

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: APRIL 4, 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 Fahey
_____	_____	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 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 Affordable Housing Contract Matter: E-Consult; 301 Exeter Bordentown-Hedding, LLC, Tax Abatement Contract Matter; Environmental Litigation Matters: Transco Compressor Station, Waste Management Landfill, Elcon Hazardous Waste Facility, SRL Pipeline, Penn East; Litigation/Negotiation/Attorney-Client Privilege regarding Potential Claims.

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
7. Resolution #2016-095-7 entitled RESOLUTION CONDUCTING ANNUAL BUDGET SELF-EXAMINATION FOR THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON.
8. Resolution #2016-095-8 entitled INTRODUCTION OF 2016 MUNICIPAL BUDGET.

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 #2016-095-9 through #2016-095-17.
9. Resolution #2016-095-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 10. Resolution #2016-095-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 11. Resolution #2016-095-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 12. Resolution #2016-095-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 13. Resolution #2016-095-13 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
 14. Resolution #2016-095-14 entitled RESOLUTION AUTHORIZING 2016 SAFETY CONTRACT, BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.
 15. Resolution #2016-095-15 entitled AUTHORIZING DISPOSAL OF SURPLUS PROPERTY.
 16. Resolution #2016-095-16 entitled APPROVING RAFFLE LICENSE #RL:426.
 17. Resolution #2016-095-17 entitled RESOLUTION TO APPROVE GARDEN PLOT RENTAL AGREEMENT.
 18. Public Hearing on Ordinance #2016-4 entitled AN ORDINANCE GRANTING A FIVE (5) YEAR TAX EXEMPTION AND ABATEMENT OF LOCAL REAL PROPERTY TAXES TO EXETER 301 BORDENTOWN-HEDDING, LLC, FOR PROPERTY LOCATED AT 301 BORDENTOWN-HEDDING ROAD IN THE CENTRAL CROSSINGS BUSINESS PARK AND IDENTIFIED AS BLOCK 137.01, LOT 3.01 ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN.

19. Consideration of Adoption of Ordinance #2016-4 entitled AN ORDINANCE GRANTING A FIVE (5) YEAR TAX EXEMPTION AND ABATEMENT OF LOCAL REAL PROPERTY TAXES TO EXETER 301 BORDENTOWN-HEDDING, LLC, FOR PROPERTY LOCATED AT 301 BORDENTOWN-HEDDING ROAD IN THE CENTRAL CROSSINGS BUSINESS PARK AND IDENTIFIED AS BLOCK 137.01, LOT 3.01 ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN.
20. Public Hearing on Ordinance #2016-5 entitled CALENDAR YEAR 2016 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).
21. Consideration of Adoption of Ordinance #2016-5 entitled CALENDAR YEAR 2016 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).
22. Consideration of Introduction of Ordinance #2016-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP AND APPROPRIATING \$5,400,000 FOR SAID PURPOSES: AUTHORIZING THE ISSUANCE OF \$5,130,000 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES: AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
23. Consideration of Introduction of Ordinance #2016-7 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT ZONE.
24. Township Committee and Staff Reports.
25. Public Participation.

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

RESOLUTION #2016-095-7

RESOLUTION CONDUCTING ANNUAL BUDGET SELF-EXAMINATION FOR THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON

WHEREAS, N.J.S.A. 40A:4-78b has authorized the Local Finance Board to adopt rules that permit municipalities in sound fiscal condition to assume the responsibility, normally granted to the Director of the Division of Local Government Services, of conducting the annual budget examination; and

WHEREAS, N.J.A.C. 5:30-7 was adopted by the Local Finance Board on February 11, 1997; and

WHEREAS, pursuant to N.J.A.C. 5:30-7.2 through 7.5, the Township of Bordentown has been declared eligible to participate in the program by the Division of Local Government Services, and the Chief Financial Officer has determined that the local government meets the necessary conditions to participate in the program for the 2016 budget year;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bordentown that in accordance with N.J.A.C. 5:30-7.6a & b and based upon the Chief Financial Officer's certification, the governing body has found the budget has met the following requirements:

1. That with reference to the following items, the amounts have been calculated pursuant to law and appropriated as such in the budget:
 - a. Payment of interest and debt redemption charges
 - b. Deferred charges and statutory expenditures
 - c. Cash deficit of preceding year
 - d. Reserve for uncollected taxes
 - e. Other reserves and non-disbursement items
 - f. Any inclusions of amounts required for school purposes
2. That the provisions relating to limitation on increases of appropriations pursuant to N.J.S.A. 40A:4-45.2 and appropriations for exceptions to limits on appropriations found at N.J.S.A. 40A:4-45.3 et seq. are fully met (complies with the "CAP" law).
3. That the budget is in such form, arrangement, and content as required by the Local Budget Law and N.J.A.C. 5:30-4 and 5:30-5.
4. That pursuant to the Local Budget Law:
 - a. All estimates of revenue are reasonable, accurate and correctly stated.
 - b. Items of appropriation are properly set forth.
 - c. In itemization, form, arrangement, and content the budget will permit the exercise of the comptroller function within the municipality.
5. The budget and associated amendments have been introduced and publicly advertised in accordance with the relevant provisions of the Local Budget Law, except that failure to meet the deadlines of N.J.S.A. 40A:4-5 shall not prevent such certification.
6. That all other applicable statutory requirements have been fulfilled.

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Director of the Division of Local Government Services upon adoption.

RESOLUTION #2016-095-9

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated April 4, 2016, 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.

04/04/16

RESOLUTION #2016-095-10

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 March 14, 2016, and the Regular Meeting of March 14, 2016, 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 February 2016 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction, Community Development.

04/04/16

RESOLUTION #2016-095-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00014 was redeemed on January 25, 2016, in the amount of \$323.42.

WHEREAS, US BANK C/F PC6, LLC STERLING, paid tax sale premium, in the amount of \$800.00 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 \$800.00 to US BANK C/F PC6, LLC STERLING; for Lien 14-00014, Block 92.05 Lot 22.204 Qual: C.204, commonly known as 25 Lancaster Court.

JCE

04/04/16

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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-095-12

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 \$1,537.12 to CORELOGIC SERVICES, LLC for Block 54 Lot 16 commonly known as 60 EAST EDGEWOOD DRIVE

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 \$413.32 to CITIMORTGAGE for Block 92.03 Lot 22.271 Qual C.271 commonly known as 7 GLOUCESTER COURT.

04/04/16
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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2016-095-13

REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS

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

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
Bordentown Development c/o Marion Zeiger 1 W. Walnut Avenue Moorestown, NJ 08057	Bordentown Development Block 138 Various Lots	961600	\$ 750.00
Kirschner Brothers Co. 518 W. Lancaster Avenue PO Box 535 Haverford, PA 19041-0535	Bordentown Junction Block 134.01 Lot 12.02	951200	\$ 500.00

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

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

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

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

Colleen M. Eckert, RMC, Township Clerk

RESOLUTION #2016-095-14

RESOLUTION AUTHORIZING 2016 SAFETY CONTRACT, BURLINGTON COUNTY
MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Bordentown is a member of the Burlington County Municipal Joint Insurance Fund; and

WHEREAS, it is a requirement that the Township of Bordentown enter into a safety contract for the year 2016;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the 2016 Safety Contract (copy hereto attached) with the Burlington County Municipal Joint Insurance Fund; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute the 2016 Safety Contract.

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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/04/16

RESOLUTION #2016-095-15

AUTHORIZING DISPOSAL OF SURPLUS PROPERTY

WHEREAS, the Township of Bordentown is the owner of certain surplus property which is no longer needed for public use; and

WHEREAS, the Township Committee is desirous of selling said surplus property in an "as is" condition without express or implied warranties;

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

(1) The sale of the surplus property shall be conducted through GovDeals pursuant to State Contract A-70967/T2581 in accordance with the terms and conditions of the State Contract. The terms and conditions of the agreement entered into with GovDeals is available online at govdeals.com and also available from the Township Clerk for the Township of Bordentown.

(2) The sale will be conducted online and the address of the auction site is govdeals.com.

(3) The sale is being conducted pursuant to Local Finance Notice 2008-9.

(4) A list of the surplus property to be sold is attached hereto:

(5) The surplus property as identified shall be sold in an "as-is" condition without express or implied warranties with the successful bidder required to execute a Hold Harmless and Indemnification Agreement concerning use of said surplus property.

(6) The Township of Bordentown reserves the right to accept or reject any bid submitted.

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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/04/16

RESOLUTION #2016-095-16

APPROVING RAFFLE LICENSE #RL:426

WHEREAS, the Foundation for Bordentown Traditions has filed an application with the Township of Bordentown to hold a Raffle at Joseph Lawrence Park located on Ward Avenue in the Township of Bordentown on July 8, 2016, 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:426 be issued to the Foundation for Bordentown Traditions, with the stipulation that the proceeds be to benefit the Foundation's continued commitment to support the 2017 Fireworks.

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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/04/16

RESOLUTION #2016-095-17

RESOLUTION TO APPROVE GARDEN PLOT RENTAL AGREEMENT

WHEREAS, it is the desire of the Township Committee of the Township of Bordentown and the Environmental Commission to rent plots within the Bordentown Township Community Garden to those individuals interested; and

WHEREAS, it is necessary to establish a plot rental agreement and fee along with rules and regulations for same, all of which are attached hereto to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the attached rental agreement with a \$25.00 annual rental fee and the rules and regulations 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 April 4, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/04/16

TOWNSHIP OF BORDENTOWN

ORDINANCE NO. 2016-4

**AN ORDINANCE GRANTING A FIVE (5) YEAR TAX
EXEMPTION AND ABATEMENT OF LOCAL REAL
PROPERTY TAXES TO EXETER 301 BORDENTOWN-
HEDDING, LLC, FOR PROPERTY LOCATED AT 301
BORDENTOWN-HEDDING ROAD IN THE CENTRAL
CROSSINGS BUSINESS PARK AND
IDENTIFIED AS BLOCK 137.01, LOT 3.01
ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN**

WHEREAS, the Five-Year Exemption and Abatement Law, N.J.S.A. 40A:21-1 et seq. (the "Act") enables municipalities to temporarily abate local property taxes imposed upon eligible dwellings, commercial and industrial structures; and

WHEREAS, pursuant to the Act, the Township adopted Ordinance 2009-19 which authorized, in part, a program to attract private investment and ratable growth within industrial areas via a program of tax abatement and exemption; and

WHEREAS, conditions within the Township remain a concern with a persistent need to stimulate ratable growth within the Township's industrial and commercial areas, in competition with other municipalities, both within and outside the State of New Jersey; and

WHEREAS, in order to address the continued underutilization of the tract known as the Central Crossings Business Park (which includes Block 137.01, Lots 2, 3.01 and 3.03 and Block 138, Lots 5.01, 5.03 and 6), the Township Planning Board adopted Resolution P-2001-12 on April 12, 2001, granting General Development Plan approval for the development of approximately 1,680,000 square feet of non-residential floor space; and

WHEREAS, pursuant to Resolution P-2002-21, adopted December 12, 2002, the Township Planning Board granted preliminary and final major subdivision approval for four lots within the Central Crossings Business Park for warehouse-distribution use and preliminary and final site plan approval for these lots; and

WHEREAS, pursuant to the approvals received, Exeter 301 Bordentown-Hedding, LLC (öExeterö) undertook the development of a warehouse distribution facility consisting of an approximately 213,000 square foot commercial warehouse and related site and parking improvements located 301 Bordentown Hedding Road in the Central Crossings Business Park, and more particularly described as Block 137.01, Lot 3.01, (the öProjectö);

WHEREAS, Exeter timely filed an application with the Township requesting a five (5) year tax exemption and abatement of local real property taxes in connection with the Project; and

WHEREAS, Exeter has submitted the required application materials and application fee pursuant to N.J.S.A. 40A:21-9 and Township Ordinance 2009-19; and

WHEREAS, having reviewed Exeter's application and submission materials, the Township is satisfied that the Project to be constructed by Exeter satisfies the requirements to qualify for a five (5) year tax exemption and abatement pursuant to N.J.S.A. 40A:20-21 et seq. and Township Ordinance 2009-1

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

1. Pursuant to the Laws of the State of New Jersey, N.J.S.A. 40A:21-1 et seq., and Township Ordinance 2009-19, the Township Committee of the Township of Bordentown (öCommitteeö) hereby approves the Application of Exeter for a five (5) year tax exemption and abatement for its Project constructed

on Block 137.01, Lot 3.01, provided however that absent additional future action, this approval will lapse if the Township does not issue a Certificate of Occupancy for the Project on or before September 30, 2016.

2. The Committee hereby authorizes an Agreement for Payment in Lieu of Taxes in a form approved by the Township Attorney and Township Administrator to be entered into between Exeter and the Township authorizing the tax exemption and abatement and setting forth the obligations of the respective parties and payment schedule for Exeter's payment in lieu of taxes (the "Agreement").
3. The Mayor, on behalf of the Township, is hereby authorized to execute, and the Township Clerk to attest and affix the seal of the Township to, the Agreement.
4. The Township Clerk shall maintain a copy of the Application and executed Agreement on file in the Township Clerk's Office; and shall forward a copy of the executed Agreement to the Director of the Division of Local Government Services in the Department of Community Affairs within 30 days of full execution of the Agreement.
5. The tax exemption and abatement shall commence from the date of the issuance of a temporary certificate of occupancy or permanent certificate of occupancy, whichever is issued first, for the improvements and expire five (5) years thereafter.
6. The Property shall be subject to the total tax levy as more fully set forth in the Agreement.

7. The Township Tax Assessor and Township Tax Collector are hereby authorized to take any and all necessary actions granted under law to implement the provisions of this Ordinance.
8. Exeter shall provide to the Township all required information concerning construction costs and any other relevant information requested by the Township Tax Assessor or Tax Collector.
9. Exeter, or any subsequent owner of the Property, shall notify Township in writing pursuant to the notice provisions of the attached Agreement, of any alteration and/or improvements made to the Property that were not specifically approved by the Agreement as qualifying for a five (5) year tax exemption and abatement while the Agreement is in effect. Such notice shall include a description of the alterations and/or improvements, a copy of any permits issued for the alterations and/or improvements, and the total cost of said alterations and/or improvements.
10. In the event that alterations and/or improvements are made to the Property pursuant to Paragraph 8 immediately above, the additional costs shall be added to the initial cost of the development as set forth in the Application and included in the payment in lieu of taxes calculated in accordance with the terms of the Agreement.
11. Fraud or misrepresentation of material facts surrounding the Application and related documents thereto shall be grounds to rescind the Agreement *ab initio*.

12. The Ordinance shall take effect upon final passage and publication in accordance with law.

TOWNSHIP OF BORDENTOWN

ORDINANCE #2016-5

CALENDAR YEAR 2016 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to 2.0% unless authorized by ordinance to increase it to 3.5 % over the previous year's final appropriations, subject to certain exceptions; and

WHEREAS, N.J.S.A. 40A:4-45.15a provides that a municipality may, when authorized by ordinance, appropriate the difference between the amount of its actual final appropriation and the 3.5% percentage rate as an exception to its final appropriations in either of the next two succeeding years; and

WHEREAS, the Township Committee of the Township of Bordentown, in the County of Burlington, finds it advisable and necessary to increase its CY 2016 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% percent increase in the budget for said year, amounting to \$292,088.16, in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

WHEREAS, the Township Committee hereby determines that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years;

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2016 budget year, the final appropriations of the Township of Bordentown shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by three and a half percent, amounting to \$292,088.16, and that the CY 2016 Municipal Budget for the Township of Bordentown be approved and adopted in accordance with this ordinance; and

BE IT FURTHER ORDAINED that any amount authorized hereinabove that is not appropriated as part of the final budget shall be retained as an exception to final appropriation in either of the next two succeeding years; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance as introduced be filed with the Director of the Division of Local Government Services within 5 days of introduction; and

BE IT FURTHER ORDAINED that a certified copy of this ordinance upon adoption, with the recorded vote included thereon, be filed with said Director within 5 days after such adoption.

ORDINANCE NO. 2016-06

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP AND APPROPRIATING \$5,400,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$5,130,000 PRINCIPAL

AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID
PURPOSES; AND PROVIDING FOR OTHER MATTERS RELATING
THERETO.

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 the full membership thereof affirmatively concurring), AS FOLLOWS:

Description of Projects

The Township of Bordentown, in the County of Burlington, New Jersey (the "Township") hereby authorizes the acquisition, construction or installation, as the case may be, of the capital improvement projects described below, together with all appurtenances, work and material necessary or incidental thereto (collectively, the "Projects"). Additional information regarding each of the Projects is on file with the Township Clerk and is incorporated herein by reference.

The Projects hereby authorized are as follows:

(a) Purpose: Various Road and Street Improvements, including reconstruction and repaving of various Township roads, as set forth in a list on file in the office of the Township Clerk, including all work and related materials necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$2,440,697.68
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$2,318,662.80
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$122,034.88

(b) Purpose: Renovations and improvements to municipal buildings, as set forth in a list on file in the office of the Township Clerk, including all equipment, work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$1,678,071.03
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,594,167.48
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$83,903.55

(c) Purpose: Public works vehicles and equipment, as set forth in a list on file in the office of the Township Clerk.

<u>Appropriated and Estimated Cost:</u>	\$669,158.91
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$635,700.96
<u>Period or Average Period of Usefulness:</u>	15 years
<u>Amount of Down Payment:</u>	\$33,457.95

(d) Purpose: Police equipment, as set forth in a list on file in the office of the Township Clerk.

<u>Appropriated and Estimated Cost:</u>	\$429,847.96
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$408,355.56
<u>Period or Average Period of Usefulness:</u>	10 years
<u>Amount of Down Payment:</u>	\$21,492.40

(e) Purpose: Ambulance improvements and modification, and related work.

<u>Appropriated and Estimated Cost:</u>	\$155,588.21
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$147,808.80

Period or Average Period of Usefulness: 5 years
Amount of Down Payment: \$7,779.41

(f) Purpose: Renovation and improvements to the Township municipal building.

Appropriated and Estimated Cost: \$26,636.21
Estimated Maximum Amount of Bonds or Notes: \$25,304.40
Period or Average Period of Usefulness: 10 years
Amount of Down Payment: \$1,331.81

Appropriation for Projects - Down Payment

The Township hereby appropriates the sum of \$5,400,000 for the purpose of paying the costs of the Projects, including the sum of \$270,000 which is hereby appropriated as the down payment for said purposes pursuant to the Local Bond Law (constituting Chapter 169 of the 1960 Laws of New Jersey, as amended). It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Ordinance (except for such obligations that are for purposes that are self-liquidating, if any) and that the amount appropriated as a down payment has been made available prior to final adoption of this Ordinance by provisions in prior or current budgets of the Township for capital improvements and down payments.

Useful Life

It is hereby determined and stated that the average period of usefulness for the Projects, taking into consideration the respective amounts authorized for the separate purposes, according to their respective reasonable useful lives, is not less than 18.103 years.

Estimated Cost

It is hereby determined and stated that the estimated cost of the improvements described in Section 1 hereof is \$5,400,000, that the amount of this appropriation is \$5,400,000 and that such estimated cost includes the aggregate amount of \$650,000 for items of expense permitted to be included in the cost of said improvements under Section 20 of the Local Bond Law, including engineering and inspection costs, legal expenses, accounting, printing and other expenses of authorizing and issuing the obligations hereinafter authorized, interest on the obligations and other expenses as set forth in said Section 20 of the Local Bond Law.

General Improvement Projects

The Projects described in Section 1 hereof shall be undertaken as general improvement projects, no part of the cost of which has been or shall be assessed against properties benefited thereby. It is hereby determined and stated that the purposes described in Section 1 hereof are not current expenses and are improvements which the Township may lawfully make as general improvements.

Authorization of Bonds

For the purpose of financing a portion of the costs of the improvements authorized in Section 1 hereof, there is hereby authorized pursuant to the Local Bond Law the issuance of bonds of the Township in an aggregate principal amount not to exceed \$5,130,000.

The Chief Financial Officer of the Township and the Mayor of the Township are hereby authorized and directed to execute all bonds authorized under this Ordinance on behalf of the Township and the Township Clerk is hereby authorized and directed to affix to such bonds the seal of the Township and to attest the same. The Chief Financial Officer of the Township is authorized to deliver all such bonds to the purchaser thereof against receipt of the purchase price therefor. All such Township officials are authorized to take such other action and execute such other documents as may be necessary or appropriate to effect the issuance or delivery of the bonds authorized under this Ordinance.

Authorization of Notes

Pending the issuance of the bonds authorized in Section 6(a) hereof, there is hereby authorized the issuance of bond anticipation notes of the Township in an aggregate principal amount not to exceed

\$5,130,000; provided, however, that if bonds are issued pursuant to Section 6(a) hereof, the aggregate amount of notes authorized to be issued under this Section 7(a) shall be reduced by an amount equal to the principal amount of bonds so issued.

If the aggregate principal amount of outstanding obligations issued pursuant to Section 6(a) and Section 7(a) hereof shall at any time exceed \$5,130,000 the proceeds thereof shall, to the extent of such excess, be applied to the payment of the obligations then outstanding. Whenever funds have been deposited with a bank or trust company and committed or reserved for the payment thereof, the principal amount of the obligations for which sufficient funds have been so deposited shall be deemed no longer outstanding under this Ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Township. The Chief Financial Officer shall determine all other matters in connection with notes pursuant to this Ordinance, and the execution of the notes on behalf of the Township shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer of the Township is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer of the Township is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Ordinance is made. Such report must include the amount, the interest rate and the maturity schedule of the notes sold, the price obtained and the name or names of the purchasers.

Supplemental Debt Statement

It is hereby determined that the Supplemental Debt Statement required pursuant to the Local Bond Law has been duly filed in the Office of the Township Clerk prior to the passage on first reading of this Ordinance, that a complete executed duplicate thereof has been duly filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to the final passage of this Ordinance, and that said Supplemental Debt Statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of obligations hereunder in the amount of \$5,130,000 and that the issuance of the obligations authorized by this Ordinance is within all the debt limitations prescribed by the Local Bond Law

Amendment of Capital Budget

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Township Clerk and is available in the office of said Clerk for public inspection.

Pledge of Credit and Taxes

For the punctual payment of the principal of and interest on all obligations authorized to be issued by this Ordinance, the entire full faith, credit and taxing power of the Township is hereby irrevocably pledged. The obligations shall be direct, unlimited general obligations of the Township, and, unless paid from other sources, the Township shall levy ad valorem taxes upon all taxable property within the Township for the payment of the principal of and interest on the obligations without limitation as to rate or amount.

Covenant as to Federal Income Tax Exemption

The Township hereby covenants with the owners of all obligations authorized to be issued by this Ordinance not to take or omit to take any action so as to cause interest on the obligations to be no longer exempt from federal income taxes. The Township further covenants with the owners of the obligations that it will not authorize or make any prohibited payment or any investment of any proceeds of any obligations or make any other use of such proceeds which would cause such obligations to be *arbitrage bonds* as such term is defined in

Section 148 of the Internal Revenue Code of 1986 as the same may be amended or superseded from time to time and the regulations issued thereunder, and the Township further covenants to rebate to the United States Treasury any excess earnings on the gross proceeds of such obligations, as necessary, and to otherwise comply with said Section 148 and said regulations throughout the term of all such obligations.

Official Intent

The Township reasonably expects to reimburse itself from proceeds of the obligations authorized by this Ordinance for capital expenditures with respect to the Projects initially paid for from current or other available funds of the Township. This constitutes a declaration of "official intent" within the meaning of Treasury Regulations §1.150-2. The Township hereby certifies that this declaration is reasonable on the date hereof in that (i) it is consistent with the budgetary and financial circumstances of the Township, (ii) no funds (other than the proceeds of the obligations authorized by this Ordinance) are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Township pursuant to its budget or financial policies with respect to the capital expenditures to be reimbursed, and (iii) the Township does not have a pattern of failing to reimburse itself for capital expenditures actually paid and for which an official intent was declared, other than due to unforeseeable extraordinary circumstances beyond the Township's control. The Township acknowledges that in order to reimburse itself for capital expenditures incurred with respect to the Projects, the obligations authorized by this Ordinance must be initially issued not later than eighteen months after the later of the date the relevant capital expenditure is initially paid or the date the relevant capital improvement is placed into service.

Grants

To the extent that the Township receives grants in aid of any Project, including the grant expected to be received by the State of New Jersey Department of Transportation in the amount of \$196,000 for the road improvement program, any such grant proceeds from time to time received by the Township shall be used for financing the Project for which such grant was made by application thereof either to direct payment of the costs of such Project, or to payment, or reduction of the authorization, of the obligations of the Township authorized therefor by this Ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of the Project shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Ordinance.

Subsequent Resolutions

Pursuant to Section 16 of the Local Bond Law, all matters with respect to the obligations authorized by this Ordinance not contained or determined in this Ordinance, including, without limitation, the maturity or maturities, rate or rates of interest and redemption provisions thereof, may be determined by resolution or resolutions hereafter to be adopted in the manner provided by law.

[END OF TEXT ON THIS PAGE]

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

THE TOWNSHIP OF BORDENTOWN IN THE COUNTY OF
BURLINGTON, NEW JERSEY

Introduction:

Enactment:

Attest: _____

Mayor

TOWNSHIP OF BORDENTOWN

ORDINANCE 2016-7

**AN ORDINANCE AMENDING THE SOUTHERN
GATEWAY REDEVELOPMENT ZONE**

WHEREAS, the Township has created the Southern Gateway Redevelopment Zone to encourage the redevelopment and revitalization of the land areas within the Redevelopment Area; and

WHEREAS, the Redevelopment Plan, in order to spur redevelopment of the area by permitting uses that will encourage other retail uses to locate in the area, has authorized automobile filling stations as a permitted conditional use, with a convenience store as a permitted accessory use, along Routes 130 and 206, in the Southern Gateway Redevelopment Zone; and

WHEREAS, the Township Committee finds that the amendments are consistent with the goals and objectives of the redevelopment designation and plan;

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

Section One. Amendment:

I. Existing Section D.3 of the Southern Gateway Redevelopment Plan, and the Gateway Commercial ó South (GWC-S) Zoning District, is hereby deleted and replaced as follows:

D. CONDITIONAL USES:

3. Automobile Filling Stations, which are defined as business establishments whose function is the storage of gasoline, diesel and other automotive fuels, motor oils and other fluids, travel aids and minor automobile accessories for the primary purpose of selling or offering for sale any such items, and which include a convenience store offering items for retail sale, such as: pre-packaged and perishable foods, made to order sandwiches and meals, beverages and meals; home care and personal care products; licensed lottery sales; periodicals, tobacco products and other tangible goods, primarily self-service by the consumer for off-site and consumption; shall be a permitted conditional use within the designated Southern Gateway Redevelopment Area.

(1) Location and Bulk Standards

(a) Property must front upon and be accessed by either US Route 130 or US Route 206

(b) Minimum Lot Size is 80,000 square feet

(c) Total building coverage including canopy and principal building shall not exceed 20% of the lot area.

(2) Accessory Uses

(a) Exterior accessory uses permitted:

(i) Fuel dispensers attendant kiosks, dispenser islands and dispenser island canopies;

(ii) Retail sales of motor oils and other fluids, travel aids and minor automobile accessories stored on dispenser islands. Display areas are limited to one per dispenser island and shall not obstruct required vehicle or pedestrian access. Display areas shall not exceed ten (10) square feet at the base and six feet (6ø) feet in height;

(iii) Window cleaning, hand cleaning, pressurized air and water services for vehicles; and

(b) Interior accessory uses permitted.

(i) Limited service restaurants and snack and non-alcoholic beverage bars, such as fast food restaurants and coffee and tea shops, for off-site consumption; and

(ii) Automated teller banking machines (ATMs).

(c) Expressly prohibited as accessory uses or secondary principal uses:

(i) Drive-thru services of any type;

(ii) Major service and repairs, such as engine, body, frame, painting, welding, tire changes, etc.

(iii) Minor service and repairs, such as ordinary maintenance; inspections; oil, filter and fluid changes; lubrication and incidental repair;

(iv) Outdoor vending machines, except for pressurized air service;

(v) Taxi service, and vehicle towing, storage and off-site parking;

(vi) Vehicle parts and supplies sales;

(vii) Vehicle sales, rental and leasing; and

(viii) Vehicle washing and detailing.

(3) Underground Tanks, Dispenser Islands, Canopies and Other Fixtures

(a) All gasoline, diesel and other automotive fuels shall be stored underground at least five feet (5ø) from any street or property line. No gasoline dispenser shall be erected within twenty feet (20ø) of any street or property line.

(b) Canopies shall be either flat or A-framed.

(i) Flat canopies: The maximum height of the canopy shall be sixteen (16) feet measured from grade, which includes the canopy band. The canopy band shall not exceed two (2) feet in width.

(ii) A-frame canopies. The minimum height of the underside of the canopy shall be fourteen (14) feet as measured from the grade to the lowest point of the canopy. The maximum height of the canopy as measured from grade to the peak of the A-frame exterior shall be twenty-two (22) feet. No signs or bands are permitted along the eave, fascia or soffit edge of an A-frame canopy.

(iii) All canopies shall be set back at least ten feet (10ø) from property lines, after any required public right-of-way improvements.

(c) Individual canopies shall have a maximum area of 7,500 square feet; multiple canopies shall be separated by a minimum distance of thirty feet (30ø).

(d) No more than twenty percent (20%) of the total lot area shall be covered by canopies.

- (e) Canopies shall have a minimum bottom clearance height of fourteen feet (14~~0~~) measured from grade to the underside of the canopy and maximum top height of twenty-two feet (22~~0~~).
- (f) Solar panels installed on flat or slanted canopies may exceed the maximum top canopy height.
- (g) The light source (luminaire) for canopies shall not be visible from adjacent properties and roadways. The light source shall be flush with the under-surface of the canopy such that no glare should be visible from the fixture.
- (h) Canopies shall maintain the same architectural character and color palette of the principal structure.
- (i) Stormwater runoff from all canopies shall be channeled underground ~~to a stormwater management facility~~ and shall not be permitted to flow across the site.
- (j) All fuel tanks shall be installed underground, except tanks less than 1,100 gallons in size used only for the storage of kerosene, and corralled storage areas for propane gas cylinder exchange operations.
- (k) Tank vents measuring ten feet (10~~0~~) or greater shall be painted black, screened or incorporated into the building architecture.
- (l) Windows. Architectural Elements or details. Windows are to be color-treated and the color(s) shall be complimentary to the overall color scheme and design of the building.

Section II. Amendment. Existing Sections D.I., D.J. and D.K. of the Southern Gateway Redevelopment Plan, and the Gateway Commercial ó South (GWC-S) Zoning District, are hereby revised as follows, with additional text indicated by the underlining and deletions noted by strike-through of the deleted text:

Section D.I Site Planning Principles.

í 6. The provisions set forth for site planning, design and landscaping are amended to indicate specifically that the site planning standards are guidelines; exceptions from these guidelines may be granted by the Planning Board as design waivers in approving the overall architecture and site plan for the proposed building and/or development.

D.J (Building Design Guidelines);

í 8. Windows.

~~(g)~~ (h). Fixed or retractable awnings are permitted at ground floor levelí

i. Architectural Elements or details. Windows are to be color-treated and the color(s) shall be complimentary to the overall color scheme and design of the building.

9. d. Towers are recommended on buildings located in prominent positions requiring special architectural treatment such as clock towers. ~~Towers shall not extend more than fifteen feet (15~~0~~) above the roof ridge line. Any tower structure shall be proportionate to the mass of the main structure and They shall be in character with the architectural style of the building. A tower's floor plan shall not exceed fifteen feet (15~~0~~) by fifteen feet (15~~0~~).~~

10. The provisions set forth for building design are amended to indicate specifically that the building design standards are guidelines; exceptions from these

guidelines may be granted by the Planning Board as design waivers in approving the overall architecture and site plan for the proposed building and/or development.

D.K (Landscaping)

í 10. The provisions set forth for landscaping are hereby amended to provide that said provisions are guidelines; exceptions from these guidelines may be granted by the Planning Board as design waivers in approving the overall landscape design and site plan for the proposed building and/or development.

Section Two. Repealer, severability and effective date.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.

Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.

BORDENTOWN TOWNSHIP COMMITTEE