

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: SEPTEMBER 25, 2017 TIME: 7:00 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. Construction/Community Development Office Personnel Matters.
2. Public Works Expansion Project (Environmental).
3. Verizon ROW Consent Agreement Contract Matter.
4. Affordable Housing Contract Matters.
5. Kevin Johnson Litigation Matter.
6. Environmental Litigation: NJNG Pipeline.

It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

6. Administrative Review
  - a. Review of agenda
  - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
  - b. Questions or comments from the audience on consent agenda items.
  - c. Motion, Second and Roll Call to adopt Resolutions #2017-268-7 through #2017-268-20
7. Resolution #2017-268-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  8. Resolution #2017-268-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
  9. Resolution #2017-268-9 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
  10. Resolution #2017-268-10 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
  11. Resolution #2017-268-11 entitled A RESOLUTION TO CANCEL TAXES.
  12. Resolution #2017-268-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
  13. Resolution #2017-268-13 entitled RESOLUTION URGING THE STATE LEGISLATURE TO EXTEND THE 2% CAP ON POLICE AND FIRE ARBITRATION CONTRACT AWARDS.
  14. Resolution #2017-268-14 entitled RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT.
  15. Resolution #2017-268-15 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.
  16. Resolution #2017-268-16 entitled RELEASE OF PERFORMANCE GUARANTEE FOR CENTRAL CROSSINGS BUSINESS PARK, LLC, CLEAR/EXCAVATE/RESTORE GUARANTEE HEDDING ROAD, BLOCK 138.12.
  17. Resolution #2017-268-17 entitled A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SIDE REMEDIATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION.

18. Resolution #2017-268-18 entitled RESOLUTION AUTHORIZING EXCEL ENVIRONMENTAL RESOURCES, INC., TO APPLY FOR GRANT FUNDING TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR REMEDIAL ACTION AT BORDENTOWN WATERFRONT COMMUNITY, BLOCK 140, LOTS 1-3, 5.01, 5.02, 10-16, 18 & 19 AND BLOCK 141, LOT 4.
19. Resolution #2017-268-19 entitled APPOINTING MEMBERS TO THE VETERANS ADVISORY COMMITTEE.
20. Resolution #2017-268-20 entitled RESOLUTION CONCERNING THE CONSTRUCTION OF PIPELINES IN THE STATE OF NEW JERSEY.
21. Public Hearing on Ordinance #2017-17 entitled TOWNSHIP OF BORDENTOWN FLOOD DAMAGE PREVENTION ORDINANCE.
22. Consideration of Adoption of Ordinance #2017-17 entitled TOWNSHIP OF BORDENTOWN FLOOD DAMAGE PREVENTION ORDINANCE.
23. Public Hearing on 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.
24. Consideration of Adoption 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.
25. Public Hearing on Ordinance #2017-24 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH PERMIT AND FEE SCHEDULE.
26. Consideration of Adoption of Ordinance #2017-24 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH PERMIT AND FEE SCHEDULE.
27. Consideration of Re-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.
28. Consideration of Introduction of Ordinance #2017-25 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.020, PARKING, STOPPING AND STANDING, AND SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE.
29. Administrator and Staff Reports

30. Township Committee Reports.
31. Public Participation.  
Questions, comments or statements from members of the public in attendance.
32. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
33. 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 #2017-268-7

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated September 25, 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.

09/25/17

RESOLUTION #2017-268-8

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of September 11, 2017, and the Regular Meeting of September 11, 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 August 2017 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction Office and Community Development.

09/25/17

**RESOLUTION #2017-268-9**

**AUTHORIZING REFUND OF OVERPAYMENT OF TAXES**

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2017 taxes in the amount of \$2,153.30 to Carol Todd for Block 18 Lot 24 commonly known as 88 GROVEVILLE ROAD.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2017 taxes in the amount of \$3,365.92 to Eric P. Teichman for Block 92 Lot 8.02 commonly known as 232 Crosswicks Road.

09/25/17  
JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**TOWNSHIP OF BORDENTOWN**

**RESOLUTION NO. 2017-268-10**

**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>
Richard Lemanowicz 1012 North Bethlehem Pike Suite 200 B-3 Lower Gwynedd, PA 19002	Cond. Use Application Block 130, Lot 2	971900	\$ 677.50
Verizon Communications, Inc. 500 Technology Drive, Room 1114 Weldon Spring, MO 63304 Attn: Michael Spiroff	Site Plan Applications Various Lots	969500 920601 920600	\$ 1,386.00 \$ 1,120.00 \$ 801.48
130 Bordentown Associates, LLC c/o Nellis Corporation 7811 Montrose Road, Suite 420 Potomac, MD 20854 Attn: Adeline de Silva	Site Plan Block 127, Lot 3	976701 978800	\$ 3.11 \$ 0.15

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.

**RESOLUTION #2017-268-11**

**A RESOLUTION TO CANCEL TAXES**

WHEREAS, the United States Department of Veteran Affairs has classified Eric P. Teichman 100% Permanently and Totally Disabled.

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from May 9, 2017.

WHEREAS, N.J.S.A.54:4-3.30a – Allows for the exemption from taxation from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute.

WHEREAS, the following taxes must be canceled and any monies paid by the owner should be refunded.

THEREFORE BE IT RESOLVED, that the following taxes be canceled:

Block 92 Lot 8.02	2017	\$6,378.98
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BE IT RESOLVED FURTHER, that a copy of this Resolution be forwarded to the Burlington County Board of Taxation, the Treasurer of Burlington County, the Municipal/Regional School Board to advise them of the action taken by the Township Committee.

09/25/17  
JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

## **RESOLUTION #2017-268-12**

### **AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #16-00040 was redeemed on JULY 14, 2017, in the amount of \$527.44

WHEREAS, TRYSTONE CAPITAL ASSETS, 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 TRYSTONE CAPITAL ASSETS, LLC; for Lien 16-00040, Block 138.06 Lot 56 commonly known as 66 SENECA LANE.

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

## **RESOLUTION #2017-268-13**

### **Resolution Urging the State Legislature to Extend the 2% Cap on Police and Fire Arbitration Contract Awards**

**WHEREAS**, local municipalities require specific tools to address the rising cost of municipal government; and

**WHEREAS**, in July 2010 the Governor and New Jersey State Legislature enacted a permanent 2% cap on municipal and school board tax levies with limited exceptions that did not include police and fire arbitration contract awards; and

**WHEREAS**, salary costs, to a great extent, drive property tax increases; and

**WHEREAS**, in December 2010 the Legislature unanimously approved and the Governor enacted a temporary 2% cap on police and fire arbitration contract awards in an effort to control increasing salary costs and provide a solution to assist local governments in keeping property taxes down and cost under control; and

**WHEREAS**, the December 2010 legislation included an April 1, 2014 sunset on the 2% arbitration cap while the 2% property tax levy remained permanent for municipalities and school boards; and

**WHEREAS**, in June 2014 the Legislature unanimously approved and the Governor enacted an extension to December 31, 2017 for the 2% arbitration cap, however, the 2% property tax levy cap continues to remain permanent, without an exemption for police and fire arbitration contract awards; and

**WHEREAS**, municipalities continue efforts to contain costs and provide vital services to residents within the 2% property tax levy while the New Jersey economy remains sluggish and taxpayers struggle to keep their homes and pay their taxes; and

**WHEREAS**, we recognize that this change in arbitration reform needs a longer time to mature in order to see the benefits of the legislation and its actual impact on the cost of local government budgets and the impact on taxpayers; and

**WHEREAS**, the final report and recommendations of the Police and Fire Public Interest Arbitration Impact Task Force, which was established in the December 2010 legislation, is not due until the same day as the expiration of the cap on interest arbitration awards, December 31, 2017; and

**WHEREAS**, we recognize it is now time for our taxpayers to benefit directly from these cost saving measures as many police and fire contracts will come due for negotiation after the sunset date, and

**WHEREAS**, if the cap on interest arbitration expires while the 2% levy cap remains in effect, municipalities will be forced to reduce or eliminate municipal services in order to fund interest arbitration awards;

**NOW, THEREFORE, BE IT RESOLVED**, that the governing body of Township of Bordentown urges the State Legislature to extend the 2% cap on Police and Fire Arbitration Contract Awards for 5 more years at which time the Legislature will have hard data to examine and then make a final decision as to whether this law should be made permanent; and

**BE IT FURTHER RESOLVED**, that a copy of this Resolution is forwarded to Assemblymen Conway and Singleton, Senator Diane Allen, the Commissioner of the Department of Labor, the Lieutenant Governor and the Governor of State of New Jersey and the League of Municipalities.

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

**RESOLUTION NO. 2017-268-14**

**RESOLUTION EXPRESSING OPPOSITION TO LEGISLATIVE PROPOSALS REGARDING THE OPEN PUBLIC MEETINGS ACT AND OPEN PUBLIC RECORDS ACT**

**WHEREAS**, the New Jersey Senate Budget and Appropriations Committee took action on Senate Bill Nos. 1045 and 1046, which amend the Open Public Meetings Act and Open Public Records Act, respectively, on June 29, 2017; and

**WHEREAS**, the Committee released the bills to the full Senate without recommendation because the bills are unnecessary, unpopular with the public, and would result in significant financial and administrative burdens on municipalities; and

**WHEREAS**, the bills fail to adequately protect taxpayers, municipalities and, especially, municipal clerks from abusive, harassing, and purposefully confrontational individuals who submit voluminous requests for no legitimate reason; and

**WHEREAS**, the legislation would expand the Open Public Meeting Act to create impractical and burdensome requirements with respect to subcommittees and working groups established by the entire governing body, which would effectively limit the ability of small groups of local officials discussing issues of public concern for the purposes of informing the governing body; and

**WHEREAS**, under the bills, the responsibilities of municipal clerks, who the Legislature has already loaded with responsibilities beyond the scope of their office, would be stretched even further than current law requires without a single dollar of additional resources provided to, or authorized to be collected by, municipalities; and

**WHEREAS**, the bills would impose a financial burden on municipalities that would not be offset by a revenue source other than the property tax, making the bills unfunded mandates prohibited by the New Jersey Constitution; and

**WHEREAS**, some municipalities are more equipped than others to meet the burdens that would be imposed by Senate Bill Nos. 1045 and 1046, however, without assistance of any kind from the States or the courts, every municipality would be on its own to meet the myriad new requirements of the law.

**NOW, THEREFORE, BE IT RESOLVED** by the Township Committee of the Township of Bordentown, that the Legislature is strongly urged to reject Senate Bill Nos. 1045 and 1046 and draft new legislation to

modernize OPRA and OPMA while providing municipalities and clerks with the resources to effectuate these changes for the benefit of the public.

**BE IT FURTHER RESOLVED** that a certified copy of this Resolution be filed with the legislative sponsors of Senate Bill Nos. 1045 and 1046 and Assembly Bill Nos. 2697 and 2699, the Speaker of the General Assembly, the President of the Senate, and the Governor, and all parties are urged to listen to the concerns of local officials and prevent Senate Bill Nos. 1045 and 1046 from becoming law.

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-268-15

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 September 26, 2017;

Paul Walsh

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

09/25/17

**TOWNSHIP OF BORDENTOWN**  
**RELEASE OF PERFORMANCE GUARANTEE FOR**

**Central Crossings Business Park, LLC**  
**Clear/Excavate/Restore Guarantee**  
**Hedding Road**  
**BLOCK: 138.12**

RESOLUTION NO. 2017-268-16

WHEREAS, Central Crossing Business Park, LLC was the owner/developer of a certain property within the Township of Bordentown and was granted preliminary approval and final approval of development plans which included the site clearing, excavation, and restoration on the above captioned block and lot. Said approval was subject to certain terms and conditions, including, but not limited to, the filing of a Third Party Performance Guarantee, insuring the satisfactory completion; and

WHEREAS, Central Crossing Business Park, LLC did provide a performance guarantee, in the form of a bond, issued by Travelers, No. B21879648 in the amount of \$1,326,543.75 and a cash guarantee, originally in the amount of \$147,393.75, now in the amount of \$34,713.24; and

WHEREAS, Central Crossing Business Park, LLC did complete the improvements in approximately the year 2010; and

WHEREAS, Central Crossing Business Park, LLC has recently notified the Township in accordance with the procedures set forth in N.J.S.A. 40:55D-53, and has requested a release of said performance guarantee; and

WHEREAS, the Township Engineer, Frederick Turek, P.E., has inspected the improvements of which notice has been given and herein recommends that the Township Committee approve the release of the performance guarantee, and

WHEREAS, due to the amount of time which has lapsed since the completion of the improvements, the Engineer recommends that no maintenance guarantee be required at the time of release of the Performance Guarantee; and

WHEREAS, the Township Committee has reviewed said request and desires to act favorably with respect to the Engineer'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 consisting of bond, issued by Travelers, No. B21879648 in the amount of \$1,326,543.75 and a cash guarantee, now in the amount of \$34,713.24, plus any applicable interest according to Law; and;
2. The Township Clerk shall forward a certified copy of this resolution to Central Crossing Business Park, LLC, c/o Harry Kantor, 50 West St 47D, NYC, NY 10006

RESOLUTION #2017-268-17

A RESOLUTION ACCEPTING A GRANT FROM THE HAZARDOUS DISCHARGE SIDE  
REMEDATION FUND PUBLIC ENTITY PROGRAM THROUGH THE NEW JERSEY ECONOMIC  
DEVELOPMENT AUTHORITY AND THE DEPARTMENT OF ENVIRONMENTAL PROTECTION

WHEREAS, the Township of Bordentown has applied for and has been awarded a grant in the amount of up to \$881,113 from the Hazardous Discharge Site Remediation Fund Municipal Grant Program through the Department of Environmental Protection and the New Jersey Economic Development Authority for Remedial Action along with report preparation of the Proposed Waterfront Community property;

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Bordentown that the above referenced grant is hereby accepted and the Mayor and Township Clerk are hereby authorized to execute grant documents as an authorized representative thereunder, as the representative for the Township of Bordentown; and

BE IT FURTHER RESOLVED that a certified copy of this Resolution be forwarded to the New Jersey Economic Development Authority.

Attest:

\_\_\_\_\_  
Clerk

\_\_\_\_\_  
Mayor

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on September 25, 2017.

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

09/25/17

TOWNSHIP OF BORDENTOWN

RESOLUTION AUTHORIZING EXCEL ENVIRONMENTAL  
RESOURCES, INC. TO APPLY FOR GRANT FUNDING TO  
THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL  
PROTECTION FOR REMEDIAL ACTION AT BORDENTOWN  
WATERFRONT COMMUNITY, BLOCK 140, LOTS 1-3, 5.01,  
5.02, 10-16, 18 & 19 AND BLOCK 141, LOT 4

RESOLUTION NO. 2017-268-18

WHEREAS, the State of New Jersey Department of Environmental Protection and the New Jersey Economic Development Authority through the Hazardous Discharge Site Remediation Fund, has grant funds available to municipalities for the purpose of funding Remedial Actions to clean up hazardous substance discharge conditions on properties; and

WHEREAS, the Township of Bordentown wishes to conduct a Remedial Action with respect to the property owned by Bordentown Waterfront Community, LLC located along Route 130 and designated as Block 140, Lots 1-3, 5.01, 5.02, 10-16, 18 & 19 and Block 141, Lot 4; and

WHEREAS, the Township previously applied for and was awarded an NJDEP grant for a portion of the proposed Remedial Action and now seeks grant funding for the balance of the required remedial activities; and

WHEREAS, Excel Environmental Resources, Inc. is qualified to prepare and submit Hazardous Discharge Site Remediation Fund applications for such funding.

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

1. Excel Environmental Resources, Inc. is hereby authorized and directed to apply for grant funding in order to conduct Remedial Action for the above-described parcel.
2. The Mayor and Township Clerk of the Township of Bordentown are authorized to execute any and all documents necessary in order to apply for the aforesaid grant.
3. In the event that funding is approved pursuant to a grant issued in favor of the Township of Bordentown, an environmental consultant shall be authorized and directed to implement Remedial Action for the above described parcels in accordance with a contract to be approved by the Township and the NJDEP, but only to the extent that NJDEP grant funds are available for payment for the aforesaid services.

4. That the Township is committed to the redevelopment of Bordentown Waterfront Community located in Bordentown, New Jersey and finds that a realistic opportunity exists that the site will be redeveloped within three years after the remediation is complete.

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

09/25/17

RESOLUTION #2017-268-19

APPOINTING MEMBERS TO THE VETERANS ADVISORY COMMITTEE

BE IT RESOLVED this 25<sup>th</sup> day of September, 2017, by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey, that the following persons are hereby appointed to serve as members of the Bordentown Township Veterans Advisory Committee:

3 Year Unexpired Term Expiring 12/31/17:	Richard Carson
2 Year Unexpired Term Expiring 12/31/17 (Alt. #2):	Shawn Mount

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

09/25/17

## **RESOLUTION #2017-268-20**

### **Resolution Concerning the construction of Pipelines in the State of New Jersey**

WHEREAS, Bordentown Township for many years in the state of New Jersey has been a leader in efforts to protect our environment, waterways, become more sustainable, encourage conservation and shift to renewable sources of energy; and,

WHEREAS, Williams/Transcontinental Company (Williams/Transco) is proposing to build a 23.4 mile natural gas pipeline through Raritan Bay from Old Bridge to Rockaway New York; and,

WHEREAS, there are several pipelines that are being proposed to be built in other locations throughout the state; especially including OUR PIPELINE and,

WHEREAS, The Township of Bordentown passed Resolution #2015-327-19A on Nov. 23, 2015 opposing the Transcontinental Gas Pipeline Company (Transco) Garden State Expansion Compressor station located at the Transco Trenton Woodbury Lateral in Burlington County citing health and safety concerns related to compressor stations; and,

WHEREAS, The Township of Bordentown consistently spoken out publicly against pipelines, and has passed numerous resolutions regarding their opposition to pipelines; and,

WHEREAS, these projects would adversely affect the quality of life for New Jersey residents, and would also adversely affect the environmental resources we hold so dear in New Jersey, the “Garden State”; and,

WHEREAS, NY/NJ Baykeeper, Food and Water Watch, ReThink Energy, People Over Pipelines, the New Jersey Sierra Club, the Pinelands Preservation Alliance and other groups have expressed serious concerns, based on safety and health issues, for their residents as well as concern about potential harm to the environment, and local and county infrastructure; and,

WHEREAS, the construction and maintenance of these pipelines carry with it a significant hazard of leaks, explosions, fire, and other catastrophes that place at risk the health, safety and welfare of the residents of New Jersey; and,

WHEREAS, pipelines will cause seafloor disturbance and as a result negatively impact recreational and commercial fishing industries; and

WHEREAS, environmental disturbance will lead to significant negative implications on native, keystone and endangered marine species that New Jersey heavily relies upon for resources, tourism, and economic benefit; and

WHEREAS, limitation of global temperature increase due to the greenhouse effect depends on the replacement of CO2- emitting energy sources by other sources as quickly as possible; and

WHEREAS, there are no existing proof of proper safety testing for the proposed pipelines throughout New Jersey; and,

WHEREAS, the gas compressor stations are commonly adjacent to other utilities, including electrical stations; and,

WHEREAS, there are many examples of pipelines and compressor stations that are adjacent to public property, residences, and roadways, thus putting people at risk on an everyday basis; and,

WHEREAS, it is the opinion of the Mayor and Committee of the Township of Bordentown, in the County of Burlington, that alternate methods of energy which encourage non-fossil fuel usage should be investigated and utilized that are less damaging to the environment and less dangerous to the community at large; and,

WHEREAS, it is furthermore the opinion of the Mayor and Committee of the Township of Bordentown that all efforts be made to discourage the usage of fossil fuel resources, their continuation and perpetuation; and,

NOW THEREFORE, BE IT RESOLVED, by the Mayor and Committee of the Township of Bordentown, in the County of Burlington, opposes the construction of pipelines throughout the State of New Jersey.

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 September 25, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

09/25/17

## **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.

ORDINANCE NO. 2017-19

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.

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 acquisition, construction or installation, as the case may be, of the capital improvement projects described below, together with all appurtenances, work and material necessary or incidental thereto (collectively, the "Projects"). Additional information regarding each of the Projects is on file with the Township Clerk and is incorporated herein by reference.

The Projects hereby authorized are as follows:

(a) Purpose: Various Road and Street Improvements, including reconstruction and repaving of various Township roads and streets, as set forth in a list on file in the office of the Township Clerk, as such list may be amended to include additional roads and streets in the event there are remaining funds under the appropriation below, including all work and related materials necessary therefor or incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$1,405,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$1,337,500
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$67,500

(b) Purpose: Renovations and improvements to municipal buildings, including the Township's municipal complex, as set forth in a list on file in the office of the Township Clerk, including all equipment, work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$25,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$23,750
<u>Period or Average Period of Usefulness:</u>	20 years
<u>Amount of Down Payment:</u>	\$1,250

(c) Purpose: General equipment and other improvements, including improvements to recreational facilities, as set forth in a list on file in the office of the Township Clerk, including all equipment, work and related materials necessary therefor and incidental thereto.

<u>Appropriated and Estimated Cost:</u>	\$20,000
<u>Estimated Maximum Amount of Bonds or Notes:</u>	\$18,750
<u>Period or Average Period of Usefulness:</u>	10 years

Amount of Down Payment:

\$1,250

Appropriation for Projects - Down Payment

The Township hereby appropriates the sum of \$1,450,000 for the purpose of paying the costs of the Projects, including the sum of \$70,000 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 (except for such obligations that are for purposes that are self-liquidating, if any) 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 average period of usefulness for the Projects, taking into consideration the respective amounts authorized for the separate purposes, according to their respective reasonable useful lives, is not less than 19.86 years.

Estimated Cost

It is hereby determined and stated that the estimated cost of the improvements described in Section 1 hereof is \$1,450,000, that the amount of this appropriation is \$1,450,000 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 \$1,380,000.

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 \$1,380,000; 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 \$1,380,000 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 \$1,380,000 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 any Project, 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 such 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: August 21, 2017

Enactment: September 11, 2017

Attest: \_\_\_\_\_

\_\_\_\_\_  
Mayor

ORDINANCE # 2017-25

AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.020, PARKING, STOPPING AND STANDING, AND SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE

BE IT ORDAINED that Chapter 10, entitled Vehicles and Traffic, shall be amended as follows:

Section 10.04.020 Parking, Stopping and Standing, is amended to add the following to

Schedule I, No Parking:

<u>Name of Street</u>	<u>Sides</u>	<u>Location</u>
Bonnie Lane	East	Beginning at the intersection of the southeasterly edge of pavement and the driveway for house no. 18, and continuing north for 23-feet.

Section 10.04.030 Heavy Vehicles, Exclusions, Schedule V, Trucks Over 4 Tons Excluded, is amended by the following:

<u>Name of Street</u>	<u>Location</u>
Bordentown-Hedding Road	<del>Entire Length</del> From Dunns Mills Road to Rising Sun Road

BE IT FURTHER ORDAINED that this ordinance shall take effect immediately upon final passage and publication according to Law.