

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: AUGUST 21, 2017 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Cann
	_____	_____	Committeeman Holliday
	_____	_____	Committeewoman Popko
	_____	_____	Michael Theokas, Administrator
	_____	_____	Township Clerk Eckert
	_____	_____	Attorney Fahey
	_____	_____	Chief Financial Officer Elsasser

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:

1. Community Development Personnel Matter.
2. Kevin Johnson Tax Appeal Matter Potential Litigation.
3. Affordable Housing Contract Matters.
4. VOA Contract 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. In accordance with N.J.S.A. 40:55D-23 and Section 25:704 of the Revised General Ordinances of the Township of Bordentown as adopted by Ordinance #1990-15, commonly known as the Land Development Ordinance of the Township of Bordentown establishing a Planning Board, I, Stephen Benowitz, as Mayor, do hereby make the following appointment to the Planning Board:

Class II Member – 3 Year Unexpired Term Expiring 12/31/18: Kelly Lozito

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 #2017-233-8 through #2017-233-27.
8. Resolution #2017-233-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 9. Resolution #2017-233-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 10. Resolution #2017-233-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 11. Resolution #2017-233-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 12. Resolution #2017-233-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 13. Resolution #2017-233-13 entitled RELEASE OF PERFORMANCE GUARANTEE, CHEYENNE MOUNTAIN OUTFITTERS, LLC, 244 ROUTE 130, BLOCK 120, LOT 6.
 14. Resolution #2017-233-14 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION.
 15. Resolution #2017-233-15 entitled RESOLUTION APPOINTING CHAIRMAN TO THE VETERANS ADVISORY COMMITTEE.
 16. Resolution #2017-233-16 entitled AMENDING RESOLUTION #2017-198-23 ENTITLED ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.
 17. Resolution #2017-233-17 entitled RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN.

18. Resolution #2017-233-18 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.
19. Resolution #2017-233-19 entitled RESOLUTION TO APPOINT TYLER MCBRIDE TO THE POSITION OF PUBLIC WORKS LABORER IN THE DEPARTMENT OF PUBLIC WORKS.
20. Resolution #2017-233-20 entitled RESOLUTION IN SUPPORT OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION PROJECT FOR THE RECONSTRUCTION OF ROUTE 130 BRIDGE OVER DOCTORS CREEK & CROSSWICKS CREEK.
21. Resolution #2017-233-21 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF PAMELA KEINTZ, KEYBOARD CLERK 1.
22. Resolution #2017-233-22 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF CAROL GAYNOR, VIOLATIONS CLERK TYPIST.
23. Resolution #2017-233-23 entitled RESOLUTION TO APPOINT KITTINA WALLRATH AS ACCOUNT CLERK/CASHIER IN THE BORDENTOWN TOWNSHIP FINANCE DEPARTMENT.
24. Resolution #2017-233-24 entitled A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT.
25. Resolution #2017-233-25 entitled AUTHORIZING EXECUTION OF THE FY 2018 BURLINGTON COUNTY ANNUAL ALLIANCE PLAN AGREEMENT.
26. Resolution #2017-233-26 entitled AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH CALKINS MEDIA INCORPORATED AND DAVID LEVINSKY.
27. Resolution #2017-233-27 entitled AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH DIGITAL FIRST MEDIA D/B/A/ THE TRENTONIAN.
28. Consideration of Introduction of Ordinance #2017-15 entitled AN ORDINANCE TO AMEND ORDINANCE #2017-11 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
29. Consideration of Introduction of Ordinance #2017-16 entitled AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-23.
30. Consideration of Introduction of Ordinance #2017-17 entitled FLOOD DAMAGE PREVENTION ORDINANCE.
31. Consideration of Introduction of Ordinance #2017-18 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25, THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF BORDENTOWN, TO MODIFY THE STANDARDS FOR FENCES, SWIMMING POOLS, AND RESIDENTIAL GARAGES AND SHEDS.

32. Consideration of Introduction of Ordinance #2017-19 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP AND APPROPRIATING \$1,450,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$1,380,000 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.
33. Consideration of Introduction of Ordinance #2017-20 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES IN THE TOTAL AMOUNT OF \$102,058.77 AND RE-APPROPRIATING SAID FUNDS FOR THE PAYMENT OF TAX APPEALS FOR 2015 AND 2016.
34. Township Committee discussion regarding 2017 Road Program and NJDOT FY2018 State Aid Program.
35. Administrator and Staff Reports
36. Township Committee Reports.
37. Public Participation.

Questions, comments or statements from members of the public in attendance.

Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

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

NOTICE

TOWNSHIP OF BORDENTOWN

NOTICE IS HEREBY GIVEN that the Bordentown Township Committee Regular Meeting scheduled for August 21, 2017, will commence at 6:30 p.m. to be held in the Main Meeting Room of the Municipal Building, 1 Municipal Drive, Bordentown, NJ 08505.

Colleen M. Eckert, RMC, Twp. Clerk

NOTICE TO NEWSPAPERS IS REQUIRED BY THE STATE OPEN PUBLIC MEETINGS LAW AND IS NOT TO BE PUBLISHED AS A PAID LEGAL ADVERTISEMENT.

RESOLUTION #2017-233-8

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 August 21, 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.

08/21/17

RESOLUTION #2017-233-9

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 Township Committee Closed Session Meeting of July 17, 2017, and the Regular Meeting of July 17, 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 June 2017 as submitted by the Township Officials are hereby received and filed: Construction Office; and

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

08/21/17

RESOLUTION #2017-233-10

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00005 was redeemed on JULY 19, 2017, in the amount of \$116.86

WHEREAS, TWR AS C/F EDBURY FUND 1NJ LLC, paid tax sale premium, in the amount of \$400.00 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 \$400.00 to TWR AS C/F EDBURY FUND 1NJ LLC; for Lien 16-00005, Block 19.03 Lot 21 commonly known as 11 ARBOR COURT

JCE
08/21/17

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00027 was redeemed on JULY 20, 2017, in the amount of \$262.76

WHEREAS, TWR AS C/F EDBURY FUND 1NJ LLC, paid tax sale premium, in the amount of \$1,000.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1,000.00 to TWR AS C/F EDBURY FUND 1NJ LLC; for Lien 16-00027, Block 92.05 Lot 22.318 Q C.318 commonly known as 11 SALISBURY COURT

JCE
08/21/17

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00027 was redeemed on JULY 28, 2017, in the amount of \$399.32

WHEREAS, TWR AS C/F EDBURY FUND 1NJ LLC, paid tax sale premium, in the amount of \$1,200.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1,200.00 to TWR AS C/F EDBURY FUND 1NJ LLC; for Lien 16-00027, Block 92.05 Lot 22.260 Q C.260 commonly known as 14 PLYMOUTH COURT

JCE
08/21/17

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**Cheyenne Mountain Outfitters, LLC
244 Route 130, BLOCK: 120 LOT: 6**

RESOLUTION NO. 2017-233-13

WHEREAS, Cheyenne Mountain Outfitters, LLC is the developer of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, Cheyenne Mountain Outfitters, LLC provided a performance guarantee in the form of a Surety Bond, issued by First Indemnity of America Insurance Co., #RU100034, in the amount of \$20,009.57; and a cash guarantee in the amount of \$2,223.29; and

WHEREAS, Cheyenne Mountain Outfitters, LLC has notified the Township in writing and in accordance with the procedures set forth in the Municipal Land Use Law (MLUL), N.J.S.A. 40:55D-53.d, that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a release of said performance guarantee; and

WHEREAS, the Director of Community Development has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Director's recommendations in accordance with N.J.S.A. 40:55D-53.d.

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 approves release of the performance guarantee for Cheyenne Mountain Outfitters, LLC with the following conditions:
2. The release of the guarantee is conditioned upon payment of any outstanding negative balance in the inspection escrow account, and
3. The Township Clerk shall forward a certified copy of this resolution to: Cheyenne Mountain Outfitters, LLC, 244 Route 130, Bordentown, NJ 08505, Attn: Cindy Silcox

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2017-233-14

REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION

WHEREAS, there exists an unused balance in the following Planning escrow account:

<u>Applicant/ Developer</u>	<u>Project</u>	<u>Account No.</u>	<u>Current Amount</u>
HK1, LLC c/o Harry Kantor Time Equities, Inc. 55 Fifth Avenue, 15 th Floor New York, NY 10003	Old York Business Park	959100	\$ 14,779.11

And, **WHEREAS**, the Director of Community Development has certified that the application is complete and that the amount listed above is a net amount to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account; and

WHEREAS, the Director of Community Development recommends the balance of the funds should be returned to the applicant; 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 balance of the escrow deposit, in the amount 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 applicant.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to the 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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-15

RESOLUTION APPOINTING CHAIRMAN TO THE VETERANS ADVISORY COMMITTEE

WHEREAS, due to the deployment of the current Veterans Advisory Committee Chairman, Michael Huntanar, there is a need to appoint a replacement Chairman for the remainder of 2017;

NOW, THEREFORE, BE IT RESOLVED this 21st day of August, 2017, by the Township Committee of the Township of Bordentown, County of Burlington, New Jersey, that it does hereby appoint Carl Zendrosky as Chairman of the Veterans Advisory Committee for the term expiring December 31, 2017.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-16

AMENDING RESOLUTION #2017-198-23 ENTITLED ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN

WHEREAS, the Township Committee adopted Resolution #2017-198-23 on July 17, 2017; and

WHEREAS, it has been determined that there are two amendments to be made to the resolution as follows:

Matt Crowell	Police Lieutenant	\$108,461.70
Sarah Graubart	Violations Clerk Typing	\$16.00/hr. \$16.50/hr. (effective 2/1/17) \$17.00/hr. (effective 8/1/17)

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the amendments to the salary resolution for year 2017.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-17

RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN

WHEREAS, approximately one-third of all fatal traffic crashes in the United States involve drunk drivers; and

WHEREAS, impaired driving crashes cost the United States almost \$45 Billion a year; and

WHEREAS, 29% of motor vehicle fatalities in New Jersey in 2014 were alcohol-related; and

WHEREAS, an enforcement crackdown is planned to combat impaired driving; and

WHEREAS, the summer season and the Labor Day holiday in particular are traditionally times of social gatherings which include alcohol; and

WHEREAS, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown*; and

WHEREAS, the project will involve increased impaired driving enforcement from August 18 through September 4, 2017; and

WHEREAS, an increase in impaired driving enforcement and a reduction in impaired driving will save lives on our roadways;

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown declares its support for the *Drive Sober or Get Pulled Over 2017 Statewide Crackdown* from August 18 through September 4, 2017, and pledges to increase awareness of the dangers of drinking and driving.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-233-18

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 August 22, 2017:

Kaitlin Brienza

BE IT FURTHER RESOLVED that compensation shall be set at \$12.50 per hour in accordance with Ordinance #2017-11.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-19

RESOLUTION TO APPOINT TYLER MCBRIDE TO THE POSITION OF PUBLIC WORKS
LABORER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has determined that there is a need to appoint a Public Works Laborer in the Department of Public Works; and

WHEREAS, the Township Committee, upon recommendation by the Public Works Director, has concluded that Tyler McBride is best qualified to fill this position; and

WHEREAS, the necessary and appropriate background investigation has been conducted and Mr. McBride has met the qualifications necessary to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Tyler McBride to the position of Public Works Laborer in the Department of Public Works, effective August 22, 2017; and

BE IT FURTHER RESOLVED that compensation to Mr. McBride shall be set at \$12.00 per hour in accordance with Ordinance #2013-18 and the existing Township – AFSCME Local 3827-D collective bargaining agreement; and

BE IT FURTHER RESOLVED that Mr. McBride is appointed in accordance with and subject to the New Jersey Civil Service Commission rules and regulations.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-20

RESOLUTION IN SUPPORT OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
PROJECT FOR THE RECONSTRUCTION OF ROUTE 130 BRIDGE OVER DOCTORS CREEK &
CROSSWICKS CREEK

WHEREAS the New Jersey Department of Transportation (NJDOT) has informed the Township of Bordentown of their plans for the reconstruction of the Route 130 Bridge over Doctors Creek and Crosswicks Creek; and

WHEREAS, the NJDOT presented this project to the Township of Bordentown officials on June 2, 2017, addressing the reconstruction of the bridge and the impact of Route 130; and

WHEREAS, the governing body of the Township of Bordentown is in agreement with the plan and does give their full support to the NJDOT in reconstructing the Route 130 Bridge over Doctors Creek and Crosswicks Creek that is in need of reconstruction;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby support the Reconstruction of Route 130 Bridge over Doctors Creek and Crosswicks Creek; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby authorized to forward a certified copy of this Resolution to the NJDOT.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-21

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO
MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF PAMELA KEINTZ, KEYBOARD
CLERK I

WHEREAS, Pamela Keintz, Keyboard Clerk I, has resigned her position with the Township of Bordentown effective August 4, 2017;

WHEREAS, in accordance with the Bordentown Township Employee Manual, it has been determined that Ms. Keintz did utilize benefit time in excess of what was accrued to her date of resignation in amount of 14.7 hours equivalent to \$268.27;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the resignation of Ms. Keintz's employment with the Township and further terminates all benefits provided to Ms. Keintz effective August 4, 2017; and

BE IT FURTHER RESOLVED that \$268.27 for excess benefit time used, shall be deducted from Ms. Keintz's final pay with the Township of Bordentown; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that the above employment termination is effected in accordance with and under the regulations of the New Jersey State Civil Service Commission.

It is hereby certified that the foregoing is a true and correct copy
of a resolution adopted by the Township Committee of the Township
of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-22

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO
MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF CAROL GAYNOR, VIOLATIONS
CLERK TYPIST

WHEREAS, Carol Gaynor, Violations Clerk Typist, has resigned her position with the Township of Bordentown effective August 4, 2017;

WHEREAS, in accordance with the Bordentown Township Employee Manual, it has been determined that Ms. Gaynor did not use all vacation time afforded to her upon her resignation date, which totals 14.84 hours equivalent to \$257.32; and

WHEREAS, in accordance with the Bordentown Township Employee Manual, a further determination by the Township Administrator will be made regarding additional monies owed to the Township of Bordentown for Ms. Gaynor's education expenses relating to the Municipal Court Administrator Certification;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the resignation of Ms. Gaynor's employment with the Township and further terminates all benefits provided to Ms. Gaynor effective August 4, 2017; and

BE IT FURTHER RESOLVED that \$257.32 is owed to Ms. Gaynor for unused vacation time which will be added to Ms. Gaynor's final pay with the Township of Bordentown; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that the above employment termination is effected in accordance with and under the regulations of the New Jersey State Civil Service Commission.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-23

RESOLUTION TO APPOINT KITTINA WALLRATH AS ACCOUNT CLERK/CASHIER IN THE BORDENTOWN TOWNSHIP FINANCE DEPARTMENT

WHEREAS, there is a need to hire an Account Clerk/Cashier in the Bordentown Township Finance Department; and

WHEREAS, the Township Administrator and Chief Financial Officer have determined that Ms. Kittina Wallrath is qualified for this position and is therefore, making the recommendation to appoint Ms. Wallrath as the Account Clerk/Cashier for the Finance Department; and

WHEREAS, there was a need to have Ms. Wallrath commence employment prior to a scheduled Township Committee meeting requiring Township Clerk Eckert to request an electronic poll of the governing body for approval of this appointment; and

WHEREAS, the electronic poll of the governing body was conducted on July 24, 2017, wherein a majority affirmative response was received authorizing Ms. Wallrath's appointment (the written results of the electronic poll are attached and made an official part of this resolution);

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that this resolution formally memorializes the electronic poll of the governing body dated July 24, 2017, which authorizes the appointment of Ms. Kittina Wallrath as Account Clerk/Cashier for the Bordentown Township Finance Department effective August 7, 2017; and

BE IT FURTHER RESOLVED that compensation shall be set at \$19.50 per hour with an adjustment to \$20.00 per hour upon completion of a satisfactory 6-month probationary period and in accordance with the amending salary ordinance for year 2017 (scheduled adoption 9/11/17); and

BE IT FURTHER RESOLVED that said appointment shall be made in accordance with the rules and regulations of the New Jersey Civil Service Commission.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-24

A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT

WHEREAS, consensus exists among the world's leading climate scientists that global warming caused by emissions of greenhouse gases from human activities is among the most significant problems facing the world today; and

WHEREAS, documented impacts of global warming include but are not limited to increased occurrences of extreme weather events (e.g. droughts and floods), adverse impacts on ecosystems, demographic patterns and economic value chains; and

WHEREAS, responding to the climate change provides communities an opportunity to access first mover advantage in the range of products, services and know-how that transitioning to a climate-compatible future brings; and

WHEREAS, the Paris Agreement resulted in a commitment from almost every nation to take action and enact programs to limit global temperature increase to less than 2 degrees Celsius, with an expectation that this goal would be reduced to 1.5 degrees in the future;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby resolve to join other US cities in supporting the goals of the Paris Agreement and further commits to exploring the potential benefits and costs of adopting policies and programs that promote the long-term goal emissions reduction while maximizing economic and social co-benefits of such action.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

TOWNSHIP OF BORDENTOWN

RESOLUTION #2017-233-25

**AUTHORIZING EXECUTION OF THE
FY2018 BURLINGTON COUNTY
ANNUAL ALLIANCE PLAN AGREEMENT**

WHEREAS, the New Jersey Governor’s Council on Alcoholism and Drug Abuse has notified the Board of Chosen Freeholders of Burlington County that the Council will award grants to Municipal Alliance Committees in Burlington County in accordance with the Burlington County Municipal Alliance Plan for FY2018 which was approved by the Board of Chosen Freeholders; and

WHEREAS, the grant funds will be paid to the Board of Chosen Freeholders of Burlington County for disbursement to municipalities in Burlington County which have formed Municipal Alliance Committees whose Requests for Proposal have been approved by the Governor’s Council; and

WHEREAS, the Governor’s Council required that a Letter of Agreement be made between the Governor’s Council and the Board of Chosen Freeholders of Burlington County for the administration of the grant funds before the first disbursement of funds by the Governor’s Council; and

WHEREAS, the following grant has been approved to the Bordentown Alliance known as Bordentown Residents Against Drugs (“B.R.A.D.”) established in accordance with Ordinance #1989-18 in the following amount:

Alliance DEDR Allocation	\$ 14,804.00
City/Twp. Cash Match (25%)	\$ 3,701.00
In-Kind Match	\$ 11,103.00

WHEREAS, the Board of Chosen Freeholders prepared agreements with the municipalities which have been awarded said grants which must be fully executed before any monies can be disbursed to the municipalities for the grant period from July 1, 2017 through June 30, 2018; and

WHEREAS, an Agreement amongst the Burlington County Board of Chosen Freeholders, the Township of Bordentown and the City of Bordentown has been forwarded.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby authorizes the Mayor and Clerk to execute this Agreement on behalf of the Township of Bordentown.

I hereby certify that the foregoing Resolution was duly adopted at a regular meeting of the Township Committee of the Township of Bordentown conducted on the 21st day of August, 2017.

**Colleen M. Eckert, RMC
Township Clerk**

RESOLUTION #2017-233-26

AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH CALKINS MEDIA
INCORPORATED AND DAVID LEVINSKY

WHEREAS, Calkins Media Incorporated and David Levinsky (“Plaintiffs”) instituted an action pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., challenging the Township’s denial of certain records; and

WHEREAS, the court entered an order requiring the disclosure of certain records; and

WHEREAS, as a result of the Order, Plaintiffs were entitled to an award of attorneys’ fees pursuant to N.J.S.A. 47:1A-6; and

WHEREAS, the parties reached a compromise respecting the award of attorneys’ fees and further agreed to enter into a settlement agreement and mutual release resolving the claims and obligations between the parties; and

WHEREAS the Township Committee, upon review of the terms and upon the Township Attorney’s recommendation, finds it in the best interest of the Township to approve the proposed settlement.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that the terms of the Settlement Agreement and Mutual Release are hereby approved and the Mayor and Township Clerk are hereby authorized to execute the same on behalf of the Township.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

RESOLUTION #2017-233-27

AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH DIGITAL FIRST MEDIA d/b/a THE TRENTONIAN

WHEREAS, Digital First Media (Digital) instituted an action pursuant to the Open Public Records Act (OPRA), N.J.S.A. 47:1A-1 et seq., challenging the Township's denial of certain records; and

WHEREAS, the court entered an order requiring the disclosure of certain records; and

WHEREAS, as a result of the Order, Digital was entitled to an award of attorneys' fees pursuant to N.J.S.A. 47:1A-6; and

WHEREAS, the parties reached a compromise respecting the award of attorneys' fees and further agreed to enter into a settlement agreement and mutual release resolving the claims and obligations between the parties; and

WHEREAS the Township Committee, upon review of the terms and upon the Township Attorney's recommendation, finds it in the best interest of the Township to approve the proposed settlement.

NOW THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown as follows:

1) The terms of the Settlement Agreement and Mutual Release are hereby approved and the Mayor and Township Clerk are hereby authorized to execute the same on behalf of the Township.

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 August 21, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

08/21/17

ORDINANCE #2017-15

AN ORDINANCE TO AMEND ORDINANCE #2017-11 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 #2017-11 is hereby amended as follows:

ANNUAL SALARIES

KEYBOARDING CLERK 1 (COMMUNITY DEV.) STIPEND 1,000.00 – 7,000.00

HOURLY SALARIES

ACCOUNT CLERK/CASHIER 19.50 -- 40.00

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and the provisions thereof shall be effective as of January 1, 2017, 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 #2017-16

AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-23.

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 #2013-23 is hereby amended as follows:

<u>ANNUALSALARIES</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>	<u>2020</u>	<u>2021</u>
Recruit	40,000	40,000	40,000	40,000	40,000
Police Officer I	45,268	45,268	45,268	45,268	45,268
Police Officer II	50,535	50,535	50,535	50,535	50,535
Police Officer III	55,803	55,803	55,803	55,803	55,803
Police Officer IV	61,070	61,070	61,070	61,070	61,070
Police Officer V	66,338	66,338	66,338	66,338	66,338
Police Officer VI	71,606	71,606	71,606	71,606	71,606
Police Officer VII	76,873	76,873	76,873	76,873	76,873
Police Officer VIII	82,141	82,141	82,141	82,141	82,141
Police Officer IX	87,408	87,408	87,408	87,408	87,408
Police Officer X	92,676	92,676	92,676	92,676	92,676
Police Officer XI	97,943	97,943	97,943	97,943	97,943
Police Officer XII	103,211	103,211	103,211	103,211	103,211

CURRENT OFFICERS

Richard Brettell-(as of 1/1/17)	95,351	97,258	99,204	101,188	103,211
Jeffrey Katora-(as of 1/1/17)	95,351	97,258	99,204	101,188	103,211
Erich Hess-(as of 1/1/17)	95,351	97,258	99,204	101,188	103,211
Kevin Guire-(as of 1/1/17)	95,351	97,258	99,204	101,188	103,211
Ryan Forster-(as of 1/1/17)	95,351	97,258	99,204	101,188	103,211
Joshua Pavlov-(as of 8/7/17)	95,351	97,258	99,204	101,188	103,211
James Chiariello-(as of 10/29/17)	90,407	97,258	99,204	101,188	103,211
Keith Alexander-(as of 9/22/17)	69,755	77,466	83,194	89,098	95,351
Peter Appelman-(as of 9/22/17)	69,775	77,466	83,194	89,098	95,351
Anthony Nagle-(as of 9/22/17)	69,755	77,466	83,194	89,098	95,351
Adam Edwards-(as of 9/22/17)	69,755	77,466	83,194	89,098	95,351

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and the provisions thereof shall be effective as of January 1, 2017, (unless

otherwise noted) and shall be effective for the years 2017, 2018, 2019, 2020, and 2021. 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.

INTRODUCED:

ADOPTED:

ORDINANCE #2017-17

TOWNSHIP OF BORDENTOWN FLOOD DAMAGE PREVENTION ORDINANCE

SECTION 1.0

STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND OBJECTIVES

1.1 STATUTORY AUTHORIZATION

The Legislature of the State of New Jersey has in N.J.S.A. 40:48-1, et seq., delegated the responsibility to local governmental units to adopt regulations designed to promote public health, safety, and general welfare of its citizenry. Therefore, the Township Committee of the Township of Bordentown, of Burlington County, New Jersey does hereby ordain the following:

1.2 FINDINGS OF FACT

- a) The flood hazard areas of the Township of Bordentown are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
- b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazard which increase flood heights and velocities, and when inadequately anchored, causes damage in other areas. Uses that are inadequately flood-proofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

1.3 STATEMENT OF PURPOSE

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- a) Protect human life and health;
- b) Minimize expenditure of public money for costly flood control projects;
- c) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- d) Minimize prolonged business interruptions;
- e) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, bridges located in areas of special flood hazard;
- f) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- g) Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- h) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

1.4 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- a) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;

- b) Requiring that uses vulnerable to floods including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- c) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- d) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- e) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

SECTION 2.0

DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

AO Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually sheet flow on sloping terrain) where average depths are between one and three feet.

AH Zone- Areas subject to inundation by 1-percent-annual-chance shallow flooding (usually areas of ponding) where average depths are between one and three feet. Base Flood Elevations (BFEs) derived from detailed hydraulic analyses are shown in this zone

Appeal — A request for a review of the Director of Community Development's interpretation of any provision of this ordinance or a request for a variance.

Area of Shallow Flooding — A designated AO or AH zone on a community's Digital Flood Insurance Rate Map (DFIRM) with a one percent annual or greater chance of flooding to an average depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard — Land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone V, VE, V1-30, A, AO, A1-A30, AE, A99, or AH.

Base Flood — A flood having a one percent chance of being equaled or exceeded in any given year.

Base Flood Elevation (BFE) – The flood elevation shown on a published Flood Insurance Study (FIS) including the Flood Insurance Rate Map (FIRM). For zones AE, AH, AO, and A1-30 the elevation represents the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

Basement — Any area of the building having its floor subgrade (below ground level) on all sides.

Breakaway Wall — A wall that is not part of the structural support of the building and is intended through its design and construction to collapse under specific lateral loading forces without causing damage to the elevated portion of the building or supporting foundation system.

Cumulative Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure that equals or exceeds 50 percent of the market value of the structure at the time of the improvement or repair when counted cumulatively for 10 years.

Development — Any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials located within the area of special flood hazard.

Digital Flood Insurance Rate Map (DFIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Elevated Building — A non-basement building (i) built, in the case of a building in an Area of Special Flood Hazard, to have the top of the elevated floor, elevated above the base flood elevation plus freeboard by means of piling, columns (posts and piers), or shear walls parallel to the flow of the water, and (ii) adequately anchored so as not to impair the structural integrity of the building during a flood up to the magnitude of the base flood. In an Area of Special Flood Hazard "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters.

Existing Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Flood or Flooding — A general and temporary condition of partial or complete inundation of normally dry land areas from:

- a) The overflow of inland or tidal waters and/or
- b) The unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM) — The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study (FIS) — The official report in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Insurance Rate Map(s) and the water surface elevation of the base flood.

Floodplain Management Regulations — Zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as a floodplain ordinance, grading ordinance and erosion control ordinance) and other applications of police power. The term describes such State or local regulations, in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

Flood-proofing — Any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

Floodway — The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without accumulatively increasing the water surface elevation more than 0.2 foot.

Freeboard — A factor of safety usually expressed in feet above a flood level for purposes of flood plain management. “Freeboard” tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Highest Adjacent Grade — The highest natural elevation of the ground surface prior to construction next to the proposed or existing walls of a structure.

Historic Structure — Any structure that is:

- a) Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- c) Individually listed on a State inventory of historic places in States with historic preservation programs which have been approved by the Secretary of the Interior; or
- d) Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - (1) By an approved State program as determined by the Secretary of the Interior; or
 - (2) Directly by the Secretary of the Interior in States without approved programs.

Lowest Floor — The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for the parking of vehicles, building access or storage in an area other than a basement is not considered a building's lowest floor provided that such enclosure is not built so to render the structure in violation of other applicable non-elevation design requirements of 44 CFR Section 60.3.

Manufactured Home — A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

Manufactured Home Park or Manufactured Home Subdivision — A parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale.

New Construction — Structures for which the start of construction commenced on or after the effective date of a floodplain regulation adopted by a community and includes any subsequent improvements to such structures.

New Manufactured Home Park or Subdivision — A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the municipality.

Recreational Vehicle — A vehicle which is [i] built on a single chassis; [ii] 400 square feet or less when measured at the longest horizontal projections; [iii] designed to be self-propelled or permanently towable by a light duty truck; and [iv] designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

Start of Construction — (For other than new construction or substantial improvements under the Coastal Barrier Resources Act (P.L. No. 97-348)) includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site such as the pouring of a slab or footings, the installation of pilings, the construction of columns, or any work beyond the stage of excavation, or the placement of a manufactured home on a foundation.

Permanent construction does not include land preparation, such as clearing, grading and filling nor does it include the installation of streets and/or walkways, nor does it include excavation for a basement, footings or piers, or foundations or the erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure — A walled and roofed building, a manufactured home, or a gas or liquid storage tank that is principally above ground.

Substantial Damage — Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

Substantial Improvement — Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- a) Any project for improvement of a structure to correct existing violations of State or local health, sanitary or safety code specifications which have been identified by the local code enforcement officer and which are the minimum necessary to assure safe living conditions; or
- b) Any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a "historic structure".

Variance — A grant of relief from the requirements of this ordinance that permits construction in a manner that would otherwise be prohibited by this ordinance.

Violation — The failure of a structure or other development to be fully compliant with this ordinance. A new or substantially improved structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in 44 CFR §60.3(b)(5), (c)(4), (c)(10), (e)(2), (e)(4), or (e)(5) is presumed to be in violation until such time as that documentation is provided.

SECTION 3.0

GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS ORDINANCE APPLIES

This ordinance shall apply to all areas of special flood hazards within the jurisdiction of the Township of Bordentown, Burlington County, New Jersey.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard for the Township of Bordentown, Community No. 340088, are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- a) A scientific and engineering report "Flood Insurance Study, Burlington County, New Jersey (All Jurisdictions)" dated December 21, 2017.
- b) "Flood Insurance Rate Map for Burlington County, New Jersey (All Jurisdictions)" as shown on Index and panel numbers: 34005C0019F, 34005C0037F, 34005C0038F, 34005C0039F, 34005C0041F, 34005C0043F, 34005C0132F, 34005C0151F, 34005C0155F, 34005C0160F;
- c) The effective date of all of the above panels is December 21, 2017.

The above documents are hereby adopted and declared to be a part of this ordinance. The Flood Insurance Study and maps are on file at the office of Community Development, Bordentown Township, 1 Municipal Drive, Bordentown, NJ 08505.

3.3 PENALTIES FOR NONCOMPLIANCE

No structure or land shall hereafter be constructed, re-located to, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations. Violation of the provisions of this ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$5,000 or imprisoned for not more than 30 days, or both, for each violation, and in addition shall pay all costs and expenses involved in the case. Nothing herein contained shall prevent the Township of Bordentown from taking such other lawful action as is necessary to prevent or remedy any violation.

3.4 ABROGATION AND GREATER RESTRICTIONS

This ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and other ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

3.5 INTERPRETATION

In the interpretation and application of this ordinance, all provisions shall be:

- a) Considered as minimum requirements;
- b) Liberally construed in favor of the governing body; and,
- c) Deemed neither to limit nor repeal any other powers granted under State statutes.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This ordinance does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages.

This ordinance shall not create liability on the part of the Township of Bordentown, any officer or employee thereof or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

SECTION 4.0 ADMINISTRATION

4.1 ESTABLISHMENT OF DEVELOPMENT PERMIT

A Development Permit shall be obtained before construction or development begins, including placement of manufactured homes, within any area of special flood hazard established in section 3.2. Application for a Development Permit shall be made on forms furnished by the Director, Office of Community Development, and may include, but not be limited to; plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials,

drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- a) Elevation in relation to mean sea level, of the lowest floor (including basement) of all structures;
- b) Elevation in relation to mean sea level to which any structure has been flood-proofed.
- c) Certification by a registered professional engineer or architect that the flood-proofing methods for any nonresidential structure meet the flood-proofing criteria in section 5.2-2; and,
- d) Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

4.2 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Director of Community Development is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

4.3 DUTIES AND RESPONSIBILITIES OF THE ADMINISTRATOR

Duties of the Director of Community Development shall include, but not be limited to:

4.3-1 PERMIT REVIEW

- a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.
- b) Review all development permits to determine that all necessary permits have been obtained from those Federal, State or local governmental agencies from which prior approval is required.
- c) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of 5.3 a) are met.

4.3-2 USE OF OTHER BASE FLOOD AND FLOODWAY DATA

When base flood elevation and floodway data has not been provided in accordance with section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the Director of Community Development shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, and 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION.

4.3-3 INFORMATION TO BE OBTAINED AND MAINTAINED

- a) Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- b) For all new or substantially improved flood-proofed structures:
 - i. verify and record the actual elevation (in relation to mean sea level); and
 - ii. maintain the flood-proofing certifications required in section 4.1 c).

- c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

4.3-4 ALTERATION OF WATERCOURSES

- a) Notify adjacent communities and the New Jersey Department of Environmental Protection, Bureau of Flood Control and the Land Use Regulation Program prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- b) Require that maintenance is provided within the altered or relocated portion of said watercourse so the flood carrying capacity is not diminished.

4.3-5 SUBSTANTIAL DAMAGE REVIEW

- a) After an event resulting in building damages, assess the damage to structures due to flood and non-flood causes.
- b) Record and maintain the flood and non-flood damage of substantial damage structures and provide a letter of Substantial Damage Determination to the owner and the New Jersey Department of Environmental Protection, Bureau of Flood Control.
- c) Ensure substantial improvements meet the requirements of sections 5.2-1, SPECIFIC STANDARDS, RESIDENTIAL CONSTRUCTION, 5.2-2, SPECIFIC STANDARDS, NONRESIDENTIAL CONSTRUCTION and 5.2-3, SPECIFIC STANDARDS, MANUFACTURED HOMES.

4.3-6 INTERPRETATION OF FIRM BOUNDARIES

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 4.4.

4.4 VARIANCE PROCEDURE

4.4-1 APPEAL BOARD

- a) The Zoning Board of Adjustment as established by Township Committee shall hear and decide appeals and requests for variances from the requirements of this ordinance.
- b) The Zoning Board of Adjustment shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Director of Community Development in the enforcement or administration of this ordinance.
- c) Those aggrieved by the decision of the Zoning Board of Adjustment, or any taxpayer, may appeal such decision to the Superior Court, State of New Jersey, as provided in the Municipal Land Use Law.
- d) In passing upon such applications, the Zoning Board of Adjustment shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance, and:
 - i. the danger that materials may be swept onto other lands to the injury of others;
 - ii. the danger to life and property due to flooding or erosion damage;

- iii. the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - iv. the importance of the services provided by the proposed facility to the community;
 - v. the necessity to the facility of a waterfront location, where applicable;
 - vi. the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - vii. the compatibility of the proposed use with existing and anticipated development;
 - viii. the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - ix. the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - x. the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and,
 - xi. the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- e) Upon consideration of the factors of section 4.4-1 d) and the purposes of this ordinance, the Zoning Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- f) The Director of Community Development shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.

4.4-2 CONDITIONS FOR VARIANCES

- a) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items i.-xi. in section 4.4-1 d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- b) Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
- c) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- d) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- e) Variances shall only be issued upon:
 - i. A showing of good and sufficient cause;
 - ii. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and,
 - iii. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create

nuisances, cause fraud on or victimization of the public as identified in section 4.4- 1 d), or conflict with existing local laws or ordinances.

- f) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION

5.1 GENERAL STANDARDS

In all areas of special flood hazards, compliance with the applicable requirements of the Uniform Construction Code (N.J.A.C. 5:23) and the following standards, whichever is more restrictive, are required:

5.1-1 ANCHORING

- a) All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b) All manufactured homes to be placed or substantially improved shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces.

5.1-2 CONSTRUCTION MATERIALS AND METHODS

- a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b) All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

5.1-3 UTILITIES

- a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters;
- c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding; and
- d) For all new construction and substantial improvements the electrical, heating, ventilation, plumbing and air-conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

5.1-4 SUBDIVISION PROPOSALS

- a) All subdivision proposals and other proposed new development shall be consistent with the need to minimize flood damage;

- b) All subdivision proposals and other proposed new development shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;
- c) All subdivision proposals and other proposed new development shall have adequate drainage provided to reduce exposure to flood damage; and,
- d) Base flood elevation data shall be provided for subdivision proposals and other proposed new development which contain at least fifty (50) lots or five (5) acres (whichever is less).

5.1-5 ENCLOSURE OPENINGS

All new construction and substantial improvements having fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: A minimum of two (2) openings in at least two (2) exterior walls of each enclosed area, having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, or other covering or devices provided that they permit the automatic entry and exit of floodwaters.

5.2 SPECIFIC STANDARDS

In all areas of special flood hazards where base flood elevation data have been provided as set forth in section 3.2, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD or in section 4.3-2, USE OF OTHER BASE FLOOD DATA, the following standards are required:

5.2-1 RESIDENTIAL CONSTRUCTION

- a) New construction and substantial improvement of any residential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities (including all electrical, heating, ventilating, air-conditioning and other service equipment) and sanitary facilities, elevated at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive;
- b) Require within any AO or AH zone on the municipality's DFIRM that all new construction and substantial improvement of any residential structure shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities, elevated above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

5.2-2 NONRESIDENTIAL CONSTRUCTION

In an Area of Special Flood Hazard, all new construction and substantial improvement of any commercial, industrial or other nonresidential structure located in an A or AE zone shall have the lowest floor, including basement together with the attendant utilities and sanitary facilities as well as all electrical, heating, ventilating, air-conditioning and other service equipment:

either

- a) Elevated to or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive; and
- b) Require within any AO or AH zone on the municipality's DFIRM to elevate above the depth number specified in feet plus one (1) foot, above the highest adjacent grade (at least three (3) feet if no depth number is specified). And, require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures;

or

- c) Be floodproofed so that below the base flood level plus one (1) foot or as required by ASCE/SEI 24-14, Table 6-1, whichever is more restrictive, the structure is watertight with walls substantially impermeable to the passage of water;
- d) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and,
- e) Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of this subsection. Such certification shall be provided to the official as set forth in section 4.3-3 b) ii.

5.2-3 MANUFACTURED HOMES

- a) Manufactured homes shall be anchored in accordance with section 5.1-1 b).
- b) All manufactured homes to be placed or substantially improved within an area of special flood hazard shall:
 - i. Be consistent with the need to minimize flood damage,
 - ii. Be constructed to minimize flood damage,
 - iii. Have adequate drainage provided to reduce exposure to flood damage,
 - iv. Be elevated on a permanent foundation such that the top of the lowest floor is at or above the base flood elevation plus one (1) foot or as required by ASCE/SEI 24-14, Table 2-1, whichever is more restrictive and;
 - v. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

5.3 FLOODWAYS

Located within areas of special flood hazard established in section 3.2 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- b) If section 5.3 a) is satisfied, all new construction and substantial improvements must comply with section 5.0 PROVISIONS FOR FLOOD HAZARD REDUCTION.
- c) In all areas of special flood hazard in which base flood elevation data has been provided and no floodway has been designated, the accumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than two-tenths (0.2) of a foot at any point.

**SECTION 6.0
SEVERABILITY**

If any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance shall be declared invalid for any reason whatsoever, such a decision shall not affect the remaining portions of the Ordinance, which shall remain in full force and effect, and for this purpose the provisions of this Ordinance are hereby declared to be severable.

**SECTION 7.0
ENACTMENT**

7.01 ADOPTION

This Ordinance shall be effective on November 1, 2017 and shall remain in force until modified, amended or rescinded by the Township Committee of Bordentown Township, Burlington County, New Jersey.

ENACTED AND ADOPTED by the Township Committee this _____ day of _____, 2017.

ATTEST:

Colleen M. Eckert, RMC, Municipal Clerk

TOWNSHIP OF BORDENTOWN
ORDINANCE NO. 2017-18

An Ordinance of the Township of Bordentown Amending Chapter 25, the Land Development Code of the Township of Bordentown, to modify the standards for fences, swimming pools, and residential garages and sheds.

WHEREAS, Chapter 25 is the Land Development Code of the Township of Bordentown, and such Code provides standards for land development design and installation, and;

WHEREAS, the Township Committee has determined that the standards for fences, pools and sheds are to be amended in order to provide for more appropriate and reasonable use of land, and to protect the public health, safety and welfare.

NOW THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown that:

1. Section 25:202 of the Land Development Code, entitled, “Specific Definitions” is hereby amended to add the following definitions:

Above-Ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24”) at its deepest point, is used for the purpose of recreational bathing, and which meets all of the following conditions:

1. It is constructed on top of existing ground, with no part below existing grades except for the purpose of leveling the bottom by no more than twenty four-inches (24”) of cut or fill; and
2. It does not involve regrading or redistribution of soil in connection with its erection or construction, with the exception of minor leveling indicated in condition number 1. above; and
3. Access to the pool water surface is elevated around the entire perimeter and the pool requires entry to be gained by ascent of a ladder or similar means.

In-ground Swimming Pool: Any man-made swimming pool, which contains water at a depth of more than twenty four-inches (24”) at its deepest point, is used for the purpose of recreational bathing, and does not meet the definition of an Above-Ground Swimming Pool.

Residential Shed: A one-story, detached accessory structure used as a tool or storage shed, playhouse, and similar uses, and complies with all of the following conditions:

1. The structure shall not be used for any sort of habitable space,
2. Building height does not exceed fourteen-feet (14’), and may not be two-stories,
3. The structure shall be light-frame construction, with vertical and horizontal structural elements that are typically formed by a system of wood or light gauge steel framing members; enclosed to the weather.
4. It shall not exceed two hundred-square feet (200 s.f.) in area.
5. It cannot house an automobile or similar vehicle.

Residential Detached Garage: A one-story, detached accessory structure large enough for the storage of automobiles or similar vehicles, which complies with all of the following conditions:

1. The structure shall not be used for any sort of habitable space,
2. Building height does not exceed eighteen-feet (18'), and may not be two-stories,
3. The size shall not exceed 8% of the lot area or one thousand-square feet (1,000 s.f.), whichever is less.
4. Must have access to the street via a driveway.
5. Must have at least one garage door of a size large enough to accommodate an automobile.
6. Shall be for use only by the property owner or tenant in the residence.
7. The structure shall be of light-frame construction or masonry, and enclosed to the weather on all sides.

2. Section 25:501.G, entitled, "Size of Sheds" is hereby amended to read:

Sheds shall not exceed two hundred-square feet (200 s.f.) in area. No more than two sheds may be constructed on a property; however, if two are constructed, the total area of the two sheds shall not exceed two hundred-square feet (200 s.f.).

3. Section 25:503.E.2., under, "Requirements for fences and walls" is hereby amended to read:

On any lot in any district no fence shall be erected or altered so that the fence shall be over four-feet (4') in height in the front yard, and six-feet (6') in height in rear and side yards, except as provided herein. Any fence in a front yard shall be of open-type (not solid or opaque) construction such that at least fifty-percent of the area of the fence allows light and air to pass through. Examples of 'open-type' fences are chain-link, wrought iron, or picket. On corner lots, a fence of up to six-feet (6') in height may be erected in one (1) front yard, but no closer to the front property line than the more restrictive of the following:

1. Fifteen-feet (15') from the front property line, or
2. One-half the distance between the front property line and the building setback line.

The front yard fence on a corner lot may be solid or opaque.

Fences of variable height: When a fence is built with decorative scalloped panels or pickets or other decorative features along the upper edge of the fence or posts, height shall be measured to the lowest point of such edge, thus allowing posts or corresponding elements to exceed the height limitation, but in no event by more than twelve-inches (12").

4. If any section, paragraph, subsection, clause, or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

5. All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

6. This ordinance shall take effect immediately upon adoption and publication of notice of adoption as provided by law.