

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JANUARY 11, 2016 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Popko
_____	_____	Deputy Mayor Benowitz
_____	_____	Committeeman Cann
_____	_____	Committeeman Carson
_____	_____	Committeeman Holliday
_____	_____	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 4, 2016, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the REGISTER-NEWS, the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess this Regular Meeting to meet in Closed Session for the purpose of discussing Emergency Management Personnel Matter and Barbara Woolley-Dillon v. Township of Bordentown.

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 #2016-011-7 through #2016-011-12.
7. Resolution #2016-011-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
8. Resolution #2016-011-8 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
9. Resolution #2016-011-9 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
10. Resolution #2016-011-10 entitled RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT.
11. Resolution #2016-011-11 entitled RESOLUTION SUPPORTING BILL A4763/S2973 ELECTRONIC WASTE MANAGEMENT ACT.
12. Resolution #2016-011-12 entitled RELEASE OF PERFORMANCE GUARANTEE FOR DUNKIN BRANDS, INC., 260 ROUTE 130, BLOCK 127, LOT 3.
13. Consideration of Introduction of Ordinance #2016-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25, SECTION 509, OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO INCLUDE STANDARDS FOR TRUCK REFRIGERATION UNITS (TRU'S).
14. Township Committee and Staff Reports.
15. Public Participation.

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

RESOLUTION #2016-011-7

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of December 21, 2015, the Regular Meeting of December 21, 2015, and the Reorganization Meeting of January 2, 2016 , as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

01/11/16

RESOLUTION #2015-011-8

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00017 was redeemed on December 23, 2015, in the amount of \$693.31.

WHEREAS, US BANK C/F BV001 TRUST, paid tax sale premium, in the amount of \$2600.00 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 \$2600.00 to US BANK C/F BV001 TRUST; for Lien 14-00017, Block 92.06 Lot 22.123 C.123, commonly known as 6 DEERFIELD COURT.

JCE
01/4/16

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 January 11, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2015-011-9

AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

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 overpayment of 2016 taxes in the amount of \$230.44 to MENDEZ, LORRY R. for Block 84 Lot 4 commonly known as 7 HUNT ROAD.

01/11/15

JCE

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 January 11, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-011-10

RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT

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

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

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

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

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

1. The Township Committee does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year 2017 in the amount of:

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

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

APPROVED: _____
Jill Popko, Mayor

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 January 11, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/11/16

RESOLUTION #2016-011-11

RESOLUTION SUPPORTING BILL A4763/S2973 ELECTRONIC WASTE MANAGEMENT ACT

WHEREAS, the State of New Jersey has provided funding to Original Equipment Manufacturers (OEM) to collect and recycle certain electronic devices; and

WHEREAS, in mid-2013, the markets for many computer monitors and televisions began to collapse, driving up the costs for recyclers; increasingly, those costs have been passed on to towns and counties, forcing a growing number of local governments to consider abandoning their programs altogether; and

WHEREAS, Legislation A4763/S2973 proposes revisions to the Electronic Waste Management Act to include continued State funding to support the collection and recycling of certain electronic devices;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby support the passage of A4763/S2973, Electronic Waste Management Act; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be distributed to the Governor of the State of New Jersey, Bordentown Township's Senate and Assembly representatives, the New Jersey League of Municipalities, the Burlington County Board of Chosen Freeholders and the local municipalities within the County of Burlington.

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 January 11, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/11/16

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

Dunkin Brands, Inc.
260 Route 130
BLOCK: 127 LOT: 3

RESOLUTION NO. 2016-011-12

WHEREAS, Dunkin Brands, Inc. is the developer 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 the Dunkin Donuts Store, 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, Dunkin Brands, Inc. provided a performance guarantee in the form of a Letter of Credit (LOC) in the amount of \$262,500.48; and

WHEREAS, Dunkin Brands, Inc. has notified the Township in writing and in accordance with the procedures set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-53.d, that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a release of said performance guarantee; and

WHEREAS, the Director of Community Development has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee, subject to the posting of a 2-year Maintenance Guarantee in the amount of \$32,812.56, 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:

1. That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee for Dunkin Brands, Inc., with the following conditions:
2. The Township shall release the current guarantee upon receipt of a 2-year Maintenance Guarantee in the amount of \$32,812.56, which guarantee shall be in a form permitted under the MLUL and Township Ordinance, and shall be subject to review and approval of the Township Attorney.
3. The release of the guarantee is also conditioned upon payment of any outstanding negative balance in the inspection escrow account.
4. The 2-year duration of the Maintenance Guarantee shall commence retroactively on November 1, 2015 and shall expire on November 1, 2017, unless otherwise notified in writing by the Township, prior to that date, in accordance with the MLUL.

5. The Township Clerk shall forward a certified copy of this resolution to: Dunkin Brands, Inc., 130 Royall Street, Canton, MA 02021, Attn: Donna Christiansen, Project Manager.

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 January 11, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/11/16

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2016-1

**An Ordinance of the Township of Bordentown Amending Chapter 25, Section 509
of the Code of the Township of Bordentown to Include Standards for Truck
Refrigeration Units (TRU's).**

WHEREAS, Chapter 25, Section 509 in the Land Development Code of the Township of Bordentown, provides for performance standards for All Uses with the Township, and;

WHEREAS, the Township Committee recognizes that the operation of Truck Refrigeration Units (TRU's) on refrigerated trucks, while parked at warehouses which are adjacent to residential uses and zones, can and does have a negative impact to nearby residences by producing nuisances such as excessive or undesirable noise, vibration, and air pollution, thus exposing the nearby residents to the same, and;

WHEREAS, the Township Committee has further determined that the Township Code shall be amended in order to provide standards to reduce or eliminate the negative impacts from the operation of TRU's while trucks are parked at warehouses, and to promote the health, safety, and general welfare of the public.

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

Section 1. Chapter 25, Section 509, Performance Standards for all Uses, is hereby amended to create, 'Sub-Section M' for "Truck Refrigeration Units", as follows:

25-509 M. Operation of Truck Refrigeration Units at Warehouses and Non-Residential Uses Adjacent to Residential Uses or Zones

- 1.** Applicability – Following the date of the adoption of this Sub-Section, the provisions contained herein shall be applicable to all new or proposed warehouse and non-residential uses, owners, operators, and tenants, for warehouses within five-hundred-feet (500') of a residential use, zone or development, as measured from the property lines of the uses.
- 2.** For new or proposed warehouses or other non-residential uses which provide for the parking of trucks, and are the subject of any land-use application, including a site plan approval, construction permit, or a zoning permit, the applicant, developer, tenant or owner (collectively, 'applicant') shall provide information to the approving authority demonstrating compliance with this subsection. Where an applicant proposes a warehouse or other non-residential use or operation which provides for truck parking, and for which they assert will not include the parking of refrigerated trucks, the applicant shall provide a sworn statement and other such information as required to the satisfaction of the approving authority, demonstrating that the proposal will not require or allow for the parking of refrigerated trucks, and acknowledging the need to comply with this sub-section and obtain approvals, if the need for parking of refrigerated trucks arises in the future.
- 3.** Requirement to provide alternate technologies – In order that refrigerated trucks will not use and operate diesel or other fossil fuel-powered Truck Refrigeration Units (TRU's) while parked for a period of more than thirty (30) minutes, the Owner, Operator, or Tenant of a warehouse or other non-residential facility shall provide the infrastructure for, and have available for use by refrigerated trucks, alternative

technologies which will allow parked refrigerated trucks to operate TRU's without the need for diesel or other fossil fuel-power. Such alternate technologies may include, but shall not be limited to:

- a.** Parking Space Electrification to provide parked refrigerated trucks with a permanent, reliable source of grid-supplied electric power to operate electric or hybrid diesel-electric TRU's without the need for the use of fossil fuel-power, or
- b.** Other such alternate technology, as deemed acceptable by the Planning or Zoning Board, Zoning Officer, or Construction Official, as appropriate, which shall demonstrate compliance with the intent and purposes of this sub-section and reliably eliminate the need for parked, refrigerated trucks to use and operate fossil fuel-powered TRU's.

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