

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: DECEMBER 4, 2017 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

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

1. Salute to the flag and moment of silence.
2. Roll Call.
3. Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On November 3, 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:

- Affordable Housing Contract Matters.
- Environmental Litigation Matters.
- Bordentown Township Police Sergeants Association Contract Matter.
- Kevin Johnson Litigation Matter.

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 #2017-338-7 through #2017-338-18.
7. Resolution #2017-338-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
8. Resolution #2017-338-8 entitled RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT.
9. Resolution #2017-338-9 entitled RESOLUTION APPROVING FINAL CHANGE ORDER NO. BT-2 FOR ARAWAK PAVING COMPANY FOR THE 2014 ROAD PROGRAM.
10. Resolution #2017-338-10 entitled A RESOLUTION TO APPROVE THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD – RISING SUN ROAD CONNECTOR PROJECT.
11. Resolution #2017-338-11 entitled RELEASE OF PERFORMANCE GUARANTEE FOR BORDEN’S CROSSING PHASE IV, BLOCK 58 & 58.01, LOTS VARIOUS.
12. Resolution #2017-338-12 entitled RELEASE OF PERFORMANCE GUARANTEE FOR LONGWELL CROSS HOMES, LLC (EAST HAVEN WOODS – THORNTOWN LANE), BLOCK 66, LOTS 19 & 22.
13. Resolution #2017-338-13 entitled RELEASE OF PERFORMANCE GUARANTEE FOR CENTRAL CROSSING BUSINESS PARK – HEDDING ROAD IMPROVEMENTS BLOCK 137.01 & 138.12.
14. Resolution #2017-338-14 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.
15. Resolution #2017-338-15 entitled RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED RECREATION AND OPEN SPACE INVENTORY (ROSI).
16. Resolution #2017-338-16 entitled AUTHORIZE SETTLEMENT OF 2015, 2016 AND 2017 TAX APPEALS FILED BY RIVERGATE URBAN RENEWAL COMPANY, LLC, AND BORDENTOWN WATERFRONT COMMUNITY, LLC, FOR THE PROPERTY IDENTIFIED AS BLOCK 140, LOT 5.01.

17. Resolution #2017-338-17 entitled ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM R.J. WALSH ASSOCIATES, INC., TO SUPPLY AND INSTALL FUEL TANKS FOR THE PUBLIC WORKS EXPANSION PROJECT (FINAL).
18. Resolution #2017-338-18 entitled RESOLUTION ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT – ARCHITECTURAL & SITE PLAN PREPARATION.
19. Public Hearing on Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.
20. 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.
21. 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”.
22. 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”.
23. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
24. 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.**

**NOTICE**

**TOWNSHIP OF BORDENTOWN**

NOTICE IS HEREBY GIVEN that the Bordentown Township Committee Regular Meeting scheduled for December 4, 2017, will commence at 6:30 p.m. to be held in the main Meeting Room of the Municipal Building, 1 Municipal Drive, Bordentown, NJ 08505.

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Colleen M. Eckert, RMC, Twp. Clerk

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

RESOLUTION #2017-338-7

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 December 4, 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.

12/04/17

RESOLUTION #2017-338-8

RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT

**WHEREAS**, the Governor’s Council on Alcoholism and Drug Abuse established the Municipal Alliances for the Prevention of Alcoholism and Drug Abuse in 1989 to educate and engage residents, local government and law enforcement officials, schools, nonprofit organizations, the faith community, parents, youth and other allies in efforts to prevent alcoholism and drug abuse in communities throughout New Jersey;

**WHEREAS**, The Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, recognizes that the abuse of alcohol and drugs is a serious problem in our society amongst persons of all ages; and therefore has an established Municipal Alliance Committee; and,

**WHEREAS**, the Township Committee further recognizes that it is incumbent upon not only public officials but upon the entire community to take action to prevent such abuses in our community; and,

**WHEREAS**, the Township Committee has applied for funding to the Governor’s Council on Alcoholism and Drug Abuse through the County of Burlington;

**NOW, THEREFORE, BE IT RESOLVED** by the Township of Bordentown, County of Burlington, State of New Jersey, hereby recognizes the following:

1. The Township Committee does hereby authorize submission of a strategic plan for the Municipal Alliance grant for fiscal year 2019 in the amount of:

DEDR	\$14,804.00
Cash Match	\$3,701.00
In-Kind	\$11,103.00

2. The Township Committee acknowledges the terms and conditions for administering the Municipal Alliance grant, including the administrative compliance and audit requirements.

APPROVED: \_\_\_\_\_  
*Stephen Benowitz, Mayor*

**CERTIFICATION**

I, Colleen M. Eckert, Municipal Clerk of the Township of Bordentown, County of Burlington, State of New Jersey, do hereby certify the foregoing to be a true and exact copy of a resolution duly authorized by the Township Committee on this 4<sup>th</sup> day of December, 2017.

\_\_\_\_\_  
*Colleen M. Eckert, Municipal Clerk*

RESOLUTION #2017-338-9

RESOLUTION APPROVING FINAL CHANGE ORDER NO. BT-2 FOR ARAWAK PAVING COMPANY FOR THE 2014 ROAD PROGRAM

WHEREAS, the Township Committee awarded a contract to Arawak Paving Company, for the 2014 Road Program in the amount of \$825,800.00 for various Road Improvements within the Township of Bordentown; and,

WHEREAS, N.J.A.C. 5:30-14.4 provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS, Change Order No. BT-2 provides for final payment and amends the contract to a final amount of \$886,818.10; and provides for final payment to the Contractor in the amount of \$4,142.02; and

WHEREAS, the Township Committee has reviewed the aforementioned Change Order and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order, and to authorize final payment to the Contractor;

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

1. That the Township Committee, for the aforementioned reasons, hereby amends the aforementioned contract to an amended total of \$886,818.10, in accordance with the attached documentation, attached hereto as Exhibit A and made part hereof by reference hereto.
2. Final payment to the Contractor in the amount of \$4,142.02 is hereby authorized.
3. That the Township Committee hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution.

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 December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

12/04/17

RESOLUTION #2017-338-10

A RESOLUTION TO APPROVE THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD – RISING SUN ROAD CONNECTOR PROJECT

BE IT RESOLVED that the Township Committee of the Township of Bordentown formally approves the grant application for the above stated project;

BE IF FURTHER RESOLVED that the Mayor and Clerk and hereby authorized to submit an electronic grant application identified as “LFIF – 2018 – Rising Sun Road – Dunns Mill Road – 00006” to the New Jersey Department of Transportation on behalf of Bordentown Township;

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to sign the grant agreement on behalf of Bordentown Township and that their signature constitutes acceptance of the terms and conditions of the grant agreement and approves the execution of the grant agreement;

Certified as a true copy of the Resolution adopted by the Committee  
On this \_\_\_\_\_ day of \_\_\_\_\_, 2017

\_\_\_\_\_  
Colleen M. Eckert, RMC, Municipal Clerk

My signature and the Clerk’s seal serve to acknowledge the above resolution and constitute acceptance of the terms and conditions of the grant agreement and approve the execution of the grant agreement as authorized by the resolution above.

\_\_\_\_\_  
Stephen Benowitz, Mayor

ATTEST and AFFIX SEAL \_\_\_\_\_  
Colleen M. Eckert, RMC, Municipal Clerk



# **TOWNSHIP OF BORDENTOWN**

## **RELEASE OF PERFORMANCE GUARANTEE FOR**

### **Borden's Crossing Phase IV BLOCK: 58 & 58.01 LOTS: Various**

#### RESOLUTION NO. 2017-338-11

WHEREAS, Amboy Bank / AB Borden's Crossing is the successor 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 blocks and lots, known as Borden's Crossing, Phase IV, 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, performance guarantees were posted by the original developer, KOR., in the form of a 90% Performance Bond in the amount of \$479,017.80, 36.65; and a 10% cash guarantee in the amount of \$53,224.20; and

WHEREAS, Amboy Bank / AB Borden's Crossing became the successor developer; 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 November 28, 2017 with the Township Clerk and has recommended that the Township Committee approve the release of the performance guarantee subject to the posting of 2-year maintenance guarantee in the amount of \$80,729.63; 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 Amboy Bank / AB Borden's Crossing.
2. The Township Committee directs the Community Development Director to release the performance bond upon receipt of a maintenance guarantee in the amount of \$80,729.63, 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 Amboy Bank / AB Borden's Crossing, according to Municipal Land Use Law.
4. The Township Committee directs the Township Clerk to forward a copy of this resolution to: Mr. Gene Boitchenko, Amboy Bank, 3590 US Highway 9, Old Bridge, NJ 08857

# **TOWNSHIP OF BORDENTOWN**

## **RELEASE OF PERFORMANCE GUARANTEE FOR**

### **Longwell Cross Homes, LLC (East Haven Woods – Thorntown Lane) BLOCK: 66 LOTS: 19 and 22**

#### RESOLUTION NO. 2017-338-12

WHEREAS, Longwell Cross Homes, LLC 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 East Haven Woods / Thorntown Lane Subdivision, 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, Longwell Cross Homes, LLC has provided performance guarantees, in the amount of a 90% Performance Bond in the amount of \$245,156.76, and a 10% cash guarantee in the amount of \$27,239.64, and

WHEREAS, Longwell Cross Homes, LLC 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 release 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 November 28, 2017 with the Township Clerk and has recommended that the Township Committee approve the release of the performance guarantee, subject to the posting of a maintenance guarantee in the amount of \$34,049.55, 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 the release of the performance guarantee for Longwell Cross Homes, LLC.
2. The Township Committee directs the Community Development Director to release the performance guarantee upon receipt of a maintenance bond in the amount of \$34,049.55, subject to acceptance of the Township Attorney.
3. The Township Committee directs the CFO to refund the current balance of the cash guarantee, plus any applicable interest according to law, to Longwell Cross Homes, LLC.
4. The Township Committee directs the Township Clerk to forward a copy of this resolution to: Jeffrey Goodwin, EVP, Longwell Cross Homes, LLC, 702 N. White Horse Pike, Stratford, NJ 08084.

**TOWNSHIP OF BORDENTOWN**

**RELEASE OF PERFORMANCE GUARANTEE FOR**

**Central Crossing Business Park – Hedding Road Improvements  
BLOCK: 137.01 & 138.12**

RESOLUTION NO. 2017-338-13

WHEREAS, Central Crossing Business Park, LLC 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 blocks, known as Central Crossing Business Park – Hedding Road Improvements, 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, Central Crossing Business Park, LLC has provided performance guarantees, originally as a 90% Performance Bond in the amount of \$2,475,014.83, and a 10% cash guarantee in the amount of \$275,001.65, which have been subsequently reduced; and

WHEREAS, Central Crossing Business Park, LLC 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 release 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 November 29, 2017 with the Township Clerk and has recommended that the Township Committee approve the release of the performance guarantee, subject to the posting of a maintenance guarantee in the amount of \$343,752.06, 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 the release of the performance guarantee for Central Crossing Business Park, LLC.
2. The Township Committee directs the Community Development Director to release the reduced performance guarantee upon receipt of a maintenance bond in the amount of \$343,752.06, subject to acceptance of the Township Attorney.
3. The Township Committee directs the CFO to refund the current balance of the cash guarantee, \$88,229.11, plus any applicable interest according to law, to Central Crossing Business Park, LLC.
4. The Township Committee directs the Township Clerk to forward a copy of this resolution to: Harry Kantor, Time Equities Inc., 55 Fifth Avenue, 15th Floor, New York, NY 10003 .

RESOLUTION #2017-338-14

RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM

WHEREAS, the Township of Bordentown did apply for a grant with the Burlington County Board of Chosen Freeholders through the Burlington County Municipal Park Development Program; and

WHEREAS, by correspondence dated November 1, 2017, hereto attached, the Burlington County Board of Chosen Freeholders has awarded a grant to the Township of Bordentown in the amount of \$175,000.00, for the completion of proposed improvements to Veterans/Joseph Lawrence Park Pavillion;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute all grant agreements on behalf of the Township of Bordentown and forward the agreements to the Burlington County Board of Chosen Freeholders.

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 December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

12/04/17

RESOLUTION #2017-338-15

RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED RECREATION AND OPEN SPACE INVENTORY (ROSI)

WHEREAS, in order to seek reimbursement from the NJ State Department of Environmental Protection for certain land purchased by the Township of Bordentown under the Green Acres Program, the Township is required to amend the Recreation and Open Space Inventory; and

WHEREAS, those amendments have been prepared by the Bordentown Township Engineer, Turek Consulting, LLC; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor to execute the amended Recreation and Open Space Inventory; and

BE IT FURTHER RESOLVED that a certified copy of this resolution be forwarded to the NJ State Department of Environmental Protection.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

12/04/17

RESOLUTION #2017-338-16

AUTHORIZE SETTLEMENT OF 2015, 2016 and 2017 TAX APPEALS FILED BY RIVERGATE URBAN RENEWAL COMPANY, LLC AND BORDENTOWN WATERFRONT COMMUNITY, LLC FOR THE PROPERTY IDENTIFIED AS BLOCK 140, LOT 5.01

**WHEREAS**, Rivergate Urban Renewal Company, LLC and Bordentown Waterfront Community, LLC (hereinafter referred to jointly as “Taxpayer”) is or was the owner of the property known as 2500 Hamilton Boulevard and identified as Block 140, Lot 5.01, on the Township of Bordentown’s Tax Assessment Maps (“Property”) (which Property was previously identified as Lot 5 on the 2015 Tax Map); and

**WHEREAS**, Taxpayer filed appeals of the 2015, 2016 and 2017 tax assessments in the Tax Court of the State of New Jersey under docket numbers 0014567-2015, 006874-2016, and 003666-2017; and

**WHEREAS**, a proposed settlement of the aforesaid tax appeals was negotiated between Taxpayer and Township Tax Assessor, Chief Financial Officer and Township Tax Attorney as set forth in the Stipulations of Settlement annexed hereto, as these professionals determined that this settlement was reasonable and necessary to reflect correct market values for the Property for the years under appeal; and

**WHEREAS**, the aforesaid settlement is based on the specific and identifiable facts and circumstances pertaining to the Property and has no general application to other properties within the Township of Bordentown; and

**WHEREAS**, the Township Committee, having reviewed and considered the pending tax appeals and the proposed settlement thereof agree and confirm it is in the best interests of the Township to resolve the tax appeals as set forth herein and in the Stipulation of Settlement attached hereto.

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

1) That the Township Attorney is authorized to execute the Stipulations of Settlement in settlement of those tax appeals identified above; and

2) That the Tax Collector is hereby authorized to process any refund required as a result of the settlement of this tax appeal.

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 December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-337-17

ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM R.J. WALSH ASSOCIATES, INC., TO  
SUPPLY AND INSTALL FUELS TANKS FOR THE PUBLIC WORKS EXPANSION PROJECT  
(FINAL)

WHEREAS, the Township Committee awarded a contract to R.J. Walsh Associates, Inc., has in the amount of \$255,854.80 to supply and install fuel tanks as part of the Public Works Expansion Project; and

WHEREAS, for unforeseen reasons, R.J. Walsh Associates, Inc., has submitted a supplemental proposal for additional work required to complete the project; and

WHEREAS, R.J. Walsh Associates, Inc., is a State Contract Vendor T0849-x-22978; and

WHEREAS, N.J.S.A. 40A:11-12 and N.J.A.C. 5:34-7.1 et seq., authorizes a local contracting unit to purchase goods or services, without the form of competitive bidding process, to an authorized State Contract Vendor;

WHEREAS, funds are available as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the supplemental proposal submitted by R.J. Walsh Associates, Inc., P.O. Box 119, Allentown, NJ 08501, in the amount of \$38,729.40 to complete the installation of the fuel tanks for the Public Works Expansion Project; and

BE IT FURTHER RESOLVED that the Township Engineer has inspected the project and has deemed the project satisfactory and complete and therefore, this payment shall serve as the final payment to the contractor to close 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 December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

12/04/17

RESOLUTION #2017-338-18

RESOLUTION ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT – ARCHITECTURAL & SITE PLAN PREPARATION

WHEREAS, Turek Consulting, LLC, submitted has submitted a supplemental proposal for engineering services for the Public Works Facility Expansion Project – Architectural and Site Plan Preparation; and

WHEREAS, it is the desire of the Township Committee to accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$6,914.00; and

WHEREAS, funds are available to accept said proposal, as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$6,914.00 to provide engineering services for the Public Works Facility Expansion Project, Phase 3 – Architectural and Site Plan Preparation.

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 December 4, 2017.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

12/04/17



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 # 2017-28

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.