs or the New Jersey Housing and Mortgage Finance Agency;
- v. Other valid liens and security interests, in accordance with their priority; and

- vi. The owner.

24. Public Officer; Authority to Place Lien on Property; Remedies.

a. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with a proceeding under P.L. 2003, c. 210 (N.J.S.A. 55: 19- 78 et al.) incurred prior to the grant by the Court of an order of possession under P.L. 2003, c. 210 (N.J.S.A. 55: 19- 78 et al.) 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. With the exception of the holding of special tax sales pursuant to Section 24 of P.L. 2003, c. 210 (N.J. S.A. 55: 19- 101), the remedies available under P.L. 2003, c. 210 (N.J.S.A. 55: 19- 78 et al.) shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list as provided in Section 36 of P.L. 1996, c. 62 (N.J. S.A. 55: 19- 55) and whether or not the property has been included on any such list.

25. Court' s Denial of Rights and Remedies to Lien Holders and Mortgage Holders.

Notwithstanding any provision to the contrary in P.L. 2003, c. 210 (N.J. S.A. 55: 19- 78 et al.), a Court may in its discretion deny a lien holder or mortgage holder of any or all rights or remedies afforded lien holders and mortgage holders under P.L. 2003, c. 210 (N.J. S.A. 55: 19- 78 et al.), if the Court finds that the owner of a property subject to any of the provisions of P. L. 2003, c. 210 (N.J. S. A. 55: 19- 78 et al.) owns or controls more than a fifty(50%) percent interest in, or effective control of the lien holder or mortgage holder or that the familial or business relationship between the lien holder or mortgage holder and the owner precludes a separate interest on the part of the lien holder or mortgage holder.

26. Recourse of the Township of Mount Holly Against Individuals or Corporations

a. With respect to any lien placed against any real property pursuant to the provisions of Section 1 or Section 3 of P.L. 1942, c. 112 (N.J. S.A. 40:48- 2. 3 or 40:48- 2.5) or section 1 of P. L. 1989, c. 91 (N.J. S.A. 40:48- 2.3a) or any receiver's lien pursuant to P. L.2003, c. 295 (N.J.S.A. 2.A:42- 114 et al.) the Township shall have recourse with respect to the lien against any asset of the owner of the property if an individual, against any asset of any partner if a partnership, and against any asset of any owner of a ten (10%) percent interest or greater if the owner is any other business organization or entity recognized pursuant to law.

b. The Public Officer, with the approval of the Court, may place a lien on the property to cover any costs of the Township in connection with a proceeding under P.L. 2003, c.210 (N.J.S.A. 55: 19- 78 et al.) incurred prior to the grant by the Court of an order of possession

under P.L. 2003, c. 210 (N.J. S.A. 55: 19- 78 et al.), 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.

c. With the exception of the holding of special tax sales pursuant to Section 24 of P. L. 2003, c. 210 (N.J.S.A. 55: 19- 101, the remedies available under P. L. 2003, c. 210 N.J. S. A. 55: 19- 78 et al.) shall be available to the Township with respect to any abandoned property, whether or not the Township has established an abandoned property list as provided in Section 36 of P. L. 1996, c. 62 (N.J. S. A. 55: 19- 55) and whether or not the property has been included on any such list.

27. Properties Eligible for Tax Sales; Notice.

- a. The Township 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 an abandoned property list established by the Township pursuant to Section 36 of P.L. 1996, c. 62 (N.J. S.A. 55: 19- 55). If the Township elects to hold a special tax sale shall conduct that sale subject to following provisions:
- i. The Township shall establish criteria for eligibility to bid on properties at the sale, which may include, but shall not be limited to: documentation of the bidder's ability to rehabilitate or otherwise reuse the property consistent with the Township's plans and regulations; commitments by the bidder to take action to foreclose on the tax lien by a date certain; and such other criteria as the Township 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;
 - ii. The Township may establish minimum bid requirements for a special tax sale that may be less than the full amount of the taxes, interest and penalties due, the amount of such minimum bid to be at the sole discretion of the Township, in order to ensure that the properties to be sold will be rehabilitated or otherwise reused in a manner consistent with the public interest;
 - iii. The Township may combine properties into bid packages, and require that bidders place a single bid on each package, and reject any and all bids on individual properties that have been included in bid packages;
 - iv. The Township may sell properties subject to provisions that, if the purchaser fails to carry out any commitment that has been set forth as a condition of sale pursuant to subsection (A)(i) of this section 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 to the Township at the special tax sale shall be forfeited to the Township;

- v. 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 but qualified bidder whose bid was closest to the successful bid as an eligible purchaser;
- vi. In the event that the purchaser of that property or bid package fails to meet any of the conditions of sale established by the Township pursuant to this section, and their interest in the property or properties revert 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.
- vii. The Township 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 pursuant to subsection (A)(2), (A)(3), or (A)(4) of this section. Nothing shall prohibit the Township from holding a special tax sale on the same day as a standard or accelerated tax sale.

28. Eminent Domain Proceedings; Establishment of Fair Market Value.

- a. With respect to any eminent domain proceeding carried out under Section 37 of P. L. 1996, c. 62 (N.J. S. A. 55: 19- 56), the fair market value of the property shall be established on the basis of an analysis which determines independently:
 - i. The cost to rehabilitate and reuse the property for such purpose as is appropriate under existing planning and zoning regulations governing its reuse or to demolish the existing property and construct a new building on the site, including all costs ancillary to rehabilitation such as, but not limited to, marketing and legal costs;
 - ii. The realistic market value of the reused property after rehabilitation or new construction, taking into account the market conditions particular to the neighborhood or subarea of the Township in which the property is located; and
 - iii. The extent to which the cost exceeds or does not exceed the market value after rehabilitation, or demolition and new construction, and the extent to which any "as is" value of the property prior to rehabilitation can be added to the cost of rehabilitation or demolition and new construction without the resulting combined cost exceeding the market value as separately determined. If the appraisal finds that the cost of rehabilitation or demolition and new construction, as appropriate, exceeds the realistic market value after rehabilitation or demolition and new construction, there shall be a rebuttable presumption in all proceedings under this subsection that the fair market value of the abandoned property is zero, and that no compensation is due the owner.

29. Removal of Property from Abandoned Property List.

If a property, which an entity other than the Township has purchased or taken assignment from the Township of a tax sale certificate, is placed on the abandoned property list, the property shall be removed from the list if the owner of the certificate pays all the Township's 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.

30. Request for Property to be Placed on Abandoned Property List.

a. Any interested party may submit in writing a request to the public officer that a property be included on the abandoned property list prepared pursuant to Section 36 of P. L. 1996, c. 62 (N.J. S. A. 55: 19- 55), specifying 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 public officer shall provide a written response to the party, either indicating that the property will be added to the list of abandoned properties or, if not, the reasons for not adding the property to the list. For the purposes of this paragraph, "interested party" shall include any resident of the Township, any owner or operator of a business within the Township or any organization representing the interests of residents or engaged in furthering the revitalization and improvement of the neighborhood in which the property is located.

b. Any interested party may participate in any redetermination hearing held by the public officer pursuant to subsection e. of Section 36 of P.L. 1996, c. 62 (N.J. S.A. 55: 19- 55). Upon written request by any interested party, the public officer shall provide the party with at least twenty (20) days' notice of any such hearing. The party shall provide the public officer 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.

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause, or provision of this Amendment shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance within applicable law.

On a motion by Mr. Thiessen, seconded by Mr. Brown, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

Mayor Jones opened the public hearing for consideration of Ordinance No. 2016-4. There being no public comment, Mayor Jones then closed the public hearing.

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE 2016-4

**AN ORDINANCE ESTABLISHING THE RATE OF COMPENSATION, SALARY OR
WAGE OF SELECTED EMPLOYEES OF THE TOWNSHIP OF MOUNT HOLLY**

BE IT ORDAINED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey as follows:

SECTION 1. Effective Date. The salaries provided for herein shall be those in effect for January 1st, 2015 through December 31st, 2015 for all certain managerial supervisory personnel or otherwise specified.

SECTION 2. Annual Rate of Compensation. The minimum and maximum amounts of annual rates of compensation, salary or wage for the positions of the Township of Mount Holly are hereby fixed and determined as set forth in the following schedule.

**SCHEDULE OF SALARIES
SUPERVISORY, MANAGERIAL, NON-UNION AND UNION**

PERSONNEL

See attached

SECTION 3. All ordinances or parts of ordinances which are inconsistent herewith are hereby repealed in the extent of their inconsistency.

SECTION 4. This ordinance shall take effect twenty days after final adoption and publication thereof in the manner prescribed by law.

On a motion by Mr. DiFolco, seconded by Mr. Thiessen, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

Mayor Jones opened the public hearing for consideration of Ordinance No. 2016-5. There being no public comment, Mayor Jones then closed the public hearing.

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE 2016-5

AN ORDINANCE REVISING CHAPTER 265, ARTICLE III ENTITLED "PARKING, STANDING AND STOPPING" OF THE CODE OF THE TOWNSHIP OF MOUNT HOLLY

WHEREAS, the Township Council has determined it is necessary to revise certain provisions of the Code of the Township of Mount Holly with respect to parking regulations.

NOW THEREFORE, BE IT ORDAINED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey as follows:

SECTION 1. To amend Section 265-54, Schedule XIII to include the following:

Name of Street	Side	Location
Parkers Mill Blvd	West	Entire Length
Parkers Mill Blvd	East	From Levis to a point 149 feet north thereof
Bishop Lane	Both	Entire Length

SECTION 2. This Ordinance shall take effect twenty days after its final passage and publication according to law.

On a motion by Mr. Thiessen, seconded by Mr. DiFolco, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

Mayor Jones opened the public hearing for consideration of Ordinance No. 2016-6. Mr. Luis Lopez of 370 S. Martin Street asked questions pertaining to the Ordinance. There being no further public comment, Mayor Jones then closed the public hearing.

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

ORDINANCE 2016-6

**AN ORDINANCE TO AMEND AND SUPPLEMENT THE CODE OF THE TOWNSHIP OF
MOUNT HOLLY "VEHICLES AND TRAFFIC"**

BE IT ORDAINED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey as follows:

SECTION 1. Section 265-49, Schedule VIII: Stop Intersections of the Code of the Township of Mount Holly shall be amended and supplemented to add the following:

Stop Sign On	Direction Of Travel	At Intersection Of
Parkers Mill Blvd	South	Levis Drive
Wallace Road	East	Parkers Mill Blvd
Wallace Road	West	Parkers Mill Blvd
Wallace Road	South	Levis Drive
Bishop Lane	West	Wallace Road
Kirby Court	West	Parkers Mill Blvd

SECTION 2. This Ordinance shall take effect twenty days after its final passage and publication according to law.

On a motion by Mr. DiFolco, seconded by Mr. Brown, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

10. MATTERS TO BE PRESENTED BY PUBLIC

Members of the public are invited to submit comments during the public comment portion of this meeting. The Council, pursuant to the Open Public Meetings Act, will not publicly discuss personnel matters and may choose not to respond to comments made by members of the public during this portion of the meeting; however, the Council will give all comments appropriate consideration and will refer all individual complaints to the Township Manager or appropriate Township Representative for resolution. Each citizen will be allotted up to three (3) minutes to speak, in order to allow everyone an opportunity to express their opinions or concerns.

Ms. Janet Ruiz of 38 W. Monroe addressed Council regarding issues of concern to her relating to snow removal.

Mr. Luis Lopez of 370 S. Martin Street addressed Council regarding issues of concern to him relating Resolution Nos. 2016-42 and 2016-49, Ordinance No. 2016-9, road openings on Levis Drive, the Interim Township Manager's role with the UEZ and the date of the next UEZ meeting.

Ms. Alene Pfeiffer of 494 Mary Street addressed Council regarding issues of concern to her relating to abandoned properties.

Ms. Randi Rothmel of 33 Union Street addressed Council regarding issues of concern to her relating to Resolution No. 2016-43.

11. CONSENT AGENDA

Resolution No. 2016-45 was pulled from the consent agenda and considered separately.

“All items listed with an asterisk (*) are considered routine by Council and will be enacted by one motion. Should a Council member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence.

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 41

**RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF MOUNT HOLLY
AUTHORIZING ENTRY INTO AN AGREEMENT WITH
THE SALT & LIGHT COMPANY, INC.**

WHEREAS, pursuant to N.J.S.A. 40A:21-1 et seq and Ordinance No. 2012-13, the Township Council is authorized to enter into Tax Abatement Agreements with qualified applicants for qualified uses, as defined in said act and Ordinance, in order to provide for the abatement of real property taxes for qualified residential property in order to encourage the construction of new residential housing; the conversion of all or portions of buildings to residential use; and, the rehabilitation, renovation or improvement of residential property;

WHEREAS, the Property Owner, the Salt & Light Company, Inc. owns certain real property within the municipality located at 104 Ashurst Lane, identified as Block 122, Lot 15.02, on the Tax Map of the Township of Mount Holly; and

WHEREAS, the Property Owner has applied for a Tax Abatement pursuant to Ordinance No. 2012-13; and

WHEREAS, the Township Council has reviewed the application and attachments and recommended approval of the application.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey that Mount Holly Township Council

authorizes an Agreement, pursuant to Ordinance No. 2012-13, by and between the Township of Mount Holly and the Salt & Light Company, Inc. for said Tax Abatement.

BE IT FURTHER RESOLVED that the Township Council hereby authorizes the Mayor and Township Clerk to execute said Agreement with the Salt & Light Company, Inc. on behalf of the Township.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 42

A RESOLUTION AUTHORIZING MOUNT HOLLY TOWNSHIP TO ENTER INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR SNOW REMOVAL

WHEREAS, the Burlington County Board of Chosen Freeholders (hereinafter the “Board”) recognizes the need to provide residents of the County and its various townships with appropriate cost savings measures and opportunities for the benefit of all residents of the County; and

WHEREAS, the County and Mount Holly Township would maintain the mutual responsibilities as detailed in the attached Shared Services Agreement for snow and snow removal activity between the parties for the period of January 1, 2016 through December 31, 2018; and

WHEREAS, the Township of Mount Holly evidences its desire to enter into such Agreement through passage of this resolution; and

WHEREAS, the County and Mount Holly Township are authorized by the “Shared Services Act”, N.J.S.A. 40A:65-4, et seq. to enter into any contract with joint provision of any service which any party to the agreement is authorized to render within its own jurisdiction; and

WHEREAS, the parties have agreed to participate as documented in the Shared Services Agreement between the County of Burlington and Mount Holly Township establishing the respective rights and obligations of the parties regarding this Shared Services Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township of Mount Holly that:

1. The attached Shared Services Agreement between Burlington County Board of Chosen Freeholders and Mount Holly Township for snow and snow removal activity shall be effective for the period of January 1, 2016 through December 31, 2018.
2. The Township Manager of Mount Holly Township is hereby authorized to sign, seal, execute and witness/attest the Agreement.
3. The Township Manager is authorized to take any action necessary to implement the terms of the Shared Services Agreement.
4. The term of this Agreement shall be for a period of three (3) years commencing January 1, 2016 and terminating December 31, 2018.
5. All terms, conditions and responsibilities between the parties as detailed in the attached Shared Services Agreement shall remain in full force and effect.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 43

**RESOLUTION AUTHORIZING AWARD OF CONTRACT TO
PERIODIC SERVICES, LLC, DESIGNATED AS UEZ CLEAN TEAM**

WHEREAS, as a result of the Township of Mount Holly's designation as an Urban Enterprise Zone, qualified businesses are eligible to collect sales tax at the reduced rate of 3.5% as opposed to the full rate of 7%; and

WHEREAS, the monies collected at this reduced sales tax rate are deposited in the Enterprise Zone Assistance Fund and are available for use by the Township of Mount Holly for programs and projects designed to promote economic development; and

WHEREAS, the Urban Enterprise Zone Coordinator has requested authorization for use of said funds to provide for a UEZ Clean Team; and

WHEREAS, the service is an eligible use of Enterprise Zone Assistance Funds under the provisions of the Urban Enterprise Zone Act, P.L. 1993, Chapter 367, and there is sufficient funding available to cover the cost;

NOW THEREFORE BE IT RESOLVED that the Township Council of the Township of Mount Holly hereby authorizes the Mayor to execute a contract with Periodic Services, LLC, designated as the UEZ Clean Team, for the period January 1, 2016 to December 31, 2016 in an amount not to exceed \$18,000.00.

BE IT FURTHER RESOLVED that the Mayor is authorized to execute any documents related to this matter.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 44

**RESOLUTION APPOINTING RICHARD SPITLER CAPTAIN OF THE MOUNT HOLLY TOWNSHIP
POLICE DEPARTMENT**

WHEREAS, the Township Council of the Township of Mount Holly amended Chapter 36 of the Municipal Code, Police Department, to re-create the position of Police Captain; and

WHEREAS, the Department of Civil Service of the State of New Jersey has certified the re-creation of the position of Police Captain; and

WHEREAS, the Township Council of Mount Holly wishes to fill this position.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey that Richard Spitler is hereby appointed Captain of the Mount Holly Township Police Department effective February 8, 2016.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 –46

**RESOLUTION OF THE COUNCIL OF MOUNT HOLLY TOWNSHIP AUTHORIZING THE
COMPANION ANIMAL MANAGEMENT PLEDGE**

WHEREAS, cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets; and

WHEREAS, municipalities like the Township of Mount Holly have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners; and

WHEREAS, legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s); and

WHEREAS, there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey; and

WHEREAS, New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries; and

WHEREAS, the State has a responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services; and

WHEREAS, the New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws; and

WHEREAS, New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators pursuant to section 4 of P.L. 1983, c. 525; and

WHEREAS, over 100,000 animals per year are impounded in animal shelters and impoundment facilities in the state of New Jersey; and

WHEREAS, approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of approximately 3,000 every month; and

WHEREAS, free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces; and

WHEREAS, stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; and

WHEREAS, it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats; and

WHEREAS, all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities in New Jersey also require licensure of cats; and

WHEREAS, all municipalities are required to canvass their residents to locate unlicensed dogs;

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly **PLEDGES** that within the bounds of the Township of Mount Holly, the Township shall ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities and that the Township shall take the following steps with regard to our municipal responsibilities with the intent of making Mount Holly a truly sustainable community:

- 1) Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs; and
- 2) Work to improve the enforcement of animal cruelty statutes; and
- 3) Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep; and
- 4) Institute, as appropriate, cat licensing and ordinances and to increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures; and
- 5) Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing; and

- 6) Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners; and
- 7) Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control services; and

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 47

RESOLUTION AUTHORIZING AWARD OF CONTRACT FOR COMPOSTING SERVICES

WHEREAS, it is the desire of Township Council to award a contract for the purpose of obtaining composting services; and

WHEREAS, proposals have been solicited to provide such services with one vendor responding.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey that L & S Contracting Co., Inc., 685 Brunswick Pike, Lambertville, NJ 08530 is awarded the contract for composting services for the period February 15, 2016 and ending February 14, 2021 in the amount not to exceed \$20,000.00 per year; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the documents on behalf of the Township to carry out the intent of this Resolution.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 48

RESOLUTION APPOINTING LABOR COUNSEL

WHEREAS, there exists a need for a **Township Labor Counsel**; and

WHEREAS, funds are available for this purpose, and

WHEREAS, notwithstanding, the aforementioned exemption from competitive bidding, the Mayor and Township Council requested qualifications and proposals for said position and has awarded this contract under a “fair and open process” pursuant to N.J.S.A 19:44A – 2-.5 *et seq.* and the Township’s local ordinances; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1 *et seq.*) requires that the Resolution authorizing the award of contracts for "Professional services" without competitive bids and the contract itself must be available for public inspection:

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the Township of Mount Holly, County of Burlington, and State of New Jersey, that:

Section 1. The Mayor and Clerk are hereby authorized and directed to execute an agreement with DeCotiis, FitzPatrick & Cole, LLP as Township Labor Counsel.

Section 2. This contract is awarded without competitive bidding as a "Professional Services" under the provisions of the Local Public Contracts Law because it is a recognized profession under the laws of the State of New Jersey and therefore not possible to obtain competitive bids.

Section 3. A notice of this action shall be printed once in the Burlington County Times.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 –49

**RESOLUTION OF THE TOWNSHIP OF MOUNT HOLLY TO ENTER INTO A SHARED SERVICE
AGREEMENT WITH THE TOWNSHIP OF DELANCO RELATIVE TO THE SERVICES OF A
CONSTRUCTION CODE OFFICIAL AND BUILDING SUB-CODE OFFICIAL FOR DELANCO
TOWNSHIP**

WHEREAS, the Uniformed Shared Services and Consolidation Act, N.J.S.A. 40:65-1, et. seq. authorizes joint activities among municipalities and was enacted with the intent to facilitate and promote shared services agreements; and

WHEREAS, the Township of Mount Holly recognizes that it is in its best interest economically, and will realize a benefit by entering into a Shared Service Agreement with the Township of Delanco for the purposes of providing services relative to a Construction Code Official and Building Subcode Official; and

WHEREAS, the Township of Mount Holly and the Township of Delanco intend by virtue of this document to set forth the terms and conditions of the attached agreement; and

WHEREAS, the parties have agreed to participate as documented in the Shared Service Agreement between the Township of Mount Holly and the Township of Delanco, establishing the respective rights and obligations of the parties regarding the Shared Service Agreement.

NOW THEREFORE, BE IT RESOLVED by the Township Council for the Township of Mount Holly, as follows:

- 1) The Mayor and Township Manager are authorized and directed to execute a Shared Service Agreement with the Township of Delanco for the purpose of providing services relative to a Construction Code Official and Building Subcode Official to the Township of Delanco.
- 2) The Township of Mount Holly has agreed to provide such services for a term of four (4) years commencing on January 1, 2015 and ending December 31, 2018 and shall be cancelable upon ninety (90) days written notice by any party to this Agreement.
- 3) The Township Manager and Municipal Clerk are authorized and directed to take any and all further steps necessary to implement the terms of the Shared Service Agreement. The Municipal Clerk shall immediately cause the shared services agreement to be executed upon its receipt from the Township of Mount Holly with a copy thereof being available for immediate public inspection at the Clerk's Office.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 –50

**RESOLUTION OF THE TOWNSHIP OF MOUNT HOLLY AUTHORIZING REDUCTION OF
PERFORMANCE GUARANTEE FOR PROPERTY KNOWN AS CARTY MINOR SUBDIVISION,
BLOCK 104, LOTS 13-17**

WHEREAS, the Township of Mount Holly has received a performance guarantee posted on behalf of Jason R. Carty to insure the successful completion of improvements with regard to Block 104 Lots 13-17 on the Mount Holly Township tax maps; and

WHEREAS, the Township has received the Township Engineer's letter dated January 27, 2016 which recommends reduction of the performance bond based upon the successful completion of the work subject to certain standard conditions; and

WHEREAS, the Township Council believes it is in the best interest of the Township of Mount Holly to reduce the performance guarantee previously posted by Jason R. Carty to the conditions set forth therein;

NOW, THEREFORE, BE IT RESOLVED, by the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey that the performance guarantee posted by Jason R. Carty shall be reduced from \$119,247.00 to \$44,696.45. The reduction is conditioned upon the payment of any outstanding inspection escrow balances and the replenishment of the account as necessary.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 –51

**RESOLUTION OF THE COUNCIL OF MOUNT HOLLY TOWNSHIP REFERRING AND DIRECTING
THE LAND USE AND PLANNING BOARD TO REVIEW THE ORDINANCE TO PROVIDE
ADDITIONAL WAIVERS FOR SITE PLAN APPROVAL APPLICABILITY**

WHEREAS, Site Plan Approval is required before “any change of use from that permitted within the established zone, for any use variance or conditional use permit or before any activity,” pursuant to Township of Mount Holly Code §149-73; and

WHEREAS, the Council for the Township of Mount Holly desires to be more business friendly where such applications to change the use of a particular structure merely changes ownership, tenant fit-out or an interior tenant alteration and the use of the property is from one permitted use to another permitted use as applicable for the zone; and

WHEREAS, Council for the Township of Mount Holly, in an effort to be more business friendly, desires to authorize the appropriate Township officials to determine that such

minor changes could be waived or would be more appropriate to be heard before the Mount Holly Zoning Board of Adjustment; and

WHEREAS, as this ordinance would affect the Land Use in the Township and the Council for the Township of Mount Holly desires a recommendation from the Land Use and Planning Board regarding the proposed amendment to the Township Code;

NOW THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly that the Land Use and Zoning Board of the Township of Mount Holly be directed to review and provide a recommendation to the proposed amendment to the Township's Code.

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

**TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP
BURLINGTON COUNTY, NEW JERSEY**

RESOLUTION NO. 2016 – 52

RESOLUTION AUTHORIZING REFUND OF CERTAIN MONIES

WHEREAS, certain monies have been deposited with the Township.

WHEREAS, it is the recommendation of the Chief Financial Officer of the Township of Mount Holly that this fee be refunded.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly, County of Burlington and State of New Jersey that the following monies be refunded:

528 Jacksonville Road – Refund – Late Dog Fee - \$15.00

508 Stevens Drive – Refund – Late Dog Fee - \$15.00

On a motion by Mr. DiFolco, seconded by Ms. Sykes, the foregoing Resolution was duly adopted.

Yeas: Brown, DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain:

Recuse:

Absent:

- a) *Approval of Bill List
- b) *Approval of Department Reports
 - i. Clerk (January)
 - ii. Construction (January)
 - iii. Court (January)
 - iv. Housing (January)
 - v. Public Works (January)
 - vi. Registrar (January)

Motion made by Mr. DiFolco, seconded by Ms. Sykes.

Roll Call: Brown, DiFolco, Sykes, Thiessen, Jones Ayes: Nays: Abstain:

12. RESOLUTION

TOWNSHIP COUNCIL OF MOUNT HOLLY TOWNSHIP BURLINGTON COUNTY, NEW JERSEY

RESOLUTION NO. 2016 – 45

RESOLUTION APPOINTING JOSHUA BROWN INTERIM TOWNSHIP MANAGER

WHEREAS, there exists a need for services of an Interim Township Manager, due to the resignation of the Township Manager.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Mount Holly, County of Burlington, State of New Jersey that Joshua Brown is hereby appointed Interim Township Manager until such time as the Township Council appoints another

individual to be the Interim Township Manager or a new permanent Township Manager or until the appointment herein made is terminated by further action of Council, whichever occurs first.

On a motion by Mr. DiFolco, seconded by Mr. Thiessen, the foregoing Resolution was duly adopted.

Yeas: DiFolco, Sykes, Thiessen and Jones

Nays:

Abstain: Brown

Recuse:

Absent:

13. MATTERS TO REPORTED BY TOWNSHIP MANAGER

Interim Township Manager Brown thanked Council for their appointment.

14. MATTERS TO BE PRESENTED BY SOLICITOR

There were no matters presented by the Township Solicitor.

15. MATTERS TO BE PRESENTED BY COUNCIL

Ms. Sykes stated that the Fire and Ice Festival was a nice event.

Mr. Thiessen congratulated Captain Spitler on his appointment.

Mr. Jones stated that the Fire and Ice Festival was very successful and reported that the St. Patrick's Day Parade and 5K will be held on Saturday, March 5th.

16. ADJOURNMENT

On a motion by Mr. DiFolco with a second by Ms. Sykes, the meeting was adjourned at 7:54 p.m., without objection.

Respectfully Submitted by

**Nikima S. Muller, RMC/CMC
Township Clerk**

**Jason W. Jones
Mayor**