

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: OCTOBER 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 October 3, 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:

- Environmental Litigation Matters: Transco Compressor Station; SRL Pipeline
- Public Works Expansion Contract Matters: Outbuildings and Emergency Generator
- Request for Proposals – Farmland Contract Matter.
- Professional Services Contract Matter – Master Plan Re-Examination.
- Attorney-Client Communication – Land Use Ordinance.
- Municipal Building Potential Contract Matter (Tentative).

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.

**Township Committee discussion with Township Auditor, Michael Cragin, regarding 2016 Payroll.

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 #2016-292-7 through #2016-292-13.
7. Resolution #216-292-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 8. Resolution #2016-292-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 9. Resolution #2016-292-9 entitled RESOLUTION AMENDING THE APPOINTMENTS OF CERTAIN MEMBERS OF THE VETERANS ADVISORY COMMITTEE.
 10. Resolution #2016-292-10 entitled RESOLUTION APPOINTING MEMBER TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.
 11. Resolution #2016-292-11 entitled RESOLUTION TO APPOINT PART-TIME ANIMAL CONTROL OFFICER.
 12. Resolution #2016-292-12 entitled APPROVING RAFFLE LICENSE #RL:440.
 13. Resolution #2016-292-13 entitled RESOLUTION TO ACCEPT A PROPOSAL FROM ARMANDO RICCIO AS SPECIAL LABOR COUNSEL FOR POLICE CONTRACT NEGOTIATIONS.
 14. Public Hearing on 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.
 15. Consideration of Adoption 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.
 16. Public Hearing on Ordinance #2016-12 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.
 17. Consideration of Adoption of Ordinance #2016-12 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.

18. Consideration of Introduction of Ordinance #2016-13 entitled AN ORDINANCE GRANTING PUBLIC SERVICE ELECTRIC & GAS A BLANKET UTILITY EASEMENT ON BLOCK 92, LOT 9.03.
19. Township Committee discussion of the Burlington County Municipal Park Development Program Grant.
20. Township Committee discussion of Best Practices Worksheet CY 2016/SFY 2017.
21. Township Committee and Staff Reports.
22. Public Participation.

Questions, comments or statements from members of the public in attendance.
23. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
24. 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 #2016-292-7

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 October 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.

10/18/16

RESOLUTION #2016-292-8

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of September 26, 2016, and the Regular Meeting of September 26, 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 September 2016 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Finance, Community Development, Construction Department and Municipal Court.

10/18/16

RESOLUTION #2016-292-9

RESOLUTION AMENDING THE APPOINTMENTS OF CERTAIN MEMBERS OF THE VETERANS
ADVISORY COMMITTEE

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby amend the appointments of certain members of the Veterans Advisory Committee, as follows:

Luisa Sanchez – 3 Year Unexpired Term Expiring 12/31/2017

Daniel Wilson – (Alt. #1) 2 Year Unexpired Term Expiring 12/31/2017

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 October 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/18/16

RESOLUTION #2016-292-10

RESOLUTION APPOINTING MEMBER TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, the Township of Bordentown has received the official written resignation of Dawn D'Alicandro from the Economic Development Advisory Committee, thereby creating a vacancy on the Committee;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby make the following appointment to the Bordentown Township Economic Development Advisory Committee:

3 Year Unexpired Term Expiring 12/31/15: Shirley Littleford

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 October 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/18/16

RESOLUTION #2016-292-11

RESOLUTION TO APPOINT PART-TIME ANIMAL CONTROL OFFICER

WHEREAS, the need has been established for a part-time Animal Control Officer to provide coverage on an as-needed basis; and

WHEREAS, the Chief of Police has received an application from Ms. Nicole Bencivengo who has expressed interest in filling this position; and

WHEREAS, the Bordentown Township Police Department has conducted the appropriate background investigation and has determined that Ms. Bencivengo possesses all necessary qualifications to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Ms. Nicole Bencivengo as a part-time Animal Control Officer effective October 24, 2016; and

BE IT FURTHER RESOLVED that compensation shall be set at \$15/hour in accordance with Ordinance #2016-11.

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 October 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/18/16

RESOLUTION #2016-292-12

APPROVING RAFFLE LICENSE #RL:440

WHEREAS, the Peter Muschal Elementary School PTA has filed an application with the Township of Bordentown to hold a Raffle at the Peter Muschal School located at 323 Ward Avenue, in the Township of Bordentown on December 3, 2016, and due to the amount not exceeding \$400, no fees are required;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that Raffle License #RL:440 be issued to the Peter Muschal Elementary School PTA, with the stipulation that the proceeds be used towards the PMES PTA.

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 October 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/18/16

RESOLUTION #2016-292-13

RESOLUTION TO ACCEPT A PROPOSAL FROM ARMANDO RICCIO AS SPECIAL LABOR COUNSEL FOR POLICE CONTRACT NEGOTIATIONS

WHEREAS, a determination has been made for the need to appoint Special Labor Counsel for Police Contract Negotiations; and

WHEREAS, the Township of Bordentown is in receipt of a proposal from Attorney Armando Riccio; and

WHEREAS, it is the desire of the Township Committee to accept the proposal from Attorney Riccio;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Attorney Armando Riccio as Special Labor Counsel for Police Contract Negotiations at an hourly rate of \$165 with an amount not to exceed \$17,500; and

BE IT FUTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute the Professional Services Agreement with Attorney Riccio.

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 October 18, 2016.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/18/16

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) 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

ORDINANCE #2016-13

**AN ORDINANCE GRANTING PUBLIC SERVICE ELECTRIC & GAS A BLANKET
UTILITY EASEMENT ON BLOCK 92, LOT 9.03**

WHEREAS, the Township is the owner in fee simple of a certain tract of real property situate in the Township of Bordentown, County of Burlington and State of New Jersey, commonly known as Block 92, Lot 9.03 (hereinafter the “Property”); and

WHEREAS, the Property has been developed for use by the Township Department of Public Works; and

WHEREAS, in order to provide gas service to the Property, the Township must convey a blanket utility easement to Public Service Electric & Gas (“PSE&G”).

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

1. The Township of Bordentown hereby grants a blanket gas utility easement to PSE&G.
2. The Mayor and Clerk are hereby authorized to sign the easement in the form attached as Exhibit A.
3. This Ordinance shall take effect upon final passage and publication in accordance with law.