

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: SEPTEMBER 12, 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 Contract Matters: Public Works Vehicles, EMS Vehicles, Public Works Expansion Project; Administrative Personnel Matter.

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

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

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2016-256-7 through #2016-256-20.
7. Resolution #2016-256-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS; PAYMENT OF BILLS.
 8. Resolution #2016-256-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND CORRESPONDENCE.
 9. Resolution #2016-256-9 entitled SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND, RESOLUTION TO RENEW.
 10. Resolution #2016-256-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 11. Resolution #2016-256-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 12. Resolution #2016-256-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 13. Resolution #2016-256-13 entitled APPROVING RAFFLE LICENSE #RL:435.
 14. Resolution #2016-256-14 entitled APPROVING RAFFLE LICENSE #RL:436.
 15. Resolution #2016-256-15 entitled APPROVING RAFFLE LICENSE #RL:437.
 16. Resolution #2016-256-16 entitled APPROVING RAFFLE LICENSE #RL:438.
 17. Resolution #2016-256-17 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 18. Resolution #2016-256-18 entitled RESOLUTION TO APPOINT PART-TIME CROSSING GUARD.
 19. Resolution #2016-256-19 entitled RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION IN ACCORDANCE WITH N.J.S.A. 40A:4-46.
 20. Resolution #2016-256-20 entitled RESOLUTION TO APPOINT INTERIM COMMUNITY DEVELOPMENT DIRECTOR.
 21. Consideration of Adoption of Ordinance #2016-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH PERMIT AND FEE SCHEDULE.
 22. Consideration of Introduction of Ordinance #2016-11 entitled AN ORDINANCE TO AMEND ORDINANCE #2016-8 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

23. Consideration of Introduction of Ordinance #2016-12 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.
24. Township Committee discussion of Veterans Day Ceremony.
25. Township Committee and Staff Reports.
26. Public Participation.

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

ALL PROPOSED LEGISLATION LISTED BELOW IS SUBJECT TO CHANGE AND IS CONSIDERED TO BE A DRAFT UNTIL IT IS OFFICIALLY ADOPTED BY GOVERNING BODY.

RESOLUTION #2016-256-7

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated September 12, 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.

09/12/16

RESOLUTION #2016-256-8

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of August 15, 2016, and the Regular Meeting of August 15, 2016, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT FURTHER RESOLVED that the following items of correspondence are to be received and/or acted upon:

- a. Memorandum to Township Committee from Jeffrey Elsasser, Tax Collector, dated September 12, 2016, regarding 2016 Tax Sale of 2015 Outstanding Taxes and Premium Status as of 09/12/16.

09/12/16

RESOLUTION NO. 2016-256-9

SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND

RESOLUTION to RENEW

WHEREAS, a number of public entities in the State of New Jersey have joined together to form the **Southern New Jersey Regional Employee Benefits Fund**, hereafter referred to as "FUND", as permitted by N.J.S.A. 11:15-3, 17:1-8.1, and 40A:10-36 et seq., and;

WHEREAS, the FUND was approved to become operational by the Departments of Insurance and Community Affairs and has been operational since that date, and;

WHEREAS, the statutes and regulations governing the creation and operation of a joint insurance fund, contain certain elaborate restrictions and safeguards concerning the safe and efficient administration of the public interest entrusted to such a FUND;

WHEREAS, the governing body of the Township of Bordentown, hereinafter referred to as "LOCAL UNIT" has determined that membership in the FUND is in the best interest of the LOCAL UNIT.

NOW, THEREFORE, BE IT RESOLVED that the governing body of the LOCAL UNIT hereby agrees as follows:

- i. Become a member of the FUND for the period outlined in the LOCAL UNIT's Indemnity and Trust Agreements.
- ii. Will participate in the following type (s) of coverage (s):
 - a.) Health Insurance as defined pursuant to N.J.S.A. 17B:17-4, the FUND's Bylaws, and Plan of Risk Management.
- iii. Adopts and approves the FUND's Bylaws.
- iv. Execute an application for membership and any accompanying certifications.

BE IT FURTHER RESOLVED that the governing body of the LOCAL UNIT is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying membership in the FUND as required by the FUND's Bylaws, and to deliver these documents to the FUND's Executive Director with the express reservation that these documents shall become effective only upon:

- i. Approval of the LOCAL UNIT by the FUND.
- ii. Receipt from the LOCAL UNIT of a Resolution accepting assessment.
- iii. Approval by the New Jersey Department of Insurance and Department of Community Affairs.

Southern New Jersey Regional Employee Benefits Fund

ADOPTED: _____

Date

BY: _____

ATTEST: _____

SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND
INDEMNITY AND TRUST AGREEMENT

THIS AGREEMENT made this 12th day of September, 2016, in the County of Burlington, State of New Jersey,

By and Between the **Southern New Jersey Regional Employee Benefits Fund** referred to as "FUND" and the governing body of the Township of Bordentown a duly constituted LOCAL UNIT OF GOVERNMENT, hereinafter referred to as "LOCAL UNIT".

WITNESSETH:

WHEREAS, the governing bodies of various local units of government, as defined in N.J.A.C. 11:15-3.2, have collectively formed a Joint Insurance Fund as such an entity is authorized and described in N.J.S.A. 40A:10-36 et. seq. and the administrative regulations promulgated pursuant thereto; and

WHEREAS, the LOCAL UNIT has agreed to become a member of the FUND in accordance with and to the extent provided for in the Bylaws of the FUND and in consideration of such obligations and benefits to be shared by the membership of the FUND;

NOW THEREFORE, it is agreed as follows:

1. The LOCAL UNIT accepts the FUND's Bylaws as approved and adopted and agrees to be bound by and to comply with each and every provision of said Bylaws and the pertinent statutes and administrative regulations pertaining to same.

2. The LOCAL UNIT agrees to participate in the FUND with respect to health insurance, as defined in N.J.S.A. 17B:17-4, and as authorized in the LOCAL UNIT's resolution to join.

3. The LOCAL UNIT agrees to become a member of the FUND and to participate in the health insurance coverages offered for an initial period, (subject to early release or termination pursuant to the Bylaws), such membership to commence on **January 1, 2017** and ending on **December 31, 2019** at 12:01 AM provided, however, that the LOCAL UNIT may withdraw at any time upon 90 day written notice to the FUND.

4. The LOCAL UNIT certifies that it has never defaulted on payment of any claims if self-insured and has not been cancelled for non-payment of insurance premiums for a period of at least two (2) years prior to the date of this Agreement.

5. In consideration of membership in the FUND, the LOCAL UNIT agrees that it shall jointly and severally assume and discharge the liability of each and every member of the FUND, for the periods during which the member is receiving coverage, all of whom as a condition of membership in the FUND shall execute an Indemnity and Trust Agreement similar to this Agreement and by execution hereto, the full faith and credit of the LOCAL UNIT is pledged to the punctual payments of any sums which shall become due to the FUND in accordance with the Bylaws thereof, this Agreement or any applicable Statute. However, nothing herein shall be construed as an obligation of the LOCAL UNIT for claims and expenses that are not covered by the FUND, or for that portion of any claim or liability within the LOCAL UNIT retained limit or in an amount which exceeds the FUND's limit of coverage.

6. If the FUND in the enforcement of any part of this Agreement shall incur necessary expenses or become obligated to pay attorney's fees and/or court costs, the LOCAL UNIT agrees to reimburse the FUND for all such reasonable expenses, fees, and costs on demand.

7. The LOCAL UNIT and the FUND agree that the FUND shall hold all moneys in excess of the LOCAL UNIT's retained loss fund paid by the LOCAL UNIT to the FUND as fiduciaries for the benefit of FUND claimants all in accordance with N.J.A.C. 11:15-3 et. seq.

8. The FUND shall establish and maintain Claims Trust Accounts for the payment of health insurance claims in accordance with N.J.S.A. 40A:10-36 et. seq., N.J.S.A. 40A:5-1 and such other statutes and regulations as may be applicable. More specifically, the aforementioned Trust Accounts shall be utilized solely for the payment of claims, allocated claim expense and stop loss insurance or reinsurance premiums for each risk or liability as follows:

- a) Employer contributions to group health insurance
- b) Employee contributions to contributory group health insurance
- c) Employer contributions to contingency account
- d) Employee contributions to contingency account
- e) Other trust accounts as required by the Commissioner of Insurance

9. Notwithstanding 8 above, to the contrary, the FUND shall not be required to establish separate trust accounts for employee contributions provided the FUND provides a plan in its Bylaws for the recording and accounting of employee contributions of each member.

10. Each LOCAL UNIT of government who shall become a member of the FUND shall be obligated to execute an Indemnity and Trust Agreement similar to this Agreement.

SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND

ADOPTED: _____
Date

BY: _____
MAYOR

ATTEST: _____

RESOLUTION #2016-256-10

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00018 was redeemed on AUGUST 11, 2016, in the amount of \$4645.08.

WHEREAS, US BANK C/F ACTLIEN HOLDING, 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 ACTLIEN HOLDING; for Lien 15-00018, Block 92.06 Lot 22.118 Qual C.118 commonly known as 1 DEERFIELD COURT.

JCE
09/12/16

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 September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-256-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00016 was redeemed on AUGUST 11, 2016, in the amount of \$478.89.

WHEREAS, US BANK C/F PC6, LLC STERLING, paid tax sale premium, in the amount of \$1100.00 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 \$1100.00 to US BANK C/F PC6, LLC STERLING; for Lien 14-00016, Block 92.06 Lot 22.118 Qual C.118 commonly known as 1 DEERFIELD COURT.

JCE
09/12/16

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 September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-256-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00029 was redeemed on AUGUST 15, 2016, in the amount of \$13,462.30.

WHEREAS, MTAG C/F EMPIRE VIII NJ, paid tax sale premium, in the amount of \$3,000.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$3,000.00 to MTAG C/F EMPIRE VIII NJ; for Lien 15-00029, Block 137.02 Lot 8 commonly known as 2447 OLD YORK ROAD.

JCE
09/12/16

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 September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2016-256-13

APPROVING RAFFLE LICENSE #RL:435

WHEREAS, the Central and South Jersey Affiliate of Susan G. Komen For the Cure has filed an application with the Township of Bordentown to hold a Raffle at the Bordentown Elks Lodge located at 11 Amboy Road in the Township of Bordentown to be held on October 7, 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:435 be issued to the Central and South Jersey Affiliate of Susan G. Komen For the Cure, with the stipulation that the proceeds be used to provide breast cancer research programs, along with breast cancer screenings and research programs.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-14

APPROVING RAFFLE LICENSE #RL:436

WHEREAS, the Rotary Club of Bordentown has filed an application with the Township of Bordentown to hold a Raffle at the Bordentown Elks Lodge located at 11 Amboy Road in the Township of Bordentown to be held on October 20, 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:436 be issued to the Rotary Club of Bordentown, with the stipulation that the proceeds be used towards Bordentown Rotary Club Charities and Scholarship Fund.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-15

APPROVING RAFFLE LICENSE #RL:437

WHEREAS, the BRHS Huddle Club has filed an application with the Township of Bordentown to hold a Raffle at the Bordentown Regional High School located at 318 Ward Avenue in the Township of Bordentown to be held on October 21, 2016, and October 28, 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:437 be issued to the BRHS Huddle Club, with the stipulation that the proceeds are to be used to purchase equipment, supply pasta dinners, provide an end of year banquet with awards to the Bordentown Township Regional High School Football Team.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-16

APPROVING RAFFLE LICENSE #RL:438

WHEREAS, the Northern Burlington Wrestling Boosters has filed an application with the Township of Bordentown to hold a Raffle at the Bordentown Elks Lodge located at 11 Amboy Road in the Township of Bordentown to be held on October 15, 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:438 be issued to the Northern Burlington Wrestling Boosters with the stipulation that the proceeds be used as a Northern Burlington High School Wrestling Fundraiser.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-17

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00007 was redeemed on AUGUST 25, 2016, in the amount of \$253.72.

WHEREAS, LORAMARK CAPITAL, LLC, 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 LORAMARK CAPITAL, LLC; for Lien 15-00007, Block 54 Lot 17 commonly known as 62 E EDGEWOOD DRIVE.

JCE
09/12/16

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 September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-18

RESOLUTION TO APPOINT PART-TIME CROSSING GUARD

WHEREAS, Ms. Virginia LeWallen has resigned her position as Crossing Guard with the Township of Bordentown; and

WHEREAS, there is a need to appoint a crossing guard for the new school year and an application has been received from Mr. Robert Mangus for this position; and

WHEREAS, due the start date of the new school year being September 6, 2016, there was a need for the Township Clerk to conduct an electronic poll of the governing body members to seek approval to appoint Mr. Mangus to this position prior to the next Township Committee meeting scheduled for September 12, 2016; and

WHEREAS, Clerk Eckert did receive an affirmative vote of the governing body members through the electronic poll, with each electronic vote attached to this resolution as part of the official record;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Robert Mangus to the position of part-time Crossing Guard, effective September 6, 2016, at an hourly rate of \$10.75.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-19

RESOLUTION AUTHORIZING AN EMERGENCY APPROPRIATION IN ACCORDANCE WITH
N.J.S.A. 40A:4-46

WHEREAS, an emergency has arisen with respect to SETTLEMENTS AND JUDGEMENTS and, no adequate provision was made in the 2016 budget for the aforesaid purpose, and NJS 40A:4-46 provides for the creation on an emergency appropriation for the purpose mentioned above, and

WHEREAS, the total amount of the emergency appropriations created, including the appropriation to be created by this resolution is \$190,010.49 and three (3) percent of the total operating appropriations in the budget for 2015 is \$279,373.61 and

WHEREAS, the foregoing appropriation together with prior appropriations does not exceed three (3) percent of the total operating appropriations (including utility operation appropriations) in the budget for 2016,

NOW, THEREFORE, BE IT RESOLVED, (by not less than 2/3 of all governing body members affirmatively concurring) that in accordance with N.J.S.A. 40A:4-48:

1. An emergency appropriation is hereby made for SETTLEMENTS AND JUDGEMENTS - *OTHER EXPENSES* in the amount of \$190,010.49
2. That said emergency appropriation shall be provided for in full in the 2017 budget, and is requested to be excluded from CAPS, pursuant to NJS 40A:4-53.3c(1)
3. That two (2) certified copies of this resolution be filed with the Director of the Division of Local Government Services

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

RESOLUTION #2016-256-20

RESOLUTION TO APPOINT INTERIM COMMUNITY DEVELOPMENT DIRECTOR

WHEREAS, there is a need to appoint an Interim Community Development Director for the Township of Bordentown; and

WHEREAS, an immediate appointment to this position is necessary, thereby requiring the Township Clerk to conduct an electronic poll of the governing body members to seek approval to appoint Mr. Fred Turek to this position prior to the next Township Committee meeting scheduled for September 12, 2016; and

WHEREAS, Clerk Eckert did receive an affirmative vote of the governing body members through the electronic poll, with each electronic vote attached to this resolution as part of the official record;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Fred Turek to the position of Interim Community Development Director, effective September 6, 2016, at an hourly rate of \$60.00; and

BE IT FURTHER RESOLVED that this appointment shall be on an as-needed basis; and

BE IT FURTHER RESOLVED that with this appointment and in accordance with the Bordentown Township's Municipal Land Use Code Mr. Turek shall also serve as the Zoning Officer at no additional compensation.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 12, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

09/12/16

ORDINANCE #2016-11

AN ORDINANCE TO AMEND ORDINANCE #2016-8 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

BE IT ORDAINED an enacted Ordinance by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey, as follows:

SECTION 2. Section 2 of Ordinance #2016-8 is hereby amended as follows:

ANNUAL SALARIES

CHIEF FINANCIAL OFFICER 5,000.00– 115,000.00

HOURLY SALARIES

ANIMAL CONTROL OFFICER \$10.00 - \$25.00

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and shall remain in effect until such time as amendments are required. No rights are created beyond the effective period of this ordinance.

SECTION 7. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. Severability. In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of the ordinance, which are hereby declared to be severable.

TOWNSHIP OF BORDENTOWN

ORDINANCE 2016-12

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

WHEREAS, the Township has adopted an Ordinance creating the Southern Gateway Redevelopment Area to encourage the redevelopment and revitalization of the land areas within this Redevelopment Area; and

WHEREAS, the Redevelopment Area was designated as a Redevelopment area 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, along Routes 130 and 206, in the Southern Gateway Redevelopment Area; and

WHEREAS, the Township adopted the Ordinance creating the Southern Gateway Redevelopment Area after its last Master Plan review in 2008; and

WHEREAS, the Bordentown Township Planning Board reviewed the Southern Gateway Redevelopment Area and found the Redevelopment Area to be consistent with the goals and purposes of the Township's Master Plan; and

WHEREAS, the Township Committee finds that the proposed amendments to the Southern Gateway Redevelopment Area, to revise certain definitions, design standards and other standards in the Southern Gateway Redevelopment Area, are substantially consistent with the goals and objectives of Bordentown Township's most recent Master Plan adopted in 2008, as it relates to the goals for planning, land use development and redevelopment, and the specific recognition in the Township's Master Plan about the need to address changing economic circumstances; and

WHEREAS, the Township Committee further notes that Southern Gateway Redevelopment Plan as adopted, expressly permits automobile filling stations and convenience stores and further that the Township Code also provides for automobile filling stations and convenience stores; and

WHEREAS, the Township Committee finds that the proposed amendments to the definitions, design standards and other standards in the Southern Gateway Redevelopment Area are substantially consistent with the goals and objectives of Bordentown Township's most recent Master Plan. The Master Plan recognized that there changing economic circumstances and other changes which prompted evolving standards in land use and development such that it is appropriate to recognize and incorporate new or evolving types of uses including those contemplated herein, which amendment is designed to effectuate the specific intent of the Township's Master Plan;

WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area and the definitions are consistent with Bordentown Township's adopted Code or Zoning Plan, as amended, as it relates to the designation of uses and that the proposed amendments are designed to effectuate the stated goals and the intent of the Master Plan;

WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area are designed to provide greater clarity as to the definition of certain terms and of certain design standards required; and

WHEREAS, the Township Committee finds that to the extent that the proposed amendment to the Southern Gateway Redevelopment Plan, may be "inconsistent" with the precise letter of the 2008 Master Plan, it is consistent with the stated goals and the legislative intent of the Master Plan, which specifically provides for, anticipates and encourages the re-examination of the types of uses permitted and zoning requirements in Redevelopment areas such as the Southern Gateway Redevelopment Area; and

WHEREAS, to the extent that the proposed amendments to the Southern Gateway Redevelopment Area may not be consistent with the Township's most recently adopted Master Plan, the Township Committee finds that the proposed amendments are appropriate amendments to provide clarity as to design standards and will promote the goal of responding to evolving economic conditions and will further fulfill the goals, purposes and intent of the Master Plan; and

WHEREAS, the Township Committee finds that the Master Plan's recommendation to review and consider different types of uses to be permitted and zoning requirements, anticipated and envisioned additional uses, such as automobile filling stations and convenience stores (which are provided for in the Township Code) such that even to the extent that the proposed revisions may be deemed to be inconsistent with the letter of the Master Plan, the clear intent and purpose of the Master Plan is fulfilled by the proposed amendments which are made in view of changing economic circumstances and evolution of certain types of uses, such as automobile filling stations and convenience stores; and

WHEREAS, by Ordinance #2016-7, introduced on or about April 4, 2016 and adopted after second reading, the Township Committee enacted legislation to revise certain design standards and definitions within the Southern Gateway Redevelopment Plan affecting the Southern Gateway Redevelopment area, which Ordinance was substantially consistent with the goals and objectives of the Redevelopment designation and plan as well as with the Master Plan; and

WHEREAS, in order to ensure that the adoption of the legislation revising certain design standards and definitions for the Southern Gateway Redevelopment Plan affecting the Southern Gateway Redevelopment area is appropriate and proper, the Township Committee does hereby authorize the rescission of its prior legislation, Ordinance 2016-7 upon the effective date of this Ordinance; and

WHEREAS, the Township Committee finds that the proposed amendments to definitions, design and other standards within the Southern Gateway Redevelopment Area are substantially consistent with the goals and objectives of Bordentown Township's adopted Master Plan and are designed to effectuate the master plan as the proposed amendments are a clarification and refinement of various uses envisioned and incorporated in the Township's most recent Master Plan and which were included in the Southern Gateway Redevelopment Plan originally adopted, which specifically provides for automobile filling stations and convenience stores; and

WHEREAS, in adopting the proposed amendments or revisions to the Ordinance, to the extent that such revisions to the Ordinance governing the Southern Gateway Redevelopment Area may, in any fashion, be inconsistent with the Master Plan, the Township Committee is specifically exercising its legislative initiative to enact the revisions because the proposed amendments to the Ordinance governing the Southern Gateway Redevelopment Area will further the goals and intent of the Master Plan adopted in 2008 and the Township Committee is doing so as a function of its role as the Redevelopment Authority for the Township and in recognition of the evolving economic conditions, the need for adjustment to development and design standards for this Area; and for the other reasons as stated herein and as may be set forth in the record at the hearing on the proposed amendments to the Ordinance.

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 – 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 ~~pumps~~ dispensers attendant ~~stations~~ kiosks, ~~pump~~-dispenser islands and ~~pump~~-dispenser island canopies;
 - (ii) Retail sales of motor oils and other fluids, travel aids and minor automobile accessories stored on ~~pump~~ dispenser islands. Display areas are limited to one per ~~pump~~-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 (6') feet in height;
 - (iii) Window cleaning, hand cleaning, pressurized air and water services for vehicles; and
 - ~~(iv) Propane and kerosene sales for domestic consumption;~~
 - (b) Interior accessory uses permitted. not to exceed a total Building Coverage of 10% for the principal use and accessory use(s):.
 - ~~(i) Convenience stores offering items for retail sale, such as: pre-packaged and perishable foods, 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 use and consumption;~~
 - (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 (5') from any street or property line. No gasoline ~~pump~~-dispenser shall be erected within twenty feet (20') of any street or property line.
 - (b) Canopies shall be set back at least ten feet (10') from property lines, after any required public right of way improvements 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 (10') from property lines, after any required public right-of-way improvements.

- (c) Individual canopies shall have a maximum area of 7,500 ~~6,000~~ square feet; multiple canopies shall be separated by a minimum distance of thirty feet (30').
- (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') measured from grade to the underside of the canopy and a maximum top height of twenty two feet (22').~~
- (e) Solar panels installed on flat or slanted canopies may exceed the maximum top canopy height.
- (f) ~~Lighting for canopies shall be recessed so that the bottom of the lighting fixture is flush with the underside of the canopy using a full cutoff flat lense luminaire, such that no glare should be visible from the fixture. 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.
- (g) Canopies shall maintain the same architectural character and color palette of the principal structure.
- (h) Stormwater runoff from all canopies shall be channeled underground ~~to a stormwater management facility~~ and shall not be permitted to flow across the site.
- (i) 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.
- (j) Tank vents measuring ten feet (10') or greater shall be painted black, screened with evergreen plantings and/or incorporated into the building architecture.
- (k) 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 – 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.

...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);

...8. Windows and Doors.

~~(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. Trim/eaves and other decorative building elements.

...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') 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') by fifteen feet (15').

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.

...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. Upon the effective date of this Ordinance, Ordinance # 2016-7 be and is hereby repealed. In addition, 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