

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: OCTOBER 16, 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 Department/Community Development Personnel Matter.
2. Affordable Housing Contract Matter
3. Kevin Johnson Litigation Matter.
4. Professional Services Contract Matter: Environmental Services.

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 #2017-289-7 through #2017-289-23.
7. Resolution #2017-289-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 8. Resolution #2017-289-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
 9. Resolution #2017-289-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 10. Resolution #2017-289-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 11. Resolution #2017-289-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 12. Resolution #2017-289-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 13. Resolution #2017-289-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 14. Resolution #2017-289-14 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 15. Resolution #2017-289-15 entitled RESOLUTION URGING CONGRESS, AS FEDERAL INCOME TAX REFORM ADVANCES, TO PROTECT THE DEDUCTIBILITY OF STATE AND LOCAL TAXES.
 16. Resolution #2017-289-16 entitled A RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF BORDENTOWN EXPRESSING ITS INTENT TO SATISFY ANY GAPS IN FUNDING NECESSARY TO VOLUNTARILY SATISFY THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.
 17. Resolution #2017-289-17 entitled RESOLUTION APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.
 18. Resolution #2017-289-18 entitled APPOINTING MEMBERS TO THE VETERANS ADVISORY COMMITTEE.

19. Resolution #2017-289-19 entitled A RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO A COOPERATIVE PRICING AGREEMENT.
20. Resolution #2017-289-20 entitled RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.
21. Resolution #2017-289-21 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LETTER OF INTENT TO PARTICIPATE IN THE BURLINGTON COUNTY HAZARD MITIGATION PLAN UPDATE.
22. Resolution #2017-289-22 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY AND TOWNSHIP OF BORDENTOWN FOR A SUB-GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2017 IN THE AMOUNT OF \$78,000 TO ACCOMPLISH THE INSTALLATION OF HANDICAPPED CURB RAMPS AT MUNICIPAL COMPLEX AND BOSSERT NEIGHBORHOOD.
23. Resolution #2017-289-23 entitled RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BORDENTOWN WATERFRONT COMMUNITY, LLC, FOR THE PURPOSES OF COMPLETING THE GRANT FOR REMEDIAL ACTION UNDER THE HSDRF PROGRAM.
24. Public Hearing on 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.
25. Consideration of Adoption 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.
26. Public Hearing on 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.
27. Consideration of Adoption 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.

28. Consideration of Introduction of Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.
29. Consideration of Introduction of Ordinance #2017-27 entitled ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCAL AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY.
30. Consideration of Introduction of Ordinance #2017-28 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED "PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES".
31. Township Committee discussion of Bike Path Connecting Bordentown Neighborhoods.
32. Township Committee discussion of NJDOT FY2018 Local Freight Impact Fund Grant.
33. Administrator and Staff Reports.
34. Township Committee Reports.
35. Public Participation.

Questions, comments or statements from members of the public in attendance.
36. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
37. 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 #2017-289-7

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 October 16, 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.

10/16/17

RESOLUTION #2017-289-8

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 25, 2017, and the Regular Meeting of September 25, 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 September 2017 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Finance, Community Development and Construction.

10/16/17

RESOLUTION #2017-289-9

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00005 was redeemed on September 20, 2017, in the amount of \$4047.24

WHEREAS, US BANK C/F PC6 LLC STERLING, paid tax sale premium, in the amount of \$1200.00 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 \$1200.00 to US BANK C/F PC6 LLC STERLING; for Lien 14-00005, Block 52 Lot 15 commonly known as 20LINDEN ROAD.

JCE
10/16/17

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-10

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00022 was redeemed on SEPTEMBER 25, 2017, in the amount of \$846.42

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 16-00022, Block 92.05 Lot 22.199 Q C199 commonly known as 20 LANCASTER COURT

JCE
10/16/17

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00016 was redeemed on SEPTEMBER 27, 2017, in the amount of \$5125.12

WHEREAS, TWR AS C/F EDBURY FUND 1NJ LLC, paid tax sale premium, in the amount of \$8,500.00 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 \$8,500.00 to TWR AS C/F EDBURY FUND 1NJ LLC; for Lien 16-00016, Block 66 Lot 16 commonly known as 57 THORNTOWN LANE

JCE
10/16/17

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-13

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00016 was redeemed on September 29, 2017, in the amount of \$20476.02

WHEREAS, US BANK CUST FOR TOWER DBW VI TRUST 2016-1, paid tax sale premium, in the amount of \$14700.00 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 \$14700.00 to US BANK CUST FOR TOWER DBW VI TRUST 2016-1; for Lien 15-00016, Block 92.05 Lot 22.260 Qual C.260 commonly known as 14 PLYMOUTH COURT.

JCE
10/16/17

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-14

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 \$2,230.62 to CHASE for Block 93.01 Lot 84 commonly known as 17 WINDINGBROOK ROAD

10/16/17

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-15

Resolution Urging Congress, as Federal Income Tax Reform Advances, to Protect the Deductibility of State and Local Taxes

WHEREAS, the Federal Tax Code is incredibly complex and every one of its provisions was enacted with a specific purpose. While some of those provisions may need updating to reflect more recent issues related to the Federal Tax Code, many remain fair and effective tools that promote the general welfare; and

WHEREAS, the deduction for state and local taxes (SALT) has been a feature of the tax code for more than 100 years; and

WHEREAS, this provision ensures against double taxation and reflects mandatory tax payments, which support public services that benefit all citizens, such as public schools, law enforcement and public safety, transportation and infrastructure, and vital community and public health services; and

WHEREAS, taxpayers in all 50 states benefit from the SALT deduction. The SALT deduction is claimed by taxpayers of all income levels. The deduction is especially important for middle income homeowners; and

WHEREAS, unlike some lower taxed states, which receive approximately \$3 in federal spending for every \$1 contributed in taxes, higher taxed states, including New Jersey, receive less than \$1 from the federal government for every \$1 paid in federal taxes; and

WHEREAS, eliminating the SALT deduction would raise taxes on middle class homeowners – even if the standard deduction were doubled. A recent study commissioned by the National Association of Realtors found that homeowners with adjusted gross incomes (AGI) between \$50,000 and \$200,000 would see an average tax increase of \$815 if SALT were eliminated and the standard deduction were doubled; and

WHEREAS, SALT is strongly tied to home ownership since the overwhelming number of itemizers who claim the deduction (44 million) deduct property taxes (40.7 million) and mortgage interest (35.4 million). Eliminating SALT will diminish the value of the mortgage interest deduction, resulting in a 10% decline in home values in the immediate term;

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and Committee of the Township of Bordentown urges New Jersey's U.S. Senators, Robert Menendez and Cory Booker, and US Congressman Rep. Thomas MacArthur to oppose, with voice and vote, any proposal to eliminate the fair and reasonable SALT deductibility provision from the Federal Tax Code; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded to our above named representatives in Congress, all other Members of the House of Representatives

representing New Jersey taxpayers and municipalities, and to the New Jersey State 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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION # 2017-289-16

A RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF BORDENTOWN EXPRESSING ITS INTENT TO SATISFY ANY GAPS IN FUNDING NECESSARY TO VOLUNTARILY SATISFY THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.

WHEREAS, in response to the New Jersey Supreme Court's decision In re Adoption of N.J.A.C. 5:96 and 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015), on or about July 2, 2015, the Township filed an action with the Superior Court of New Jersey ("Court"), entitled In the Matter of the Application of the Township of Bordentown, County of Burlington, Docket No. BUR-L-1579-15, seeking a Judgment of Compliance and Repose approving its Affordable Housing Plan (as defined herein), in addition to related reliefs (the "Compliance Action"); and

WHEREAS, the Township simultaneously sought and ultimately secured an Order protecting Bordentown from all exclusionary zoning lawsuits while it pursues approval of its Fair Share Plan; and

WHEREAS, the Township has entered into a Settlement Agreement with FSHC, which is subject to Court review via a Fairness Hearing on November 9, 2017; and

WHEREAS, that agreement contemplates several municipally-sponsored compliance techniques including group homes, 100% affordable projects and a market-to-affordable program; and

WHEREAS, pursuant to the regulations and policies adopted and applied by the New Jersey Council on Affordable Housing ("COAH") and by extension the trial courts, the Township must demonstrate adequate and stable funding sources to assure the creditworthiness of the compliance techniques included in its Affordable Housing Plan; and

WHEREAS, the Township wishes to take a proactive steps to facilitate the projects contained in its plan, inclusive of the Market to Affordable Program; and

WHEREAS, the New Jersey Fair Housing Act, N.J.S.A. 52:27D-301 to -329 ("FHA") includes two provisions wherein the Legislature expressly stated that municipalities cannot be forced to expend taxpayer funds to create affordable housing; and

WHEREAS, nevertheless, the Township intends on making a good faith effort to provide the resources necessary to address any gaps in funding for any of the compliance techniques identified in its approved Housing Element and Fair Share Plan; and

WHEREAS, if the development fees collected by the Township are insufficient to completely satisfy its affordable housing obligations, the Township shall exhaust all available funding resources identified in after exhausting every potential non-municipal funding source in COAH's "Guide to Affordable Housing Funding Sources" and any additional funding resources offered by the New Jersey Housing and Mortgage and Finance Agency, the Federal Government, and/or any other pool of funding for the construction of affordable housing; and

WHEREAS, if, after having exhausted the various potential funding sources identified above, the Township is still unable to address any gap in funding, it will either amend its approved Housing Element

and Fair Share Plan by identifying compliance techniques that sufficiently replace the credits lost due to a funding gap or, in its discretion, will cover such costs through bonding or any other lawful means; and

WHEREAS, the Township will dedicate any affordable housing development fees collected in the future to pay any debt service, fees incurred, or pay the principle of any borrowed funds that were utilized for compliance purposes with respect to the Township's 2018 Round 3 Housing Element and Fair Share Plan, which was the culmination of the Township's 2015 DJ Action; and

WHEREAS, the Township's commitment to cover such costs through bonding or other lawful means is without prejudice to the provisions in the FHA identified above, and should not be construed to be a waiver of any arguments it may have regarding same; and

WHEREAS, as the court-appointed Special Master reviews the actions taken by the Township to address the conditions set forth in its Judgment of Compliance and Repose, the Township wishes to leave no question as to its intent to cover the cost of implementing its affordable housing plan or any modification thereof that may be necessary as a result of the Special Master's review.

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

1. In order to provide adequate and stable funding for the various compliance techniques in its Affordable Housing Plan, Bordentown Township shall make a *bona fide*, diligent, and good faith effort to work with any developer(s) of affordable housing in the Township to exhaust the potential funding sources included in "A Guide to Affordable Housing Funding Sources," dated October 28, 2008, and any other available resources not listed in the Funding Guide.

2. The Township shall also maximize use of the funds available its Affordable Housing Trust Fund to facilitate the economic feasibility of the Township's Affordable Housing Programs; and

3. If, after exhausting every potential funding source in the Funding Guide and its Affordable Housing Trust Fund, the Township still cannot secure sufficient financing to completely satisfy its affordable housing obligations, the Township will fully fund any gaps in financing the various components of its Affordable Housing Plan through bonding or other lawful means.

4. The Township reserves the right to recoup any subsidy provided through the collection of future development fees or payments in lieu of the construction of affordable housing, as such funds become available.

5. Further, the Township expressly reserves the right take any other legal action, including amending its approved Housing Element and Fair Share Plan to include valid compliance techniques that do not force the Township to expend public funds.

6. The sole purpose of this financial commitment and limited voluntary fiscal exposure is to satisfy COAH's regulations and policies and, if the rules, regulations, statutes, or policies should change subsequent to the adoption of this Resolution, the Township expressly reserves the right to modify or possibly rescind such commitments.

RESOLUTION #2017-289-17

RESOLUTION APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE

WHEREAS, the Bordentown Township Committee has received the resignation of Donald Tretola and Christopher Nunn from the Economic Development Advisory Committee; and

WHEREAS, there are two individuals who have expressed interest in serving on the Economic Development Advisory Committee;

NOW, THEREFORE, BE IT RESOLVED this 16th day of October, 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 Economic Development Advisory Committee:

3 Year Unexpired Term Expiring 12/31/19:	Norm Patten
3 Year Unexpired Term Expiring 12/31/17:	Mahendra Patel

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-18

APPOINTING MEMBERS TO THE VETERANS ADVISORY COMMITTEE

BE IT RESOLVED this 16th day of October, 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 12/31/18:	Shawn Mount
2 Year Unexpired Term Expiring 12/31/17 (Alt. #2):	John Moynihan

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/16/17

Resolution #2017-289-19

RESOLUTION FOR MEMBER PARTICIPATION
IN A COOPERATIVE PRICING SYSTEM

A RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN
TO ENTER INTO A COOPERATIVE PRICING AGREEMENT

WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units to establish a Cooperative Pricing System and to enter into Cooperative Pricing Agreements for its administration; and

WHEREAS, the Educational Services Commission of New Jersey, hereinafter referred to as the "Lead Agency" has offered voluntary participation in a Cooperative Pricing System for the purchase of goods and services; and

WHEREAS, on October 16, 2017, the governing body of the Township of Bordentown, County of Burlington, State of New Jersey, duly considered participation in a Cooperative Pricing System for the provision and performance of goods and services;

NOW, THEREFORE, BE IT RESOLVED as follows:

TITLE

This Resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Bordentown.

AUTHORITY

Pursuant to the provisions of N.J.S.A. 40A:11-11(5), the Township Administrator is hereby authorized to enter into a Cooperative Pricing Agreement with the Lead Agency.

CONTRACTING UNIT

The Lead Agency shall be responsible for complying with the provisions of the Local Public Contracts Law (N.J.S.A. 40A:11-1 et seq.) and all other provisions of the revised statutes of the State of New Jersey.

EFFECTIVE DATE

This resolution shall take effect immediately upon passage.

CERTIFICATION

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/16/17

RESOLUTION #2017-289-20

RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT

BE IT RESOLVED by the Township Committee of the Township of Bordentown that as recommended by the Acting Chief of Police, the following candidate for Police Officer, as listed by the Civil Service Commission Certification #OL170564, dated May 5, 2017, is hereby appointed as Police Officer in the Police Department of the Township of Bordentown:

Michael Moloney

WHEREAS, there was a need to appoint Mr. Moloney 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 September 26, 2017, wherein a majority affirmative response was received by the Township Committee authorizing Mr. Moloney's appointment (the written results of the electronic poll are attached and made an official part of this resolution);

BE IT FURTHER RESOLVED that said appointment shall be effective October 10, 2017; and

BE IT FURTHER RESOLVED that compensation for said appointment shall be at the position of Police Recruit, or \$40,000/year, in accordance with the Memorandum of Agreement with the Bordentown Township Police Officer's Association and the adoption of the appropriate salary ordinance; and

BE IT FINALLY RESOLVED that the appointment shall be subject to 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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/16/17

RESOLUTION #2017-289-21

RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE LETTER OF INTENT TO PARTICIPATE IN THE BURLINGTON COUNTY HAZARD MITIGATION PLAN UPDATE

WHEREAS, the County of Burlington Office of Emergency Management has instituted the Burlington County Hazard Mitigation Plan Update Project and is requesting the participation of the Burlington County municipalities;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Township of Bordentown's participation in the Hazard Mitigation Plan Update Project; and

BE IT FURTHER RESOLVED that the Mayor is hereby authorized to sign the Letter of Intent to participate in the project.

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/16/17

RESOLUTION #2017-289-22

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY AND TOWNSHIP OF BORDENTOWN FOR A SUB-GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2017 IN THE AMOUNT OF \$78,000 TO ACCOMPLISH THE INSTALLATION OF HANDICAPPED CURB RAMPS AT MUNICIPAL COMPLEX AND BOSSERT NEIGHBORHOOD

WHEREAS, on behalf of the Board of Chosen Freeholders of Burlington County, the Township of Bordentown is in receipt of a September 29, 2017, letter (hereto attached) from the Community Development Program that advised the Township of the approval of the Township funding request for a project, now designated as Project #0604-17, for the installation of handicapped curb ramps at the Municipal Complex and Bossert Neighborhood; and

WHEREAS, the above cited September 29, 2017, letter also issued a Sub-grantee Agreement with instructions for execution and return, along with other stipulated documents and information, to the Community Development Program;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, that it does hereby authorize the Mayor to execute, in two originals, the Sub-grantee Agreement, with the attestation actions required of the Township Clerk in item 1 of the above cited September 29, 2017, letter; and

BE IT FURTHER RESOLVED by the Township Committee that the Alternate Township Engineer, Fred Turek, shall complete items 2, 3 and 4 required by the above cited September 29, 2017, letter and shall provide the completed documents to the Township Clerk; and

BE IT FINALLY RESOLVED by the Township Committee that the Township Clerk shall provide a certified copy of the enacted resolution with items 1 through 4 required by the above cited September 29, 2017, letter no later than October 20, 2017, to the following person:

Karen Trommelen
Program Supervisor
Community Development Program
Housing and Community Development Office
P.O. Box 6000
Mount Holly, NJ 08060

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 October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-289-23

RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT WITH BORDENTOWN WATERFRONT COMMUNITY, LLC, FOR THE PURPOSES OF COMPLETING THE GRANT FOR REMEDIAL ACTION UNDER THE HSDRF PROGRAM

WHEREAS, the Township of Bordentown authorized Excel Environmental Resources, Inc., to apply for HSDRF Grant for remedial action at property known as the Bordentown Waterfront Community; and

WHEREAS, the Township has been awarded the grant from the New Jersey Economic Development Authority; and

WHEREAS, the HSDRF will cover 75 percent of the costs for remedial action with the remaining 25 percent of the costs to be paid by Bordentown Waterfront Community, LLC; and

WHEREAS, it is necessary to enter into a Professional Services Agreement to allow for the grant funds to be distributed as necessary for completion of the grant;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Professional Services Agreement with Bordentown Waterfront Community, LLC, and further authorizes the Mayor and Township Clerk to execute said agreement on behalf of the Township of Bordentown.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on October 16, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

10/16/17

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.

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.

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	Entire Length 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.

TOWNSHIP OF BORDENTOWN

ORDINANCE #2017-26

AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN

WHEREAS, telecommunication and data technology has rapidly developed personal and business use devices and equipment that require wireless connections for both phone calls and data transmission; and

WHEREAS, personal and business use of devices that require connection to data signals to fully function have become an integral component to many residents daily lives and business; and

WHEREAS, the advancing technology and ever increasing list of devices that require connection to data networks is not anticipated to slow down in the immediate future with the deployment of what is known as Generation 5G Wireless technology; and

WHEREAS, Generation 5G Wireless deployment is expected to be served by Distributed Antennae Systems, also known as DAS, and Small Cell Network Nodes that will be installed with Right-of-Ways; and

WHEREAS, Distributed Antennae Systems (DAS), and Small Cell Network Nodes facilities generally are comprised of an antenna mounted in an elevated position and equipment cabinet that may be installed above or below the ground; the DAS or Node is connected to a carriers communications hub; and

WHEREAS, the Township of Bordentown has identified ordinance revisions necessary to facilitate the review of DAS and Small Cell Nodes within the municipal right-of-way while protecting the health safety and welfare of Township residents;

NOW, THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown that the Township Code is hereby amended by adding the following:

Section 1. Sub-section 25:520 of the Land Development Ordinance (LDO) is supplemented to add definitions, as follows:

DEFINITIONS:

As used in this article, the following terms shall have the meanings set forth below:

Distributed Antenna System (DAS): A network of spatially separated antenna nodes connected to a common source via a transport medium that provides wireless service within a geographic area or structure. DAS antenna node installations are typically compact.

Utility Pole: A pole that supports public utility wires and cables and is separate and distinct from a tower, pole (monopole) that supports only telecommunications equipment and antenna.

Small Network Node: A low-powered wireless technology that involves the use of antennas, two to three feet long, and radio cabinets, which are mounted on existing or new utility poles or light poles which are lawfully erected in the public right-of-way. Small network nodes augment the coverage from new and existing tower and rooftop sites, providing signal in terrain challenged areas.

Antenna: Any exterior transmitting or receiving device mounted on a tower, building or structure, utility pole (including within light poles and fixtures) and used in communications that radiate or capture electromagnetic waves, digital signals, analog signals, radio frequencies (excluding radar signals), wireless telecommunications signals or other communication signals.

Tower: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas for telephone, radio and similar communication purposes, including self-supporting lattice towers, guyed towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, alternative tower structures, and the like. The term includes the structure and any support thereto. This term shall not include an existing utility pole.

Section 2. The following new sub-section 25:520 6., Telecommunications facilities within the Municipal Rights-of-Way, is added as follows:

25:520 6. Telecommunications facilities within the Municipal Rights-of-Way.

(a) **Permit Required:** No person, company, firm or corporation shall construct, relocate, replace, or perform maintenance on any Telecommunication facility that involves a DAS or SNN within the Municipal Right-of-Way without first receiving permit approval from the Township Committee.

(b) Applications:

1. Complete Permit Application: In the event that the application is not certified to be complete within 45 calendar days of the date of its submission, the application shall be deemed complete upon the expiration of the 45-day period for purposes of commencing the applicable time period, unless: a. the application lacks information indicated on a checklist adopted by ordinance and provided to the applicant; and b. the municipal agency or its authorized committee or designee has notified the applicant, in writing, or by electronic means, of the deficiencies in the application within 45 days of submission of the application.

a. At the discretion of the Township Administrator or Community Development Director, the separate permit required for each location where work is being performed may be waived in the case of a public utility making numerous improvements, and providing a performance guarantee for the work.

2. Applications for Telecommunication Improvements within the municipal right-of-way shall be granted or denied within 45 days of the date of submission of a complete application to the Community Development Director, or within such further time as may be consented to by the applicant.
3. The application and sketch plan shall be reviewed by the Township Engineer and the Temporary Traffic Control Plan (TCP) shall be reviewed by the Chief of Police or his/her Designee prior to the issuance of any permit by the Governing Body. The Township Engineer and Police Department may assist in the determination of a complete application and prepare reports regarding approval or denial of the application.

(c) Submission Checklist Items (Applicant to submit ten (10) copies):

1. Executed Use Agreement with owner of existing utility pole
2. Executed Right of Way Agreement with the Municipality
3. Completed Application Form (Telecommunications facilities within the Municipal Right-of-Way) with A) Survey showing the existing environs of the planned work and any information as may be required by the Director of Community Development on a checklist supplied to the applicant; B) Plans of improvements; C) Existing conditions site photos; D) Equipment Specifications; E) Traffic Control Plan; and F) Project Description
4. Completed Road Opening Permit Application

(d) General Requirements:

1. Equipment and antennas shall meet the following requirements:
 - a. To improve safety and reduce visual obtrusiveness equipment cabinets and other facility improvements shall be located underground where sufficient space is provided within the ROW and outside the cartway or curblin.
 - b. All cables/wires serving the wireless communications facility shall be installed in underground conduits. Wiring for the antennae from the equipment cabinet which is placed on the utility pole shall be contained in conduits, neatly arranged, and securely fastened.
 - c. Antennas may be internally mounted; flush-mounted; or mounted on top of the existing utility poles.
 - d. The antenna and supporting electrical and mechanical equipment must be of a neutral color that is identical to, or compatible with, the color of the supporting structure so as to make the antenna and related equipment as visually unobtrusive as possible.

(e) Fees:

- | | |
|---|-------|
| 1. Application Fee (per pole/installation): | \$100 |
| 2. Review and Inspection Fee (per pole/installation): | \$750 |

(f) Notice of proposed telecommunications facilities; protection of existing structures.

It shall be the duty of the permittee to give notice of the proposed improvements any company whose pipes, conduits or other structures are laid in the portion of the street to be opened. Such notice shall be given at least 24 hours before commencing such opening and may be satisfied by notification to the New Jersey One-Call/811 system. The permittee shall, at his own expense, carefully support, maintain in operation and protect from injury such pipes, conduits or other structures. If any damage is caused to such structures, the permittee shall restore them at his own expense.

(g) Road Closing. Written permission to close a road to traffic must first be secured from the Police Department, and such permission shall only be valid for the time specified. The permittee may be required to give notification of such closing to various public agencies and to the general public.

(h) Violations, Penalties and Remedies. It shall be a violation of this Ordinance for any person, company, firm or corporation to construct, relocate, replace, or perform maintenance on any Telecommunication facility that involves a DAS or SNN within the Municipal Right-of-Way without first receiving permit approval from the Township Committee. Such person, company, firm or corporation shall be subject to Penalties and Remedies are set forth in Sub-Section 25:1005 of the Land Development Code.

Section 3.

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

Section 4.

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

Section 5.

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

ORDINANCE #2017-27

ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY

WHEREAS, Cellco Partnership d/b/a Verizon Wireless, (“Verizon Wireless”), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, pursuant to N.J.S.A 48:3-18, Verizon Wireless may use facilities that have been lawfully erected within municipal rights-of-way provided that there is the consent of the relevant municipality; and

WHEREAS, Verizon Wireless seeks consent of the Township Committee to place its telecommunication facilities aerially on utility poles or in underground conduit in the public rights-of-way within the Township for purposes of owning, constructing, installing, operating, repairing and maintaining a telecommunications system; and

WHEREAS, the Township Committee is satisfied that it is in the public interest to grant consent to Verizon Wireless in order to provide additional and innovative telecommunication facilities.

NOW THEREFORE, BE IT ORDAINED, by the Township Committee of the Township of Bordentown, County of Burlington as follows:

- Section 1.** Permission is hereby granted to Cellco Partnership d/b/a Verizon Wireless to install small network nodes and other telecommunications facilities with the Township’s rights-of-way for the purpose of operating a telecommunications network in accordance with a certain Rights-of-Way Agreement attached hereto as Exhibit A and made part hereof and the terms of this ordinance are incorporated therein by reference.
- Section 2.** Verizon Wireless shall obtain, at its own expense, all necessary permits and approvals as required by applicable laws and regulations.
- Section 3.** The Mayor and Township Clerk are hereby authorized to execute the Rights-of-Way Agreement attached hereto.

Section 4. Repealer. Any and all other ordinances inconsistent with any of the terms and provisions of this ordinance are hereby repealed to the extent of such inconsistencies.

Section 5. Severability. In the event that any section paragraph, clause phrase, term, provision or part of this ordinance shall be adjudicated by a court of competent jurisdiction to be involved or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered.

Section 6. This ordinance shall take effect immediately upon adoption and publication according to law.

ORDINANCE # 2017-28

AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED 'PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES'

WHEREAS, the Township Committee seeks to clarify the standards and requirements for parking of vehicles at motor vehicle service stations and service-oriented facilities to provide for clear and consistent standards, protect the health, safety and welfare of the residents of the Township, and permit the operators of service stations and service-oriented facilities to reasonably engage in business, and to provide for the enforcement of the same.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that Chapter 10, entitled Vehicles and Traffic, shall be amended as follows:
Section 1. Chapter 10 of the Township Code is hereby amended to include new subchapter 10.05, entitled, "Parking of Vehicles at Service Stations and Service-Oriented Facilities", as follows:

The following standards are hereby established for parking of vehicles at motor vehicle service stations and service-oriented facilities:

- A. Service stations with or without fuel-dispensing facilities may park vehicles awaiting repair on the premises in the rear yard and side yards only, either at a rate not to exceed 5 vehicles per usable service bay for properties with a current site plan approval by the Planning or Zoning Board which will accommodate them; or at a rate not to exceed 2 vehicles per usable service bay for properties without a current site plan approval by the Planning or Zoning Board. A current site plan approval means that a property has received a documented site plan approval from either Board under the current Land Development Ordinance, which was adopted on August 14, 1990, with subsequent revisions. The requirements of the site plan approval, including buffering, screening, landscaping, etc. shall be in place and maintained on the site.
- B. Vehicles parked and awaiting repair may remain on site for no more than 30 consecutive days at a time provided such vehicle is parked in an approved parking space. An approved parking space shall mean a parking space on either asphalt or concrete pavement, with striping, with dimensions conforming to the Land Development Ordinance.
- C. Vehicles having been repaired and deemed complete shall not be stored on site for more than five days after completion, provided such vehicle is parked in an approved parking space.
- D. No dismantled parts shall be placed outside within any yard, unless they are so placed in an area which is completely screened and the area is used for the purpose of collecting and removing recyclables on the day of placement.
- E. No junked or partially dismantled vehicle or part thereof, no unregistered or uninspected vehicle shall be permitted to be parked outside of an enclosed service bay, except that not more than 4 vehicles may be located outside of the building in the rear yard for a period not to exceed 30 consecutive days.

- F. The exterior display and parking of not more than 2 vehicles for sale shall be permitted on the site, but only when approved as part of a site plan approval by the Planning or Zoning Board.
- G. Vehicles awaiting repair or unregistered shall not be parked on public streets.

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