

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: SEPTEMBER 28, 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 Professional Services Contract Matters; Seth Hand Park Contract Matter; Joseph Lawrence Park Contract Matter; Charles Bossert Park Contract Matter; Public Works Expansion Project Contract Matter; Borden’s Crossing Performance Bond Matter (Potential Litigation):

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

6. Mayor’s Proclamation Declaring October 10, 2015, as Put The Brakes On Fatalities Day.

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

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2015-271-8 through #2015-271-20.
8. Resolution #2015-271-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
9. Resolution #2015-271-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
10. Resolution #2015-271-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
11. Resolution #2015-271-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
12. Resolution #2015-271-12 entitled RESOLUTION TO AMEND THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR COAH RELATED MATTERS.
13. Resolution #2015-271-13 entitled RESOLUTION TO AMEND THE SCHEDULE OF DATES AND TIMES FOR THE REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND LOCAL BOARD OF HEALTH.
14. Resolution #2015-271-14 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.
15. Resolution #2015-271-15 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR CENTRAL COMMUNICATIONS/"911 CALLS" FOR PUBLIC SAFETY ENTITIES.
16. Resolution #2015-271-16 entitled AMEND PUBLIC WORKS EXPANSION PROJECT PHASE 1A – FENCE AND LANDSCAPE BUFFERING WITH GOWER’S, INC., CHANGE ORDER NO. 1.
17. Resolution #2015-271-17 entitled APPROVING RAFFLE LICENSE #RL:418.
18. Resolution #2015-271-18 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA.

19. Resolution #2015-271-19 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF WASTE MANAGEMENT SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED LANDFILL TO BE LOCATED IN FAIRLESS HILLS, PENNSYLVANIA.
20. Resolution #2015-271-20 entitled RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION PURCHASE ORDER ENCUMBRANCES.
21. Public Hearing on Ordinance #2015-15 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
22. Consideration of Adoption of Ordinance #2015-15 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
23. Public Hearing on Ordinance #2015-16 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE.
24. Consideration of Adoption of Ordinance #2015-16 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE.
25. Consideration of Introduction of Ordinance #2015-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF THE TOWNSHIP OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS.
26. Consideration of Introduction of Ordinance #2015-18 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO VACATE A PORTION OF HARDING AVENUE AND AN UNNAMED ALLEY WITHIN TAX BLOCK 22.
27. Township Committee and Staff Reports.
28. Public Participation.

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

PROCLAMATION

PUT THE BRAKES ON FATALITIES DAY
OCTOBER 10, 2015

WHEREAS, Across the nation, traffic crashes caused approximately 32,675 (est.) fatalities in 2014, and are the leading cause of death for young people ages 15 to 34; and

WHEREAS, in New Jersey, 556 individuals lost their lives in traffic crashes in 2015; and

WHEREAS, alcohol-related crashes accounted for 27 percent of the State's traffic fatalities, while 26 percent of all fatal crashes involved traveling at unsafe speeds; and

WHEREAS, motorcyclists, bicycle riders and pedestrians face increased risks on New Jersey's roadways, as people opt for alternative modes of transportation; and

WHEREAS, 60 motorcyclists, 11 bicyclists and 170 pedestrians were killed in New Jersey in traffic-related crashes in 2015; and

WHEREAS, safer driving behaviors such as buckling up, every ride; obeying posted speed limits; stopping for pedestrians in crosswalks and using crosswalks when walking; avoiding aggressive driving behaviors; never driving impaired; wearing proper safety gear while riding a motorcycle or bicycle; and, focusing solely on driving by avoiding distractions, can dramatically reduce the number of traffic-related injuries and deaths;

NOW, THEREFORE, I, James Cann, as Mayor of the Township of Bordentown, do hereby proclaim October 10, 2015, Put the Brakes on Fatalities Day, and call upon everyone to put these lifesaving behaviors into practice to improve safety on the roadways in our community and throughout the State.

RESOLUTION #2015-271-8

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated September 28, 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.

11/23/09

RESOLUTION #2015-271-9

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 September 14, 2015, and the Regular Meeting of September 14, 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 July 2015 as submitted by the Township Officials are hereby received and filed: Tax Collector; Municipal Court; Community Development and Construction Official; and

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

09/28/15

RESOLUTION #2015-271-10

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00002 was redeemed on SEPTEMBER 22 2015, in the amount of \$27,032.91.

WHEREAS, ACTLIEN HOLDING INC, paid tax sale premium, in the amount of \$20,000.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$20,000.00 to, ACTLIEN HOLDING INC; for Lien 13-00002 Block 18 Lot 25, commonly known as 86 GROVEVILLE ROAD

JCE
09/28/15

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-271-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00040 was redeemed on SEPTEMBER 24 2015, in the amount of \$1,223.36.

WHEREAS, EBURY FUND 1NJ, LLC, paid tax sale premium, in the amount of \$1,200.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1,200.00 to, EBURY FUND 1NJ, LLC; for Lien 13-00040 Block 92.05 Lot 22.230 Qual C.230, commonly known as 5 Pamlico Court

JCE
09/28/15

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2015-271-12

RESOLUTION TO AMEND THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR COAH RELATED MATTERS

WHEREAS, the Township Committee of the Township of Bordentown entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with 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) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; and

WHEREAS, the Township Committee of the Township of Bordentown recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel determined to be necessary and appropriate; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that it is in the best interests of the citizens of the Township of Bordentown to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.

3. The Township Committee of the Township of Bordentown hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Bordentown with Econsult Solutions, Inc.

The Township Committee of the Township of Bordentown hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Bordentown with the approval of the Township of Bordentown's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Township Committee of the Township of Bordentown further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, Township of Bordentown shall only be responsible for such funding if it authorizes same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township.
6. This Resolution shall take effect immediately.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-13

RESOLUTION TO AMEND THE SCHEDULE OF DATES AND TIMES FOR THE REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND LOCAL BOARD OF HEALTH

WHEREAS, the Township Committee adopted Resolution #2015-3-15 on January 3, 2015, to establish dates and times for the regular meetings of the Township Committee and Local Board of Health; and

WHEREAS, it has been determined that this resolution needs to be amended;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby cancel the regular meeting scheduled for November 16, 2015; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby schedule a regular meeting to be held on November 23, 2015, at 7:00 p.m.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-14

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 for the 4th Annual Bordentown Turkey Trot in the Township of Bordentown on November 21, 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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-15

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR CENTRAL COMMUNICATIONS/"911 CALLS" FOR PUBLIC SAFETY ENTITIES

WHEREAS, the Burlington County Board of Chosen Freeholders has requested that each municipality within the County enter into a shared services agreement for Central Communications/"911 Calls"; and

WHEREAS, the County of Burlington does provide Central Communications/"911 Calls" for the Township's Public Safety Entities, which include Police, Fire and EMS; and

WHEREAS, the Township Committee has reviewed the agreement and approves of same;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve of said agreement and further authorizes the Mayor and Township Clerk to execute same; and

BE IT FURTHER RESOLVED that the term of said agreement shall be through July 31, 2020.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-16

AMEND PUBLIC WORKS EXPANSION PROJECT PHASE 1A – FENCE AND LANDSCAPE
BUFFERING WITH GOWER’S, INC., CHANGE ORDER NO. 1

WHEREAS, the Township Committee, by Resolution #2015-068-17C, awarded a contract to Gower’s, Inc., for the purpose of performing certain work and services with respect to the Public Works Expansion Project, Phase 1A – Fence and Landscape Buffering in the Township of Bordentown; and

WHEREAS, Turek Consulting, the Township’s agent responsible for supervising the project as aforesaid, for the Township of Bordentown, has advised the Township Committee, by way of September 11, 2015, correspondence and change order request and the submission of the appropriate certification that the existing contract amount should be increased to reflect an increase in material necessary to complete the project to install automatic gate openers, including all required safety measures, for both the 262 and 266 Crosswicks Road Facilities; and

WHEREAS, N.J.A.C. 5:30-14.4 provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS, the Township Committee has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order;

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

1. That the Township Committee, for the aforementioned reasons, hereby amends the aforementioned contract and increases the contract price by \$24,725.00 and the amended total \$251,075.00 in accordance with the terms and conditions of the aforementioned certification and September 11, 2015, correspondence and request being attached hereto as Exhibit A and made part hereof by reference hereto.
2. That the Township Committee hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution and which are prepared by or reviewed by the Township Attorney.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-271-17

APPROVING RAFFLE LICENSE #RL:418

WHEREAS, the Hamilton Square NJ Chapter of SPEQSQA, Inc., has filed an application with the Township of Bordentown to hold a calendar raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown on various dates beginning October 7, 2015 through December 12, 2015, and payment of the required fees has been made;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:418 be issued to the Hamilton Square NJ Chapter of SPEQSQA.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-18

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA

WHEREAS, the Pennsylvania Department of Environmental Protection Agency has received an application from Elcon Recycling Services, LLC, which would allow for the construction of a “thermal oxidizer” facility in Falls Township, Bucks County, Pennsylvania; and

WHEREAS, according to the Clean Air Council, Elcon has applied to receive 596 different kinds of waste, producing 800 tons of hazardous sludge per year and 5,000 tons of hazardous salts; and

WHEREAS, given the prevailing winds out of the west, the location of this facility will undoubtedly have a direct impact on the residents of the Township of Bordentown and other surrounding communities; and

WHEREAS, it is the duty of the Township Committee of the Township of Bordentown to represent and protect the interests, health and quality of life of the residents of the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that it does hereby oppose the construction of this facility and further urges the Pennsylvania Department of Environmental Protection Agency to consider the negative impact that the proposed hazardous “thermal oxidizer” facility would have on the residents of Burlington County; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this resolution to the Pennsylvania Department of Environmental Protection Agency; Burlington County Municipal Clerks; and the Burlington County Board of Chosen Freeholders.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-19

RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF WASTE MANAGEMENT SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED LANDFILL TO BE LOCATED IN FAIRLESS HILLS, PENNSYLVANIA

WHEREAS, the Pennsylvania Department of Environmental Protection Agency has received an application from Waste Management which would allow for the construction of a solid waste landfill on a part of the old Fairless Steel Site, located in Fairless Hills, Bucks County, Pennsylvania; and

WHEREAS, given the prevailing winds out of the west, the location of this facility will undoubtedly have a direct impact on the residents of the Township of Bordentown and other surrounding communities; and

WHEREAS, there has been documented evidenced filed by the residents of our neighboring town, Florence Township, wherein those residents recently won a grass-roots battle against Waste Management with regards to the Tullytown Landfill. The Florence Township residents' complaints date back to 20 years with the main complaints being the foul odors and seagull issues; and

WHEREAS, it is the duty of the Township Committee of the Township of Bordentown to represent and protect the interests, health and quality of life of the residents of the Township of Bordentown;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that it does hereby oppose the construction of this landfill and further urges the Pennsylvania Department of Environmental Protection Agency to consider the negative impact that the proposed landfill would have on the residents of Burlington County; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this resolution to Pennsylvania Department of Environmental Protection Agency; Burlington County Municipal Clerks; and the Burlington County Board of Chosen Freeholders.

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

RESOLUTION #2015-271-20

RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION PURCHASE ORDER ENCUMBRANCES

WHEREAS, certain Open Space purchase order encumbrances remain dedicated to projects now completed,

WHEREAS, it is necessary to formally cancel said balances so the balances may be returned to each respective improvement authorization,

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, New Jersey, that the following purchase order encumbrances is returned to each respective improvement authorization:

<u>FUND</u>	<u>PURCHASE ORDER</u>	<u>AMOUNT</u>	<u>VENDOR</u>
OPEN SPACE	11-00549	\$ 7,084.50	ABBY PONDS UNC
OPEN SPACE	10-01061	\$ 6,727.50	HIDDEN VIEW NUSERY

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 September 28, 2015.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/28/15

ORDINANCE #2015-15

AN ORDINANCE TO AMEND ORDINANCE #2015-7 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 #2015-7 is hereby amended as follows:

HOURLY SALARIES

TREASURER	\$20.00 - \$40.00
TECH. ASSISTANT TO CONSTRUCTION OFFICIAL	\$18.00 - \$35.00
BUILDING SUBCODE OFFICIAL	\$25.00 - \$60.00
PLUMBING SUBCODE OFFICIAL	\$25.00 - \$60.00
FIRE SUBCODE OFFICIAL	\$25.00 - \$60.00
ELECTRICAL SUBCODE OFFICIAL	\$25.00 - \$60.00

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 October 17, 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.

ORDINANCE #2015-16

AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE

BE IT ORDAINED that Chapter 10 entitled Vehicles and Traffic, shall be amended as follows:

Section 10.04.030: Heavy Vehicles – Exclusions

Schedule V: Trucks Over 4 Tons Excluded. In accordance with the provisions of Section 10.04.030 (A), trucks over four tons gross weight are hereby excluded from the following described streets or parts of streets, except for the pickup and delivery of materials on such streets:

The following streets to be added to Schedule V:

Adirondak Road	Entire Length
Allegheny Lane	Entire Length
Cayuga Road	Entire Length
Crestview Court	Entire Length
Farmview Road	Entire Length
Gateswood Court	Entire Length
Longview Drive	Entire Length
Mayfield Road	Entire Length
Meadow Run Road	Entire Length
Oakbourne Court	Entire Length
Ridgewood Drive	Entire Length
Sagamore Lane	Entire Length
Seneca Lane	Entire Length
Springhouse Court	Entire Length
Taconic Road	Entire Length
Tantum Court	Entire Length

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage and publication according to law.

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2015-17

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF THE TOWNSHIP OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS

WHEREAS, Title 6 of the Codified General Ordinances of the Township of Bordentown provides for the regulation of animals; and,

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such code also provides zoning regulations for the keeping of animals; and,

WHEREAS, the Township Committee has determined that the Township Codes shall be amended in order to permit the keeping of chickens under certain requirements and conditions,

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that the Codes are amended as follows:

Section 1.

Chapter 6.20, entitled, “Standards for Keeping Chickens” is hereby established and added to the Codified General Ordinances, as follows:

Chapter 6.20 Standards for Keeping Chickens

6.20.10 License Required

No persons shall own, keep, harbor or maintain any chicken within Bordentown Township in any Zone without first applying for and obtaining an annual license from the Township of Bordentown. The application shall be made on forms provided by the Township Clerk and shall contain a certification by the applicant that the requirements and conditions established in this ordinance will be met by the applicant. Said license shall be expire on the last day of February following the issuance of the initial license, and shall be renewed no later than March 31. The licensee must be the owner in fee of the property. No person renting or leasing a property may be issued a license. Licenses shall not be issued for vacant properties.

6.20.20 Exemption

This ordinance shall not apply to qualified farms in zones where farming is permitted, and where such farm has a minimum of five (5) contiguous acres.

6.20.30 Inspection Required before License Issuance and Renewal

Following application by a person for an initial or renewal License for the keeping of chickens, and before the issuance of a License by the Township Clerk, the Animal Control Officer (ACO) shall inspect the premises where chickens are to be kept in order to ensure compliance with the conditions of this Ordinance. In the event that the ACO finds the premises do not meet the conditions established in this Ordinance, they shall notify the property owner. For an initial license application, the property owner shall not be issued a license until the violations are corrected. For a license renewal, the property owner shall have no more than one-week to abate all violations and bring the premises into conformance with this Ordinance. If the violation is not abated within one-week, the ACO shall so notify the Township Clerk, who shall revoke the License.

6.20.40 Fee

The fee for the first issuance and any subsequent renewal of an annual License to Keep Chickens shall be \$50.00. The fee for late license renewals after March 31 shall be \$100.00. The fee shall cover administrative expenses for the inspection and regulation of the keeping of chickens.

6.20.50 Standards and Conditions for the Issuance of a License to Keep Chickens

The keeping of chickens is hereby authorized and shall be licensed only under the following conditions:

- A. Minimum Lot Size to Keep Chickens: A minimum lot size of 8,000 square feet is required.
- B. Number of Allowable Chickens: No more than four chickens shall be permitted on any lot less than or equal to one-half acre (21,780 square feet) in area. No more than six chickens shall be permitted on any lot more than one-half acre or less than or equal to two acres (87,120 square feet) in area. For lots greater than two acres in area, up to twelve chickens shall be permitted.
- C. Roosters and Cockerels Prohibited: The keeping of Roosters (mature male chickens) and Cockerels (young male chickens) is prohibited on the licensed property, even for the purpose of fertilization.
- D. Slaughtering: The slaughtering of chickens on the premises is prohibited.

- E. Shelters Required: Chickens shall be provided with a fully-enclosed shelter (coop) and may be provided with a run (fenced enclosure), conforming to:
- a. Shelters and runs shall be in the rear yard only.
 - b. Shelters and runs shall be located a minimum of ten-feet from any property line and a minimum of twenty-five-feet for any residential dwelling, both on and off premises.
 - c. The maximum permitted area of any shelter is 80-square-feet. The total area of a shelter and any attached run shall not exceed 150-square-feet.
 - d. The maximum permitted height of a chicken shelter shall be six-feet.
 - e. Chickens may roam outside the shelter and run areas in a back yard which is completely enclosed with a fence for no more than 2-hours per day, provided that a resident, of at least 18-years of age, is present the entire time.
 - f. The shelter must be appropriately sized for the number of chickens, and shall be kept dry and well-ventilated with provisions to admit sunlight into the structure. The shelter must be predator-proof.
- F. Storage of Waste, Odor: Storage of manure, excreta, and other waste substances shall be located at least 25-feet from any lot line and at least 50-feet from any residential dwelling, both on and off premises. If stored on the premises it must be properly composted per USDA guidelines, or stored in a properly sealed, watertight container for disposal off-site. There shall be no perceptible odor emanating from the shelter, run, yard, or waste storage.
- G. Storage of Feed: Animal feed stored outdoors shall be kept in sealed containers with tightly-fitting lids.
- H. No Running at Large: No person shall permit, suffer, or allow, whether intentional or not, a chicken to run at a large in the side or front yard of the property, or upon any public street or property, or any neighboring property.
- I. No Disturbing the Peace: No chicken shall be allowed to disturb the peace or quiet of the neighborhood by creating a noise across a residential property line continually for more than ten-minutes or intermittently for more than thirty-minutes. However, if chickens create noise by being provoked by neighboring animals, it shall be the responsibility of the owner of the chickens to provide a suitable location for the shelter, run, or roaming area so as to avoid creating noise. The owner of any legal, licensed animal on an adjacent property shall in no way be held responsible for noise created by chickens.
- J. Selling of Eggs Prohibited: No eggs produced by the chickens shall be sold, nor shall any advertisement or solicitation be permitted.

6.20.60 Revocation of License; Violations and Penalties

Failure to comply with the conditions and regulations set forth in this Ordinance shall result in the revocation of the license by the Township Clerk, after due notice from the Animal Control Officer to the licensee, and a hearing before the Zoning Officer. Any property owner who shall have had a license revoked must, within one-month following the revocation, remove all chickens and any chicken coop and related improvements from the property. Failure to do so shall constitute a violation of this Ordinance.

Any person who shall have had a License revoked may not re-apply for, nor shall they be granted, a new License for a period of two-years following such revocation.

Any person who violates any provision of this Ordinance shall, upon conviction in the Bordentown Township Municipal Court, pay a fine of not less than five-hundred dollars (\$500.00), nor more than one-thousand dollars (\$1,000.00) for each violation. Each day that a violation occurs shall be deemed a separate and distinct offense and subject to the fine listed herein.

Section 2.

Chapter 25 (Land Development Ordinances), Sub-Section 25:401.E. is hereby amended to add the following at the end of the sub-section:

However, the Keeping of Chickens is permitted subject to the requirements of Chapter 6.20 of the Codified General Ordinances of the Township of Bordentown.

Section 3. 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 4. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

Section 5. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.

Colleen M. Eckert, RMC, Township Clerk

Introduced:

Adopted:

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2015-18

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO VACATE A
PORTION OF HARDING AVENUE AND AN UNNAMED ALLEY WITHIN TAX
BLOCK 22**

WHEREAS, The Township Committee recognizes that certain mapped streets which have never been improved (paper streets) are of no value to the Township and are not required to be improved for the adjacent property owners, and

WHEREAS, The Township Committee further recognizes that the vacation of certain streets can and will promote smart planning, economic growth, and increase the non-residential tax-ratable base, thus providing tax relief to its citizens and serving the public interest.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that the following mapped, unimproved streets or rights-of-way (Paper Streets) are hereby VACATED, with the property to be disposed of in a manner pursuant to applicable State Law:

1. Harding Avenue, between Route 130 and New Jersey Avenue, shown on Sheet 7 of the official Tax Maps of the Township of Bordentown, between Tax Blocks 20 and 22.
2. An unnamed ten-foot wide Alley, between Wilson Avenue and that portion of Harding Avenue to be vacated by this Ordinance, shown on Sheet 7 of the official Tax Maps of the Township of Bordentown, within Tax Block 22.

BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately following final passage and publication as required by Law.

Colleen M. Eckert, RMC, Township Clerk

Introduced:
Adopted: