

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: DECEMBER 18, 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 Kostopolis
_____	_____	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.

--Professional Services Contract Matter – Public Works Expansion Project.

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. Administration of Oath of Office to Police Recruits:

Jennifer Passerella
Joshua Gardner
Sean Ferrari

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 #2017-352-8 through #2017-352-20.
8. Resolution #2017-352-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
9. Resolution #2017-352-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
10. Resolution #2017-352-10 entitled RESOLUTION DIRECTING THE DISTRIBUTION OF THE 2017 DIVIDEND NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.
11. Resolution #2017-352-11 entitled RESOLUTION APPROVING APPLICATION TO THE NEW JERSEY CLEAN ENERGY PROGRAM.
12. Resolution #2017-352-12 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
13. Resolution #2017-352-13 entitled ESTABLISHING THE DATE AND TIME OF THE ANNUAL REORGANIZATION MEETING OF THE TOWNSHIP COMMITTEE FOR THE YEAR 2018.
14. Resolution #2017-352-14 entitled RESOLUTION AUTHORIZING PAYMENT TO BORDENTOWN TOWNSHIP EMPLOYEES FOR RABIES CLINIC.
15. Resolution #2017-352-15 entitled RESOLUTION AUTHORIZING EXTENSION OF AGRICULTURAL LEASE AGREEMENTS BETWEEN THE TOWNSHIP OF BORDENTOWN AND STEPHEN TURGYAN.
16. Resolution #2017-352-16 entitled AUTHORIZING DECEMBER 18, 2017, BUDGET TRANSFERS.
17. Resolution #2017-352-17 entitled CANCELLATION OF 2017 BUDGET APPROPRIATIONS.

18. Resolution #2017-352-18 entitled AUTHORIZING PURCHASE OF THREE (3) 2017 FORD INTERCEPTORS AND EQUIPMENT FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.
19. Resolution #2017-352-19 entitled RESOLUTION TO REFUND DEPOSIT FOR STREET OPENING PERMIT.
20. Resolution #2017-352-20 entitled AMEND VETERANS MEMORIAL PARK – CONCESSION/PAVILION IMPROVEMENTS WITH LANCE ELECTRIC – CHANGE ORDER NO. 1 AND 2.
21. Public Hearing on Ordinance #2017-29 entitled AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE, PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE TOWNSHIP OF BORDENTOWN.
22. Consideration of Adoption of Ordinance #2017-29 entitled AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE, PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE TOWNSHIP OF BORDENTOWN.
23. Public Hearing on Ordinance #2017-30 entitled AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-21.
24. Consideration of Adoption of Ordinance #2017-30 entitled AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-21.
25. Administrator and Staff Reports
26. Township Committee Reports.
27. Public Participation.

Questions, comments or statements from members of the public in attendance.
28. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
29. 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 #2017-352-8

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 December 18, 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.

12/18/17

RESOLUTION #2017-352-9

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 November 20, 2017 and December 4, 2017; the Regular Meeting of November 20, 2017 and December 4, 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 November 2017 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Construction and Finance.

12/18/17

RESOLUTION NO. 2017-352-10

RESOLUTION DIRECTING THE DISTRIBUTION

OF THE 2017 DIVIDEND

NET RETURNED SURPLUS FUNDS

HELD IN TRUST BY THE

BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

WHEREAS, the Township of Bordentown hereinafter referred to as MUNICIPALITY, participated as a member municipality of the Burlington County Municipal Joint Insurance Fund, hereinafter referred to as FUND, for one or more of the following FUND fiscal years beginning January 1, 2004, January 1, 2005, January 1, 2006, January 1, 2007, January 1, 2008, January 1, 2009, January 1, 2010, January 1, 2011, January 1, 2012, January 1, 2013 **and**

WHEREAS, the FUND is a statutory filed municipal joint insurance fund as defined in N.J.A.C. 11:15-2.1 et seq., **and**

WHEREAS, the MUNICIPALITY joined the FUND knowing that membership carries with it joint and several liability with all other member municipalities for each year of the MUNICIPALITY's membership, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any available statutory surplus will be released by the FUND, **and**

WHEREAS, the MUNICIPALITY understands that the FUND's Executive Committee are the only persons authorized in law to make decisions as to when and how much of any projected deficit will be declared as an additional assessment due to the FUND, **and**

WHEREAS, the MUNICIPALITY understands that Available Statutory Surplus is defined to be the amount of money in excess of the projected value of claims by line of coverage, plus an actuarially determined value for Incurred But Not Reported claims, subject to the surplus reserve calculations as defined in N.J.A.C. 11:15-4.6 et seq., and subject to review and approval by the Department of Banking and Insurance and Department of Community Affairs, State of New Jersey, prior to release by the Executive Committee of the FUND, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier release of Available Statutory Surplus due to the possibility that a FUND year wherein a return of Statutory Surplus has been duly authorized could later be presented with a claim for which it could be responsible causing a demand for an additional assessment from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that it remains jointly and severally liable into perpetuity despite the earlier collection of an additional assessment due to the possibility that a FUND year wherein an additional assessment has been duly authorized could later be presented with a need for additional assessments from each participating member municipality of that FUND year, **and**

WHEREAS, the MUNICIPALITY understands that its options for directing the distribution of its net share of released Statutory Surplus to be as follows:

1. Direct the FUND to apply the MUNICIPALITY's share to the MUNICIPALITY's premium as a credit in the next FUND fiscal year (N.J.A.C. 11:15-4.21(e)),
2. Direct the FUND to issue a check to the MUNICIPALITY for the MUNICIPALITY's share,
3. Direct the FUND to apply the MUNICIPALITY's share to the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.), which provides member municipalities with an available individual contingency balance for use in satisfying any possible need for a supplemental assessment for any year they were a member and an annual capacity to use all or a portion of a member municipality's available balance in offsetting future premiums, **or**

4. Direct the FUND to apportion the MUNICIPALITY's share as a stated dollar amount among options 1, 2 and 3 above such that the sum total of allocated dollars equals the amount of the Net Distribution available to the MUNICIPALITY as noted above.

NOW THEREFORE, the MUNICIPALITY directs the FUND to distribute the MUNICIPALITY's share of its Net Distribution as follows (**check the boxes that apply**):

- Apply a portion of the amount as a credit to the MUNICIPALITY's next FUND Year premium.
- Apply a portion of the amount as a check to the MUNICIPALITY.
- Apply a portion or the full amount to the MUNICIPALITY's share of the FUND's Aggregate Excess Loss Contingency Fund (A.E.L.C.F.).

Designate the amount as follows (Sum of below must equal full dividend amount):

- **Credit** \$ _____
- **Check** \$ _____ (**Requires voucher**)
- **A.E.L.C.F.** \$ 13,696 _____ (**Requires Resolution**)

Total Dividend \$ 13,696 _____

This Resolution was duly adopted by the Governing Body of the

Township of Bordentown at a Public Meeting held on December 18, 2017.

	Township of Bordentown
Signature of Mayor	<u>Name of Municipality</u>
	Township of Bordentown
Signature of Clerk	<u>Name of Municipality</u>

RESOLUTION #2017-352-11

RESOLUTION APPROVING APPLICATION TO THE NEW JERSEY CLEAN ENERGY PROGRAM

WHEREAS, the New Jersey Clean Energy Program offers programs and services to New Jersey residents, businesses and local governments to help save energy, tax dollars, and the environment; and,

WHEREAS, the Direct Install Program offers a streamlined process to realize energy efficiency by replacing old equipment with energy efficient technology; and

WHEREAS, the Direct Install program provides a free no obligation energy assessment to identify cost saving measures; and

WHEREAS, the Direct Install Program will pay seventy percent (70%) of the project costs if the Township agrees to implement the identified cost saving measures.

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 approves of the submission of an application to the New Jersey Clean Energy Direct Install Program.
2. That the Township Committee hereby directs the Mayor and Clerk to execute the application 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 December 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2017-352-12

REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS

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

<u>Applicant/Owner</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/ Agway/Milford	917500 917502	\$ 275.00 \$7,044.79

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 applicant; in accordance with N.J.S.A. 40:55D-53.2.

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

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused 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 Owner.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to the Owner.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/2017

RESOLUTION #2017-352-13

ESTABLISHING THE DATE AND TIME OF THE ANNUAL REORGANIZATION MEETING OF THE TOWNSHIP COMMITTEE FOR THE YEAR 2018

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the annual Reorganization Meeting of the Township Committee for the year 2018 shall be held on January 6, 2018, at 12:00 p.m.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-14

RESOLUTION AUTHORIZING PAYMENT TO BORDENTOWN TOWNSHIP EMPLOYEES FOR RABIES CLINIC

WHEREAS, the Bordentown Township Clerk's Office holds a free rabies vaccination clinic annually for the Township of Bordentown; and

WHEREAS, it is a requirement to have writers at the clinic to fill out the appropriate rabies vaccination certificates for each dog/cat that receives a vaccination; and

WHEREAS, it has been determined by the Municipal Clerk that there is a need to extend the request for writers to the Bordentown Township employees, which will consist of a maximum of three (3) hours at an hourly rate of \$25.00;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize payment to any Bordentown Township employee who works the 2018 Rabies Clinic in the amount of \$25.00 per hour for a maximum of three (3) hours.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-15

RESOLUTION AUTHORIZING EXTENSION OF AGRICULTURAL LEASE AGREEMENTS
BETWEEN THE TOWNSHIP OF BORDENTOWN AND STEPHEN TURGYAN

WHEREAS, the Township of Bordentown awarded a lease agreement to Stephen Turgyan on December 5, 2016, (for calendar year 2017) to lease certain open space parcels for agricultural purposes; and

WHEREAS, said agreement authorizes the lease to be renewed on a yearly basis not to exceed five years; and

WHEREAS, it is the desire of the Township Committee of the Township of Bordentown to renew said agreement for a term of January 1, 2018 and ending December 31, 2018; and

WHEREAS, it is understood by both parties that all other provisions of the original agreement shall remain in effect through December 31, 2018;

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the extension of the agricultural lease agreements with Stephen Turgyan for the following parcels:

Block 90, Lots 4 & 6
Block 92, Lots 7.01 & 8.01
Block 93, Lot 9.01

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor and Township Clerk to execute all documents relating to said lease agreements.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-16

AUTHORIZING DECEMBER 18, 2017 BUDGET TRANSFERS

BE IT RESOLVED by the Township of the Township of Bordentown that it hereby approves and authorizes the Chief Financial Officer to make the following 2017 Budget Appropriation transfers pursuant to N.J.S.A. 40A:4-58:

2017 BUDGET
TRANSFERS

12/18/2017

ACCOUNT NUMBER	NAME	DEBIT	CREDIT
7-01-20-100-200	ADMIN/EXEC - OTHER EXPENSES	\$2,152.80	
7-01-20-130-100	FINANCE - SALARY/WAGES		\$ 2,152.80
7-01-20-145-200	COLLECTION OF TAXES - OTHER EXPENSES	\$136.02	
7-01-20-145-100	COLLECTION OF TAXES - SALARY/WAGES		\$136.02
7-01-23-221-200	INS HEALTH BENEFITS WAIVER - O/E	\$5,880.57	
7-01-25-240-100	POLICE - SALARY/WAGES		\$5,880.57
7-01-26-325-200	COMMUNITY SERVICES ACT. SEWERAGE	\$1,500.00	
7-01-31-455-000	PROCESSING/DISPOSAL		\$1,500.00
TOTAL		\$9,669.39	\$9,669.39

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-17

CANCELLATION OF 2017 BUDGET APPROPRIATIONS

WHEREAS, the following Current Fund 2017 budget appropriations remain unexpended:

WHEREAS, it is necessary to formally cancel said appropriations so that such unexpended appropriations may be cancelled to budget operations:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that the above listed unexpended appropriations of the Current Fund be cancelled.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-18

AUTHORIZING PURCHASE OF THREE (3) 2017 FORD INTERCEPTORS AND EQUIPMENT FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT

WHEREAS, there is a need to purchase new vehicles for the Bordentown Township Police Department; and

WHEREAS, these vehicles can be purchased through State Contract #47-CPCPS; and

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 as follows:

1. The Township Clerk is hereby authorized to approve and forward a purchase order to Beyer Ford, 170 Ridgedale Avenue, Morristown, NJ 07960, for the purchase of three (3) 2017 Ford Interceptors, in the amount of \$91,337.25.
2. The Township Clerk is hereby authorized to approve and forward a purchase order to Emergency Acc. & Installation, 250 Berlin Road, Cherry Hill, NJ 08034, for equipment and accessories for the three (3) 2017 Ford Interceptors, in the amount of \$24,053.69.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-19

RESOLUTION TO REFUND DEPOSIT FOR STREET OPENING PERMIT

WHEREAS, a street opening permit was issued by the Township of Bordentown during the year 2017 to Chapelwood Plumbing Electrical HVAC for 95 Dunns Mill Road in the Township of Bordentown; and

WHEREAS, an applicant is required to make a deposit based on a percentage of the total cost of the project; and

WHEREAS, upon completion of the project, the Township Engineer conducted a final inspection and is authorizing the release of the portion of the deposit;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the following deposit to be refunded:

<u>APPLICANT</u>	<u>AMOUNT</u>
Chapelwood Plumbing Electrical HVAC	\$42.00

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/18/17

RESOLUTION #2017-352-20

AMEND VETERANS MEMORIAL PARK – CONCESSION/PAVILION IMPROVEMENTS WITH LANCE ELECTRIC - CHANGE ORDERS NO. 1 AND 2

WHEREAS, the Township Committee, by Resolution #2017-128-20, awarded a contract to Lance Electric, for the purpose of performing certain work and services with respect to the Veterans Memorial Park – Concession/Pavilion Improvements Project in the Township of Bordentown; and

WHEREAS, Turek Consulting, the Township’s agent responsible for supervising the project as aforesaid, for the Township of Bordentown, has advised the Township Committee, by way of December 12, 2017, correspondence and change order request and the submission of the appropriate certification that the existing contract amount should be increased to reflect an increase in work and materials necessary to complete the project as outlined below:

1. Change Order #1 – replacement of existing downspouts and gutters at the existing pavilion structure.
2. Change Order #2 – additional concrete sidewalk as required by the Construction Department for ADA compliance for the parking area access.

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, the Township Committee has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order;

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:

3. That the Township Committee, for the aforementioned reasons, hereby amends the aforementioned contract and increases the contract price by \$21,700.00 and the amended total \$411,700.00 in accordance with the terms and conditions of the aforementioned certification and December 12, 2017, correspondence and request being attached hereto as Exhibit A and made part hereof by reference hereto.
4. 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 and which are prepared by or reviewed by the Township Attorney.

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 18, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

Ordinance 2017-29

AN ORDINANCE TO CREATE THE AH-1 AFFORDABLE HOUSING OVERLAY ZONE,
PROVIDING FOR AFFORDABLE HOUSING AND OTHER USES ON PROPERTY IN THE
TOWNSHIP OF BORDENTOWN

WHEREAS, the mandate to provide for affordable housing throughout the State has been expressed in court decisions from the Supreme Court of the State of New Jersey; most recently in 2015; and

WHEREAS, that mandate has been reinforced by subsequent lower court rulings; and

WHEREAS, the Township Committee of the Township of Bordentown wishes to comply with the mandate to provide for affordable housing; and

WHEREAS, Bordentown Township has had its affordable housing program under the jurisdiction of the Superior Court and the Court has assigned a Special Master to advise the Court; and

WHEREAS, after the most recent Supreme Court ruling, entities collectively known as Bordentown Development Company (BDC) filed a Motion with the Superior Court to Intervene in the Township's Compliance Action and such motion was granted; and

WHEREAS, BDC is the owner of vacant real property know as Tax lots 41, 42, 43, Block 138.01 on the official Tax Maps of the Township of Bordentown; and

WHEREAS, through mediation supervised by the Court Master, Mary Beth Lonergan, the Township has reached a settlement agreement with BDC, authorized by resolution 2017-286-20D, and dated October 10, 2017, to develop the aforementioned lots with market rate multifamily housing, affordable housing units, and commercial development; and

WHEREAS the Township wishes to enact a zoning ordinance in order to comply with its obligation for the same in the settlement agreement.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Bordentown, that:
Section 1: A new Overlay Zoning district, entitled "Affordable Housing – 1" (AH-1) is hereby created as follows:

AH-1 Affordable Housing Zone

A. Purpose

To provide for market rate and affordable housing on property known as Tax Lots 42 and 43, in Block 138.01, as shown on the official Tax Maps of Bordentown Township; and to provide for commercial uses on Tax Lots 41 and 43, in accordance with the attached concept plan prepared by WJH Engineering dated August 28, 2017.. The commercial uses shall be located on Lot 41, and on a minimum 10-acre parcel to be set aside from the residential uses and to be located in the northeast corner of Lot 43, at the intersection of Route US 130 and Rising Sun Road. The residential uses shall be located on the balance of Lot 43 and Lot 42.

B. Principal Permitted Uses

1. Townhouses
2. Apartments
3. The maximum number of residential units shall not exceed 227. At least 36 units will be set aside for low, very-low and moderate income households.
4. Commercial Uses on a minimum 10-acre lot in Lot 43 and Lot 41 as shown on the attached exhibit:
 - a. Retail sales of goods and services
 - b. Personal service establishments
 - c. Banks, including drive-in facilities
 - d. Offices and office buildings, including medical offices and professional offices
 - e. Hotels with or without conference centers, as conditional uses under Section 25:601
 - f. Health Clubs
 - g. Shopping centers
 - h. Child care centers
 - i. Restaurants
 - j. Self-storage facilities, as a conditional use under Section 25:601
 - k. Mixed uses of any of the above

C. Accessory Uses Permitted

1. Residential:
 - a. Structures and uses incidental and supportive of a multi-family development including but not limited to a clubhouse, pool, tot lots, maintenance structures, garbage enclosures, postal and parcel structures, and other customary accessory structures
2. Commercial:
 - a. Off-street parking
 - b. Fences, walls and signs
 - c. Temporary construction trailers, only during construction, in accordance with sub-section 25:408.B.5.

D. Maximum Building Height

1. Residential: 3 Stories, 45'
2. Commercial:
 - a. Buildings used exclusively for offices or hotels: 55' or five stories
 - b. All other building uses: 30'

E. Area and Yard Requirements

1. Residential Uses:
 - a. Minimum lot area: 10 acres
 - b. Minimum lot frontage: 300'
 - c. Minimum lot width: 300'
 - d. Minimum lot depth: 300'
 - e. Minimum front yard setback: 40'
 - f. Minimum rear yard setback: 25'

- g. Minimum side yard setback: 40'
- h. Maximum building coverage: 25%
- i. Maximum impervious coverage: 55%
- j. Maximum density: 9.5 units per acre
- k. Minimum distance building to building: 40'
- l. Maximum connected townhouses: 9 units
- m. Maximum number of apartment units within a single structure: 24

2. Commercial Uses:

- a. Minimum lot frontage: 500'
- b. Minimum lot width: 400'
- c. Minimum lot depth: 400'
- d. Minimum front yard setback: 75'
- e. Minimum rear yard setback: 50'
- f. Minimum side yard setback: 25'
- g. Maximum floor area ratio (FAR): 0.4
- h. Maximum impervious coverage: 75%

F. *Affordable Housing Set Aside*- A maximum of 227 residential units shall be permitted. The minimum number of affordable units shall be 36. The affordable units shall comply with Uniform Housing Affordability Controls (UHAC), applicable Council On Affordable Housing (COAH) housing regulations, any applicable order of the Court, and other applicable laws including the 13% very low income requirement embodied in the Fair Housing Act in lieu of the UHAC requirement as to low income. This includes an obligation to comply with:

- 1. Bedroom distribution requirements listed in the settlement agreement.
- 2. Income split requirements listed in the settlement agreement.
- 3. Pricing requirements
- 4. Affirmative action marketing requirements
- 5. Candidate qualification and screening requirements
- 6. Integration of affordable units with market-rate units
- 7. Deed restriction requirements including that the affordable units shall remain deed restricted with the affordability controls for a period of at least 30 years from the date of initial occupancy.

G. *Buffers*

- 1. 15' Minimum planted buffer along Meadow Run development lot line
- 2. 20' Minimum planted buffer between residential and commercial lots. This buffer may be established on either lot or a combination of portions on each lot provided a total of 20' is provided.

H. *Minimum Off-Street Parking and Loading*

- 1. Residential: Parking size, configuration and number for all residential uses shall be governed by the Residential Site Improvement Standards (RSIS)
- 2. Commercial: In accordance with standards set forth in Section 25:408

I. *Signs*

- 1. Residential:

- a. One free standing sign at each main project access shall be permitted. This sign shall be a maximum of 6' in height and have a maximum sign area of 40 square feet. Sign area does not include structural or decorative elements. Free standing signs shall not be within required sight triangles.
 - b. Building mounted numbers for multi-unit building identification shall be permitted on each façade facing a street or parking area and shall not exceed 2' in height and an area of 5 square feet.
 - c. "Way finding" signage shall be permitted and should provide for safe and identifiable circulation on site. A coordinated signage plan inclusive of directional signage, leasing office signs, amenity locations etc. shall be proposed. Signs identifying leasing offices and amenities shall not exceed 6 square feet. All additional "way finding" signs shall be a maximum of 3 square feet.
2. Commercial: Signs on the commercial site shall comply with Ordinance 2014-11, standards for the HC Zone.

Section 2: The official Zoning Map of the Township of Bordentown is hereby amended to include the overlay of the AH-1 Zone on the aforementioned properties.

Section 3: The Township of Bordentown shall comply with the other terms and conditions of the aforementioned settlement agreement.

Section 4: This Ordinance shall take effect immediately upon adoption by the Township Committee.

ORDINANCE #2017-30

AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-21.

BE IT ORDAINED an enacted Ordinance by the Township Committee of the Township of Bordentown, County of Burlington and State of New Jersey, as follows:

SECTION 2. Section 2 of Ordinance #2013-21 is hereby amended as follows:

<u>ANNUAL SALARIES</u>	<u>2017</u>	<u>2018</u>	<u>2019</u>
POLICE SERGEANT	\$105,000.00	\$107,100.00	\$109,242.00

SECTION 24. Effective date/effective duration. This ordinance shall take effect immediately upon final passage and publication according to law, and the provisions thereof shall be effective as of January 1, 2017 and shall be effective for the years 2017, 2018, and 2019. No rights are created beyond the effective period of this ordinance.

SECTION 7. Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. Severability. In the event that any portion of this ordinance is determined to be invalid, such determination shall not affect the remaining portions of the ordinance, which are hereby declared to be severable.

INTRODUCED:

ADOPTED: