

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JUNE 22, 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 Municipal Building Architect Services 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. 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 #2015-173-7 through #2015-173-19.
7. Resolution #2015-173-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 8. Resolution #2015-173-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 9. Resolution #2015-173-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 10. Resolution #2015-173-10 entitled REDUCTION OF PERFORMANCE GUARANTEE FOR LONGWELL CROSS HOMES, LLC (EAST HAVEN WOODS – THORNTOWN LANE) BLOCK 66, LOTS 19 AND 22.
 11. Resolution #2015-173-11 entitled RELEASE OF PERFORMANCE GUARANTEE FOR NWL, INC., BUILDING ADDITION, 312 RISING SUN ROAD, BLOCK 137.02, LOT 5.02.
 12. Resolution #2015-173-12 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.
 13. Resolution #2015-173-13 entitled A RESOLUTION TO AWARD A CONTRACT TO CRAFCO, INC., FOR THE SUPPLY OF 150 GALLON CRACK SEALING TRAILER.
 14. Resolution #2015-173-14 entitled APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE.
 15. Resolution #2015-173-15 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
 16. Resolution #2015-173-16 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.
 17. Resolution #2015-173-17 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING A MEMORANDUM OF INTENT AND AGREEMENT WITH VOADV PROPERTY, INC., IN CONJUNCTION WITH A PROPOSED SENIOR AFFORDABLE HOUSING PROJECT.
 18. Resolution #2015-173-18 entitled RESOLUTION APPOINTING MEMBER TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.
 19. Resolution #2015-173-19 entitled RESOLUTION TO APPOINT SEASONAL LABORER EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS.

20. Public Hearing on 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.
21. Consideration of Adoption 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.
22. Public Hearing on Ordinance #2015-8 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:901 OF THE LAND DEVELOPMENT ORDINANCE, FEES.
23. Consideration of Adoption of Ordinance #2015-8 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:901 OF THE LAND DEVELOPMENT ORDINANCE, FEES.
24. Public Hearing on Ordinance #2015-9 entitled ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING AN AMENDMENT OF THAT CERTAIN FINANCIAL AGREEMENT WITH RESPECT TO PHASE 1 OF THE WATERFRONT REDEVELOPMENT PROJECT.
25. Consideration of Adoption of Ordinance #2015-9 entitled ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING AND AMENDMENT OF THAT CERTAIN FINANCIAL AGREEMENT WITH RESPECT TO PHASE 1 OF THE WATERFRONT REDEVELOPMENT PROJECT.
26. Consideration of Introduction of Ordinance #2015-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 8.28 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES.
27. Township Committee discussion of 2015 Regular Meeting Schedule for the Months of July and August.
28. Township Committee discussion of Proposed Medical Billing Rates for Bordentown EMS.
29. Township Committee and Staff Reports.
30. Public Participation.

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

RESOLUTION #2015-173-7

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 22, 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.

06/22/15

RESOLUTION #2015-173-8

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

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 June 8, 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 April 2015 as submitted by the Township Officials are hereby received and filed: Community Development and Construction; and

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

06/22/15

RESOLUTION #2015-173-9

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00041 was redeemed on June 9, 2015, in the amount of \$8,655.58.

WHEREAS, SUNSHINE STATE CERTIFICATES V, LLLP, paid tax sale premium, in the amount of \$7,900 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 \$7,900.00 to SUNSHINE STATE CERTIFICATES V, LLLP; for Lien 13-00041 Block 92.06 Lot 22.123 Qual C.123, commonly known as 6 Deerfield Court.

JCE
06/22/15

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 June 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

REDUCTION OF PERFORMANCE GUARANTEE FOR

Longwell Cross Homes, LLC (East Haven Woods – Thorntown Lane) BLOCK: 66 LOTS: 19 and 22

RESOLUTION NO. 2015-173-10

WHEREAS, Longwell Cross Homes, LLC is the developer/builder of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot, known as East haven Woods / Thorntown Lane Subdivision, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, Longwell Cross Homes, LLC has provided performance guarantees, in the amount of a 90% Performance Bond in the amount of \$245,156.76, and a 10% cash guarantee in the amount of \$27,239.64, and

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

WHEREAS, the Township's Engineering Consultant, Frederick J. Turek, P.E., has inspected all the improvements of which notice has been given and has filed a report dated June 12, 2015 with the Director of Community Development and has recommended that the Township Committee approve the reduction of the performance guarantee to \$117,049.80 (total), in the form of a 90% Performance Bond in the amount of \$105,344.82, and 10% Cash in the amount of \$11,704.98, 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 reduction in the performance guarantee for Longwell Cross Homes, LLC.
2. The Township Committee directs the Community Development Director to release the current guarantee upon receipt of a revised 90% Performance Bond in the amount of \$105,344.82, or a Bond Rider indicating the same, subject to acceptance of the Township Attorney.
3. The Township Committee directs the CFO to refund the difference between the original 10% cash guarantee and the reduced 10% cash guarantee amount, which amount shall be \$15,534.66, to Longwell Cross Homes, LLC.

4. The Township Committee directs the Township Clerk to forward a copy of this resolution to: Longwell Cross Homes, LLC, 702 N. White Horse Pike, Stratford, NJ 08084.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**NWL, Inc.
Building Addition
312 Rising Sun Road
BLOCK: 137.02 LOT: 5.02
PB Application No. 2014-0002**

RESOLUTION NO. 2015-173-11

WHEREAS, NWL, Inc. is the owner/developer of a certain property within the Township of Bordentown and was granted preliminary approval and final approval of site development plans, on the above captioned block and lot, and said approval was subject to certain terms and conditions, including, but not limited to, the filing of a Third Party Performance Guarantee, insuring the satisfactory installation of the improvements; and

WHEREAS, NWL, Inc. did provide a performance guarantee, in the form of a third party Performance Bond, issued by IFIC, No. PAIFSU 0563184, in the amount of \$196,511.40; and a cash guarantee deposit, in the original amount of \$21,834.60, account number 981301.

WHEREAS, NWL, Inc. has recently notified the Township in accordance with the procedures set forth in N.J.S.A. 40:55D-53, and has requested a release of said guarantees; and

WHEREAS, the Director of Community Development has inspected the improvements of which notice has been given and herein recommends that the Township Committee approve the release of the performance guarantees, and

WHEREAS, the Director also recommends that no Maintenance Guarantee be required as the improvements do not involve a residential development and are privately owned and maintained, and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Director'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:

That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee, in the form of a third party Performance Bond, issued by IFIC, No. PAIFSU 0563184, in the amount of \$196,511.40; and a cash guarantee deposit, in the original amount of \$21,834.60; and

That the above release is SUBJECT TO the receipt in the Community Development Office of a payment in the amount of \$15,000.00, which amount represents the owner/developer's contribution to the Township Affordable Housing Trust Fund, and which amount is calculated as 2.5% of \$600,000, which is the assessed value of the building addition as determined by the Township Tax Assessor, pursuant to Law and Township Code; and,

That at the owner/developer's option, the aforesaid Affordable Housing Trust Fund contribution of \$15,000.00 may be deducted from the cash guarantee refund due to the Developer, or paid as a separate transaction prior to any release; and further,

1. The Township Clerk shall forward a certified copy of this resolution to NWL, Inc., 312 Rising Sun Road, Bordentown, NJ 08505, Attn: John Baxter, CFO.
2. The Township Chief Finance Officer is directed to release the cash guarantee funds (either net amount or full amount, as indicated above) to NWL, Inc., under the conditions stated herein.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION #2015-173-12

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS

WHEREAS, The Foundation for Bordentown Traditions located at 272 Dunns Mill Road, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit to take place at the Joseph Lawrence Park in the Township of Bordentown on July 3, 2015 (rain date July 5, 2015); and

WHEREAS, Section 6-4 of the Revised General Ordinances of the Township of Bordentown requires the issuance of a Public Gathering Permit to any association which conducts traveling and other shows, circuses, carnivals, fairs, theatrical performances, motion picture exhibitions, plays, exhibitions, concerts, dances, dinner dances, picnics, outings fetes, parades, etc., in the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves the application and authorizes the Township Clerk to issue a Public Gathering Permit to The Foundation for Bordentown Traditions; and

BE IT FURTHER RESOLVED that due to the event being a fundraiser to benefit the Bordentown Fireworks, the Township Committee hereby authorizes the fee to be waived for this permit.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION #2015-173-13

A RESOLUTION TO AWARD A CONTRACT TO CRAFCO, INC., FOR THE SUPPLY OF 150 GALLON CRACK SEALING TRAILER

WHEREAS, two (2) bids were received by the Township Clerk on May 14, 2015, for the supply of 150 Gallon Crack Sealing Trailer; and

WHEREAS, the Township Committee has reviewed the recommendation made by the Township Engineer to award said contract to the apparent low bidder, Crafcoc, Inc.; and

WHEREAS, funds are available for said project as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract for the supply of a 150 Gallon Crack Sealing Trailer to Crafcoc, Inc., 420 No. Roosevelt Avenue, Chandler, AZ 85226 in the amount of \$53,375.00; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized and directed to execute a purchase order for same.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION #2015-173-14

APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE

BE IT RESOLVED this 22nd day of June 2015, by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey, that the following person is hereby appointed to serve as a member of the Bordentown Township Veterans Advisory Committee:

3 Year Unexpired Term Expiring 12/31/16:

Lorry Mendez

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2015-173-15

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 as of June 18, 2015</u>
Leonard Szkotak	Storage Depot Block 61, Lot 2	957800	\$112.50
Leonard Szkotak	Storage Depot Block 61, Lot 2	957801	\$1.82

WHEREAS, the Director of Community Development has certified that the applications and projects are complete and there are no unpaid invoices for professional services in connection with the applications; 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:

3. 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.; and,
4. That the Township Committee directs the Chief Financial Officer to make payment to: Mr. Leonard Szkotak, 112 West Maple Tree Drive, Westampton, NJ 08060; and,
5. That the Township Committee directs the Township Clerk to forward copies of this resolution to: Mr. Leonard Szkotak, at the above address, and Asset Management Consultants of Virginia, Inc., 12841 Fitzwater Dr., Nokesville, VA 20181-2734, pursuant to an agreement made between Mr. Szkotak and Asset Management Consultants of Virginia.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION #2015-173-16

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 \$2,946.66, which is now available from the Township of Bordentown, in the amount of \$2,946.66; and

BE IT FURTHER RESOLVED that the like sum of \$2,946.66 is hereby appropriated under the caption "Municipal Alcohol Education/Rehabilitation"; and

BE IT FURTHER RESOLVED that the above is the result of funds from the Township of Bordentown in the amount of \$2,946.66.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION NO. 2015-173-17

**A RESOLUTION OF THE TOWNSHIP COMMITTEE
OF THE TOWNSHIP OF BORDENTOWN
AUTHORIZING A MEMORANDUM OF INTENT AND AGREEMENT WITH VOADV PROPERTY INC.
IN CONJUNCTION WITH A PROPOSED SENIOR AFFORDABLE HOUSING PROJECT**

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 within four (4) years from the date of collection; 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 enter into such Agreements as are necessary to enable the Township to satisfy its affordable housing obligations; and

WHEREAS, VOADV Property Inc. (“VOADV”) has entered into an agreement with Bordentown Waterfront Community, LLC to construct a three story Senior Affordable Housing project with 69 one bedroom units on Block 140, Lot 3.02; and

WHEREAS, the Township desires to commit funds to this project from its Affordable Housing Trust Fund; and

WHEREAS, the Township desires to set forth certain terms and conditions for the performance of the project and to ensure certain funding applications are made and funding obtained by VOADV by entering into a Memorandum of Intent and Agreement (MOIA); and

WHEREAS, the proposed terms and conditions of the MOIA are set forth in the document attached and contain the relevant terms and conditions for an MOIA with VOADV necessary to fulfill this purpose; and

WHEREAS, VOADV has certain funding and other applications which must be made shortly in order to qualify for certain funding and/or tax credits, which Applications the Township wishes to support; and

WHEREAS, in furtherance of the Township’s desire to fulfill its Affordable Housing obligations, the Township wishes to ensure that the required permission or approval of the Court, the Special Master for Affordable

Housing, and such other approvals as may be required to have the proposed project move forward and to enable the Township to continue to satisfy its affordable housing obligation; and

WHEREAS, authorizing the proposed MOIA with VOADV will serve this purpose; and

WHEREAS, authorizing the Township's Affordable Housing Planner and other appropriate Township officials 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 or whose approval is required for the commitment of the Township's Affordable Housing Trust funds will serve this purpose.

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

1. The Township does hereby agree to enter into a MOIA with VOADV for the purpose of setting forth the terms and conditions for the proposed project; and

2. The Township does hereby authorize the appropriate Township officials to execute a MOIA with VOADV and to take such other ancillary action as may be necessary and appropriate to effectuate the intent of the Township Committee, namely to further the proposed project by VOADV to construct Senior Affordable Housing in the Township of Bordentown and thus further the stated goal of the Township in fulfilling its Affordable Housing obligation; and

BE IT FURTHER RESOLVED that:

1. In furtherance of the Township's desire to fulfill its Affordable Housing obligations, the Township authorizes and directs the Affordable Housing Planner and other appropriate Township officials 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 or whose approval is required for the commitment of the Township's Affordable Housing Trust funds and as may be appropriate and necessary.

2. A copy of this Resolution and the MOIA shall be filed in the Office of the Municipal Clerk.

Date: June 22, 2015

Township of Bordentown

James Cann, Mayor

Attest:

Colleen Eckert, Municipal Clerk, RMC

RESOLUTION #2015-173-18

RESOLUTION APPOINTING MEMBER TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

BE IT RESOLVED this 22nd day of June, 2015, by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey, that the following person is hereby appointed to serve as a member of the Bordentown Township Economic Development Advisory Committee:

3 Year Unexpired Term Expiring 12/31/16: Howard Anderson

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

RESOLUTION #2015-173-19

RESOLUTION TO APPOINT SEASONAL LABORER EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Director of Public Works has determined the need to appoint seasonal laborers in the Department of Public Works; and

WHEREAS, Mr. Ryan Korch and Mr. Jason Seaman have expressed interest in filling these positions and the Director of Public Works has determined that these candidates are qualified to fill these positions;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Ryan Korch and Mr. Jason Seaman to fill the seasonal laborer positions in the Department of Public Works; and

BE IT FURTHER RESOLVED that compensation for Mr. Korch and Mr. Seaman shall be set at \$10.00 per hour in accordance with Bordentown Township Ordinance #2015-7; and

BE IT FURTHER RESOLVED that said appointment shall be effective June 23, 2015 and shall not exceed 900 hours annually; and

BE IT FINALLY RESOLVED that said appointment shall be subject to the rules and regulations of the New Jersey Civil Service Commission.

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 22, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

06/22/15

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.

ORDINANCE NO. 2015-9

ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AN AMENDMENT OF THAT CERTAIN FINANCIAL AGREEMENT WITH RESPECT TO PHASE I OF THE WATERFRONT REDEVELOPMENT PROJECT

WHEREAS, acting in accordance with the Local Redevelopment and Housing Law, *N.J.S.A. 40A:12A-1 et seq.* (the “Redevelopment Law”), the Township of Bordentown, in the County of Burlington, New Jersey (the “Township”) previously designated that certain property identified on the Official Tax Map of the Township as Block 140, Lots 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 and 19 and Block 141, Lot 4 as an area in need of redevelopment pursuant to the Redevelopment Law (collectively, the “Redevelopment Area”); and

WHEREAS, on April 28, 2008, the Township finally adopted an ordinance to approve a Redevelopment Plan for the Redevelopment Area (the “Redevelopment Plan”); and

WHEREAS, on June 23, 2008, the Township and Bordentown Waterfront Community, L.L.C. (the “Redeveloper”) entered into that certain Amended and Restated Redevelopment Agreement (the “Redevelopment Agreement”) with respect to the development of a portion of the Redevelopment Area in accordance with the Redevelopment Plan (collectively, the “Project”); and

WHEREAS, on August 8, 2011, the Township adopted a resolution to approve the execution and delivery of a Project Finance Agreement between the Township and the Redeveloper (the “Project Finance Agreement”) to set forth the terms and conditions for implementation of the Redevelopment Plan by the Redeveloper in multiple phases and the provision by the Township of financial assistance for the Project pursuant to separate financial agreements; and

WHEREAS, on August 22, 2011, BWC Phase 1 Urban Renewal, LLC (the “Entity”), a limited liability company of the State of New Jersey authorized to operate as an urban renewal entity under the Long Term Tax Exemption Law, *N.J.S.A. 40A:20-1 et seq.* (the “Tax Exemption Law”) filed an application with the Township for a long term tax exemption with respect to Block 140, Lots 5, 6, 7 and 8 (the “Phase I Property”) for the Phase I Project (as such term is defined in the Project Finance Agreement); and

WHEREAS, on December 12, 2011, the Township finally adopted Ordinance 2011-23 authorizing a long term tax exemption for the Phase 1 Property and authorizing execution of a financial agreement with the Entity incorporating the terms and conditions of the Project Finance Agreement with respect to the Phase I Project (the “Financial Agreement”), which Financial Agreement has been executed and recorded against the Phase I Property; and

WHEREAS, on June 19, 2013, the Township finally adopted Ordinance 2013-11 to authorize the amendment, assignment and assumption of certain agreements to Bordentown Senior Residence Urban Renewal, LP (“BSR”) with respect to Phase IB Project (as such term is defined in the Financial Agreement) to be located on certain property identified on the Official Tax Map of the Township as Block 140, Lots 8 (the “Phase IB Property”); and

WHEREAS, BSR has failed to obtain financing for the Phase IB Project, as set forth in the financial application to the Township, and the Redeveloper subsequently determined to revise the redevelopment plan for the Phase IB Property; and

WHEREAS, on November 10, 2014, the Township finally adopted Ordinance 2014-28, to amend the Redevelopment Plan to incorporate the recommendations of the Bordentown Township Planning Board (the “Planning Board”) to amend the permitted or conditional uses of certain areas of the Redevelopment Area, including the Phase I Property.

WHEREAS, Township desires to (a) repeal Ordinance 2013-11 and (b) to amend the Financial Agreement to incorporate the amendments to the Redevelopment Plan authorized by Ordinance 2014-28.

NOW THEREFORE BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) as follows:

1. REPEAL OF ORDINANCE 2013-11

The Township hereby repeals Ordinance 2013-11.

2. APPROVAL OF FIRST AMENDMENT TO FINANCIAL AGREEMENT

The form of the First Amendment to Financial Agreement, as set forth in Exhibit A attached hereto and made a part hereof, is hereby approved. The Mayor is hereby authorized to execute and deliver the First Amendment to Financial Agreement on behalf of the Township, in substantially the form attached hereto, with such changes as counsel and the Township’s Financial Advisor may advise and the Mayor shall approve, such approval to be evidenced by the Mayor’s execution thereof. The Township Clerk is hereby authorized to attest to the execution of the First Amendment to Financial Agreement by the Mayor and to affix the corporate seal of the Township to such First Amendment to Financial Agreement.

3. SEVERABILITY

If any part of this Ordinance shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Ordinance.

4. EFFECTIVE DATE

This Ordinance shall take effect in accordance with law.

Exhibit A

First Amendment to Financial Agreement

FIRST AMENDMENT TO FINANCIAL AGREEMENT

THIS FIRST AMENDMENT TO FINANCIAL AGREEMENT (this "First Amendment") is entered into as of this __ day of _____, 2015, by and between **BWC PHASE 1 URBAN RENEWAL, LLC**, a New Jersey limited liability company, having an address of [_____] (the "Entity"), and **THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY**, a municipal corporation of the State of New Jersey, having an address of [_____] (the "Township").

WITNESSETH

WHEREAS, acting in accordance with the Local Redevelopment and Housing Law, *N.J.S.A.* 40A:12A-1 *et seq.*, the Township previously designated that certain property identified on the Official Tax Map of the Township as Block 140 Lots 3, 5, 6, 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18 & 19 and Block 141 Lot 4 (collectively, the "Redevelopment Area") as an area in need of redevelopment; and

WHEREAS, on April 28, 2008 the Township finally adopted an ordinance to approve a Redevelopment Plan for the Redevelopment Area (the "Redevelopment Plan"); and

WHEREAS, on June 23, 2008, the Township and Bordentown Waterfront Community, L.L.C. (the "Redeveloper") entered into that certain Amended and Restated Redevelopment Agreement (the "Redevelopment Agreement") with respect to the development of a portion of the Redevelopment Area in accordance with the Redevelopment Plan (collectively, the "Project"); and

WHEREAS, on August 8, 2011, the Township and the Redeveloper entered into that certain Project Finance Agreement (the "Project Finance Agreement") to set forth, among other things, the terms and conditions of the Township's provision of financial assistance with respect to the redevelopment of the Redevelopment Area; and

WHEREAS, on August 22, 2011, the Entity filed an application with the Township for a long term tax exemption with respect to Block 140, Lots 5, 6, 7 and 8 (the "Phase I Property"); and

WHEREAS, on December 12, 2011, the Township finally adopted Ordinance 2011-23 authorizing a long term tax exemption for the Phase I Property and execution of a financial agreement with the Entity incorporating the terms and conditions of the Project Finance Agreement with respect to the Phase I Property (the "Financial Agreement"); and

WHEREAS, on April 8, 2013, the Township and the Entity entered in to the Financial Agreement for the Phase I Project; and

WHEREAS, the Financial Agreement provides for, among other things, the construction on the Phase I Property of approximately 21,632 square feet of retail space; and

WHEREAS, on November 10, 2014, the Township finally adopted Ordinance 2014-28, to amend the Redevelopment Plan to incorporate the recommendations of the Bordentown Township Planning Board (the "Planning Board") to amend the permitted or conditional uses of certain areas of the Redevelopment Area, including the Phase I Property, and

WHEREAS, on April 2, 2015, the Planning Board adopted Resolution No. P-2015-12, to approve an Amended Preliminary and Final Major Site Plan to construct a Quick Chek convenience store with fueling station on a portion of the Phase I Property; and

WHEREAS, the Township and the Entity desire to amend the Financial Agreement to incorporate the amendments to the Redevelopment Area related to the Phase I Property, as authorized by Ordinance 2014-28, and the Entity's intention to provide for the construction of a Quick Chek convenience store with fueling station as part of the retail space in the Phase I Project; and

NOW THEREFORE, in consideration of the mutual covenants herein contained and for other good and valuable consideration, the sufficiency of and receipt of which are hereby acknowledged, it is mutually covenanted and agreed as follows:

SECTION 1: CONFIRMATION OF AGREEMENT. Except as expressly provided herein, the Financial Agreement is hereby confirmed and reaffirmed in all its particulars.

SECTION 2: DEFINITIONS. It is hereby agreed that the Financial Agreement and this First Amendment shall be read, taken and construed as one and the same instrument. For purpose of so reading, taking and construing the Financial Agreement and this First Amendment, all terms used in the Financial Agreement are used with the same meaning herein (including the use thereof in the recitals and granting clause hereof) unless expressly given a different meaning herein or unless in the context clearly otherwise requires. All terms used herein which are defined in the recitals hereto shall have the meanings assigned to them in such recitals.

SECTION 3: AMENDMENT OF SECTION 4.03 OF THE FINANCIAL AGREEMENT. Section 4.03(d) of the Financial Agreement is hereby amended and restated in its entirety to read as follows:

(d) Upon the Annual Service Charge Start Date, the Annual Service Charge for each Retail Unit within the Phase I Project will be \$5.15 per square foot, calculated (I) for enclosed retail and or commercial space, by gross square footage from outside wall to outside wall, plus (II) for retail and commercial space that includes a canopy, by gross square footage underneath the canopy, in each case escalated at 3% annually on January 1, 2014 and every January 1 thereafter during the Term of this Agreement.

SECTION 4: CONFIRMATION AND INTEGRATION. Except as amended and supplemented by this First Amendment, the Financial Agreement is ratified and confirmed in all respects. The Financial Agreement and this First Amendment shall read, taken and construed as one and the same instrument.

SECTION 5: RECORDING. Upon the execution and delivery of this First Amendment, the Entity shall file and record the First Amendment with the Burlington County Clerk, at the Entity's

expense, such that this First Amendment shall be reflected upon the land records of the County of Burlington as a municipal lien upon and a covenant running with each and every parcel of Land, including any Improvements related thereto.

SECTION 6: ENTIRE AGREEMENT. This First Amendment constitutes the entire agreement among the parties hereto with respect to the subject matter hereof and, supersedes any prior agreements, written or oral including, with respect to such subject matter.

SECTION 7: GOVERNING LAW. This First Amendment shall be construed in accordance with and governed by the substantive laws of the State of New Jersey without reference to conflict of law of principles.

SECTION 8: COUNTERPARTS. This First Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be an original; but such counterparts shall together constitute but one and the same instrument.

IN WITNESS WHEREOF, the parties hereto have caused this Assignment to be properly executed as of the date first written above.

BWC PHASE 1 URBAN RENEWAL, LLC

By: _____
Name:
Title: Managing Member

ATTEST:

TOWNSHIP OF BORDENTOWN

Town Clerk

By: _____
Mayor

TOWNSHIP OF BORDENTOWN

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 8.28 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES

ORDINANCE NO. 2015-10

WHEREAS, the Township of Bordentown (the “Township”) contains structures which are vacant in whole or large part; and

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

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

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

WHEREAS, it is in the public interest for the Township to establish minimum standards of accountability on the owners or other responsible parties of vacant and abandoned structures in order to protect the health, safety and general welfare of the residents of the Township; and

WHEREAS, it is in the public interest for the Township to impose a fee in conjunction with registration of vacant and abandoned structures in light of the disproportionate costs imposed on the Township by the presence of these structures.

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey that Chapter 8.28 (entitled “Property Maintenance”) of the Township Code is hereby amended to add the following Sections:

Section 8.28.200, entitled “**Vacant Properties, Registration Requirements and Fees**”) is hereby established and includes the following subsections:

§ 8.28.201. Definitions.

OWNER

The title holder, any agent of the title holder having authority to act with respect to a vacant property, any foreclosing entity subject to the provisions of C.46:10B-51 (P.L. 2008, c.127, Sec. 17), or any other entity determined by the Township of Bordentown to have authority to act with respect to the property.

VACANT PROPERTY

Any building used or to be used as a residence which is not legally occupied or at which substantially all lawful construction operations or residential occupancy has ceased, and which is in such condition that it cannot legally be reoccupied without repair or rehabilitation.

§ 8.28.202. General Requirements.

- A. Effective August 1, 2015, the owner of any vacant property as defined herein shall within sixty (60) days after the building becomes vacant property or within thirty (30) days after assuming ownership of the vacant property, whichever is later, file a registration statement for each such vacant property with the Director of Community Development on forms provided by that Director of Community Development for

such purposes. The registration shall remain valid for one (1) year from the date of registration. The owner shall be required to renew the registration annually as long as the building remains vacant property and shall pay a registration or renewal fee in the amount later prescribed herein for each vacant property registered.

- B. Any owner of any building that meets the definition of vacant property prior to August 1, 2015 shall file a registration statement for that property on or before August 31, 2013. The registration statement shall include the information required herein, as well as any additional information that the Director of Community Development may reasonably require.
- C. The owner shall notify the Director of Community Development within thirty (30) days of any change in the registration information by filing an amended registration statement on a form provided by the Director of Community Development for such purpose.
- D. The registration statement shall be deemed prima facie proof of the statements therein contained in any administrative enforcement proceeding or court proceeding instituted by the Township against the owner or owners of the building.

§ 8.28.203. Registration Statement Requirements; Property Inspection.

- A. After filing a registration statement or a renewal of a registration statement, the owner of any vacant property shall provide access to the Township to conduct an exterior and interior inspection of the building to determine compliance with the Township Code, following reasonable notice, during the period covered by the initial registration or any subsequent renewal.
- B. The registration statement shall include the name, street address and telephone number of a natural person twenty-one (21) years of age or older, designated by the owner or owners as the authorized agent for receiving notices of code violations and for receiving process, in any court proceeding or administrative enforcement proceeding, on behalf of such owner or owners in connection with the enforcement of any applicable code. This person must maintain an office in the State of New Jersey or reside within the State of New Jersey. The statement shall also include the name of the person responsible for maintaining and security the property, if different.
- C. An owner who is a natural person and who meets the requirements of this Section as to location of residence or office may designate him or herself as agent.
- D. By designating an authorized agent under the provisions of this section the owner consents to receive any and all notices of code violations concerning the registered vacant property and all process in any court proceeding or administrative enforcement proceeding brought to enforce code provisions concerning the registered building by service of the notice or process on the authorized agent. Any owner who has designated an authorized agent under the provisions of this section shall be deemed to consent to the continuation of the agent's designation for the purposes of this section until the owner notifies the Director of Community Development of a change of authorized agent or until the owner files a new annual registration statement. The designation of an authorized agent in no way releases the owner from any requirement of this Section.

§ 8.28.204. Fee Schedule.

The initial registration fee for each Vacant Property shall be five hundred (\$500.00) dollars. The fee for the first renewal is one thousand five hundred (\$1,500.00) dollars, and the fee for the second renewal is three thousand (\$3,000.00) dollars. The fee for any subsequent renewal beyond the second renewal is five thousand (\$5,000.00) dollars.

Vacant Property Registration Fee Schedule

Initial registration	\$500.00
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First renewal	\$1,500.00
Second renewal	\$3,000.00
Any subsequent renewal	\$5,000.00

§ 8.28.205. Requirements for Owners of Vacant Property.

The owner of any building that has become vacant property, and any person maintaining, operating or collecting rent for any such building that has become vacant shall, within thirty (30) days thereof:

(1) Enclose and secure the building against unauthorized entry as provided in the applicable provisions of the Township Code, or as required by the Director of Community Development or the Construction Official, or as set forth in rules and regulations supplementing those codes; and

(2) Post a sign affixed to the building indicating the name, address and telephone number of the owner, the owner's authorized agent for the purpose of service of process (if a designation is made), and the person responsible for day-to-day supervision and management of the building, if such person is different from the owner holding title or authorized agent. The sign shall be of a size and placed in such a location so as to be legible from the nearest public street or sidewalk, whichever is nearer, but shall be no smaller than 18" x 24"; and

(3) Secure the building from unauthorized entry and maintain the sign until the building is again legally occupied or demolished or until repair or rehabilitation of the building is complete.

§ 8.28.206. Administration.

The Director of Community Development may issue rules and regulations for the administration of the provisions of this Article, in furtherance of the purposes of this Ordinance.

§ 8.28.207. Violations and Penalties.

- A. Any owner who is not in full compliance with these provisions or who otherwise violates any provision of this Ordinance or of the rules and regulations issued hereunder shall be subject to a fine of not less than five hundred (\$500.00) dollars and not more than one thousand (\$1,000.00) dollars for each offense. Every day that a violation continues shall constitute a separate and distinct offense. Fines assessed under this Section shall be recoverable from the owner and shall be a lien on the property.
- B. For purposes of this Section, failure to file a registration statement in time, failure to provide correct information on the registration statement, failure to comply with the provisions of this Section, or such other matters as may be established by the rules and regulations of the Director of Community Development shall be deemed to be violations of this Section.

§ 8.28.208. Compliance with Other Provisions.

Nothing in this Ordinance and rules is intended to nor shall be read to conflict or prevent the Township from taking action against buildings found to be unfit for human habitations or unsafe structures as provided in applicable provisions of the Code of the Township of Bordentown. Further, any action taken under any such code provision other than the demolition of a structure shall not relieve an owner from its obligations under this Article.

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

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

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