

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JANUARY 23, 2017 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Cann
	_____	_____	Committeeman Holliday
	_____	_____	Committeewoman Popko
	_____	_____	Township Clerk Eckert
	_____	_____	Attorney Fahey
	_____	_____	Chief Financial Officer Kocian
	_____	_____	Public Works Director Buhrer

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 11, 2017, 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 Engineer Contract Matter: Vapor Intrusion Proposal; Personnel Matters and SAAJ Redevelopment Contract 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 #2017-023-7 through #2017-023-32.
7. Resolution #2017-023-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  8. Resolution #2017-023-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
  9. Resolution #2017-023-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  10. Resolution #2017-023-10 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
  11. Resolution #2017-023-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  12. Resolution #2017-023-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  13. Resolution #2017-023-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  14. Resolution #2017-023-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  15. Resolution #2017-023-15 entitled AUTHORIZING THE MUNICIPAL CLERK TO EXECUTE ALL BINGO AND RAFFLE GAMES OF CHANCE APPLICATIONS THAT MEET ALL PROVISIONS PURSUANT TO STATUTE FOR THE 2107 CALENDAR YEAR.
  16. Resolution #2017-023-16 entitled RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT.
  17. Resolution #2017-023-17 entitled RESOLUTION SUPPORTING THE ENVIRONMENTAL COMMISSION'S RESOLUTION TO CREATE AN ANTI-IDLING POLICY.
  18. Resolution #2017-023-18 entitled BORDENTOWN TOWNSHIP COMPANION ANIMAL PLEDGE.
  19. Resolution #2017-023-19 entitled RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS.
  20. Resolution #2017-023-20 entitled RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY.
  21. Resolution #2017-023-21 entitled PLEDGE SUPPORTING NJ WILDLIFE ACTION PLAN.
  22. Resolution #2017-023-22 entitled RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING A REQUISITION OF ALL AMOUNTS HELD UNDER THE ESCROW AGREEMENT AMONG THE

TOWNSHIP, BORDENTOWN WATERFRONT COMMUNITY, LLC, AND THE BANK OF NEW YORK MELLON TO PAY THE TOWNSHIP'S BOND ANTICIPATION NOTES, SERIES 2016A AT MATURITY.

23. Resolution #2017-023-23 entitled AUTHORIZING 2017 BUDGET APPROPRIATION RSRVE TRANSFERS (N.J.S.A. 40A:4-59).
24. Resolution #2017-023-24 entitled RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD RECONSTRUCTION PROJECT – PHASE II.
25. Resolution #2017-023-25 entitled RESOLUTON AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN BIKEWAY PROJECT – PHASE 4.
26. Resolution #2017-023-26 entitled RESOLUTION AUTHORIZING ADDITIONAL COMPENSATION TO THE CHIEF FINANCIAL OFFICER, DAVID KOCIAN.
27. Resolution #2017-023-27 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE HDSRF, NOTICE OF APPROVAL LETTER FOR BORDENTOWN WATERFRONT COMMUNITY.
28. Resolution #2017-023-28 entitled RESOLUTION TO APPOINT ADA COMPLIANCE COORDINATOR.
29. Resolution #2017-023-29 entitled RESOLUTION APPOINTING FUND COMMISSIONER, MUNICIPAL JOINT INSURANCE FUND.
30. Resolution #2017-023-30 entitled ADOPTING A CASH MANAGEMENT PLAN.
31. Resolution #2017-023-31 entitled RESOLUTION AUTHORIZING EMERGENCY TEMPORARY BUDGET.
32. Resolution #2017-023-32 entitled RESOLUTION AMENDING RESOLUTION #2016-354-20 ENTITLED CANCELLATION OF 2016 BUDGET APPROPRIATIONS.
33. Consideration of Introduction of Ordinance #2017-1 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.
34. Township Committee discussion of 2017 Community Events and Advertisement of Same.
35. Township Committee and Staff Reports.
36. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
37. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

38. 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 #2017-023-7

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 January 23, 2017, 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.

01/23/17

RESOLUTION #2017-023-8

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 December 19, 2016; Closed Session Meeting of January 9, 2017; Closed Session Meeting of January 12, 2017; the Regular Meeting of December 19, 2016; the Emergency Meeting of January 9, 2016; the Emergency Meeting of January 12, 2017 and the Reorganization Meeting of January 7, 2017, 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 December 2016 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction, Community Development; and

BE IT RESOLVED that the following Annual Reports for the year 20165 as submitted by the Township Officials are hereby received and filed: Tax Collector and Township Clerk.

01/23/17

**RESOLUTION #2017-023-9**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #13-00038 was redeemed on DECEMBER 28, 2016, in the amount of \$20,985.56

WHEREAS, MTAG AS C/F ALTERNA FUNDING I LLC, paid tax sale premium, in the amount of \$26,000.00 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 \$26,000.00 to MTAG AS C/F ALTERNA FUNDING I LLC; for Lien 13-00038, Block 81 Lot 30 commonly known as 71 EATON ROAD.

JCE  
01/23/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2017-023-10**

**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 \$75,000.76 to Archer & Greiner, P.C. as trustees for Rising Sun Hotels of NJ, LLC for Block 134.01 Lot 9 commonly known as 2004 Route 206.

01/23/17

JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK



**RESOLUTION #2017-023-11**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #14-00027 was redeemed on DECEMBER 20, 2016, in the amount of \$574.000

WHEREAS, SOHEHA, paid tax sale premium, in the amount of \$1,300.00 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 \$1,300.00 to SOHEHA; for Lien 14-00027, Block 138.06 Lot 90 commonly known as 41 SAGAMORE LANE.

JCE  
01/23/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2017-023-12**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #15-00013 was redeemed on JANUARY 3, 2017, in the amount of \$340.48

WHEREAS, US BANK C/F PC6 LLC STERLING, paid tax sale premium, in the amount of \$900.00 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 \$900.00 to US BANK C/F PC6 LLC STERLING; for Lien 15-00013, Block 92.05 Lot 22.188 Qual C.188 commonly known as 9 LANCASTER CT.

JCE  
01/23/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2017-023-13**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #15-00009 was redeemed on JANUARY 12, 2017, in the amount of \$505.08

WHEREAS, LORAMARK CAPITAL, LLC, paid tax sale premium, in the amount of \$1,300.00 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 \$1,300.00 to LORAMARK CAPITAL, LLC; for Lien 15-00009, Block 58 Lot 35.05 commonly known as 208 ECLIPSE DRIVE.

JCE  
01/23/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION #2017-023-14**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #15-00028 was redeemed on JANUARY 13, 2017, in the amount of \$63,171.87

WHEREAS, US BANK C/F TOWER DBW VI TRUST 2016-1, paid tax sale premium, in the amount of \$72,100.00 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 \$72,100.00 to US BANK C/F TOWER DBW VI TRUST 2016-1; for Lien 15-00028, Block 137.02 Lot 5.03 commonly known as 308 RISING SUN ROAD.

JCE  
01/23/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION 2017-023-15

AUTHORIZING THE MUNICIPAL CLERK TO EXECUTE ALL BINGO AND RAFFLE GAMES OF CHANCE APPLICATIONS THAT MEET ALL PROVISIONS PURSUANT TO STATUTE FOR THE 2017 CALENDAR YEAR

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Municipal Clerk to execute all Bingo and Raffle Games of Chance Applications pursuant to the statutory provisions of N.J.S.A. 5:8-1 et Seq. for the 2017 calendar year; and

BE IT FURTHER RESOLVED that the Municipal Clerk shall furnish the Chief of Police with a copy of each Game of Chance Application, License and Findings and Determination so that he may conduct a background check pursuant to N.J.S.A. 5:8-27; and

BE IT FURTHER RESOLVED that a certified copy of this resolution shall be forwarded to the State of New Jersey Legalized Games of Chance Control Commission.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT

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

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

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

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

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

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

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

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

APPROVED: \_\_\_\_\_  
Stephen Benowitz, Mayor

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-023-17

RESOLUTION SUPPORTING THE ENVIRONMENTAL COMMISSION'S RESOLUTION  
TO CREATE AN ANTI-IDLING POLICY

**WHEREAS**, emissions from gasoline and diesel-powered vehicles contribute significantly to air pollution, including greenhouse gases, ozone formation, fine particulates; and

**WHEREAS**, numerous scientific studies have found links between exposure to fine particles and health effects including premature death, and increased incidents of asthma, allergies, and other breathing disorders; and

**WHEREAS**, the United States Environmental Protection Agency has classified diesel exhaust as likely to be carcinogenic to humans; and

**WHEREAS**, vehicle idling occurs in locations (e.g. school grounds, parking lots, distribution centers, strip malls, construction sites, businesses, etc.) where residents can be exposed to concentrated sources of air pollutant emissions; and

**WHEREAS**, for every gallon of gasoline used, the average car produces about 20 pounds of carbon dioxide (CO<sub>2</sub>), the largest contributor to greenhouse climate change, with one-third of greenhouse gas emissions coming from the transportation sector; and

**WHEREAS**, petroleum-based gasoline and diesel fuel are nonrenewable fuels and should be used wisely and not wasted; and

**WHEREAS**, idling more than 10 seconds uses more fuel and emits more pollutants than turning an engine off and on again; and

**WHEREAS**, current state law prohibits the idling of vehicles for more than three minutes and studies have shown that an anti-idling policy will save fuel, prolong engine life, and improve air quality;

**NOW THEREFORE BE IT RESOLVED** that the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey supports the adoption of a strong anti-idling policy by government agencies, schools, businesses, and other organizations by:

1. Make enforcing existing violations and penalties under New Jersey's existing no-idling law a priority for all Township Police Officers pursuant to C. 39:3-70.2 and C. 26:2C-1;
2. Encouraging any gasoline or diesel-powered motor vehicle to turn off their engines immediately at schools and off-site school related events to minimize exposure of children to vehicle emissions;
3. Maintaining municipal vehicles to eliminate any visible exhaust and complying with the annual inspection requirement for those vehicles;

4. Promote the widespread use of emission controls in construction contracts (for example, see the “Diesel Emission Controls in Construction Projects: Model Contract Specification” developed by the Northeast Diesel Collaborative); and
5. Supporting broad education of the public about the health, environmental and economic impacts of idling and ways to reduce idling.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17



RESOLUTION #2017-023-18

Bordentown Township Companion Animal Pledge

RECOGNIZING that cats and dogs are an integral and valuable part of all communities, and contribute to the well-being of humans, whether as companions, service animals, or therapy pets, and

UNDERSTANDING that municipalities have an important role in ensuring the well-being of animals while balancing the needs of pet owners and non-pet owners.

WHEREAS legislators and municipal officials report that the number of calls from citizens about animal related issues rival any other issue(s);

WHEREAS there are approximately 2.2 million owned dogs and 2.5 million owned cats in New Jersey;

WHEREAS New Jersey was the first state in the nation to develop an innovative state-wide spay/neuter program and all proceeds from the sale of Animal Friendly License Plates are used to reimburse participating veterinarians for spaying and neutering surgeries;

WHEREAS State responsibility for promoting responsible pet care and ensuring that pets do not suffer due to abuse, neglect, or lack of proper care in kennels, pet shops, shelters, and pounds (animal facilities) is vested in the Office of Animal Welfare within the New Jersey Department of Health and Senior Services;

WHEREAS The New Jersey Society to Prevent Cruelty to Animals (NJSPCA) and municipal Animal Cruelty Investigators (ACIs) are responsible for investigating and acting as officers for the detection, apprehension, and arrest of offenders against the animal cruelty laws;

WHEREAS New Jersey mandates training requirements for animal control officers and Animal Cruelty Investigators;

WHEREAS New Jersey impounds over 100,000 animals per year in animal shelters and impoundment facilities;

WHEREAS approximately 37% of the animals that enter New Jersey's impoundment facilities are euthanized, at a rate of around 3000 every month;

WHEREAS free-roaming unvaccinated cats and dogs present a potential health threat to humans through the spread of such zoonotic diseases as rabies, leptospirosis, toxoplasmosis, roundworms, animal bites, and environmental contamination from animal feces;

WHEREAS stray and unwanted pets place an enormous financial burden on municipalities and non-profit humane agencies organized to care for these animals; (To calculate an average per animal cost for your municipality, divide the total shelter expenditures - municipal animal control and shelter expenses -by the total number of animals served per year);;

WHEREAS it is more humane and cost-effective to reduce the number of unwanted animals than it is to impound and euthanize unwanted or unclaimed dogs and cats;

WHEREAS all dogs are required to be licensed in the municipality where they are housed and the majority of municipalities also require licensure of cats. (Current vaccination against rabies is a prerequisite to licensure);

WHEREAS all municipalities are required to canvass their residents to locate unlicensed dogs;

NOW THEREFORE, we the Municipality of Bordentown Township, resolve to take the following steps with regard to our municipal responsibilities with the intent of making Bordentown Township a truly sustainable community.

It is our intent to do our utmost, within the bounds of our jurisdiction, to ensure that companion animals are treated humanely, respectfully, and responsibly through public education and through exercise of powers vested within New Jersey municipalities as follows:

**Authority of municipalities:**

Pursuant to New Jersey Statutes, all municipalities must appoint a certified animal control officer who shall be responsible for animal control within the jurisdiction of the municipality, including providing emergency veterinary care for injured stray animals and coverage outside of normal working hours;

The municipality in which an animal facility is located is responsible for issuing the license for that facility to operate;

The NJ Vicious Dog Law establishes a state-wide standard for municipalities to effectively address situations of vicious or potentially dangerous dogs, regardless of breed;

The Animal Population Control Program provides for low-cost spaying and neutering for pet owners adopting dogs and cats from New Jersey shelters, pounds, and animal adoption referral agencies and pet owners participating in one of several Public Assistance Programs.

The Municipality pledges to:

- Enforce all animal and rabies control statutes and regulations, including the requirement to pick up and impound all stray dogs and cats, excepting stray and feral cats in managed TNR programs.
- Work to improve the enforcement of animal cruelty statutes.
- Educate our community, including school children, about their responsibilities towards the pet animals they chose to keep.
- Institute, as appropriate, cat licensing ordinances and increase the percentage of licensed dogs and cats through ease of licensing and licensing enforcement measures.
- Identify and work to implement best practices to prevent unwanted breeding through effective animal control, availability of low-cost pet spaying and neutering services, public education, and pet-friendly rental and senior housing.
- Identify alternatives to euthanasia of adoptable companion animals, including utilizing foster homes, adoption networks and providing remedial behavior training services to existing and future owners.
- Assist in identifying resources to improve the conditions and increase the capacity of animal shelters and impoundment facilities and animal control 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 January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-19

RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS

WHEREAS, buildings account for 39% of CO2 emissions – more than either the transportation or industrial sectors. In addition, buildings account for nearly 12% of potable water use, 65% of waste output, and 71% of electricity consumption in the U.S. (U.S. Green Building Council).

WHEREAS, green building – also referred to as sustainable or high-performance building -- is a collection of better design, construction, and operating practices that have the potential to reduce or eliminate the negative impacts of development on the environment and on human health. There are many examples of green building programs and guidelines that have been propagated at national, state, and municipal levels. They commonly address energy efficiency and carbon emissions reduction, water conservation, waste reduction, healthy and sustainably produced materials, indoor air quality, occupant productivity and health, and other components of green building and sustainable development.

WHEREAS, the purpose of this resolution is to enhance the public welfare and assure that commercial, residential and civic development is consistent with Bordentown Township's desire to create a more sustainable community by incorporating green building measures into the design, construction, operation and maintenance of buildings.

WHEREAS, the Township desires to set a leadership example in the area of green building through the implementation of energy efficiency audits and upgrades to the municipal building stock, continued procurement practices...etc. (e.g. improve water conservation, reduce light pollution, increase construction waste recycling).

NOW, THEREFORE, BE IT RESOLVED that the Township of Bordentown hereby implements a Green Building Policy that will consider opportunities to incorporate green building measures into the design, construction, operation and maintenance of municipal buildings and facilities.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-20

RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY

WHEREAS, in 2012, the Township of Bordentown, by resolution, chose to participate in the Sustainable Jersey Certification Program; and

WHEREAS, in order to achieve the certification, the Township of Bordentown must adopt certain policies and procedures to gain points towards the certification; and

WHEREAS, the Bordentown Township Employee Environmental Performance Policy is one requirement under the Sustainable Jersey Certification Program in which all Township departments shall maximize opportunities to reduce the amount of waste they produce, recycle materials and conserve energy;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adopt the policy, attached hereto, as the Bordentown Township Employee Environmental Performance Policy effective upon adoption of this resolution; and

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this policy to all Township Employees upon its adoption.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-21

PLEDGE SUPPORTING NJ WILDLIFE ACTION PLAN

Recognizing that animals are an integral and valuable part of all communities and believing concern for the wellbeing of wild animals and wild species is a hallmark of a sustainable natural community Bordentown Township pledges its support for the New Jersey Wildlife Action Plan as outlined:

WHEREAS, New Jersey is home to a rich diversity of wildlife and ecologically significant natural communities,

WHEREAS, New Jersey's wildlife and wild places are under threat from development, fragmentation, invasive species and the impacts of people, WHEREAS, the populations of mammals, birds, invertebrates, fish, reptiles and amphibians that live in and migrate through New Jersey find themselves clinging to smaller and smaller pieces of wild clean lands and aquatic habitats,

WHEREAS, it is more cost-effective to prevent species from becoming imperiled than it is to recover them once their populations have declined, WHEREAS, a naturally functioning and healthy ecosystem represents a healthy environment for NJ wildlife and our citizens,

WHEREAS, the NJ Division of Fish and Wildlife, other state and federal agencies, and many partners in conservation have worked together to develop a state Wildlife Action Plan for the benefit of biologists, wildlife experts, municipal leaders, land stewards, non-profit organizations, educators, planners, researchers, outdoor recreation enthusiasts, landowners and all the people who know the wild places of the state of New Jersey,

WHEREAS, the New Jersey Wildlife Action plan is a comprehensive action agenda for the conservation of native wildlife, the restoration of important lands and water, and public education targeting the needs of rare wildlife in New Jersey,

WHEREAS, the residents of, and visitors to, New Jersey also enjoy and benefit from New Jersey's wildlife and wild spaces.

NOW THEREFORE, the Township of Bordentown, resolves to take the following steps with regard to our municipal land-use decisions with the intent of making Bordentown Township an ecologically sustainable community. It is our intent to include these principles in our public lands management, our environmental resources inventory and to inform the next master plan revision and update our zoning accordingly.

We will identify imperiled species, critical habitat and unique ecosystems in our Environmental Resource Inventory.

Acknowledging that it is more cost-effective to protect species than recover species, we will protect populations of rare and imperiled species that live and breed in, and migrate through, the municipality and the habitats they depend upon.

Because habitat integrity is critical to healthy biodiversity we will manage publicly owned lands in accordance with wildlife management actions laid out in the New Jersey Wildlife Action Plan and will promote the management of all protected lands to promote biodiversity.

We will protect wildlife habitats and maintain connectivity of habitat when formulating an open space acquisition strategy, open space stewardship plans and through the municipal master plan including planning and zoning ordinances.

We will seek to minimize disturbance of critical wildlife populations and their habitats from human activities, subsidized predators and invasive species. When possible and appropriate, we will work with neighboring municipalities to implement the aforementioned principles across municipal boundaries.

When possible and appropriate, we will strive to monitor and implement appropriate management of municipal easements to ensure native vegetation and wildlife takes precedence over invasive and/or exotic species.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

**RESOLUTION #2017-023-22**

**RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING A REQUISITION OF ALL AMOUNTS HELD UNDER THE ESCROW AGREEMENT AMONG THE TOWNSHIP, BORDENTOWN WATERFRONT COMMUNITY, LLC AND THE BANK OF NEW YORK MELLON TO PAY THE TOWNSHIP'S BOND ANTICIPATION NOTES, SERIES 2016 A AT MATURITY**

**WHEREAS**, on April 29, 2013, Bordentown Township (the "Township") entered into an Escrow Agreement (as amended, the "Escrow Agreement") with Bordentown Waterfront Community, LLC (the "Redeveloper") and The Bank of New York Mellon (the "Escrow Agent") to establish conditions for the disbursement of certain proceeds of the Township's Bond Anticipation Notes, 2013 Series A (the "2013 Notes") in accordance with the terms of the Project Finance Agreement dated as of August 8, 2011, between the Township and the Redeveloper (the "Project Finance Agreement"); and

**WHEREAS**, certain proceeds of the 2013 Notes remain unspent; and

**WHEREAS**, under the terms of the Project Finance Agreement, to the extent that amounts remain unspent after the date that is 36 months from the date of issuance of the obligations, the Township has the right to use such unspent funds to pay or defease the outstanding indebtedness; and

**WHEREAS**, a portion of the Township's Bond Anticipation Notes, Series 2016 A (the "2016A Notes"), which refunded the Township's Bond Anticipation Notes, Series 2015 A, which refunded the Township's Bond Anticipation Notes, Series 2014 C, which refunded a portion of the 2013 Notes, remain outstanding and mature on February 11, 2017; and

**WHEREAS**, the Township desires to exercise its rights under the Escrow Agreement and the Project Finance Agreement to utilize all of the unspent proceeds remaining under the Escrow Agreement for the payment of the 2016A Notes at maturity.

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

1. The Mayor is hereby authorized to execute a requisition to withdraw all remaining amounts under the Escrow Agreement for the purpose of paying the principal and interest due on the 2016A Notes at maturity, and upon such withdrawal, the Escrow Agreement shall terminate. The Mayor is hereby authorized to execute any and all other documents necessary in connection with such withdrawal and termination.

2. The Township Committee hereby ratifies all prior actions taken by the Township's administration and outside professionals to the extent consistent with this resolution, and authorizes all such individuals to take any and all further actions to the extent consistent with this Resolution.

3. This Resolution shall take effect immediately.

Adopted: January 23, 2017



RESOLUTION #2017-023-23

AUTHORIZING 2017 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59)

WHEREAS, various 2016 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2016 budget in the last two months of 2016; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, that the transfers in the amount \$45,000.00 be made between the 2016 Budget Appropriation Reserves as follows:

APPROP TRANSFERS

01.23.17

		FROM	TO
EDC - ECON DEV COM	O/E	5,000.00	
COMM DEVELOP	S&W	15,000.00	
UCC	O/E	5,000.00	
POLICE	S&W		35,000.00
EMERG MGMT	O/E	6,000.00	
VEH MAINT	S&W	4,000.00	
VEH MAINT LANDFILL SOLID WASTE	O/E		10,000.00
	O/E	<u>10,000.00</u>	<u>                    </u>
		45,000.00	45,000.00

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

\_\_\_\_\_  
COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-24

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD RECONSTRUCTION PROJECT – PHASE II

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Bordentown formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Township Committee and Clerk are hereby authorized to submit an electronic grant application identified as MA 2017-Bordentown Township-00276 to the New Jersey Department of Transportation on behalf of the Township of Bordentown; and

BE IT FURTHER RESOLVED that the Mayor and Township Committee and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Bordentown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

\_\_\_\_\_  
COLLEEN M. ECKERT, RMC, TWP. CLERK

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Presiding Officer)

01/23/17

RESOLUTION #2017-023-25

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN BIKEWAY PROJECT – PHASE 4

NOW, THEREFORE, BE IT RESOLVED that the Mayor and Township Committee of the Township of Bordentown formally approves the grant application for the above stated project; and

BE IT FURTHER RESOLVED that the Mayor and Township Committee and Clerk are hereby authorized to submit an electronic grant application identified as BIKE 2017-Bordentown Township-00034 to the New Jersey Department of Transportation on behalf of the Township of Bordentown; and

BE IT FURTHER RESOLVED that the Mayor and Township Committee and Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Bordentown and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

\_\_\_\_\_  
COLLEEN M. ECKERT, RMC, TWP. CLERK

My signature and the Clerk's seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

ATTEST and AFFIX SEAL

\_\_\_\_\_  
(Clerk)

\_\_\_\_\_  
(Presiding Officer)

01/23/17

RESOLUTION #2017-023-26

RESOLUTION AUTHORIZING ADDITIONAL COMPENSATION TO THE CHIEF FINANCIAL OFFICER, DAVID KOCIAN

WHEREAS, Chief Financial Officer, David Kocian, was due to retire his position as CFO with the Township of Bordentown effective December 31, 2016; and

WHEREAS, the Township Committee requested CFO Kocian continue his position with the Township until such time as an adequate replacement is retained for the Chief Financial Officer position; and

WHEREAS, it has been mutually agreed upon that CFO Kocian will continue employment with the Township of Bordentown in the capacity of Chief Financial Officer until such time as a replacement is retained to fill this position with the stipulation that CFO Kocian shall be compensated \$500 per month in addition to his annual salary; and

WHEREAS, said payment of the additional \$500 per month shall be paid on a monthly basis, the last pay period of each month; and

WHEREAS, it has been further mutually agreed upon that CFO Kocian shall receive the same COLA adjustment for the year 2017 as afforded to all Bordentown Township employees;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the additional compensation for Chief Financial Officer, David Kocian, as stipulated above, and said compensation shall be retroactive to January 1, 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 January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-27

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE HDSRF, NOTICE OF APPROVAL LETTER FOR BORDENTOWN WATERFRONT COMMUNITY

WHEREAS, by Resolution #2014-342-11, the Township Committee authorized Excel Environmental Resources, Inc., to apply for grant funding to the NJDEP for remedial action at the Bordentown Waterfront Community; and

WHEREAS, the New Jersey Economic Development Authority has approved the application for said remedial action in an amount up to \$881,113;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that in accordance with the grant terms and conditions, it does hereby authorize the Mayor to sign the HDSRF, Notice of Approval Letter; and

BE IT FURTHER RESOLVED that the Township Clerk shall submit the executed approval letter to the New Jersey Economic Development Authority.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-28

RESOLUTION TO APPOINT ADA COMPLIANCE COORDINATOR

BE IT RESOLVED that, in accordance with Title II of the Americans with Disabilities Act (ADA), it does hereby appoint Dean Buhner as the ADA Compliance Coordinator for the year 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 January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-29

RESOLUTION APPOINTING FUND COMMISSIONER, MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Bordentown is a member of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as the FUND; and

WHEREAS, the Bylaws of the FUND require that each municipality appoint a member of the governing body or a municipal employee to serve as Fund Commissioner; and

WHEREAS, the Township Committee of the Township of Bordentown recommends the appointment of Dean Buhrer, Public Works Director, to serve as Fund Commissioner in accordance with the FUND Bylaws;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Dean Buhrer as Fund Commissioner to Burlington County Municipal Joint Insurance Fund.

Signed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_

BY: \_\_\_\_\_ TITLE: \_\_\_\_\_  
Elected or Appointed Official

RESOLUTION #2017-023-30

ADOPTING A CASH MANAGEMENT PLAN

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adopt the attached Cash Management Plan which is made a part of this resolution.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17



RESOLUTION #2017-023-31

RESOLUTION AUTHORIZING EMERGENCY TEMPORARY BUDGET

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2017 was approved on the 7<sup>th</sup> days of January, 2017; and

WHEREAS, it is desired to amend said temporary budget pursuant to N.J.S.A. 40A:4-20 in order to appropriate sufficient funds for the payment Environmental Remediation – 262 Crosswicks Road, Public Works Site – Other Expenses;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following emergency temporary appropriation be made:

**Capital Improvements – Excluded from “CAPS”**

Environmental Remediation – 262 Crosswicks Road, Public Works Site – O/E	\$65,165.00
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It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

RESOLUTION #2017-023-32

RESOLUTION AMENDING RESOLUTION #2016-354-20 ENTITLED CANCELLATION OF 2016 BUDGET APPROPRIATIONS

WHEREAS, on December 19, 2016, the Township Committee adopted Resolution #2016-354-20, authorizing the cancellation of 2016 budget appropriations; and

WHEREAS, within the listed categories of budget cancellations, it was listed to cancel EMS Ambulatory O/E in the amount of \$25,000, but should correctly read EMS Ambulatory S &W in the amount of \$25,000;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the amendment to the 2016 Cancellation of Budget Appropriations to correctly read:

EMS Ambulatory S & W - \$25,000

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on January 23, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

01/23/17

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE 2017-1**

**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 #2016-12, introduced on or about September 12, 2016 and adopted after second reading on or about October 18, 2016, 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 and # 2016-12 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 and Ordinance # 2016-12 be and hereby are 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**