

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: APRIL 18, 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:

1. Environmental Litigation Matters: Transco Compressor Station
Waste Management Lanfill
Elcon Hazardous Waste Facility
SRL Pipeline
Penn East
2. Litigation/Negotiation/Attorney-Client Privilege re: 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. Presentation of Certificates of Appreciation for Volunteers of the Haunted Hayride Event.
7. Presentation by Ed Fox, Burlington County Bridge Commission, regarding Burlington County's River Route Strategic Plan.
8. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2016-109-9 through #2016-109-19.
9. Resolution #2016-109-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 10. Resolution #2016-109-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 11. Resolution #2016-109-11 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 12. Resolution #2016-109-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 13. Resolution #2016-109-13 entitled RELEASE OF PERFORMANCE GUARANTEE FOR RIVERGATE URBAN RENEWAL COMPANY, LLC, (BORDENTOWN WATERFRONT, PHASE 1A), BURLINGTON STREET, BLOCK 140, LOT 5.01.
 14. Resolution #2016-109-14 entitled A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED TAX BILLS FOR THE YEAR OF 2016.
 15. Resolution #2016-109-15 entitled APPROVING RAFFLE LICENSE #RL:427.
 16. Resolution #2016-109-16 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.
 17. Resolution #2016-109-17 entitled RESOLUTION ACCEPTING PROPOSAL FROM BLACK LAGOON FOR POND MANAGEMENT PROGRAM LOCATED AT NORTHERN COMMUNITY PARK.

18. Resolution #2016-109-18 entitled AMENDING RESOLUTION #2011-255-10 ENTITLED ESTABLISHING LICENSE AND PERMIT FEES FOR THE TOWNSHIP OF BORDENTOWN.
19. Resolution #2016-109-19 entitled AUTHORIZING THE SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION FOR THE YEAR 2015.
20. 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.
21. Public Hearing on 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.
22. Consideration of Adoption 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. Public Hearing on Ordinance #2016-7 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT ZONE.
24. Consideration of Adoption of Ordinance #2016-7 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT ZONE.
25. Township Committee discussion of Safe Routes to Schools Grant.
26. Township Committee and Staff Reports.
27. Public Participation.

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

RESOLUTION #2016-109-9

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 18, 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.

04/18/16

RESOLUTION #2016-109-10

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 April 4, 2016, and the Regular Meeting of April 4, 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 March 2016 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction, Community Development.

04/18/16

RESOLUTION #2016-109-11

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 \$3379.24 to Investors Bank for Block 41 Lot 9 commonly known as 10 Spruce Ave.

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 \$175 to AJ PERRI for Block 51.01 Lot 14.01 commonly known as 21 AMBOY ROAD.

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 \$564.72 to ORTIZ, DEBBIE & ANGEL for Block 108 Lot 2 commonly known as 32 YORKTOWN ROAD.

04/18/16

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-109-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00010 was redeemed on March 8, 2016, in the amount of \$570.50.

WHEREAS, US BANK C/F PC6 LLC STERLING, paid tax sale premium, in the amount of \$1200.00 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 \$1200.00 to US BANK C/F PC6, LLC STERLING; for Lien 14-00010, Block 68 Lot 18 commonly known as 9 THORNTOWN LANE.

JCE
04/18/16

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEES FOR

**Rivergate Urban Renewal Company, LLC (Bordentown Waterfront, Phase
1A)**

**Burlington Street
BLOCK: 140 LOT: 5.01**

RESOLUTION NO.2016-109-13

WHEREAS, Rivergate Urban Renewal Company, LLC is the owner of a certain block and lot within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the said block and lot, known as Bordentown Waterfront, Phase 1A, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees ensuring the satisfactory installation of certain on-tract improvements; in the form of a \$3,085,823.52 Surety Bond, #0597225, dated December 6, 2012, issued by IFIC; and a \$342,869.28 Letter of Credit, #OD13001820, dated May 15, 2013, issued by Valley National Bank; and

WHEREAS, Rivergate Urban Renewal Company, LLC was subsequently granted a reduction of the performance guarantee from the Township Committee by Resolution No. 2015-054-14, with the reduced amounts being: \$1,094,632.33 Surety Bond, and \$121,625.81 Letter of Credit, and

WHEREAS, Rivergate Urban Renewal Company, LLC has notified the Township Committee in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53.d, stating that the required improvements, which are the subject matter of the aforementioned guarantees, have been completed, and has requested a release of said performance guarantees; and

WHEREAS, the Frederick Turek, PE, Engineer, has inspected all the improvements of which notice has been given and has filed a report in writing, dated March 11, 2016, with the Director of Community Development and has recommended that the Township Committee approve the release of the performance guarantees, WITH CERTAIN CONDITIONS; and

WHEREAS, the Township Committee has reviewed said request and report and desires to act favorably with respect to the Engineer's recommendations in accordance with N.J.S.A. 40:55D-53.d.

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

1. That the Township Committee, for the aforementioned reasons, hereby approves release of the Performance Guarantees, SUBJECT TO THE FOLLOWING CONDITIONS:
 - a. Posting of a 2-year Maintenance Guarantee for the site improvements in the amount of \$428,586.60.
 - b. Posting of a Performance Guarantee in the amount of \$7,200.00 to ensure completion of a Bus Shelter on Burlington Road.

- c. Posting of a Performance Guarantee in the amount of \$47,400.00 to ensure completion of storm sewer repairs as detailed in the Turek Consulting, LLC letter dated March 7, 2016.
2. That the Community Development Director is authorized to release the current guarantees only upon prior receipt of the aforementioned guarantees in the amounts indicated above, subject to the acceptance of the Township Attorney.
3. That the Township Clerk is directed to forward a certified copy of this resolution to: Rivergate Urban Renewal Company, LLC, c/o Jeffrey Albert, 19 Longview Drive, Princeton, NJ 08540.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION# 2016-109-14

**A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED
TAX BILLS FOR THE YEAR OF 2016**

WHEREAS, the Division of Local Government Services, State of New Jersey has the authority by State Statute to examine, review and then certify all local government budgets to the County Board of Taxation for the purpose of real estate taxation, and

WHEREAS, the Burlington County Board of Taxation has not yet received certification of the Township of Bordentown's budget and cannot strike a tax rate until such certification is received from the State of New Jersey and will therefore cause the delay in receiving state funding, and

WHEREAS, the Township Committee has determined that there will be insufficient cash flow to support operations in August 2016 unless third quarter revenue is received on time, and

WHEREAS, the Tax Collector and the Chief Financial Officer have reviewed and computed an estimated tax levy in accordance with N.J.S.A. 54:4-66.3,

NOW THEREFORE, BE IT RESOLVED, that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, hereby authorized that:

1. The Tax Collector is directed to prepare and issue estimated tax bills for the Municipality of Bordentown Township for the third quarter 2016, in accordance with the provisions of N.J.S.A. 54:4-66.2et seq.
2. The entire estimated tax levy for 2016 is hereby set at \$36,484,838.86
3. The Tax Collector takes any additional steps necessary to immediately implement this resolution.

BE IT FURTHER RESOLVED, that the Municipal Clerk provides a certified copy of this resolution to the Tax Collector.

JCE
04/18/16

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-109-15

APPROVING RAFFLE LICENSE #RL:427

WHEREAS, the Order of the Eastern Star, Bordentown #257 has filed an application with the Township of Bordentown to hold a 50/50 Raffle at the Scottish Rite located at 103 Dunns Mill Road in the Township of Bordentown on October 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:427 be issued to the Order of the Eastern Star, Bordentown #257, with the stipulation that the proceeds be used to raise money for charities, to be distributed at the end of the fiscal year April 2017.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/18/16

RESOLUTION #2016-109-16

AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC T/A CHICKIEØS AND PETEØS

WHEREAS, 130 Crabco NJ, LLC, located at 183 Route 130 North, Bordentown, NJ 08505, has filed an application for a Public Gathering Permit to take place at ChickieØs & PeteØs in the Township of Bordentown on May 5, 2016; 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 130 Crabco NJ, LLC, t/a ChickieØs and Petes.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/18/16

RESOLUTION #2016-109-17

RESOLUTION ACCEPTING PROPOSAL FROM BLACK LAGOON FOR POND MANAGEMENT PROGRAM LOCATED AT NORTHERN COMMUNITY PARK

WHEREAS, Black Lagoon has submitted a proposal to provide pond management services for the Northern Community Park pond; and

WHEREAS, the Township Committee wishes to accept a proposal from Black Lagoon for pond management services in the amount of \$3,750; and

WHEREAS, there is a permit fee required in the amount of \$250.00; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Black Lagoon in the amount of \$3,750 with an additional \$250.00 to acquire the necessary permit to cover the pond management services for the pond at Northern Community Park.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/18/16

RESOLUTION #2016-109-18

AMENDING RESOLUTION #2011-255-10 ENTITLED ESTABLISHING LICENSE AND PERMIT FEES FOR THE TOWNSHIP OF BORDENTOWN

WHEREAS, the Township Committee adopted Ordinance #2001-15 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING ORDINANCE SECTION 19-1 ESTABLISHING THE FEE SCHEDULE FOR LICENSES AND PERMITS; and

WHEREAS, Ordinance #2001-15 amended said section of the code of the Township of Bordentown to allow license and permit fees to be established by majority vote resolution of the Township Committee;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that in accordance with Ordinance #2001-15 that the license and permit fees set forth below shall be as follows:

<u>PERMITS/LICENSES</u>	<u>FEE AMOUNT</u>
Liquor Licenses:	
Distribution Licenses	\$1,880.00 annually
Consumption Licenses	\$2,000.00 annually
Club Licenses	\$ 150.00 annually
Vending Machine:	\$40.00 per machine
Raffle License:	established by State of N.J.
Bingo License:	established by State of N.J.
Mobile Home Parks:	
Annual License Fee:	\$4,000.00 annually
Monthly Lot Fees:	\$50.00 per mobile home
Taxi Cabs and Cab Drivers:	
Cabs:	\$50.00 annually
Drivers:	\$25.00 annually
Motor Vehicle Dealer License:	\$1,000.00 annually
Food Handling License:	\$200.00 plus \$2.00 per seat annually
Automatic Coin Operated Machines:	\$125.00 per machine Annually

Business Licenses: (Hotel/Motel business licenses)	\$100.00 annually additional \$5.00 per room
Pet Shop/Kennel/Shelter/Pound 10 dogs or less More than 10 dogs	\$25.00 annually \$50.00 annually
Bowling Alley:	\$50.00 per alley
Adult Bookstore License: Bookstore Mini Motion Picture Theater	\$2,000.00 annually \$1,500.00 plus \$50.00 each machine or booth annually
Assessment Searches:	\$10.00 per search
Soliciting Permits: Profit Organizations One-Day Special Permit (Municipal or Civic Events) Non-profit Organizations	\$200.00 \$25.00 No Fee
Public Gatherings:	\$250.00
Dog and Cat Licenses: Spayed/Neutered Non-spayed/Neutered Late Fee	\$8.00 \$11.00 \$5.00
Chicken License:	\$10.00
Sunshine Notice Fee:	\$10.00
Photocopies: 8.5" x 11" 8.5" x 14"	\$.05 per page \$.07 per page
Marriage Licenses:	\$28.00
Domestic Partnership:	\$28.00
Civil Unions	\$28.00
Certified copies of Death, Birth, Marriage, Civil Unions and Domestic Partnership Licenses	\$10.00 per copy

Burial/Dis-Internment Permit	\$5.00
Housing Inspection Fees:	
Resale	\$100.00
Rental/Change in tenancy	\$80.00
Northern Community Park/ Joseph Lawrence Park Rental/ Senior Community Center	\$50.00 application fee
Northern Community Park Warming Room Use Permit Fee	\$100.00 for non-residents
Northern Community Park Warming Room Use Permit Key/Maintenance Deposit Fee	\$250.00 refundable upon return of key and maintenance inspection
Joseph Lawrence Park Use Permit Fee	\$50.00 for non-residents
Joseph Lawrence Park Use Permit Key/Maintenance Deposit Fee	\$250.00 refundable upon return of key and maintenance inspection
Senior Community Center Use Permit Fee	\$100.00 for non-residents
Senior Community Center Use Permit Key/Maintenance Deposit Fee	\$250.00 refundable upon return of key and maintenance inspection
Late Fees for Licenses	\$10.00 after due date
Fingerprinting for Business Applications	\$100.00

BE IT FURTHER RESOLVED that the following fee schedule shall apply to Road Opening Permits:

<u>AREA</u>	<u>PERMIT</u>	<u>RESTORATION DEPOSIT</u>
0-25 sf	\$25.00	\$300.00
Over 25 sf ó 150 sf	\$1.00/sf	\$300.00 + \$3.00/sf over 25 sf
Over 150 sf ó 500 sf	\$150.00	\$300.00 + \$3.00/sf over 25 sf

For any opening over 500 sf or should the Township determine that the nature and/or duration of the opening requires that an inspector be present during the operation, the permit fees, inspection fees and restoration deposit shall be determined by the Township Engineer and the Director of Public Works.

Re-Inspection Fee: \$25.00 per inspection

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that the aforementioned fees set forth be and are hereby approved.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/18/16

RESOLUTION #2016-109-19

AUTHORIZING THE SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION FOR THE YEAR 2015

- WHEREAS,** The Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grant may be made to municipalities in order to encourage local source separation and recycling programs; and
- WHEREAS,** It is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and
- WHEREAS,** The New Jersey Department of Environmental Protection has promulgated recycling regulations to implement the Mandatory Source Separation and Recycling Act; and
- WHEREAS,** The recycling regulations impose on municipalities certain requirements as a condition for applying for tonnage grants, including but not limited to, making and keeping accurate, verifiable records of materials collected and claimed by the municipality; and
- WHEREAS,** A resolution authorizing this municipality to apply for the **2015 Recycling Tonnage Grant** will memorialize the commitment of this municipality to recycling and to indicate the assent of the Bordentown Township Committee to the efforts undertaken by the municipality and the requirements contained in the Recycling Act and recycling regulations; and
- WHEREAS,** Such a resolution acknowledges Tom Sahol of the Township of Florence as a *Certified Recycling Professional* to ensure the application is properly completed and timely filed under the law.

NOW THEREFORE BE IT RESOLVED that the Township of Bordentown hereby endorses the submission of the recycling tonnage grant application to the New Jersey Department of Environmental Protection and designates Thomas A. Sahol, NJ Certified Recycling Professional, to ensure that the application is properly filed; and

BE IT FURTHER RESOLVED that the monies received from the recycling tonnage grant be deposited in a dedicated recycling trust fund to be used solely for the purposes of recycling.

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 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/18/16

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.

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
<u>Period or Average Period of Usefulness:</u>	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 with a convenience store 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.

1 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);

1 8. Windows.

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

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