

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 23, 2015 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Cann
_____	_____	Deputy Mayor Popko
_____	_____	Committeeman Benowitz
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 7, 2015, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the REGISTER-NEWS, the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing:

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

6. Mayor's Proclamation Honoring 1SG Richard J. Pinter, Army, Retired.

7. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2015-054-8 through #2015-054-16.
8. Resolution #2015-054-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
9. Resolution #2015-054-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.
10. Resolution #2015-054-10 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATION.
11. Resolution #2015-054-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
12. Resolution #2015-054-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
13. Resolution #2015-054-13 entitled GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014 – JUNE 2019.
14. Resolution #2015-054-14 entitled REDUCTION OF PERFORMANCE GUARANTEES FOR RIVERGATE URBAN RENEWAL COMPANY, LLC (BORDENTOWN WATERFRONT, PHASE 1A) BURLINGTON STREET, BLOCK 140, LOT 5.01, REDUCTION NO. 1.
15. Resolution #2015-054-15 entitled AUTHORIZING 2015 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).
16. Resolution #2015-054-16 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
17. Public Hearing on Ordinance #2015-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION ADVISORY COMMITTEE UNDER AND ADVISORY TO THE PLANNING BOARD.
18. Consideration of Adoption of Ordinance #2015-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION ADVISORY COMMITTEE UNDER AND ADVISORY TO THE PLANNING BOARD.

19. Public Hearing on Ordinance #2015-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE JOINT ADMINISTRATION OF LAND USE POWERS WITH THE CITY OF BORDENTOWN.
20. Consideration of Adoption of Ordinance #2015-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE JOINT ADMINISTRATION OF LAND USE POWERS WITH THE CITY OF BORDENTOWN.
21. Township Committee discussion of Authorization to Conduct Aerial Larval/Adult Mosquito Control Activities.
22. Township Committee and Staff Reports.
23. Public Participation.

Questions, comments or statements from members of the public in attendance.
24. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

Office of the Mayor
Township of Bordentown

Proclamation

WHEREAS, 1SG Richard J. Pinter, USA, Retired, was born in Trenton and lived in Bordentown Township with his beloved wife, Irene, of 53 years, three daughters, Diana, Judi, and Kathy and five grandchildren, William, Robert, Benjamin, Andrea and Norman, three great grandchildren, Connor, Chase and Sophia; and

WHEREAS, Mr. Pinter owned his own business, AZ Music Center, and retired after 38 years from the Adjutant General's 276th Army Band of Pennsylvania as Sergeant and Bandmaster; and

WHEREAS, he participated in the planning of the Bordentown Township's Veterans Day Ceremony for ten years which was noted to be the Best in Burlington County; made appearances at 21 cemeteries across Burlington County on Memorial Day since the year 2000 to sound "TAPS" and recite the Bugler's Prayer in honor of fallen veterans. In 2012, he participated in the 150th Anniversary of the Bugle Call TAPS at Arlington National Cemetery in remembrance of those who faithfully served the United States during times of War and Peace; and

WHEREAS, in February of 2009, the Bordentown Township Committee adopted an ordinance that changed the name of the street where he resided, once known as Roosevelt Avenue, to Lone Bugler Way, in his honor; and

WHEREAS, Mr. Pinter received numerous awards that included Meritorious Service Medal, Army Commendation Medal, Army Reserve Components Achievement Medal, National Defense Award, Army NCO Professional Development Ribbon with Bronze No. 4 and numerous awards from other organizations that included Man of the Year AHCA. He was also honored by the City of Bordentown, Township of Bordentown, American Legion, Mercer County Veterans, Association of the National Guard, American Hungarian Civic Association, and the Vietnam Veterans to name a few; and

WHEREAS, he was a member of the First Baptist Church of Bordentown, Mt. Moriah Lodge No. 28 F&AM, Musicians Local 62, PAESGR, PNGEA, EANGUS and many other organizations; and

WHEREAS, Mr. Pinter dedicated time to having patriotic talks at schools, nursing homes, hospitals, and senior centers. He was honored with the request to perform for the World War II Memorial Dedication Ceremony on the USS NJ and assisted in reserving a portion of the Bordentown Cemetery for veterans; and

WHEREAS, Mr. Pinter was a dedicated family man to his wife, children and grandchildren. His life's passion was to educate people about this great nation and to honor all the fallen comrades who made the ultimate sacrifice for our freedom and for those who have served and are currently serving our great nation during the times of War and Peace;

NOW, THEREFORE, I, James Cann, Mayor of Bordentown Township, do hereby order the American Flag located at the Bordentown Township Municipal Complex be lowered to half-staff on February 20, 2015, at 5:00 p.m. and shall remain at half-staff until February 24, 2015, at 8:00 a.m. This action shall commemorate the lifelong service of this country's fallen hero, dedicated friend to the community and stellar humanitarian, 1SG Richard J. Pinter, USA, Retired, "The Lone Bugler".

JAMES CANN
MAYOR

RESOLUTION #2015-054-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated February 23, 2015, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

02/23/15

RESOLUTION #2015-054-9

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of February 9, 2015, and the Regular Meeting of February 9, 2015, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of January 2015 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Construction, Community Development and Finance; and

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. Letter to Mayor and Committee from the Burlington County Municipal Joint Insurance Fund, dated February 9, 2015, regarding 2014 Safety Incentive Program Awards.

02/23/15

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2015-054-10

REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS

WHEREAS, there exists unused balances in the following Planning or Zoning escrow accounts:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
130 Bordentown Associates, LLC c/o Nellis Corporation 6001 Montrose Road, Suite 600 Rockville, Maryland 20852	Bottom Dollar Site Block 127, Lot 3	976700	\$ 4,665.48
T-Mobile Northeast, LLC 5 Skyline Drive Hawthorne, NY 10532 Attn: T. McDonald	T-Mobile Cell Tower Block 32, Lot 3	976600	\$ 280.00
Hunter Industries, Inc. NWL, Inc. 312 Rising Sun Road Bordentown, NJ 08505	NWL Solar Field Block 137.02, Lot 5.02 Review Escrow: Inspection Escrow:	975400 975402	\$ 720.00 \$1,748.74

And, **WHEREAS**, the Director of Community Development has certified that the applications and projects are complete and that the amounts listed above are nets amounts to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account(s); and

WHEREAS, the Director of Community Development recommends the balances of the funds should be returned to the applicants; in accordance with N.J.S.A. 40:55D-53.2.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balances of the escrow deposits, in the amounts indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid applicants or owners.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to each Applicant.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-054-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00048 was redeemed on February 10, 2015, in the amount of \$614.80.

WHEREAS, US BANK Cust for PC4 Firstrust, paid tax sale premium, in the amount of \$1,000.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1,000.00 to US BANK Cust for PC4 Firstrust; for Lien 13-00048 Block 138.06 Lot 14, commonly known as 41 Tantum Court.

MAP
02/23/15

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-054-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00020 was redeemed on February 13, 2015, in the amount of \$1,117.69.

WHEREAS, SOHEHA, paid tax sale premium, in the amount of \$600.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$600.00 to SOHEHA; for Lien 13-00020 Block 116 Lot 4 commonly known as 178 Crosswicks Rd.

MAP
02/23/15

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

Governor's Council on Alcoholism and Drug Abuse
Fiscal Grant Cycle July 2014 – June 2019

Resolution #2014-054-13

WHEREAS, the Governor's Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey.

WHEREAS, The Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

WHEREAS, the Township of Bordentown further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and

WHEREAS, the Township Committee has applied for funding to the Governor's Council on Alcoholism and Drug Abuse through the County of Burlington;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Burlington County Municipal Alliance grant for fiscal year 2016 in the amount of:

DEDR	\$14,804.00
Cash Match	\$ 3,701.00
In-Kind	\$11,103.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance Grant, including the administrative compliance and audit requirements.

APPROVED: _____
James Cann, Mayor

CERTIFICATION

I, Colleen M. Eckert, Municipal Clerk of the Township of Bordentown, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Committee on this 23rd day of February, 2015.

Colleen M. Eckert, Municipal Clerk

TOWNSHIP OF BORDENTOWN

REDUCTION OF PERFORMANCE GUARANTEES FOR

Rivergate Urban Renewal Company, LLC (Bordentown Waterfront, Phase 1A)

Burlington Street

BLOCK: 140 LOT: 5.01, Reduction No. 1

RESOLUTION NO.2015-054-14

WHEREAS, Rivergate Urban Renewal Company, LLC is the owner of a certain block and lot within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the said block and lot, known as Bordentown Waterfront, Phase 1A, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees ensuring the satisfactory installation of certain on-tract improvements; in the form of a \$3,085,823.52 Surety Bond, #0597225, dated December 6, 2012, issued by IFIC; and a \$342,869.28 Letter of Credit, #OD13001820, dated May 15, 2013, issued by Valley National Bank; and

WHEREAS, Rivergate Urban Renewal Company, LLC has notified the Township Committee in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53.d, stating that the required improvements, which are the subject matter of the aforementioned guarantees, have been partially completed, and has requested a reduction of said performance guarantees; and

WHEREAS, the Frederick Turek, PE, Engineer, has inspected all the improvements of which notice has been given and has filed a report in writing with the Director of Community Development and has recommended that the Township Committee approve the reduction of the performance guarantees as follows: Surety Bond reduced to the amount of \$1,094,632.33; and, Letter of Credit reduced to the amount of \$121,625.81; and

WHEREAS, the Township Committee has reviewed said request and report and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.d.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby approves reductions in the Performance Guarantees, as indicated above.
2. That the Community Development Director is authorized to release the current guarantees only upon prior receipt of the revised guarantees in the amounts indicated above, subject to the acceptance of the Township Attorney.
3. That the Township Clerk is directed to forward a certified copy of this resolution to: Rivergate Urban Renewal Company, LLC, c/o Jeffrey Albert, 19 Longview Drive, Princeton, NJ 08540.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

02/23/15

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-054-15

AUTHORIZING 2015 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59)

WHEREAS, various 2014 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2014 budget in the last two months of 2014; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, that the transfers in the amount \$54,500.00 be made between the 2014 Budget Appropriation Reserves as follows:

Transfers 02.23.15

		From	To
Admin	O/E		1,000.00
Finance	O/E		2,400.00
Police	S&W	12,500.00	
Police	O/E		1,500.00
P/W Vehicle Maint	O/E		5,000.00
Landfill /Solid Waste	O/E	5,500.00	
Electricity	O/E		4,000.00
Street Lighting	O/E		4,600.00
Natural Gas	O/E		5,500.00
FICA/Social Security	O/E	6,000.00	
		<hr/>	
		24,000.00	24,000.00

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/23/15

RESOLUTION #2015-054-16

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2015 was approved on the 3rd day of January, 2015; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following temporary appropriation be made:

TEMPORARY BUDGET

Temporary Appropriations .02.23.15 NJSA 40A:4-20

	PRIOR	2,338,994.00
Mayor Committee	Salary & Wages	5,000.00
Municipal Clerk - S&W	Salary & Wages	12,000.00
Finance - S&W	Salary & Wages	18,000.00
Tax Collection	Salary & Wages	11,000.00
Assessor	Salary & Wages	1,500.00
Legal Services	Other Expense	12,000.00
Planning Board	Other Expense	250.00
Zoning Board	Other Expense	250.00
Community Development	Salary & Wages	15,000.00
Celebration Public Events	Other Expense	4,500.00
UCC	Salary & Wages	16,000.00
Police	Salary & Wages	165,000.00
Public Safety - EMS	Salary & Wages	3,000.00
Streets & Roads	Salary & Wages	75,000.00
Solid Waste Collection	Other Expense	31,000.00
Buildings/Grounds	Other Expense	10,000.00

Vehicle Maintenance	Salary & Wages	10,000.00
Vehicle Maintenance	Other Expenses	15,000.00
Senior Center	Other Expenses	500.00
Telecommunications	Other Expenses	5,000.00
FICA	Other Expenses	30,000.00
EMS	Salary & Wages	40,000.00
EMS	Other Expense	3,000.00
Municipal Court	Municipal Court	15,000.00
	Total Including this resolution	2,821,994.00

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 23, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

02/23/15

ORDINANCE NO. 2015-1

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN
PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION
ADVISORY COMMITTEE UNDER AND ADVISORY TO THE PLANNING BOARD

SECTION 1. Findings: a. The Township Committee of the Township of Bordentown finds that there area areas, specific sites and specific structures within the Township of Bordentown that are of significance in the history of the United States, the State of New Jersey, the County of Burlington and the Township of Bordentown and that it is in the public interest to identify those areas, sites and structures and to encourage and support the preservation of those areas, sites and structures.

b. The effort to identify historic areas, sites and structures is appropriately within the jurisdiction of the Planning Board which has the responsibility to develop, review and maintain the Master Plan for the Township of Bordentown.

c. It is appropriate to establish an Historic Preservation Advisory Committee under and as advisor to the Planning Board to assist with the identification of historic areas, sites and structures and to encourage and support the preservation of those areas, sites and structures, including the identification of sources for financial support for such historic preservation.

SECTION 2. Historic Preservation Advisory Committee.

A. Responsibilities. There is hereby created a Historic Preservation Advisory Committee under and advisory to the Planning Board.

B. Membership. The Historic Preservation Advisory Committee shall consist of seven members. The members shall be:

(1) A member of the Planning Board, appointed annually by the Planning Board.

(2) Four members appointed by the Township Committee with terms of two years, staggered so that two terms expire each year. Not more than two of the members may be non-residents of the Township, selected because of their knowledge and experience in historic preservation.

B. Organization

(1) The Historic Preservation Advisory Committee shall elect a Chairperson and Vice Chairperson from its members and select a Secretary, to keep a record of the proceedings before the Historic Preservation Advisory Committee, which shall include the voting records of the members, their attendance, resolutions acted upon by the Historic Preservation Advisory Committee and any of its findings, determinations and decisions.

(2) At least three members of the Historic Preservation Advisory Committee shall constitute a quorum for the transaction of its business.

C. Powers of the Historic Preservation Advisory Committee. The Historic Preservation Advisory Committee shall have the power to:

(1) Recommend to the planning board and the Township Committee sites and structures appropriate to be designated as historic landmarks in accordance with any procedures which may be set forth in the township land use ordinance.

(2) Research and re-evaluate properties proposed for inclusion in a cultural resources survey against the criteria for the national register of historic places and prepare nominations for the consideration of the state historical preservation officer. Such properties shall be reviewed in consideration of, but not limited to, the criteria for historic designation as established by the Office of New Jersey Heritage, and the national park service.

(3) Advise the planning board and zoning board of adjustment on development that affects historic landmarks, in accordance with any procedures set forth in the township zoning ordinance.

(4) Assist and advise other municipal agencies and public bodies in the understanding of historic landmark significance and techniques of historic preservation.

(5) Collect and disseminate material on the importance of historic preservation and techniques for achieving same.

(6) Report at least annually to the planning board and the Township Committee on the state of historic preservation in the township and to recommend measures to improve same.

(7) Assist in the identification of sources for financial assistance eligibility for those persons who seek to maintain and preserve historic sites and structures and to recommend support of applications for such assistance by the Township.

SECTION 3. Repealer, Severability and Effective Date.

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

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

- C. Effective Date. This Ordinance shall take effect upon adoption and publication of notice in accordance with the law.

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2015-2

An Ordinance of the Township of Bordentown Providing for the Joint Administration of Land Use Powers with the City of Bordentown.

WHEREAS, the New Jersey Municipal Land Use Law, at N.J.S.A. 40:55D-77, et seq., permits the Governing Bodies of two municipalities to enter into an Agreement providing for the joint administration of powers conferred upon the municipalities by the Municipal Land Use Law, and;

WHEREAS, there are properties along the Route 130 and Route 206 highway corridors which exist along the common Municipal Boundary between the Township of Bordentown (the “Township”) and the City of Bordentown (the “City”), and which are in common ownership and/or common use (“Common Properties”), and;

WHEREAS, the Governing Bodies of the Township and the City desire to enter into an agreement that will designate which single municipality shall exercise Land Use Power for each Common Property, thus simplifying the land use approval and enforcement process, and:

WHEREAS, the Township Committee recognizes the benefits to be obtained by entering into such an Agreement; which include the comprehensive review of land use proposals on the Common Properties, elimination of duplicate applications and costs, and uniform Zoning Enforcement for the Common Properties, and

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

Section 1.

1. Upon the adoption of a substantially similar Ordinance by the City of Bordentown within the time limit set forth by N.J.S.A. 40:55D-77, the Township Committee may enter into an agreement with the City of Bordentown, pursuant to this Ordinance, to provide for the joint administration of land use powers for the Common Properties.
2. The duties to be exercised for each Common Property shall be limited to:
 - a. The complete Land Use application process, whether it may be a Planning Board or Zoning Board application,

- b. Land use management of any subsequent Planning or Zoning Board-approved site construction, including receipt of Performance Guarantees, construction inspections, and release of Guarantees,
 - c. Zoning and Land Use enforcement.
3. The terms of the agreement shall set forth:
- a. The method for the designation of which Municipality shall regulate each individual Common Property; which may be determined either by: (1) a preponderance of lot area in one Municipality; or, (2) a preponderance of use in one Municipality; or, (3) such other methodology as may be mutually agreed upon which advances the purposes of this Ordinance and the Municipal Land Use Law.
 - b. The specific Common Properties to be regulated, listed by Tax Block and Lot numbers, and the designation of the Municipality which shall regulate each.
 - c. That both the Township and the City shall retain appointment power for all land use officials within their respective municipalities.
 - d. That both municipalities shall each be individually responsible for any expenses which they might incur as a result of entering into the Agreement.
 - e. The duration of the Agreement, which may not exceed a term of twenty (20) years.
 - f. That the Agreement may be extended for additional terms of up to twenty years each, if authorized by substantially similar Ordinances adopted by both Municipalities.
 - g. That either municipality may unilaterally terminate the Agreement upon adoption of an Ordinance. In accordance with N.J.S.A. 40:55D-83, termination of the Agreement shall not be made effective earlier than June 30 next succeeding the expiration of 12 full calendar months following the decision to terminate; provided that such termination may occur at an earlier date if both municipalities unanimously agree to such earlier date on or after the date of the decision to terminate as provided by the joint agreement.

Section 2. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

Section 3. This Ordinance shall take effect upon adoption and publication of notice of adoption as provided by Law; and, upon adoption of a substantially similar Ordinance by the City of Bordentown within six months.