

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: APRIL 24, 2017 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Cann
	_____	_____	Committeeman Holliday
	_____	_____	Committeewoman Popko
	_____	_____	George Haeuber, Interim Administrator
	_____	_____	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:

Environmental Litigation Matters: Transco Compressor Station
 SRL Pipeline
 NJNG
 Elcon Hazardous Waste Facility

Personnel Matters ó Administration
 Chief Financial Officer
 Community Development

Township Webmaster/Social Media Contract Matter.

VOA Pilot 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. Presentation by Mary Leck, Friends of Abbott Marshlands, regarding Signs for the Trails Grant.
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 #2017-114-8 through #2017-114-18.
8. Resolution #2017-114-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 9. Resolution #2017-114-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 10. Resolution #2017-114-10 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
 11. Resolution #2017-114-11 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.
 12. Resolution #2017-114-12 entitled RESOLUTION AUTHORIZING THE CANCELLATION OF UNCASHED CHECKS TO THE TOWNSHIP OF BORDENTOWN GENERAL FUND.
 13. Resolution #2017-114-13 entitled RESOLUTION AUTHORIZING APPROVAL BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT TO APPLY AND PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM.
 14. Resolution #2017-114-14 entitled RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PYROTECNICO FOR JULY 4TH FIREWORKS DISPLAY.
 15. Resolution #2017-114-15 entitled RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF FLORENCE AND THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL SERVICES.

16. Resolution #2017-114-16 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
17. Resolution #2017-114-17 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE 2014 RECREATIONAL TRAILS PROGRAM GRANT, PROJECT ID 15-0304-2 ó CROSSWICKS CREEK TRAILS AT NORTHERN COMMUNITY PARK.
18. Resolution #2017-114-18 entitled RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 22, 2017 TO JUNE 4, 2017.
19. Public Hearing on Ordinance #2017-3 entitled CALENDAR YEAR 2017 óCAPö ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
20. Consideration of Adoption of Ordinance #2017-3 entitled CALENDAR YEAR 2017 óCAPö ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14)
21. Public Hearing on Ordinance #2017-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR CAPITAL IMPROVEMENTS TO REPAIR AND RESTORE THE CULVERT UNDER ORCHARD AVENUE AT GLEN ROAD AND RELATED EXPENSES AND APPROPRIATING \$775,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$737,500 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES; AUTHORIZING THE APPLICATION OF THE GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF \$651,168 TO REDUCE THE AMOUNT OF OBLIGATIONS INCURRED OR TO REPAY THE OBLIGATIONS INCURRED; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
22. Consideration of Adoption of Ordinance #2017-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR CAPITAL IMPROVEMENTS TO REPAIR AND RESTORE THE CULVERT UNDER ORCHARD AVENUE AT GLEN ROAD AND RELATED EXPENSES AND APPROPRIATING \$775,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$737,500 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES; AUTHORIZING THE APPLICATION OF THE GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF \$651,168 TO REDUCE THE AMOUNT OF OBLIGATIONS INCURRED OR TO REPAY THE OBLIGATIONS INCURRED; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
23. Public Hearing on Ordinance #2017-7 entitled AN ORDINANCE TO AMEND ORDINANCE #2016-8 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
24. Consideration of Adoption of Ordinance #2017-7 entitled AN ORDINANCE TO AMEND ORDINANCE #2016-8 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

25. Consideration of Introduction of Ordinance #2017-8 entitled ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:501 OF THE LAND DEVELOPMENT ORDINANCE.
26. Township Committee discussion of Ordinance Regulating Drones.
27. Township Committee discussion to Authorize the Veterans Advisory Committee to Expend Funds for the Bordentown City Street Fair.
28. Township Committee and Staff Reports.
29. Public Participation.

Questions, comments or statements from members of the public in attendance.
30. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
31. 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 #2017-114-8

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 April 24, 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.

04/24/17

RESOLUTION #2017-114-9

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 Regular Meeting of January 23, 2017, and April 3, 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 February 2017 as submitted by the Township Officials are hereby received and filed: Construction Department; and

BE IT RESOLVED that the following reports for the month of March 2017 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction Department, and Community Development.

04/24/17

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2017-114-10

REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS

WHEREAS, there exists unused balances in the following Planning or Zoning escrow accounts:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
Arun Rao 3 Farmview Road Bordentown, NJ 08505	Side Yard Fence Variance Block 138.10 Lot 1	967500	\$48.25
T-Mobile Northeast, LLC 201 Old York Road Bordentown , NJ 08505	Conditional Use Block 130 Lot 2	971900	\$677.50

And, **WHEREAS**, the Director of Community Development has certified that the applications and projects are complete and that the amounts listed above are nets amounts to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account(s); and

WHEREAS, the Director of Community Development recommends the balances of the funds should be returned to the applicants; in accordance with N.J.S.A. 40:55D-53.2.

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

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balances of the escrow deposits, in the amounts indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid applicants or owners.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to each Applicant.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-11

RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT

WHEREAS, the Township Committee of the Township of Bordentown has determined the need to appoint an additional part-time (per diem) EMT;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following part-time EMT effective April 25, 2017:

Tiana Ramirez

BE IT FURTHER RESOLVED that compensation shall be set at \$12.50 per hour in accordance with Ordinance #2016-8.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-12

RESOLUTION AUTHORIZING THE CANCELLATION OF UNCASHED CHECKS TO THE TOWNSHIP OF BORDENTOWN GENERAL FUND

WHEREAS, refund/reimbursement checks have been drawn on the Township of Bordentown Municipal Court's general fund and have gone uncashed; and

WHEREAS, the Municipal Court Office is requesting that the uncashed checks be cancelled to the Township of Bordentown General Fund;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Bordentown Township Municipal Court Office to cancel the uncashed checks to the Bordentown Township General Fund in the amount of \$9,577.15.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-13

RESOLUTION AUTHORIZING APPROVAL BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT TO APPLY AND PARTICIPATE IN THE LAW ENFORCEMENT SUPPORT OFFICE (LESO) 1033 PROGRAM

WHEREAS, Congress authorized the 1033 Program to make use of excess Department of Defense (DoD) equipment by making it available at the local, county and state level. This excess DoD equipment has been purchased with taxpayer funds. Law enforcement may request resources from this program. The Defense Logistics Agency (DLA) mandates that all acquired 1033 equipment be under the control of the requesting law enforcement agency. The equipment may enhance community preparedness, response, a resiliency while off-setting the costs in a time of fiscal constraints; and

WHEREAS, Senate Bill 2364(a) requires that all local or county law enforcement agencies be approved by resolution by the majority of the full membership of the governing body prior to the transmittal of 1033 Program application. The DLA requires that applications for program participation be submitted every 365 days; and

WHEREAS, in this era of fiscal constraint, participation in the 1033 Program allows local units to obtain equipment that they might not otherwise be able to afford, and to prepare for, respond to, and recover from incidents of terrorism, counter drug interdiction, and natural disaster such as hurricanes and severe floods, by complying with Sections 2(A) and 2(B) of Senate Bill 2364; and

WHEREAS, the Township Committee of the Township of Bordentown, in complying with Senate Bill No. 2364 sections 2(b), finds that the Bordentown Township Police Department may request and acquire any Demilitarization (DEMIL) items with a code of A and Q with an Integrity Code of 6, without restriction and additional resolutions from the Township Committee; and

WHEREAS, the Township Committee of the Township of Bordentown, in complying with Senate Bill 2364 sections 2(b), finds that the Bordentown Township Police Department may request and acquire any Demilitarization (DEMIL) items with a code of B through G and items with a Code of Q with an Integrity Code of 3 without restriction and additional resolutions from the Township Committee; and

WHEREAS, the Bordentown Township Police Department shall be in accordance with all terms, conditions and requirements set forth by the New Jersey Office of Emergency Management-Law Enforcement Support Office State Plan of Operation and Memorandum of Agreement; and

WHEREAS, it is in the best interest of the residents of the Township of Bordentown that the Bordentown Township Police Department apply and participate in the LESO 1033 Program;

NOW, THEREFORE, BE IT RESOLVED that on this 3rd day of April, 2017, the Mayor and Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, hereby authorizes and approves the Bordentown Township Chief of Police and his authorized Points of Contact (POC) to apply, enroll, and to continue to participate in the Department of Defense-Defense Logistics Agency-Law Enforcement Support Office/1033 Program, complying with Section 2(a) and 2(b) of Senate Bill No. 2364.

RESOLUTION #2017-114-14

RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PYROTECNICO FOR JULY 4TH FIREWORKS DISPLAY

WHEREAS, the Township of Bordentown will be hosting the Fireworks for the 4th of July on June 30, 2017, with a rain date of July 7th, at the Joseph Lawrence Park, located on Ward Avenue in the Township of Bordentown; and

WHEREAS, the Township of Bordentown is in receipt of the contract for the Fireworks Display with Pyrotecnico in the amount of \$26,250; and

WHEREAS, funds are available to enter into said contract with Pyrotecnico in the amount of \$26,250 as evidenced by the attached Certification of Availability of Funds; and

WHEREAS, a deposit in the amount of \$13,125 is due by April 30, 2017;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor to execute said contract on behalf of the Township of Bordentown with Pyrotecnico in the amount of \$26,250.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-15

RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF FLORENCE AND THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL SERVICES

WHEREAS, the Township of Florence has the need for Animal Control Services; and

WHEREAS, the Florence Township Council and Bordentown Township Committee wish to enter into a Shared Services Agreement for the purpose of Animal Control; and

WHEREAS, the parties wish to execute a Shared Services Agreement between the Township of Florence and Township of Bordentown in accordance with Schedule attached;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the attached Shared Services Agreement between the Township of Florence and Township of Bordentown is hereby approved for the purpose of Animal Control; and

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the agreement on behalf of the Township of Bordentown.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-16

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 7th 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 04.24.17 40A:4-20

		2017
	PRIOR	\$3,620,660.00
Administration	O/E	10,000.00
Mayor / Committee	S&W	5,000.00
Municipal Clerk	S&W	5,000.00
Municipal Clerk	O/E	1,500.00
Audit	O/E	5,000.00
Finance	S&W	10,000.00
Tax Collector	S&W	10,000.00
Tax Collector	O/E	2,000.00
Tax Assessor	S&W	3,000.00
Tax Assessor	O/E	4,000.00
Group Health	O/E	50,000.00
Community Development	S&W	3,000.00
UCC	S&W	15,000.00
Police	S&W	150,000.00

Emergency Mgmt	S&W	2,000.00
Municipal Prosecutor	O/E	5,000.00
P/W - Streets Roads	S&W	40,000.00
P/W - Streets Roads	O/E	10,000.00
P/W - Bldgs & Grounds	O/E	5,000.00
P/W - Vehicle Maintenance	S&W	5,000.00
P/W - Vehicle Maintenance	O / E	5,000.00
Celebration Public Events	O/E	5,000.00
Solid Waste Collection Contractual	O/E	55,000.00
Electricity	O/E	5,000.00
Street Lights	O/E	40,000.00
Telecommunications	O/E	10,000.00
Petro Products	O/E	20,000.00
Landfill/ Solid Waste Disposal	O/E	40,000.00
FICA / Social Security	O/E	25,000.00
EMS - AMBULATORY	S&W	30,000.00
EMS - AMBULATORY	O / E	12,000.00
MUNICIPAL COURT	S&W	20,000.00
MUNICIPAL COURT	O/E	3,000.00
Municipal Alliance	O/E	14,279.00
		624,779.00
TOTAL INCLUDING THIS RESOLUTION		\$4,245,439.00

RESOLUTION #2017-114-17

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE 2014 RECREATIONAL TRAILS PROGRAM GRANT, PROJECT ID 15-0304-2 6 CROSSWICKS CREEK TRAILS AT NORTHERN COMMUNITY PARK

WHEREAS, the Township of Bordentown did apply for a grant with the State of New Jersey, Department of Environmental Protection for the 2014 Recreational Trails Program Grant; and

WHEREAS, by correspondence dated April 17, 2017, hereto attached, the State of New Jersey, Department of Environmental Protection has awarded a grant to the Township of Bordentown in the amount of \$24,000, with a \$6,000 match for the Township of Bordentown, for the completion of proposed improvements to the Crosswicks Creek Trails at Northern Community Park;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute all grant agreements on behalf of the Township of Bordentown and forward the agreements to the State of New Jersey, Department of Environmental Protection.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

RESOLUTION #2017-114-18

RESOLUTION SUPPORTING THE CLICK IT OR TICKET MOBILIZATION OF MAY 22, 2017 TO JUNE 4, 2017

WHEREAS, there were 607 motor vehicle crashes resulting in fatalities in New Jersey in 2016; and

WHEREAS, a large percentage of the motor vehicle occupants killed in traffic crashes were not wearing a seat belt; and

WHEREAS, use of a seat belt remains the most effective way to avoid death or serious injury in a motor vehicle crash; and

WHEREAS, the National Highway Traffic Safety Administration estimates that 255,000 lives were saved by safety belt usage nationally between 1975-2012; and

WHEREAS, the State of New Jersey will participate in the nationwide Click It or Ticket seat belt mobilization from May 22 ó June 4, 2017, in an effort to raise awareness and increase seat belt usage through a combination of enforcement and education; and

WHEREAS, the Division of Highway Traffic Safety has set a goal of increasing the seat belt usage rate in the State from the current level of 91.36% to 93.35%; and

WHEREAS, a further increase in seat belt usage in New Jersey will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Township of Bordentown declares its support for the Click It or Ticket seat belt mobilization both locally and nationally from May 22 ó June 4, 2017, and pledges to increase awareness of the mobilization and the benefits of seat belt use.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on April 24, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

04/24/17

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 \$307,560.00, 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 \$307,560.00, 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.

ORDINANCE NO. 2017-6

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR CAPITAL IMPROVEMENTS TO REPAIR AND RESTORE THE CULVERT UNDER ORCHARD AVENUE AT GLEN ROAD AND RELATED EXPENSES AND APPROPRIATING \$775,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$737,500 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES; AUTHORIZING THE APPLICATION OF THE GRANT FROM THE FEDERAL EMERGENCY MANAGEMENT AGENCY OF \$651,168 TO REDUCE THE AMOUNT OF OBLIGATIONS INCURRED OR TO REPAY THE OBLIGATIONS INCURRED; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of the full membership thereof affirmatively concurring), AS FOLLOWS:

Description of Projects

The Township of Bordentown, in the County of Burlington, New Jersey (the "Township") hereby authorizes the development, construction and installation of repairs to the culvert under Orchard Avenue at Glen Road to repair damage caused, in whole or in part, by Superstorm Sandy together with all appurtenances, work and material necessary or incidental thereto (collectively, the "Project").

Appropriation for Projects - Down Payment

The Township hereby appropriates the sum of \$775,000 for the purpose of paying the costs of the Project, including the sum of \$37,500 which is hereby appropriated as the down payment for said purposes pursuant to the Local Bond Law (constituting Chapter 169 of the 1960 Laws of New Jersey, as amended). It is hereby determined and stated that the amount of the down payment is not less than five percent (5%) of the obligations authorized by this Ordinance and that the amount appropriated as a down payment has been made available prior to final adoption of this Ordinance by provisions in prior or current budgets of the Township for capital improvements and down payments.

Useful Life

It is hereby determined and stated that the period of usefulness for the Project is not less than 10 years.

Estimated Cost

It is hereby determined and stated that the estimated cost of the improvements described in Section 1 hereof is \$775,000, that the amount of this appropriation is \$775,000 and that such estimated cost includes the aggregate amount of \$50,000 for items of expense permitted to be included in the cost of said improvements under Section 20 of the Local Bond Law, including engineering and inspection costs, legal expenses, accounting, printing and other expenses of authorizing and issuing the obligations hereinafter authorized, interest on the obligations and other expenses as set forth in said Section 20 of the Local Bond Law.

General Improvement Projects

The Projects described in Section 1 hereof shall be undertaken as general improvement projects, no part of the cost of which has been or shall be assessed against properties benefited thereby. It is hereby determined and stated that the purposes described in Section 1 hereof are not current expenses and are improvements which the Township may lawfully make as general improvements.

Authorization of Bonds

For the purpose of financing a portion of the costs of the improvements authorized in Section 1 hereof, there is hereby authorized pursuant to the Local Bond Law the issuance of bonds of the Township in an aggregate principal amount not to exceed \$737,500.

The Chief Financial Officer of the Township and the Mayor of the Township are hereby authorized and directed to execute all bonds authorized under this Ordinance on behalf of the Township and the Township Clerk is hereby authorized and directed to affix to such bonds the seal of the Township and to attest the same. The Chief Financial Officer of the Township is authorized to deliver all such bonds to the purchaser thereof against receipt of the purchase price therefor. All such Township officials are authorized to take such other action and execute such other documents as may be necessary or appropriate to effect the issuance or delivery of the bonds authorized under this Ordinance.

Authorization of Notes

Pending the issuance of the bonds authorized in Section 6(a) hereof, there is hereby authorized the issuance of bond anticipation notes of the Township in an aggregate principal amount not to exceed \$737,500; provided, however, that if bonds are issued pursuant to Section 6(a) hereof, the aggregate amount of notes authorized to be issued under this Section 7(a) shall be reduced by an amount equal to the principal amount of bonds so issued.

If the aggregate principal amount of outstanding obligations issued pursuant to Section 6(a) and Section 7(a) hereof shall at any time exceed \$737,500 the proceeds thereof shall, to the extent of such excess, be applied to the payment of the obligations then outstanding. Whenever funds have been deposited with a bank or trust company and committed or reserved for the payment thereof, the principal amount of the obligations for which sufficient funds have been so deposited shall be deemed no longer outstanding under this Ordinance.

All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer of the Township, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer of the Township. The Chief Financial Officer shall determine all other matters in connection with notes pursuant to this Ordinance, and the execution of the notes on behalf of the Township shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of the Local Bond Law. The Chief Financial Officer of the Township is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The Chief Financial Officer of the Township is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this Ordinance is made. Such report must include the amount, the interest rate and the maturity schedule of the notes sold, the price obtained and the name or names of the purchasers.

Supplemental Debt Statement

It is hereby determined that the Supplemental Debt Statement required pursuant to the Local Bond Law has been duly filed in the Office of the Township Clerk prior to the passage on first reading of this Ordinance, that a complete executed duplicate thereof has been duly filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey prior to the final passage of this Ordinance, and that said Supplemental Debt Statement shows that the gross debt of the Township, as defined in the Local Bond Law, is increased by the authorization of obligations hereunder in the amount of \$737,500 and that the issuance of the obligations authorized by this Ordinance is within all the debt limitations prescribed by the Local Bond Law

Amendment of Capital Budget

The capital budget of the Township is hereby amended to conform with the provisions of this Ordinance to the extent of any inconsistency herewith. The amended capital budget and capital program as approved by the

Director of the Division of Local Government Services is on file with the Township Clerk and is available in the office of said Clerk for public inspection.

Pledge of Credit and Taxes

For the punctual payment of the principal of and interest on all obligations authorized to be issued by this Ordinance, the entire full faith, credit and taxing power of the Township is hereby irrevocably pledged. The obligations shall be direct, unlimited general obligations of the Township, and, unless paid from other sources, the Township shall levy ad valorem taxes upon all taxable property within the Township for the payment of the principal of and interest on the obligations without limitation as to rate or amount.

Covenant as to Federal Income Tax Exemption

The Township hereby covenants with the owners of all obligations authorized to be issued by this Ordinance not to take or omit to take any action so as to cause interest on the obligations to be no longer exempt from federal income taxes. The Township further covenants with the owners of the obligations that it will not authorize or make any prohibited payment or any investment of any proceeds of any obligations or make any other use of such proceeds which would cause such obligations to be "arbitrage bonds" as such term is defined in Section 148 of the Internal Revenue Code of 1986 as the same may be amended or superseded from time to time and the regulations issued thereunder, and the Township further covenants to rebate to the United States Treasury any excess earnings on the gross proceeds of such obligations, as necessary, and to otherwise comply with said Section 148 and said regulations throughout the term of all such obligations.

Official Intent

The Township reasonably expects to reimburse itself from proceeds of the obligations authorized by this Ordinance for capital expenditures with respect to the Projects initially paid for from current or other available funds of the Township. This constitutes a declaration of "official intent" within the meaning of Treasury Regulations §1.150-2. The Township hereby certifies that this declaration is reasonable on the date hereof in that (i) it is consistent with the budgetary and financial circumstances of the Township, (ii) no funds (other than the proceeds of the obligations authorized by this Ordinance) are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Township pursuant to its budget or financial policies with respect to the capital expenditures to be reimbursed, and (iii) the Township does not have a pattern of failing to reimburse itself for capital expenditures actually paid and for which an official intent was declared, other than due to unforeseeable extraordinary circumstances beyond the Township's control. The Township acknowledges that in order to reimburse itself for capital expenditures incurred with respect to the Projects, the obligations authorized by this Ordinance must be initially issued not later than eighteen months after the later of the date the relevant capital expenditure is initially paid or the date the relevant capital improvement is placed into service.

Grants

To the extent that the Township receives grants in aid of the Project, including the grant expected to be received from the Federal Emergency Management Agency in the amount of \$651,168, any such grant proceeds from time to time received by the Township shall be used for financing the Project for which such grant was made by application thereof either to direct payment of the costs of the Project, or to payment, or reduction of the authorization, of the obligations of the Township authorized therefor by this Ordinance. Any such funds so received may, and all such funds so received which are not required for direct payment of the costs of the Project shall, be held and applied by the Township as funds applicable only to the payment of obligations of the Township authorized by this Ordinance.

Subsequent Resolutions

Pursuant to Section 16 of the Local Bond Law, all matters with respect to the obligations authorized by this Ordinance not contained or determined in this Ordinance, including, without limitation, the maturity or maturities, rate or rates of interest and redemption provisions thereof, may be determined by resolution or resolutions hereafter to be adopted in the manner provided by law.

[END OF TEXT ON THIS PAGE]

Effective Date

This Ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.

THE TOWNSHIP OF BORDENTOWN IN THE COUNTY OF
BURLINGTON, NEW JERSEY

Introduction:

Enactment:

Attest: _____

Mayor

ORDINANCE #2017-7

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

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

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

HOURLY SALARIES

SPECIAL OFFICER CLASS II

17.00-25.00

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

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

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

ORDINANCE #2017-8

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN
AMENDING SECTION 25:501 OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the Township Committee of the Township of Bordentown has reviewed Section 25:501 of the Bordentown Township Land Development Ordinance, which addresses accessory buildings within the Township; and

WHEREAS, the Township Committee of the Township of Bordentown has concluded that in order to adequately address the purposes stated in the Land Development Ordinance and to provide appropriate standards for accessory uses, amendments to Section 25:501 are needed.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that Section 25:501 of the Land Development Ordinance is hereby amended as follows: (amendment text is underlined)

25:501.F ó Number of Accessory Structures. There shall be no more than two (2) accessory structures per lot; excluding in-ground swimming pools.

25:501.G ó Size of Sheds. Sheds shall not exceed 100 square feet.