

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: FEBRUARY 13, 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
_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 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:

- Environmental Litigation Matters: Transco Compressor Station  
SRL Pipeline  
NJNG  
Elcon Hazardous Waste Facility
- K.Johnson Pilot Agreement Contract Matter.
- Affordable Housing Contract Matter.
- Professional Services Contract Matter: Tree Identification Program-Seth Hand Park.
- Personnel Matters.

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. Mayor's Proclamation Honoring Matt Horner as an All American Athlete.
7. 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 #2017-044-8 through #2017-044-20.
8. Resolution #2017-044-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  9. Resolution #2017-044-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
  10. Resolution #2017-044-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  11. Resolution #2017-044-11 entitled RESOLUTION AUTHORIZING EMERGENCY TEMPORARY BUDGET.
  12. Resolution #2017-044-12 entitled RESOLUTION APPOINTING ALTERNATE FUND COMMISSIONER.
  13. Resolution #2017-044-13 entitled RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC., FOR PUBLIC WORKS EXPANSION-PROJECT 3, 262 CROSSWICKS ROAD.
  14. Resolution #2017-044-14 entitled RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC., FOR PUBLIC WORKS EXPANSION-PROJECT 2, 266 CROSSWICKS ROAD.
  15. Resolution #2017-044-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  16. Resolution #2017-044-16 entitled A RESOLUTION COMMEMORATING AND CONGRATULATING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND ON 25 YEARS OF SUCCESSFUL OPERATIONS.
  17. Resolution #2017-044-17 entitled RESOLUTION AUTHORIZING THE FUNDING OF BORDENTOWN SHARE OF THE MACCS CONTRACT WITH CENTRAL JERSEY WASTE & RECYCLING FOR BASIC SERVICE SOLID WASTE AND BULK COLLECTION.

18. Resolution #2017-044-18 entitled AMEND PUBLIC WORKS EXPANSION PROJECT, PHASE 1A-FENCE AND LANDSCAPE BUFFERING WITH GOWER'S, INC., CHANGE ORDER NO. 2 FINAL.
19. Resolution #2017-044-19 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
20. Resolution #2017-044-20 entitled AUTHORIZING 2017 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).
21. Public Hearing on Ordinance #2017-1 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.
22. Consideration of Adoption of Ordinance #2017-1 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.
23. Public Hearing on Ordinance #2017-2 entitled AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REMOVING SERVICE STATIONS AS A CONDITIONALLY PERMITTED USE IN THE HIGHWAY COMMERCIAL (HC) AND COMMUNITY COMMERCIAL (CC) ZONES.
24. Consideration of Adoption of Ordinance #2017-2 entitled AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REMOVING SERVICE STATIONS AS A CONDITIONALLY PERMITTED USE IN THE HIGHWAY COMMERCIAL (HC) AND COMMUNITY COMMERCIAL (CC) ZONES.
25. Consideration of Introduction of Ordinance #2017-3 entitled CALENDAR YEAR 2017 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).
26. Consideration of Introduction of Ordinance #2017-4 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 5.24 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN WITH RESPECT TO BINGO AND RAFFLE LICENSES.
27. Township Committee discussion of 2017 Community Events Advertising.
28. Township Committee discussion of Municipal Agreement to Conduct Aerial Larval/Adult Mosquito Control Activities.
29. Township Committee and Staff Reports.
30. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
31. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
32. 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 #2017-044-8

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 February 13, 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.

02/13/17

RESOLUTION #2017-044-9

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of January 23, 2017, and the Regular Meeting of January 23, 2017, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as ( \_\_\_\_\_ submitted) ( \_\_\_\_\_ corrected).

02/13/17

**RESOLUTION #2017-044-10**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #15-00010 was redeemed on JANUARY 19, 2017, in the amount of \$376.53

WHEREAS, US BANK C/F ACTLIEN HOLDING, 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 ACTLIEN HOLDING; for Lien 15-00010, Block 73 Lot 15 commonly known as 11 BAYBERRY 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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-044-11

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 13<sup>th</sup> day of February, 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 down payments – Capital Improvement Fund – Other Expense;

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”**

Capital Improvement Fund – Other Expense	\$50,000.00
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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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17



RESOLUTION #2017-044-12

RESOLUTION APPOINTING ALTERNATE FUND COMMISSIONER

WHEREAS, the Township of Bordentown has resolved to join the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as FUND; and

WHEREAS, the Bylaws of the Burlington County Municipal Joint Insurance Fund recommend that each municipality appoint an Alternate Fund Commissioner; and

WHEREAS, the Township of Bordentown recommends the appointment of Sam Vail as Alternate Fund Commissioner;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown does hereby appoint Sam Vail as Alternate Fund Commissioner for the Burlington County Municipal Joint Insurance Fund.

Signed this 13<sup>th</sup> day of February, 2017

BY: \_\_\_\_\_ TITLE: Mayor, Township of Bordentown

RESOLUTION #2017-044-13

RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC.,  
FOR PUBLIC WORKS EXPANSION-PROJECT 3, 262 CROSSWICKS ROAD

WHEREAS, on December 7, 2015, the Township Committee adopted Resolution #2015-341-20B, which awarded a contract to Joseph Porretta Builders, Inc., for the Public Works Expansion – Project 3, 262 Crosswicks Road; and

WHEREAS, by way of correspondence dated February 7, 2017, Turek Consulting, LLC, Township Engineer, is recommending approval of Payment Certificate 8, which authorizes final payment to close the project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize final payment in the amount of \$5,708.79 to Joseph Porretta Builders, Inc., for the Public Works Expansion – Project 3, 262 Crosswicks Road.

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17

RESOLUTION #2017-044-14

RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC.,  
FOR PUBLIC WORKS EXPANSION-PROJECT 2, 266 CROSSWICKS ROAD

WHEREAS, on December 7, 2015, the Township Committee adopted Resolution #2015-341-20A, which awarded a contract to Joseph Porretta Builders, Inc., for the Public Works Expansion – Project 2, 266 Crosswicks Road; and

WHEREAS, by way of correspondence dated February 7, 2017, Turek Consulting, LLC, Township Engineer, is recommending approval of Payment Certificate 8, which authorizes final payment to close the project;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize final payment in the amount of \$17,730.87 to Joseph Porretta Builders, Inc., for the Public Works Expansion – Project 2, 266 Crosswicks Road.

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17

**RESOLUTION #2017-044-15**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #15-00019 was redeemed on FEBRUARY 8, 2017, in the amount of \$1827.63

WHEREAS, US BANK CUST BV002 TRST & CRDT, paid tax sale premium, in the amount of \$3800.00 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 \$3800.00 to US BANK CUST BV002 TRST & CRDT; for Lien 15-00019, Block 92.06 Lot 22.123 Qual C.123 commonly known as 6 DEERFIELD COURT.

JCE  
02/13/17

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17

**RESOLUTION #2017-044-16**

**A RESOLUTION COMMEMORATING AND CONGRATULATING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND ON 25 YEARS OF SUCCESSFUL OPERATIONS**

**WHEREAS**, the Burlington County Municipal Joint Insurance Fund has been organized pursuant to N.J.S.A. 40A:10-36 et seq., and

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

**WHEREAS**, the Burlington County Municipal Joint Insurance Fund commenced operations on January 1, 1991 with ten charter members who, when challenged with an unfavorable market for their insurance, decided to join together to avoid the high costs and limited coverage associated with traditional insurance for fire and property, liability and workers compensation risks; and

**WHEREAS**, over the past 25 years the Fund has grown to 27 members and stands today as one of the greatest examples of an inter-local service agreement in the State of New Jersey's history; and

**WHEREAS**, municipalities participating in the BURLCO JIF have saved their local taxpayers millions of dollars in the form of lower premiums and the return of more than \$7 million dollars in surplus distributions; and

**WHEREAS**, the elected officials and the municipal employees covered by the Burlington County Municipal Joint Insurance Fund are the foundation of the Fund's success and without whose dedication to the Fund Safety and Risk Management programs the Fund would not have achieved the status it enjoys today; and

**WHEREAS**, the Township of Bordentown wishes to recognize and commemorate the Fund on its 25 years of successful operation.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bordentown assembled in a public session on February 13, 2017, that this body does hereby recognize and congratulate the Burlington County Municipal Joint Insurance Fund on 25 years of successful operation; and

**BE IT FURTHER RESOLVED** that the Township Committee of the Township of Bordentown wishes to acknowledge this Anniversary as a milestone event in the history of the Fund and wishes the Fund continued success for many years to come; and

**BE IT FURTHER RESOLVED** that a copy of this Resolution shall be provided to the Executive Director of the Burlington County Municipal Joint Insurance Fund for his information and distribution to the membership.

**RESOLUTION NO: 2017-044-17**

***RESOLUTION AUTHORIZING THE FUNDING OF  
BORDENTOWN SHARE OF THE  
MACCS CONTRACT WITH CENTRAL JERSEY WASTE & RECYCLING FOR BASIC SERVICE  
SOLID WASTE AND BULK COLLECTION***

Whereas, the Governing Body of **The Township of Bordentown**, County of Burlington, State of New Jersey agreed to participate in a Joint Purchasing Program for the provision and performance of goods and services, more specifically, for the collection of disposal of solid waste and bulk from apartments and condominiums within the municipality; and

Whereas, **The Township of Bordentown** entered into a Joint Purchasing Agreement with the program known as “Municipal Apartment and Condominium Collection Services” (“MACCS”) which agreement designates Maple Shade Township as the Lead agency for the program; and

**Whereas, Central Jersey Waste & Recycling is to be awarded the contract to provide basic services for solid waste collection including open top containers and compactors beginning June 1, 2017 which contract provides for a three-year term in an amount not to exceed \$112,055.20 for collection services and \$78,279.71 for which the contract provides for two one-year renewal periods; and**

**Whereas, Central Jersey Waste & Recycling is to be awarded the contract to provide bulk collection services beginning June 1, 2017 which contract provides for a three-year term in an amount not to exceed \$20,908.50 for collection services and \$14,651.50 for which the contract provides for two one-year renewal periods; and**

Whereas, the cost of the contract allocated to the Township of Bordentown for the three-year term, based on its current level of service is **\$132,963.70** for basic collection services including open top containers and compactors and bulk; and

Whereas, pursuant to the Local Public Contracts Law, N.J.S.A. 40A: 11-1 *et seq.* and the regulations promulgated there under, more specifically, N.J.A.C. 5:34-7.14, prior to the award of contract, each member of a joint purchasing system must issue a purchase order and certification of funds for its share of the contract amount; and

Whereas, it appears that it is in the best interest of **The Township of Bordentown** to fund its portion of the contract with **Central Jersey Waste & Recycling** in an amount not to exceed **\$225,894.91** subject to the availability of funds; and

Whereas, the **The Township of Bordentown** certifies that there are sufficient funds in the 2017 budget to provide for this purpose for the period from June 1, 2017 through December 31, 2017 in the amount of **\$25,389.99** as indicated in the attached Certification of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Governing Body of the Township of Bordentown, County of Burlington, State of New Jersey, as follows:

1. The share of the solid waste collection contract for the MACCS program allocated to the Township of Bordentown for the contract with Central Jersey Waste & Recycling is hereby accepted;

2. The Chief Financial Officer is hereby authorized to issue the purchase order funding the municipality's 2017 portion of the contract.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17

RESOLUTION #2017-044-18

AMEND PUBLIC WORKS EXPANSION PROJECT PHASE 1A – FENCE AND LANDSCAPE BUFFERING WITH GOWER’S, INC., CHANGE ORDER NO. 2 FINAL

WHEREAS, the Township Committee, by Resolution #2015-068-17C, awarded a contract to Gower’s, Inc., for the purpose of performing certain work and services with respect to the Public Works Expansion Project, Phase 1A – Fence and Landscape Buffering in the Township of Bordentown; and

WHEREAS, Turek Consulting, the Township’s agent responsible for supervising the project as aforesaid, for the Township of Bordentown, has advised the Township Committee, by way of November 7, 2016, correspondence and change order request and the submission of the appropriate certification that the existing contract amount should be increased to reflect an increase in material necessary to complete the project for man gates, privacy slat upgrade to 90%, privacy slat in existing fence/gate and irrigation system repairs; and

WHEREAS, N.J.A.C. 5:30-14.4 provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS, the Township Committee has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order;

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

1. That the Township Committee, for the aforementioned reasons, hereby amends the aforementioned contract and increases the contract price by \$8,712.50 and the amended total \$269,979.50 in accordance with the terms and conditions of the aforementioned certification and November 7, 2016, correspondence and request being attached hereto as Exhibit A and made part hereof by reference hereto.
2. That the Township Committee hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution and which are prepared by or reviewed by the Township Attorney.
3. Final payment to Gower’s, Inc., shall be authorized and payment shall be made in the amount of \$65,718.10.

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK



RESOLUTION #2017-044-19

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

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> day of January, 2017; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

WHEREAS it is desired to amend said temporary budget in order to appropriate sufficient funds for the payment of the Township's capital improvement needs;

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

**TOWNSHIP OF BORDENTOWN**  
**Temporary Appropriations 02.23.17 40A:4-20**

		<b>2017</b>
	<b>PRIOR</b>	<b>\$2,595,660.00</b>
<b>POLICE</b>	S & W	25,000.00
<b>P/W - Streets Roads</b>	S & W	50,000.00
<b>P/W - Vehicle Maintenance</b>	O / E	15,000.00
<b>Landfill/Solid Waste</b>	O / E	35,000.00
<b>MACCS</b>	O/E	30,000.00
<b>FICA- Social Security</b>	O / E	40,000.00
<b>EMS – AMBULATORY</b>	S & W	20,000.00
		<hr/>
		<b>215,000.00</b>
<b>TOTAL INCLUDING THIS RESOLUTION</b>		<b>\$2,810,660.00</b>

BE IT FURTHER RESOLVED that a certified copy of this resolution be filed forthwith in the Office of the Director of Local Government Services for certification of the local municipal temporary budget so amended.

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

0213/17

RESOLUTION #2017-044-20

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 \$3,000.00 be made between the 2016 Budget Appropriation Reserves as follows:

APPROP TRANSFERS

02.13.17

		FROM	TO
Administration	O/E		3,000.00
Comm Develop	S&W	2,000.00	
UCC	S&W	<u>1,000.00</u>	<u>                    </u>
		3,000.00	3,000.00

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 February 13, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

02/13/17

**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**

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE 2017-2**

**AN ORDINANCE AMENDING THE ZONING ORDINANCE  
OF THE TOWNSHIP OF BORDENTOWN REMOVING  
SERVICE STATIONS AS A CONDITIONALLY  
PERMITTED USE IN THE HIGHWAY COMMERCIAL  
(HC) AND COMMUNITY COMMERCIAL (CC) ZONES**

**WHEREAS**, the Township zoning ordinance, specifically, Section 25.408, provides for service stations as a conditional use in the Highway Commercial (HC) and Community Commercial (CC) Zones; and

**WHEREAS**, the 1990 Township Master Plan, which was prepared prior to the completion of the I-295 extension, described the proposed land use categories of the HC and CC Zones as:

Community Commercial areas (CC on the map) are designed to be community commercial uses such as supermarkets, other retail uses, business services and offices. Highway Commercial Uses would allow more flexibility, including shopping centers, theaters and mini-warehouse operations as conditional uses. Shopping Centers would require a minimum of 8 acres of land.

; and

**WHEREAS**, the 2008 Master Plan Reexamination report recommended that based on the dramatic change in the physical landscape of the Township, that a review of the land use element be undertaken, as well as review and revision of the Township's Statement of Goals and Objectives, and while such review was initiated, there has been no amendment of the Master Plan land use element; and

**WHEREAS**, the proliferation of service stations along the Township's highway corridors (specifically, the HC and CC Zones) limits the opportunity for the development of the type and variety of uses contemplated by the master plan and provided for in the zoning code, which other uses would benefit the Township and its residents;

**WHEREAS**, the Municipal Land Use Law, more particularly N.J.S.A. 40:55D-62, provides for a municipality to adopt or amend a zoning ordinance which in whole or in part is inconsistent with the land use plan element and housing plan element of its master plan; and

**WHEREAS**, the Township Committee recognizes that the elimination of service stations as a conditional use in its HC and CC zones is inconsistent with the existing Master plan but finds it necessary to preserve the opportunity for and to promote the development of those uses permitted in the HC and CC zones.

**NOW THEREFORE, BE IT ORDAINED AND ENACTED** by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that Chapter 25 of the Township Code, entitled "Land Development Ordinance" be amended as follows: (additions are underlined, deletions indicated by strikethrough)

**Section 1.** Section 25, Land Development, of the Township Code is hereby revised as follows: (additions indicated by underline, deletions by strikethrough)

**A. Section 25.202 Specific Definitions:**

SERVICE STATION :

Lands and buildings providing for the sale of automotive fuel, lubricants, or automotive accessories. Maintenance and minor repairs for motor vehicles, primarily automobile, but not including trucks or vehicles with more than four wheels, may be provided, but no body repairs or painting shall be permitted. No storage of inoperable, wrecked or unregistered vehicles for more than seven days shall be permitted. Additionally, no car wash operation, car or truck rental, parking for a fee or other activity not specifically a part of the service station use shall be permitted. The term service station shall not include either a truck stop, truck repair station or a truck fuel station. The term service station shall include an automobile filling station with a convenience store.

**B. Section 25.408 CC—Community Commercial; HC—Highway Commercial**

A. Principal permitted uses on the land and in buildings

~~12. Service stations as Conditional Uses under N.J.S.A. 40:55D-67 (see Section 25:601 for standards)~~

**C. Section 25.601**

L. Service stations.

~~10. No more than three service stations shall be permitted within a linear mile.~~

**Section 2. Repealer.** Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

**Section 3. Severability.** In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

**Section 4.** This ordinance shall take effect immediately upon adoption and publication according to law.

TOWNSHIP OF BORDENTOWN

ORDINANCE #2017-3

CALENDAR YEAR 2017 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)

WHEREAS, the Local Government Cap Law, N.J.S.A. 40A:4-45.1 et seq. provides that in the preparation of its annual budget, a municipality shall limit any increase in said budget up to .5% unless authorized by ordinance to increase it to 3.5 % over the previous year's final appropriations, subject to certain exceptions; and

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

WHEREAS, the Township Committee of the Township of Bordentown, in the County of Burlington, finds it advisable and necessary to increase its CY 2017 budget by up to 3.5% over the previous year's final appropriations, in the interest of promoting the health, safety and welfare of the citizens; and

WHEREAS, the Township Committee hereby determines that a 3.5% percent increase in the budget for said year, amounting to \$308,460.50, in excess of the increase in final appropriations otherwise permitted by the Local Government Cap Law, is advisable and necessary; and

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

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown, in the County of Burlington, a majority of the full authorized membership of this governing body affirmatively concurring, that, in the CY 2017 budget year, the final appropriations of the Township of Bordentown shall, in accordance with this ordinance and N.J.S.A. 40A:4-45.14, be increased by 3.5 percent, amounting to \$308,460.50, and that the CY 2017 Municipal Budget for the Township of Bordentown be approved and adopted in accordance with this ordinance; and

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

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

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

**TOWNSHIP OF BORDENTOWN  
BURLINGTON COUNTY**

**AN ORDINANCE OF THE TOWNSHIP OF  
BORDENTOWN AMENDING CHAPTER 5.24 OF  
THE CODE OF THE TOWNSHIP OF BORDENTOWN  
WITH RESPECT TO BINGO AND RAFFLE LICENSES**

**ORDINANCE NO. 2017-4**

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

**SECTION I. INTRODUCTION.**

Township Committee desires to amend the Township Code to provide for the Township Clerk to be the issuing authority responsible for approving bingo and raffle licenses and to otherwise amend the Township Code with respect to bingo and raffle licensing.

**SECTION II.**

The Township Committee hereby amends Chapter 5.24 of the Township Code, entitled "Bingo and Raffles" as follows:

- a) Sections 5.24.010 through 5.24.030 shall be deleted and replaced with the following:

**5.24.010. Purpose; administration**

This chapter is for the purpose of regulating all games of chance held, operated or conducted within the township, pursuant to Acts of the Legislature of the State of New Jersey known as the "Bingo Licensing Law", N.J.S.A. 5:8-24 et seq., and the "Raffles Licensing Law" N.J.S.A. 5:8-50 et seq., and in accordance with the rules and regulations issued or to be promulgated by the Legalized Games of Chance Control Commission in the Department of Law and Public Safety of the State of New Jersey. All applications, licenses and proceedings in connection therewith shall be subject to the provisions of such Acts and the rules and regulations and any laws, rules and regulations hereafter enacted and shall be further subject to the provisions of this chapter.

**5.24.020. Issuing authority**

The issuing Authority, as the same is defined in N.J.S.A. 5:8-24 et seq and N.J.S.A. 5:8- 50 et seq, responsible for approving bingo and raffle licenses shall be the Municipal Clerk.

**5.24.030. Conduct of games on Sunday.**

Licensees authorized by law to conduct any games of chance, including raffles and bingo, shall be permitted to conduct the same on any day of the week, including Sundays as provided by N.J.S.A. 5:8-31 and N.J.S.A. 5:8-58.

**5.24.040. Application.**

The issuing authority shall approve or deny all applications for bingo or raffle licenses with due expedition after the filing of the application. Applications must be filed with the Municipal Clerk together with required fees pursuant to law. The applicant shall demonstrate in writing compliance with the provisions of all applicable laws and regulations.

**5.24.050. Organizations eligible for license.**

No license to conduct a game of chance as authorized by law shall be issued to any organization not having a bona fide sites established in good faith within the State of New Jersey and actively engaged in serving one or more of the authorized purposes as defined by the rules and regulations of the Legalized Games of Chance Control Commission.

**5.24.060. Suspension or revocation of license.**

The governing body, pursuant to N.J.S.A. 5:8-30 and N.J.S.A. 5:8-57, may suspend and revoke any issued bingo or raffle license, after a hearing, for any violation of this chapter or state law. The governing body may suspend the operation of a bingo or raffle pending hearing, in which case a hearing must be held within five days after such action. Notice of a hearing shall be served personally upon an officer of the licensee or the member in charge of the conduct of the bingo or raffle or sent by registered mail or certified mail to the licensee at the address shown on the license. All decisions and findings by the governing body regarding the suspension or revocation of a bingo or raffle license shall be in writing.

**5.24.070. Fees.**

The fees payable by law shall be as established by the rules and regulations of the Legalized Games of Chance Control Commission. All fees under this section payable to the Township of Bordentown by nonprofit entities engaged in nonprofit activities in the Township of Bordentown shall be one-half of the State mandated fee.

**5.24.080. Violations and penalties.**

Any person who violates any of the provisions of this chapter, upon conviction, shall be subject to the penalties as provided in the New Jersey Administrative Code.

**SECTION III.**

This Ordinance shall take effect upon final passage and publication according to law.

**SECTION IV.**

All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistency.

**SECTION V.**

If any section, paragraph, subdivision, clause or provisions of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision clause or provision and the remainder of this Ordinance shall be deemed valid and effective.