

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: NOVEMBER 20, 2017 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Fuzy
_____	_____	Committeeman Cann
_____	_____	Committeeman Holliday
_____	_____	Committeewoman Popko
_____	_____	Committeeman-elect Kostoplis
_____	_____	Committeeman-elect Mason
_____	_____	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 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:

--Affordable Housing Contract Matters.

--Bordentown Township Police Sergeants Association Contract Matter.

--Kevin Johnson Litigation Matter.

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

6. Mayor's Proclamation – November 20, 2017, as Bordentown Jaguars Day.
7. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2017-324-8 through #2017-324-18.
8. Resolution #2017-324-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 9. Resolution #2017-324-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETING AND FILING OF REPORTS.
 10. Resolution #2017-324-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 11. Resolution #2017-324-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 12. Resolution #2017-324-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 13. Resolution #2017-324-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 14. Resolution #2017-324-14 entitled RELEASE OF PERFORMANCE GUARANTEE FOR SAAJ, LLC, HOLIDAY INN EXPRESS, ROUTES 130 AND 206, BLOCK 63 AND 64, LOTS 1, 2, 39 AND 3.
 15. Resolution #2017-324-15 entitled RELEASE OF PERFORMANCE GUARANTEE FOR GRAINGER WAREHOUSE, GRAY CONSTRUCTION, BLOCK 138.12, LOTS 5.01 AND 5.02.
 16. Resolution #2017-324-16 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
 17. Resolution #2017-324-17 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.
 18. Resolution #2017-324-18 entitled A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT.

19. 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.
20. 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.
21. Public Hearing on Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.
22. Consideration of Adoption of Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.
23. Public Hearing on Ordinance #2017-27 entitled ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY.
24. Consideration of Adoption of Ordinance #2017-27 entitled ORDINANCE AUTHORIZING AN AGREEMENT WITH VERIZON WIRELESS TO LOCATE AND OPERATE SMALL NETWORK NODES IN THE PUBLIC RIGHT OF WAY.
25. Public Hearing on 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”.
26. Consideration of Adoption 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”.
27. Administrator and Staff Reports
28. Township Committee Reports.
29. Public Participation.

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

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

RESOLUTION #2017-324-8

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated November 20, 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.

11/20/17

RESOLUTION #2017-324-9

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of October 16, 2017; the Regular Meeting of October 16, 2017 and the Special Meeting of November 13, 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: Municipal Court; and

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

11/20/17

RESOLUTION #2017-354-10

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #14-00008 was redeemed on October 19, 2017, in the amount of \$14,059.12

WHEREAS, US BANK C/F ACTLIEN HOLDING, LLC, paid tax sale premium, in the amount of \$1300.00 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 \$1600.00 to US BANK C/F ACTLIEN HOLDING, LLC; for Lien 14-00008, Block 63 Lot 8 commonly known as 4 ORCHARD LANE

JCE
11/20/17

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 November 20, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-324-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00013 was redeemed on OCTOBER 30, 2017, in the amount of \$529.71

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 16-00013, Block 54 Lot 17 commonly known as 62 E EDGEWOOD ROAD

JCE
11/20/17

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 November 20, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-324-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00018 was redeemed on OCTOBER 30, 2017, in the amount of \$7074.54

WHEREAS, TWR AS C/F EDBURY FUND 1NJ LLC, paid tax sale premium, in the amount of \$12,100.00 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 \$12,100.00 to TWR AS C/F EDBURY FUND 1NJ LLC; for Lien 16-00018, Block 76 Lot 15 commonly known as 37 WILLOW ROAD

JCE
11/20/17

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 November 20, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-324-13

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #16-00029 was redeemed on November 3, 2017, in the amount of \$411.32

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 16-00029, Block 92.06 Lot 22.123 Q C.123 commonly known as 6 Deerfield Court

JCE
11/20/17

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 November 20, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN
RELEASE OF PERFORMANCE GUARANTEE FOR

SAAJ, LLC
Holiday Inn Express
Routes 130 and 206
BLOCKS: 63 and 64 LOTS: 1, 2, 39 and 3

RESOLUTION NO. 2017-324-14

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

WHEREAS, SAAJ Urban Renewal, LLC provided a performance guarantee in the form of a Surety Bond, issued by NGM Insurance Co., #237547, in the amount of \$313,005.82; and a cash guarantee in the original amount of \$34,778.42, currently in the reduced amount of \$12,511.38; and

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

WHEREAS, the Township Engineer, Fred Turek, has inspected all the improvements of which notice has been given and recommends herein that the Township Committee approve the release of the performance guarantee by letter dated October 26, 2017; 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:

That the Township Committee, for the aforementioned reasons, hereby approves release of the performance guarantee for SAAJ Urban Renewal, LLC with the following conditions:

1. The release of the guarantee is conditioned upon payment of any outstanding professional vouchers or negative balance in the inspection escrow account, and
2. The Chief Financial Officer shall refund the balance of cash guarantee to the developer.
3. The Township Clerk shall forward a certified copy of this resolution to: Alkesh Taylor, Managing Partner, SAAJ Urban Renewal, LLC, 195 Route 130, Bordentown, NJ 08505.

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

Grainger Warehouse – Gray Construction BLOCK: 138.12 LOTS: 5.01 and 5.02

RESOLUTION NO. 2017-324-15

WHEREAS, Grainger – IDI Gazeley is the developer/builder of a certain property within the Township of Bordentown and has been granted preliminary approval and final approval of development plans for the above captioned block and lot, known as the Grainger Warehouse, subject to certain terms and conditions, including, but not limited to, the filing of Third Party Performance Guarantees guaranteeing the satisfactory installation of certain site improvements; and

WHEREAS, Gray Construction, Inc., on behalf of Grainger – IDI Gazeley provided performance guarantees, in the form of a 90% Performance Bond in the amount of \$2,701,122.15, currently reduced to \$810,336.65; and a 10% cash guarantee in the amount of \$300,124.68, currently reduced to \$90,037.40; and

WHEREAS, the developer has notified the Township in writing and in accordance with the procedures set forth in N.J.S.A. 40:55D-53.d that the required improvements have been completed which are the subject matter of the aforementioned guarantee, and has requested a reduction of said performance guarantee; and

WHEREAS, the Township's Engineering Consultant, Frederick J. Turek, P.E., has inspected all the improvements of which notice has been given and has filed a report dated October 18, 2017 with the Director of Community Development and has recommended that the Township Committee approve the release of the performance guarantee subject to the posting of 1-year maintenance guarantee in the amount of \$375,155.85; and

WHEREAS, the Township Committee has reviewed said request and report 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 for Gray Construction.
2. The Township Committee directs the Community Development Director to release the performance bond upon receipt of a maintenance guarantee in the amount of \$375,155.85, subject to acceptance of the Township Attorney.
3. The Township Committee directs the Chief Financial Officer to refund the cash portion of the guarantee, plus any applicable interest, to Gray Construction, according to Municipal Land Use Law.
4. The Township Committee directs the Township Clerk to forward a copy of this resolution to: Brad Cannon, Gray Construction, 10 Quality Street, Lexington, KY 40507-1450

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2017-324-16

REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS

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

<u>Applicant/Payee</u>	<u>Project</u>	<u>Account No.</u>	<u>Current Amount</u>
Growmark FS, LLC 308 NE Front St. Milford DE 19963 Attn: Joseph Koch, CFO	Growmark FS	966300	\$ 112.50
Boos Development Group 410 Park Place Blvd., Suite 100 Clearwater, FL 33759 Attn: Sue Barbee	Concept Plan Pre-application Meeting Block 126, Lot 1.01	985100	\$ 625.17
Bordentown Township 1 Municipal Drive Bordentown, NJ 08505	Clifton Mill Escrow Proceeds from Settlement with Quaker Group	918000	\$1,051.78

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 #2017-324-17

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 November 21, 2017;

Kevin T. Frysztacki

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 November 20, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

11/20/17

RESOLUTION #2017-324-18

A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT

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

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

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

WHEREAS, the impact of climate change can cause damage to public parks, roads, municipal properties and equipment; and

WHEREAS, co-pollutants from burning fossil fuels create significant respiratory ailments and death; and

WHEREAS, the provision of basic public services such as water treatment and snow removal can increase with climate change; and

WHEREAS, many of the costs associated with the impacts of climate change and/or mitigating those impacts will be born by state and local governments, putting further strain on public budgets; and

WHEREAS, it is less expensive to plan for and mitigate the impacts of climate change, rather than to respond to emergencies when they happen; and

WHEREAS, Emissions reductions must happen everywhere, and reductions must be prioritized in environmental justice communities; and

WHEREAS, studies show the feasibility of creating a 100% carbon free energy system, which creating jobs and improving public health; and

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

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby resolve to join other US cities in supporting the goals of the Paris Agreement and further commits to exploring the potential benefits and costs of adopting

policies and programs that promote the long-term goal emissions reduction while maximizing economic and social co-benefits of such action.

BE IT FURTHER RESOLVED, the Township of Bordentown urges the state of NJ to establish a renewable portfolio standard (RPS) with a goal of 100% renewable energy and transportation by 2035 and a halt to all new fossil fuel energy projects in the state; and

BE IT FURTHER RESOLVED, the Township will investigate and begin the process of attaining the status of Tree City USA, promoting cleaner air; and

BE IT FURTHER RESOLVED, the Township of Bordentown , in coordination with its Environmental Commission, will explore programs and policies to promote community awareness and offer consideration and consultation regarding climate change in the future development of the Township, and

BE IT FURTHER RESOLVED, the Township of Bordentown will explore regional efforts to support the development of distributed renewable energy, including those that support energy efficiency, retail net metering of electricity, community choice aggregation and community solar; and

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

COLLEEN M. ECKERT, RMC, TWP. CLERK

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 curbline.
 - 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. Equipment cabinets, when mounted on a pole, shall be a mounted a minimum of fifteen (15) feet above the ground at

the base of the pole, measured to the bottom of a cabinet. No more than two (2) cabinets may be mounted on any one pole.

(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.