

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JUNE 8, 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 Emergency Management Coordinator Personnel Matter; Construction Department Personnel Matter; Bordentown Waterfront Financial Agreement Contract Matter.

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. APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR:

In accordance with N.J.S.A. Appendix A:9-40 I, James Cann, as Mayor, doe hereby appoint Andrew Law as Emergency Management Coordinator for a three year term beginning May 1, 2015 and expiring April 30, 2018.

7. APPOINTMENT OF PLANNING BOARD MEMBER:

In accordance with N.J.S.A. 40:55D-23 and Section 25:704 of the Revised General Ordinances of the Township of Bordentown as adopted by Ordinance #1990-15, commonly known as the Land Development Ordinance of the Township of Bordentown establishing a Planning Board, I, James Cann, as Mayor, do hereby make the following appointments to the Planning Board:

Class IV Member – 4 Year Unexpired Term Expiring 12/31/18: Eugene Grybowski

8. 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 #2015-159-9 through #2015-159-23.
9. Resolution #2015-159-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
10. Resolution #2015-159-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
11. Resolution #2015-159-11 entitled RESOLUTION TO APPOINT TAX COLLECTOR FOR THE TOWNSHIP OF BORDENTOWN.
12. Resolution #2015-159-12 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE COOPERATING STEWARDSHIP AGREEMENT FOR THE ABBOTT MARSHLANDS.
13. Resolution #2015-159-13 entitled RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF FLORENCE AND THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL SERVICES.
14. Resolution #2015-159-14 entitled RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM HEYER, GRUEL AND ASSOCIATES FOR PLANNING SERVICES IN COAH RELATED MATTERS.
15. Resolution #2015-159-15 entitled RESOLUTION TO ACCEPT PROPOSAL FROM HAMILTON SPOTLIGHT.COM FOR DESIGN OF WEBSITE FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.

16. Resolution #2015-159-16 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.
17. Resolution #2015-159-17 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.
18. Resolution #2015-159-18 entitled RESOLUTION AUTHORIZING MEDICAL INSURANCE TO NEW EMPLOYEES EFFECTIVE WITH THEIR DATE OF HIRE.
19. Resolution #2015-159-19 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON (1) AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION AND A MOTION FOR TEMPORARY IMMUNITY, (2) AUTHORIZING THE ALLOCATION OF MONIES TO RETAIN DR. ROBERT W. BURCHELL TO ANALYZE FAIR SHARE ISSUES AND PROPOSE AN APPROPRIATE APPROACH TO FAIR SHARE DETERMINATIONS, AND (3) DECLARING ITS INTENT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE “CATALYST FOR CHANGE” TO RENDER ANY MOUNT LAUREL LAWSUITS AS “UNNECESSARY LITIGATION”.
20. Resolution #2015-159-20 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN RATIFYING THE TERMINATION OF THE MEMORANDUM OF INTENT AND AGREEMENT WITH LUTHERAN SOCIAL MINISTRIES OF NEW JERSEY, INC.
21. Resolution #215-159-21 entitled RESOLUTION OF NEED AND TO DESIGNATE VOADV PROPERTY, INC., FOR AN AFFORDABLE HOUSING PROJECT BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, NEW JERSEY.
22. Resolution #2015-159-22 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE AMENDMENT TO THE TOWNSHIP’S AFFORDABLE HOUSING TRUST FUND SPENDING PLAN AND COMMITTING THE EXPENDITURE OF FUNDS IN THE TOWNSHIP AFFORDABLE HOUSING TRUST FUNDS TO VOADV PROPERTY, INC.
23. Resolution #2015-159-23 entitled AMENDING RESOLUTION #2015-124-11 ENTITLED RESOLUTION AUTHORIZING MARY PICARIELLO, CTC, TO CONTINUE EMPLOYMENT ON AN AS-NEEDED BASIS FOR THE BORDENTOWN TOWNSHIP TAX COLLECTOR’S OFFICE.
24. Consideration of Introduction of Ordinance #2015-7 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
25. Consideration of Introduction of Ordinance #2015-8 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:901 OF THE LAND DEVELOPMENT ORDINANCE, FEES.
26. Township Committee and Staff Reports.
27. Public Participation.

Questions, comments or statements from members of the public in attendance.

28. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
29. Motion to Adjourn.

RESOLUTION #2015-159-9

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 June 8, 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.

06/08/15

RESOLUTION #2015-159-10

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of May 18, 2015, and the Regular Meeting of May 18, 2015, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

06/08/15

RESOLUTION #2015-159-11

RESOLUTION TO APPOINT TAX COLLECTOR FOR THE TOWNSHIP OF BORDENTOWN

WHEREAS, MaryAlice Picariello resigned her position as Tax Collector with the Township of Bordentown effective May 8, 2015; and

WHEREAS, N.J.S.A. 40A:9-141 provides that each municipality shall provide for the appointment of a Municipal Tax Collector; and

WHEREAS, N.J.S.A. 40A:9-142 provides that every Municipal Tax Collector shall hold office for a term of four (4) years from the first day of January next following their appointment; and

WHEREAS, the Township Committee feels that Mr. Jeffrey Elsasser is best qualified to fill this position; and

WHEREAS, the term of appointment for Mr. Jeffrey Elsasser as Tax Collector for the Township of Bordentown shall be effective June 9, 2015 through December 31, 2019; and

WHEREAS, compensation for Mr. Jeffrey Elsasser shall be \$65,000 annually;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, State of New Jersey, County of Burlington, that in accordance with law it does hereby appoint Mr. Jeffrey Elsasser to the position of Tax Collector for a four year term ending December 31, 2019; and

BE IT FURTHER RESOLVED that Mr. Jeffrey Elsasser is hereby appointed to the positions of Official to make examination of Township records as to unpaid taxes and municipal liens and Collector of Local Improvement Assessments for the Township of Bordentown with these appointments being at no additional compensation.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-12

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE COOPERATING STEWARSHIP AGREEMENT FOR THE ABBOTT MARSHLANDS

WHEREAS, the parties, as outlined within the agreement, either own land providing public access or has an interest in the natural, historic, or recreational resources of the Abbott Marshlands and are agreeing to implement measures identified in the Stewardship Plan that protect the Marsh's unique identity;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor to sign the Cooperating Stewardship Agreement for the Abbott Marshlands.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-13

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF FLORENCE AND THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Florence has the need for Animal Control Services; and

WHEREAS, the Florence Township Council and Bordentown Township Committee wish to enter into a Shared Services Agreement for the purpose of Animal Control; and

WHEREAS, the parties wish to execute a Shared Services Agreement between the Township of Florence and Township of Bordentown in accordance with Schedule "A" attached;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the attached Shared Services Agreement between the Township of Florence and Township of Bordentown is hereby approved for the purpose of Animal Control; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the agreement on behalf of the Township of Bordentown.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-14

RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM HEYER, GRUEL AND ASSOCIATES FOR PLANNING SERVICES IN COAH RELATED MATTERS

WHEREAS, there is a need to appoint a Planner to assist with COAH related matters for the Township of Bordentown; and

WHEREAS, Heyer, Gruel and Associates has submitted a proposal for their services in this matter; and

WHEREAS, in order to meet certain deadlines, it was necessary for Attorney Kearns to poll the Township Committee for an electronic vote for this appointment prior to a regular meeting where formal action can be taken; and

WHEREAS, there were three affirmative votes, each written vote is attached hereto, for this action representing a majority of the Township Committee, giving the approval for this appointment;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby memorialize the electronic vote of the Township Committee made on May 22, 2015, appointing the firm of Heyer, Gruel and Associates, for planning services in COAH related matters at an hourly rate of \$150.00 per hour and not to exceed \$15,000.00; and

BE IT FURTHER RESOLVED that a professional services agreement has been prepared in accordance with this resolution and the Mayor and Township Clerk are hereby authorized to execute the agreement.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-15

RESOLUTION TO ACCEPT PROPOSAL FROM HAMILTON SPOTLIGHT.COM FOR DESIGN OF WEBSITE FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, Hamilton Spotlight.com has provided a proposal for website design for the Bordentown Economic Development Advisory Committee for the purpose of providing a website for business/commercial activities; and

WHEREAS, it is the desire of the Township Committee of the Township of Bordentown to accept this proposal from Hamilton Spotlight.com; and

WHEREAS, funds are available as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Hamilton Spotlight.com, P.O. Box 10389, Hamilton, NJ 08650, for the following amounts:

\$500 Total Cost of Design of a website not exceeding 10 pages;
\$600 recurring fee to be billed annually to include up to 12 hours per month of updates

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-16

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown in the County of Burlington, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$23,121.40, which is now available from the Township of Bordentown, in the amount of \$23,121.40; and

BE IT FURTHER RESOLVED that the like sum of \$23,121.40 is hereby appropriated under the caption "NJDEP – Clean Communities Grant Program"; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Township of Bordentown in the amount of \$23,121.40.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-17

RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION
N.J.S.A. 40A:4-87

WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item of revenue in the budget of any county or municipality when such item shall have been made available by law and the amount was not determined at the time of the adoption of the budget; and

WHEREAS, the Director may also approve the insertion of an item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown in the County of Burlington, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of \$2,000.00, which is now available from the Township of Bordentown, in the amount of \$2,000.00; and

BE IT FURTHER RESOLVED that the like sum of \$2,000.00 is hereby appropriated under the caption "Sustainable Jersey"; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Township of Bordentown in the amount of \$2,000.00.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION #2015-159-18

RESOLUTION AUTHORIZING MEDICAL INSURANCE TO NEW EMPLOYEES EFFECTIVE WITH THEIR DATE OF HIRE

WHEREAS, typically upon the hire of a new employee, there is a 30 day waiting period until that employee can receive medical benefits; and

WHEREAS, the Township Committee of the Township of Bordentown realizes that this waiting period could potentially create a hardship for any new employee of the Township of Bordentown; and

WHEREAS, it is the desire of the Township Committee of the Township of Bordentown to request the eligibility of a new employee's medical benefits be modified to allow medical benefit coverage immediately with their effective date of hire;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize any new employee of the Township of Bordentown to be provided medical benefits effective with their date of hire; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to provide a certified copy of this resolution to the Southern New Jersey Health Insurance Fund.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

RESOLUTION NO: 2015-159-19

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, (1) AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION AND A MOTION FOR TEMPORARY IMMUNITY, (2) AUTHORIZING THE ALLOCATION OF MONIES TO RETAIN DR. ROBERT W. BURCHELL TO ANALYZE FAIR SHARE ISSUES AND PROPOSE AN APPROPRIATE APPROACH TO FAIR SHARE DETERMINATIONS, AND (3) DECLARING ITS INTENT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE "CATALYST FOR CHANGE" TO RENDER ANY MOUNT LAUREL LAWSUITS AS "UNECESSARY LITIGATION"

WHEREAS, in So. Burlington County N.A.A.C.P. v. Tp. of Mount Laurel, 92 N.J. 158, 279-80 (1983) ("Mount Laurel II"), the New Jersey Supreme Court ruled, subject to several other limitations, that in order for a plaintiff to be entitled to a builder's remedy, it must "succeed in litigation;" and

WHEREAS, in Toll Bros. Inc. v. Tp. of W. Windsor, 173 N.J. 502, 507 (2002), the Supreme Court ruled that in order for a developer to succeed in litigation, it must not only prove that the municipality failed to create a realistic opportunity to satisfy its affordable housing obligation, but also must be the "catalyst for change;" and

WHEREAS, on September 26, 2013, the Supreme Court released In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 215 N.J. 578 (2013) which invalidated the Round 3 regulations adopted in 2008 by the New Jersey Council on Affordable Housing ("COAH"); and

WHEREAS, on March 14, 2014, the Supreme Court issued an order directing COAH to propose new Round 3 regulations on or before May 1, 2014 and to adopt them by October 22, 2014; and

WHEREAS, the March 14, 2014 Order further provided that, if COAH failed to meet these deadlines, the Court would entertain a Motion in Aid of Litigant's Rights which could include an application for the right, on a case-by-case basis, to file a builder's remedy suit against a municipality;

WHEREAS, on April 30, 2014, in accordance with the March 14, 2014 Order, COAH proposed Round 3 regulations and published them in the New Jersey Register on June 2, 2014; and

WHEREAS, pursuant to these proposed regulations, COAH assigned the Township a fair share of 266 units, consisting of a 6 unit rehabilitation obligation, a 176 unit unmet prior round obligation (half of which would need to be addressed by 2024) and a 84 unit prospective Round 3 obligation; and

WHEREAS, more specifically, under the COAH 2014 proposed regulations, the Township would need to satisfy a 178 (without bonus credits) unit obligation by 2024; and

WHEREAS, COAH accepted public comments on the proposed Round 3 regulations until August 1, 2014, and indeed received roughly 3,000 comments; and

WHEREAS, on October 20, 2014, the COAH board met to consider adopting the proposed regulations; and

WHEREAS, the COAH board reached a 3-3 deadlock and therefore did not adopt the proposed regulations; and

WHEREAS, COAH therefore failed to meet the Supreme Court's October 22, 2014 deadline; and

WHEREAS, on October 31, 2014, Fair Share Housing Center ("FSHC") filed a Motion In Aid of Litigant's Rights urging the Supreme Court, among other things, to direct trial judges -- instead of COAH -- to establish standards with which municipalities must comply; and

WHEREAS, FSHC's motion included an alternative fair share calculation for each municipality, which it subsequently modified through a report of its expert, Dr. David Kinsey, FAICP, dated April 16, 2015, further highlighting the uncertainty of the framework with which municipalities must ultimately comply because there are no standards with which to comply; and

WHEREAS, pursuant to alternative calculations furnished by FSHC in April of 2015, the Township would have an obligation of 952 units consisting of a 5 unit rehabilitation obligation, a 211 unit prior round obligation, and a 736 unit Round 3 obligation; and

WHEREAS, COAH's failure to adopt the proposed regulations has left the Township in a continuing state of limbo despite its unwavering commitment to constitutional compliance without the need for litigation; and

WHEREAS, on March 10, 2015, the Supreme Court issued a decision entitled In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015), in which it (1) found that COAH had violated its March 14, 2014 Order by failing to adopt new Round 3 regulations by October 22, 2014, (2) held that, without new Round 3 regulations, COAH could not process petitions for substantive certification for the 314 municipalities currently under COAH's jurisdiction, (3) directed trial courts to assume COAH's functions, (4) authorized municipalities under COAH's jurisdiction to file a Declaratory Judgment Action along with a motion for Temporary Immunity by July 8, 2015, or risk possible exposure to exclusionary zoning lawsuits and (5) ruled that municipalities would have five months to prepare and file a Housing Element and Fair Share Plan with a trial court for review; and

WHEREAS, trial courts must now (1) calculate the "fair share" obligations for Round 3 and establish the standards with which municipalities must comply; (2) process declaratory judgment actions filed by municipalities seeking approval of an affordable housing plan based upon the new judicially established standards; and (3) entertain motions by municipalities for immunity from exclusionary zoning lawsuits while the municipality and its planning board prepare, adopt/endorse and seek approval of an affordable housing plan as may be amended; and

WHEREAS, the Supreme Court stated that municipalities bear no responsibility for COAH's inexcusable failure to adopt Round 3 regulations, and emphasized the desirability of municipalities complying voluntarily consistent with case law that reaches back for decades; and

WHEREAS, at this juncture, the Township's Round 3 obligation is unsettled; and

WHEREAS, regardless of whatever its obligation is ultimately assigned, the Township remains committed to comply voluntarily with its obligations; and

WHEREAS, since Bordentown previously obtained Judgment of Repose on August 15, 2000 and is committed to comply with any standards that the trial judge will require for Round 3, it would be particularly unfair for the Township to suffer exposure to any additional exclusionary zoning lawsuits; and

WHEREAS, the Township wishes to be in a position to complete its efforts to comply voluntarily once its obligations are defined; and

WHEREAS, accordingly, the Township wishes to follow the path provided by the Supreme Court and by bringing a declaratory relief action and simultaneously bringing a motion for immunity so that the Township can complete its efforts to comply voluntarily with whatever standards the trial judge may determine are appropriate; and

WHEREAS, the Township herein intends to make its intentions inescapably clear to the public and all concerned.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The Township hereby reaffirms its commitment to satisfy its affordable housing obligations, however they may ultimately be defined, voluntarily and in the absence of any exclusionary zoning lawsuit.

2. The Township hereby authorizes and directs its special Mount Laurel counsel in accordance with the Supreme Court opinion to file a declaratory relief action between June 8, 2015 and July 8, 2015 and to file simultaneously a motion seeking temporary immunity while the Court reviews the Township's 2008 Housing Element and Fair Share Plan (amended in 2010) as will be amended and resubmitted to the Court within the five month period articulated by the Supreme Court.

3. The Township directs its legal and planning professionals in accordance with the Supreme Court's opinion to seek a judicial determination of its Round 3 obligations, as well as other related standards that the court may apply, and to take all reasonable and necessary action to enable Bordentown and its Planning Board to comply expeditiously therewith.

4. The Township hereby joins with other municipalities and authorizes the allocation of \$2,000 and to enter into a shared services agreement satisfactory to the Township's attorney to retain Rutgers University, who retains Dr. Burchell and other experts to examine fair share issues and propose an appropriate approach for the trial judge to consider.

5. This Resolution shall take effect immediately.

RESOLUTION NO. 2015-159-20

**A RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF BORDENTOWN
RATIFYING THE TERMINATION OF THE MEMORANDUM OF INTENT AND AGREEMENT WITH
LUTHERAN SOCIAL MINISTRIES OF NEW JERSEY, INC.**

WHEREAS, on or about July 16, 2012, the Township of Bordentown (“the Township”) entered into a Memorandum of Intent and Agreement with Lutheran Social Ministries of New Jersey, Inc., (“LSM”), for LSM to construct a sixty-two unit affordable housing development on proposed Block 140.01, Lot 2 of the official Tax Map of Bordentown Township; and

WHEREAS, pursuant to the terms of said agreement, LSM was required to obtain certain funding and meet certain other requirements so as to fulfill its obligations under the agreement with the Township; and

WHEREAS, the agreement which LSM had with Bordentown Waterfront Community, LLC, (“BWC”) the Redeveloper of the proposed site, has expired such that LSM no longer has the ability to construct the desired affordable units through the Redeveloper and fulfill the essential purpose of its agreement with the Township; and

WHEREAS, the Township has previously determined that the essential purpose of the agreement with LSM to provide affordable housing cannot be fulfilled by the agreement with LSM and authorized the appropriate government officials to notify LSM that the agreement between LSM and the Township was being terminated; and

WHEREAS, the Township desires to fulfill its Affordable Housing obligation and previously determined that the doing so requires that the termination of the Agreement with LSM be memorialized and/or ratified; and

WHEREAS, in furtherance of the aforesaid agreement, the Township allocated and/or committed certain funding from its Affordable Housing Trust Funds to the proposed project with LSM; and

WHEREAS, the Township desires to continue to fulfill its Affordable Housing obligation and has determined that the doing so will require the reallocation of its Affordable Housing Funding to another project and to amend the Township’s Spending Plan; and

WHEREAS, on or about May 9, 2012, the Township previously obtained a Court Order granting Bordentown Township prior round repose, a third round stay and continued court immunity in certain Affordable Housing litigation pending under Docket No. BUR-L- 2454-06); and

WHEREAS, pursuant to the applicable law, based upon the termination of the Township’s Agreement with LSM, it may be necessary and appropriate for the Township to seek approval from the Superior Court of New

Jersey and the Special Master assigned to review and oversee the Township's compliance with its Affordable Housing obligations under the consent Decree entered from that litigation; and

WHEREAS, in order to ensure continued compliance with the Township's Affordable Housing obligations, it may be necessary for the Township through its authorized representatives to apply for and seek certain approvals to Amend the Consent Decree and Amend its Spending Plan.

NOW THEREFORE, BE IT RESOLVED as follows:

1. The Township does hereby ratify the termination of its MOI and Agreement of July 16, 2012 with Lutheran Social Ministries of New Jersey, Inc.
2. In furtherance of the Township's desire to fulfill its Affordable Housing obligations, the Township authorizes and directs the appropriate Township officials to take such action as is necessary to fulfill these obligations and/or to obtain such other approval by the Court as may be appropriate and necessary.
3. A copy of this Resolution shall be filed in the Office of the Municipal Clerk.

Date: June 8, 2015

Township of Bordentown

James Cann, Mayor

Attest:

Colleen Eckert, Municipal Clerk, RMC

RESOLUTION NO. 2015 -159-21

RESOLUTION OF NEED AND TO DESIGNATE VOADV PROPERTY INC. FOR AN AFFORDABLE HOUSING PROJECT BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, NEW JERSEY

WHEREAS, VOADV Property, Inc. (hereinafter referred to as the “Sponsor”) proposes to construct 3 story Senior Affordable Housing project with 69 one bedroom and 1 two-bedroom unit for an on site property manager, (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. 5:80-1.1 et seq., and all applicable guidelines promulgated thereunder (the foregoing hereinafter collectively referred to as the “HMFA Requirements”) within the Township of Bordentown (hereinafter referred to as the “Municipality”) on a site described as Lot 3.02, Block 140 as shown on the Official Assessment Map of the Township of Bordentown, Burlington County and commonly known as the Bordentown Senior Housing, Bordentown, New Jersey; 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.

NOW, THEREFORE, BE IT RESOLVED by the Bordentown Township Committee (the “Township”) of the Township of Bordentown, County of Burlington, State of New Jersey, that:

- (1) The Township Committee finds and determines that the Bordentown Senior Housing Project proposed by the Sponsor meets or will meet an existing housing need;
- (2) The Township 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 Law to enable the Agency to process the Sponsor’s application for Agency funding to finance the proposed Project;
- (3) To the extent necessary or required by law, the Township Committee does hereby authorize and direct the appropriate Township officials to obtain the necessary and appropriate administrative and/or Court approvals for the Township to remain in compliance with its Affordable Housing obligations under the applicable law of the State of New Jersey.
- (4) A copy of this Resolution shall be filed in the Office of the Municipal Clerk.

Date: June 8, 2015

Township of Bordentown

James Cann, Mayor

Attest:

Colleen Eckert, Municipal Clerk, RMC

RESOLUTION NO. 2015-159-22

**A RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF BORDENTOWN
AUTHORIZING THE AMENDMENT TO THE TOWNSHIP'S AFFORDABLE HOUSING TRUST FUND
SPENDING PLAN AND COMMITTING THE EXPENDITURE OF FUNDS IN THE TOWNSHIP
AFFORDABLE HOUSING TRUST FUNDS TO VOADV PROPERTY, INC.**

WHEREAS, pursuant to the requirements of P.L. 2008, ch. 46 (N.J.S.A. 52:27D-329.2), the Township of Bordentown ("the Township") is required to commit for expenditure funds in its affordable housing trust fund; and

WHEREAS, it is in the best interests of the residents of the Township for the Township Committee, the municipal governing body, to adopt a Resolution that formally commits Township affordable housing trust fund monies to appropriate affordable housing projects and/or programs, so that the monies are not transferred to the New Jersey Affordable Housing Trust Fund, and to ensure that the Township's projects and programs can continue to provide opportunities for affordable housing in the Township, and to permit the Township to satisfy its affordable housing obligations; and

WHEREAS, VOADV Property Inc. has entered into an agreement with Bordentown Waterfront Community, LLC to construct a three story Senior Affordable Housing project with 69 one bedroom units; and

WHEREAS, the Township desires to commit funds from its affordable housing trust fund to this project; and

WHEREAS, it is in the best interests of the residents of the Township for the Township Committee, the municipal governing body, to adopt a Resolution that formally commits Township affordable housing trust fund monies to appropriate affordable housing projects and/or programs, so that the monies are not transferred to the New Jersey Affordable Housing Trust Fund, and to ensure that the Township's projects and programs can continue to provide opportunities for affordable housing in the Township, and to permit the Township to satisfy its affordable housing obligations; and

WHEREAS, VOADV Property Inc. has an agreement with Bordentown Waterfront Community, LLC to construct a three story Senior Affordable Housing project with 69 one bedroom units; and

WHEREAS, the Township hereby desires to commit a minimum of **EIGHT HUNDRED SEVENTY SEVEN THOUSAND EIGHT HUNDRED THIRTY EIGHT DOLLARS (\$877,838.00)** in affordable housing trust funds from funds which were committed in accordance with the July 17, 2012 deadline;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the Township hereby commits its affordable housing trust funds as follows:

1. **SEVEN HUNDRED FORTY THREE THOUSAND EIGHT HUNDRED THIRTY EIGHT DOLLARS (\$743,838.00)** to the VOADV Property Inc. (“Volunteers of America”) for a Senior Affordable Housing project; and

2. **ONE HUNDRED THIRTY FOUR THOUSAND DOLLARS (\$134,000.00)** to the Township’s administrative expenses associated with its affordable housing program; and

BE IT FURTHER RESOLVED that:

4. In furtherance of the Township’s desire to fulfill its Affordable Housing obligations, the Township authorizes and directs the appropriate Township officials to take such action as is reasonable and necessary to assist the Township in fulfilling these obligations by filing an Application with the Superior Court to modify the existing Consent Decree under BUR-L-2454-06 to include the approval of this project and its inclusion in the Township’s Affordable Housing Plan, Spending Plan, the Housing Element and Fair Share Plan or within such other Plans or court approved measures necessary to continue the Township’s compliance with the its affordable housing obligation.

5. In furtherance of the Township’s desire to fulfill its Affordable Housing obligations, the Township further authorizes and directs the Affordable Housing Planner, the Planning Board and such other Township officials as may be appropriate to take such action as is reasonable and necessary to fulfill these obligations and/or to obtain such other approvals from the Court, the Special Master, and/or interested parties and other entities having jurisdiction over, an interest in the matter or whose approval is required for the commitment of the Township’s Affordable Housing Trust funds and/or as may be appropriate and necessary.

6. A copy of this Resolution shall be filed in the Office of the Municipal Clerk.

Date: June 8, 2015

Township of Bordentown

Attest:

James Cann, Mayor

Colleen Eckert, Municipal Clerk, RMC

RESOLUTION #2015-159-23

AMENDING RESOLUTION #2015-124-11 ENTITLED RESOLUTION AUTHORIZING MARY PICARIELLO, CTC, TO CONTINUE EMPLOYMENT ON AN AS-NEEDED BASIS FOR THE BORDENTOWN TOWNSHIP TAX COLLECTOR'S OFFICE

WHEREAS, the Bordentown Township Committee adopted Resolution #2015-124-11 on May 4, 2015, wherein Ms. Picariello was authorized to continue employment on an as-needed basis, not to exceed 10 hours, to provide assistance to the Bordentown Township Tax Collector's office until such time as a replacement is appointed; and

WHEREAS, it has been determined that Ms. Picariello will exceed the 10 hours as previously approved and a further determination has been made that additional hours will be needed;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve an additional 10 hours, not to exceed, at an hourly rate of \$75.00, for Ms. Picariello to assist the Bordentown Township Tax Collector's office.

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 June 8, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/08/15

ORDINANCE #2015-7

AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

BE IT ORDAINED an enacted Ordinance by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey, as follows:

SECTION 2. Section 2 of Ordinance #2014-21 is hereby amended as follows:

ANNUAL SALARIES

TOWNSHIP COMMITTEE MEMBERS	0 – 14,327.00
ADMINISTRATOR	60,000.00 – 140,000.00
ASSESSOR	10,368.00 – 45,186.00
DEPUTY ASSESSOR	9,000.00 – 20,000.00
EMERGENCY MANAGEMENT COORDINATOR	5,000.00 – 25,000.00
DEPUTY EMERGENCY MANAGEMENT COORDINATOR	1,000.00 – 10,000.00
TECH. ASSISTANT TO CONST. OFFICIAL	23,000.00 – 50,000.00
CHIEF FINANCIAL OFFICER	48,010.00– 115,000.00
DIRECTOR OF FINANCE	27,862.00 – 38,368.00
DIRECTOR OF COMMUNITY DEVELOPMENT/ENGINEER	60,000.00– 120,000.00
ASST. DIRECTOR OF CD	32,960.00 – 46,350.00
CONSTRUCTION/CODE ENFORCEMENT OFFICIAL (6/1/15)	55,000.00 – 90,000.00
DIRECTOR OF PUBLIC WORKS	35,993.00– 125,000.00
SUPERVISOR OF PUBLIC WORKS	32,394.00 – 75,000.00
MUNICIPAL COURT JUDGE	31,827.00 – 60,000.00
MUNICIPAL COURT ADMINISTRATOR	47,740.00 – 72,000.00
DEPUTY COURT ADMINISTRATOR	34,479.00 – 60,000.00
TAX COLLECTOR	46,034.00 – 85,199.00
TOWNSHIP CLERK	34,035.00 – 112,000.00
TREASURER	34,967.00 – 76,000.00
EMERGENCY MEDICAL TECHNICIAN SUPERVISOR	45,000.00 – 60,000.00
CHIEF OF POLICE	113,620.00– 150,000.00
DEPUTY CHIEF OF POLICE	108,120.00-140,000.00
POLICE CAPTAIN	102,330.00-135,000.00
POLICE LIEUTENANT	97,830.00 – 117,000.00

KEYBOARDING CLERK 1 (COMMUNITY DEV. OFFICE) STIPEND	1,000.00 – 10,000.00
KEYBOARDING CLERK 2 (FINANCE DEPT.) STIPEND	1,000.00 – 10,000.00
KEYBOARDING CLERK 2 (EMS) STIPEND	1,000.00 – 15,000.00
TAX COLLECTOR (FINANCE DEPT.) STIPEND	1,000.00 – 10,000.00
TACO (COMMUNITY DEV. OFFICE) STIPEND	1,000.00 – 10,000.00
<u>HOURLY SALARIES</u>	
CONSTRUCTION OFFICIAL	20.00 -- 40.00
CONSTRUCTION/CODE ENFORCEMENT OFFICIAL	35.00 -- 85.00
BUILDING SUBCODE OFFICIAL	25.00 -- 60.00
PLUMBING SUBCODE OFFICIAL	25.00 -- 50.00
FIRE SUBCODE OFFICIAL	20.00 -- 40.00
ELECTRICAL SUBCODE OFFICIAL	25.00 -- 50.00
BUILDING/PLUMBING INSPECTOR	25.00 -- 60.00
CODE ENFORCEMENT OFFICER	15.00 – 25.00
CONFIDENTIAL AIDE TO MAYOR	10.45 – 17.25
SPECIAL OFFICER CLASS I	8.78 – 13.59
SPECIAL OFFICER CLASS II	13.18 – 17.49
DEP. TOWNSHIP CLERK/ASST. TAX COLLECTOR	8.83 – 13.63
PUBLIC INFORMATION OFFICER	9.41 – 14.12
CLERK 1	14.90 – 18.25
CLERK 2	15.00 – 22.50
CLERK 3	16.50 – 26.50
KEYBOARDING CLERK 1	10.57 – 20.00
KEYBOARDING CLERK 2	11.68 – 25.00
ACCOUNT CLERK	10.57 -- 16.14
COMMUNICATIONS OPERATOR	12.12 -- 15.37
SENIOR COMMUNICATIONS OPERATOR	12.12 -- 16.45
PUBLIC SAFETY TELECOMMUNICATOR	11.00 -- 17.50
SENIOR PUBLIC SAFETY TELECOMMUNICATOR	11.00 -- 19.00
CROSSING GUARD	9.75 – 28.00
VIOLATIONS CLERK TYPING	14.42 -- 20.00
ADMINISTRATIVE ASSISTANT 3	10.94 – 18.00
EMERGENCY MEDICAL TECNICIAN	10.51 -- 16.00
SEASONAL EMPLOYEE	7.25 -- 14.00

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and the provisions thereof shall be effective as of January 1, 2015, and shall remain in effect until such time as amendments are required. No rights are created beyond the effective period of this ordinance.

SECTION 7. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. Severability. In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of the ordinance, which are hereby declared to be severable.

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2015-8

An Ordinance of the Township of Bordentown Amending Section 25:901 of the Land Development Ordinance, Fees.

WHEREAS, the fee and escrow deposit amounts for Planning and Zoning Applications have not been adjusted since the adoption of the current Code in 1990; and;

WHEREAS, the Township Committee recognizes that the current escrow deposit amounts are inadequate to pay for professional services incurred by the Township, and the administrative fees must be adjusted to account for actual administrative costs;

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that the Fees and Escrow Deposits in Code Section 25:901A. are hereby established as follows:

<u>No.</u>	<u>Type of Application</u>	<u>Application Fee</u>	<u>Escrow Deposit</u>
1.	Subdivision, Minor	\$200 plus \$75 per lot	\$2,000
2.	Subdivision, Major Preliminary Plan	\$200	\$10,000 (for 1-20 lots) plus \$100 per lot for each additional lot over 20
3.	Subdivision, Major Final Plan	\$200 Plus \$75 per lot	One-half (50%) of Escrow Deposit calculated for Preliminary Plan.
4.	Waiver of Site Plan	\$100	\$750
5.	Site Plan, Minor	\$200	\$3,000
6.	Site Plan, Major Preliminary Plan	\$200	<u>Non-Residential:</u> \$5,000 – (0 to 4 acres) + \$750 per acre or any fraction over 4 acres) <u>Residential:</u> \$5,000 – (1 to 10 units) \$10,000 – (11 to 30 units) + \$150 per unit over 30
7.	Site Plan, Major Final Plan	\$200	<u>Non-Residential:</u> Same amount as deposit for preliminary site plan application <u>Residential:</u>

			50% of original escrow deposit for preliminary site plan application
8.	Conditional Use	\$200	\$2,000
9.	Informal Review with Board – no prior plan review by Professional Staff	\$50	\$600
10.	Pre-application Conference with Board Professionals and/or Staff	\$50	\$1,500

11.	Appeal to Zoning Board of Adjustment (40:55D-70a.)	\$100	\$500 or \$2,500 as determined by the Administrative Officer based upon the complexity of the Appeal
12.	Request for Interpretation by the Zoning Board of Adjustment (40:55D-70b.)	\$100	\$500 or \$2,500 as determined by the Administrative Officer based upon the complexity of the Interpretation Request
13.	Bulk Variances (40:55D-70c.)	\$100 – one \$200 – more than one	\$500 – one \$750 – two to five \$1,500 – six to ten \$2,500 – more than ten
14.	Use Variance (40:55D-70d.) (per request)	\$200	\$3,000 for property currently zoned primarily for Non-Residential use \$1,500 for property currently zoned primarily for Residential use
15.	Permit request or Appeals under 40:55D-35 or 36	\$200	\$1,000 per request
16.	Appeals to the Township Committee	\$200	\$2,000 or a greater amount to be determined by the Administrative Officer based upon the complexity of the Appeal.
17.	Request for Consideration of Rezoning by the Township Committee	\$200	Escrow deposit to be determined by Township Committee based upon size, nature and complexity of request.
18.	Any other matter not explicitly listed above, but within the provisions of the NJ Municipal Land Use Law	\$100	\$1,000
19.	Certified List of Property Owners	Land Use Applications: \$0.25 per name or \$10, whichever is greater	(Fee, cont'd.) Fee for requests not directly related to Land Use Applications to be made under 40:55D-1 et seq: \$25

20.	Copies of any document	In accordance with OPRA	OPRA: Open Public Records Act
21.	Fence Permit	\$35	None
22.	Sign Permit	1 to 5: \$35 each. More than 5: \$200 Total	None
23.	Construction Permit	Per Chapter XIX of General Ordinances	
24.	Certificate of Occupancy	Per Chapter XIX of General Ordinances	
25.	Special Satellite Use Permit	\$50	\$500
26.	Zoning Permit	\$35	None
27.	Subdivision Approval Certificate	\$25	None
28.	Soil Removal Permit	\$100	0 to 1.99 acres: \$2,000 2 to 4.99 acres: \$5,000 5 acres or greater: \$10,000
29.	Copy of Land Development Ordinance	\$35 (Paper) \$10 (PDF)	N/A
30.	Copy of Master Plan and Current Update	\$35 (Paper) \$10 (PDF)	N/A
31.	Copy of Zoning Map (Color)	\$25 (Paper) \$10 (PDF)	N/A
32.	Copy of Street Map	\$15 (Paper) \$10 (PDF)	N/A
33.	Telecommunications Towers	\$100	\$2,000
34.	Extension of Preliminary, Final or GDP Approval, without substantial revisions to prior approved plans	\$100	\$2,000
35.	Revised plan (re-)submission with substantial revisions as determined by the Administrative Officer	n/a	50% of original escrow deposit
36.	Revised plan (re-)submission with minor revisions as determined by the Administrative Officer	n/a	25% of original escrow deposit
37.	General Development Plan (GDP)	\$200	\$10,000
38.	Traffic Engineering Review when deemed necessary by the Administrative Officer or the Reviewing Board	n/a	Minor Application: \$1,000 Major Application: \$5,000
39.	Plot Plan Review	\$50	\$500 per lot
40.	Architectural Review as determined by the Administrative Officer or the Reviewing Board, as part of any application.	n/a	\$1,000

Notes:

1. Where a fee or deposit is based upon the number of lots, that number shall include the remainder lot.

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.