

TOWNSHIP COMMITTEE MEETING – MARCH 30, 2009

5:00 PM MUNICIPAL BUILDING 770 COOPERTOWN ROAD, DELANCO NJ

ROLL CALL: Devinney, present; Hinkle, present; Jass, present; Templeton, present; Fitzpatrick, present

Also Present: Mr. Heinold, Twp. Solicitor; Mrs. Janice Lohr, Municipal Clerk; Marybeth Lonergan, COAH Planner

FLAG SALUTE

Mayor Fitzpatrick led the flag salute

SUNSHINE STATEMENT

Please be advised that proper notice of this meeting has been given in compliance with the Open Meetings Act in the following manner. Written notice has been mailed to the Burlington County Times and Courier Post for publication and written notice has been posted on the official bulletin board of the Township of Delanco at least 48 hours prior to the meeting.

RESOLUTION 2009-58

RESOLUTION OF NEED

WHEREAS, Abundant Life Community Development Corp. (hereinafter referred to as the "Sponsor") proposes to construct an affordable housing development known as "Living Springs", consisting of an initial phase of up to one hundred (100), age restricted, multifamily residential units and 20 special needs apartments (the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C., 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (collectively referred to as the "HMFA Requirements" and/or the "HMFA Law") within the Township of Delanco, Burlington County, New Jersey (the "Municipality") on a site located on Route 130 and Bridgeboro Road and described as Lots 2.01 and 3, Block 2200 as shown on the Official Assessment Map of the Municipality; and

WHEREAS, the Project may be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, the Project may be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "DCA"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq. (the "DCA Law ") and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the DCA; and

WHEREAS, the Project will be the subject to the terms of a Developers Agreement, to be negotiated between the Parties.

WHEREAS, pursuant to the HMFA Requirements, the HMFA Law and the DCA Law, the governing body of the Municipality (the "Council") hereby determines that there is a need for this housing project in the Municipality.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Delanco, the following:

- (1) The Committee finds and determines that the Project, providing an initial phase of up to one hundred (100), age restricted, multifamily residential units and 20 special needs apartments (the "Project") consistent with the regulations of the New Jersey Council on Affordable Housing and a component of the Municipality's court-approved Mount Laurel compliance plan, as proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Committee does hereby adopt the within Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in conformity with the provisions of the HMFA Requirements, the HMFA Law and the DCA Law to enable the Agency and the DCA to process the Sponsor's application for Agency and DCA funding to finance the Project.

The Township Solicitor, Mr. Douglas Heinold stated that this is a standard requirement of the HMFA process and that it is basically a submission to them. Mr. Heinold stated that this is nothing new and this project has been included in the third round housing compliance plan. Mr. Heinold stated that the Township Committee is doing a resolution for submission of the HMFA requirements.

Committeeman Mike Templeton stated that he would like to make some comments. Mr. Templeton stated that he objected to this meeting taking place because the meeting was initially planned as a budget workshop, but was reassigned to this topic. Mayor Fitzpatrick stated that the budget workshops were set prior to the reorganization meeting. Mayor Fitzpatrick stated that this meeting was held due to the submission requirements necessary for the HMFA application.

Committeeman Mike Templeton stated that the public was unaware of this meeting and the time makes it inconvenient for the public to hear this and take part in this meeting. Mr. Templeton also stated that the tax abatement process wasn't discussed by the Township Committee. Mr. Templeton stated that receiving emails after the close of business on Friday short circuits the process of this Township Committee to do an effective job for the residents of the Township. Mr. Templeton stated that he is very disappointed that this is being handled this way.

Mayor Fitzpatrick stated that the public meeting was scheduled early so that people wouldn't be here late and had nothing to do with disregarding the public. Mayor Fitzpatrick stated that Abundant Life Fellowship gave a presentation at a previous Township Committee meeting that was open to the public and there was very little comment made by the public at that time. Mayor Fitzpatrick stated that she had no one from the public contact her regarding this project. Mayor Fitzpatrick stated that Marybeth Lonergan, the Township COAH Planner addressed the pilot agreement because it was something that HFMA almost requires. Mayor Fitzpatrick stated that the reason why the Township Committee agreed to their project at Abundant Life Fellowship was because it does implement the Township's third round COAH plan. Therefore, Mayor Fitzpatrick stated that she does not feel as the Mayor that she negotiated anything behind anyone's

back and she does not feel as the Mayor that she has eliminated the public from this meeting and she resents those comments.

Mayor Fitzpatrick stated that she would like to make some further comments regarding the PILOT. Mayor Fitzpatrick stated that because of the past they are now having problems with Salt and Light. Mayor Fitzpatrick stated that in her opinion it is much better to have a PILOT agreement where you are insured taxes on a piece of property where there is going to be low and affordable senior housing than not having any with the idea that you will be receiving a less tax amount or not receive any at all. Mayor Fitzpatrick stated that it is her opinion that it is the benefit of the Township and the residents of this Township to enter into this PILOT agreement with Abundant Life Fellowship. Mayor Fitzpatrick stated that it will ensure the project receives the required funds that they need and that the Township receives tax dollars on this project and feels that these are the two most important things for the residents of Delanco Township. Mayor Fitzpatrick stated that she hopes the rest of the Township Committee understands that and there was no negotiation. Mayor Fitzpatrick stated that she suggested that there not be a flat 5% PILOT as was originally stated; that it certainly will be an escalated amount up into the maximum amount that HMFA would agree upon.

Committeeman Mike Templeton stated that according to the email he received on Friday after hours that an agreement was made between the Mayor and Abundant Life Fellowship and that was that they agreed to a 5% graduating pilot over 15 years. Mr. Templeton stated that the other four Township Committee members weren't at that table or had the conversation and has never gone over what the Mayor had just outlined. Mr. Templeton feels that they might as well have a one person Committee. Mayor Fitzpatrick told Committeeman Mike Templeton that he has a vote. Committeeman Mike Templeton stated that he would like his vote to count at a point when there is influence on how this process will go and not to leave it up to one person.

A discussion ensued regarding the PILOT and redevelopment issues.

The Township Solicitor, Mr. Douglas Heinold clarified that there is a portion of land in the proposed project that is in the industrial redevelopment area. Mr. Heinold stated that they are not operating under the redevelopment PILOT; they are operating under the COAH affordable housing PILOT program. Mr. Heinold stated that there will be a developer's agreement that is standard for COAH projects that will address some of the issues on the affordable housing context as well as any issues that came out of the Joint Land Use Board process.

Committeeman Ed Devinney asked if there were any alternative to the PILOT offer. Marybeth Lonergan gave an explanation for the COAH requirements regarding the PILOT issue.

Committeeman Ed Devinney asked what the cost to the Township for the project and how well do the dollars cover that cost. Mr. Devinney asked Aubrey Fenton several questions regarding his proposed project. Mr. Devinney asked about the roads, leaf and brush pick-up and emergency medical services. Mr. Fenton indicated that they will take care of all of these things themselves.

Committeeman Mike Templeton had additional questions on the scoring and point system for funding as Marybeth Lonergan described in her explanation. Mr. Templeton

questioned what portion of their project could be tax exempt if the PILOT agreement did not occur. Mr. Aubrey Fenton stated that they are not seeking any tax exempt status and have not done so in the past. Mr. Fenton stated that they are seeking a PILOT agreement and that the PILOT agreement binds them to pay.

Committeeman Mike Templeton asked Mr. Fenton how many subsidies or tax credits they forecast for their project. Committeeman Mike Templeton questioned what the Abundant Life Community Development Corporation was and if it was the project arm doing this project. Mr. Templeton also questioned what the Abundant Life Financial Corporation was. Mr. Templeton also questioned the two separate PILOT agreements and what they covered. Mr. Templeton stated that he was really trying to flush out the cost to the Township for this proposed project.

Motion by Marlene Jass, seconded by Joan Hinkle to adopt Resolution 2009-58.

ROLL CALL: Devinney, yes; Hinkle, yes; Jass, yes; Templeton, no; Fitzpatrick, yes

RESOLUTION 2009-59

RESOLUTION AUTHORIZING TAX ABATEMENT FOR AFFORDABLE HOUSING PROJECT BY ABUNDANT LIFE FELLOWSHIP, INC.

WHEREAS, Abundant Life Fellowship, Inc. (hereinafter referred to as the "Sponsor") proposes to construct a residential multi-family housing project comprising of approximately 100 age-restricted low and moderate income apartments and 20 special needs apartments (hereinafter referred to as the "Project") pursuant to the provisions of the New Jersey Housing and Mortgage Finance Agency Law of 1983, as amended (N.J.S.A. 55:14K-1 et seq.), the rules promulgated thereunder at N.J.A.C. 5:80-1 et seq., and all applicable guidelines (the foregoing hereinafter referred to as the "HMFA Requirements") within the municipality of Delanco (referred to as the "Municipality") on a site described as Lots 2.01 and 3, Block 2200 as shown on the Official Assessment Map of the Township of Delanco, Burlington County along Route 130 and Bridgeboro Road; and

WHEREAS, the Project will be subject to the HMFA Requirements and the mortgage and other loan documents executed between the Sponsor and the New Jersey Housing and Mortgage Finance Agency (hereinafter referred to as the "Agency"); and

WHEREAS, pursuant to the HMFA Requirements, the governing body of the Municipality hereby determines that there is a need for this housing project in the Municipality; and

WHEREAS, the Project will be subject to requirements of the New Jersey Department of Community Affairs (hereinafter referred to as the "Department of Community Affairs"), Neighborhood Preservation Balanced Housing Program in accordance with N.J.S.A. 52:27D-320 and applicable rules promulgated thereunder at N.J.A.C. 5:43-1.1 et seq., and the mortgage and other loan documents executed between the Sponsor and the Commissioner of the Department of Community Affairs; and

WHEREAS, these units in the Project will qualify as low or moderate income units under the Fair Housing Act, N.J.S.A. 52:27D-301 et seq., the regulations of the Council on Affordable Housing ("COAH"), N.J.A.C. 5:96 et seq. and N.J.A.C. 5:97 et seq. and the Uniform Housing Affordability Controls, N.J.A.C. 5:80-26.1 et seq.; and Delanco Township has included the Project in its fair share plan and has voluntarily submitted to the Superior Court as part of its 2008 Declaratory Judgment filing to address its fair share affordable housing obligation.

WHEREAS, the Sponsor has presented to the Municipal Committee a revenue projection for the Project which sets forth the anticipated revenue to be received by the Sponsor from the operation of the Project as estimated by the Sponsor and the Agency, a copy of which is attached hereto and made a part hereof as Exhibit A.

NOW, THEREFORE, BE IT RESOLVED by the Committee of the Township of Delanco (the "Committee") that:

- (1) The Committee finds and determines that the proposed Project will meet or meets an existing housing need;
- (2) The Committee does hereby adopt within this Resolution and makes the determination and findings herein contained by virtue of, pursuant to, and in the conformity with the provisions of the HMFA Requirements with the intent and purpose that the Agency shall rely thereon in making a mortgage loan to the Sponsor, which shall construct, own and operate the Project; and
- (3) The Committee finds and determines that the Project proposed by the Sponsor meets or will meet all or part of the municipality's low and moderate income housing obligation;
- (4) The Committee hereby commits to address its third round fair share obligation by including the Project in a newly adopted housing element and fair share plan, in accordance with N.J.A.C. 5:96 et seq. and N.J.A.C. 5:97 et seq., that Delanco Township has voluntarily submitted to the Superior Court as part of its 2008 Declaratory Judgment filing to address its fair share affordable housing obligation.
- (5) The Committee does hereby adopt the within Resolution with the further intent and purpose that from the date of execution of the Agency mortgage, the proposed Project, including both the land and improvements thereon, will be exempt from real property taxation as provided in the HMFA Requirements, provided that payments in lieu of taxes for municipal services supplied to the Project are made to the municipality in such amounts and manner set forth in the Agreement for Payments in Lieu of Taxes attached hereto as Exhibit "B"; and
- (6) The Committee hereby authorizes and directs the Mayor of Delanco Township to execute, on behalf of the Municipality, the Agreement for Payments in Lieu of Taxes in substantially the form annexed hereto as Exhibit "B"; and
- (7) The Committee understands and agrees that the revenue projections set forth in Exhibit "A" are estimates and that the actual payments in lieu of taxes to be paid by the Sponsor to the municipality shall be determined pursuant to the Agreement for Payments in Lieu of Taxes executed between the Sponsor and the Municipality.

Mayor Fitzpatrick stated that the Township Solicitor, Mr. Douglas Heinold made some changes to Resolution 2009-59; that it be a 30 year agreement rather than the 15 year agreement because they are seeking a 30 year loan. Mr. Heinold stated that he wanted to make it clear; that there is a provision early on in the agreement that mentions that an agency mortgage can be up to 50 years. Mr. Heinold stated that the agreement would be for 30 years; there would be a graduation from 5% to 6.28% over 15 years; then from year 16 through 30 it will remain at 6.28%

Motion by Joan Hinkle, seconded by Marlene Jass to adopt Resolution 2009-59.

ROLL CALL: Devinney, yes; Hinkle, yes; Jass, yes; Templeton, no; Fitzpatrick, yes

MEETING OPEN TO THE PUBLIC

Mayor Fitzpatrick opened the meeting to the public.

MEETING CLOSED TO THE PUBLIC

Since there were no comments or questions from the public, Mayor Fitzpatrick closed the meeting to the public.

Mr. Aubrey Fenton stated that he wanted to thank Delanco Township, the Mayor and each Township Committee person. Mr. Fenton stated that the improvements they have done to their property since 1987 could not have been done on their own. Mr. Fenton stated that it took a lot of cooperation from the Joint Land Use Board, Code Officials, Administrators, Municipal Clerk and everyone else involved to get things done and make the property look better.

Committeewoman Marlene Jass asked Mr. Fenton if he could give the Township a “heads up” on when they plan to open the affordable housing because there may be seniors in Delanco Township that would qualify and have the opportunity to live there.

Committeeman Ed Devinney stated that he wanted to comment on a statement that Committeeman Mike Templeton made Township residents that qualify for affordable housing but have to pay full boat on their property taxes. Mr. Devinney feels that this is a worthy project but is also concerned about the Township residents that do qualify but are paying full property taxes.

Mayor Fitzpatrick agreed that there are inequities but there are times when you have no choice but to agree to these terms to see the project to fruition so that the Township can meet their COAH requirements. Mayor Fitzpatrick stated that she feels this project will be the best thing for Delanco Township because it is part of the third round COAH plan and Delanco has to provide that according to the State of New Jersey.

Mayor Fitzpatrick thanked everyone for coming out and for their questions.

CORRESPONDENCE – Municipal Clerk – Mrs. Janice Lohr

Mrs. Lohr stated that the Township received a request from the Master Gardeners of Burlington County to put the Vine Street Pocket Park on a Garden Tour. The Township Committee all agreed that this would be fine.

Mayor Fitzpatrick stated that Chief Parsons called her and stated that the Delanco Police Department has apprehended a suspect regarding the two burglaries in Delanco. Mayor Fitzpatrick stated that Patrolman Jess DeSanto and Detective Adam Tilger have been diligently working on this case.

Mayor Fitzpatrick stated that they are working on the paths at Newton’s Landing.

ADJOURNMENT

Motion by Joan Hinkle, seconded by Marlene Jass to adjourn the meeting.

ROLL CALL: Devinney, yes; Hinkle, yes; Jass, yes; Templeton, yes; Fitzpatrick, yes

Janice M. Lohr, RMC
Municipal Clerk