

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: JANUARY 28, 2013 TIME: 7:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Cann
_____	_____	Deputy Mayor Popko
_____	_____	Committeeman Benowitz
_____	_____	Committeeman Feltes
_____	_____	Committeeman Moynihan
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Construction Official Carbone
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

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 7, 2013, 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 REGISTER-NEWS, 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. Public Hearing regarding the Proposed Expansion of the Bordentown Township Public Works Facility.
6. Consideration of Introduction of Ordinance #2013-3 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LAND AND BUILDINGS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$600,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$570,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.
7. Presentation with Jason Konek of Lutheran Social Ministries regarding Amendment to Proposed Plans within the Bordentown Waterfront Community Redevelopment Project.

8. 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 #2013-028-9 through #2013-028-24.
9. Resolution #2013-028-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
10. Resolution #2013-028-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
11. Resolution #2013-028-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
12. Resolution #2013-028-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
13. Resolution #2013-028-13 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
14. Resolution #2013-028-14 entitled RELEASE OF PERFORMANCE GUARANTEE FOR 130 BORDENTOWN ASSOCIATES, LLC (BOTTOM DOLLAR FOOD STORE), 262 ROUTE 130, BLOCK 127, LOT 3.
15. Resolution #2013-028-15 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION (THE STORAGE DEPOT).
16. Resolution #2013-028-16 entitled RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR THE "BURLINGTON COUNTY RIVERLINE TASK FORCE" PROGRAM.
17. Resolution #2013-028-17 entitled RESOLUTION APPROVING STIPEND TO CYNTHIA DZIURA FOR CERTAIN ASSIGNED DUTIES WITHIN THE COMMUNITY DEVELOPMENT OFFICE.
18. Resolution #2013-028-18 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN APPOINTING BRIAN JOHNSON AS MUNICIPAL-HOUSING LIAISON.
19. Resolution #2013-028-19 entitled RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY.
20. Resolution #2013-028-20 entitled RESOLUTION AUTHORIZING EXTENSION OF AGRICULTURAL LEASE AGREEMENTS BETWEEN THE TOWNSHIP OF BORDENTOWN AND STEPHEN TURGYAN.

21. Resolution #2013-028-21 entitled AUTHORIZING 2013 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).
22. Resolution #2013-028-22 entitled RESOLUTION TO ESTABLISH HOURLY RATE CHARGES FOR MUNICIPAL EMPLOYEE PROFESSIONALS FOR BILLING TO LAND DEVELOPMENT ESCROW ACCOUNTS DURING CALENDAR YEAR 2013, PURSUANT TO THE NJ MUNICIPAL LAND USE LAW.
23. Resolution #2013-028-23 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE CLOSING DOCUMENTS WITH REGARDS TO THE NJ TURNPIKE AUTHORITY LAND DIVERSION.
24. Resolution #2013-028-24 entitled RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES.
25. Public Hearing on Ordinance #2013-1 entitled AN ORDINANCE TO AMEND ORDINANCE #2012-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
26. Consideration of Adoption of Ordinance #2013-1 entitled AN ORDINANCE TO AMEND ORDINANCE #2012-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.
27. Consideration of Introduction of Ordinance #2013-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO ESTABLISH A RESTRICTED-PARKING ZONE IN FRONT OF A RESIDENCE OCCUPIED BY A HANDICAPPED PERSON.
28. Township Committee discussion of Public Safety Signs along Municipal Streets.
29. Township Committee discussion of Notification Procedures regarding Municipal Projects of Direct Impact to Residents.
30. Township Committee and Staff Reports.
31. Public Participation.

Questions, comments or statements from members of the public in attendance.
32. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
33. Resolution to meet in closed session:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby (adjourn) (recess) this Regular Meeting to meet in Closed Session for the purpose of discussing:

RESOLUTION #2013-028-9

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 January 28, 2013, 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.

01/28/13

RESOLUTION #2013-028-10

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 January 14, 2013, and the Regular Meeting of December 27, 2012 and the Reorganization Meeting of January 5, 2013, 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 December 2012 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Construction, Community Development; and

BE IT RESOLVED that the following Annual Reports for the year 2012 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk.

01/28/13

RESOLUTION#2013-028-11

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #12-00028 was redeemed on January 15, 2013, in the amount of \$360.01.

WHEREAS, Josef Hoffmann, paid tax sale premium, in the amount of \$200.00 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 \$200.00 to Josef Hoffmann; for Lien 12-00028, Block 138.06 Lot 90, commonly known as 41 Sagamore Lane.

MAP
01/28/13

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION#2013-028-12

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #12-00019 was redeemed on January 15, 2013, in the amount of \$813.91.

WHEREAS, US Bank Cust for Crestar Capt., paid tax sale premium, in the amount of \$325.00 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 \$325.00 to US Bank Cust for Crestar Capt.; for Lien 12-00019, Block 92.06 Lot 22.023 C.023, commonly known as 6 Covington Court.

MAP
01/28/13

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION#2013-028-13

AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2012 taxes in the amount of \$918.83 to CoreLogic Real Estate, for Block 92.05 Lot 22.346 C.346 commonly known as 7 Tioga Court.

01/28/13
MAP

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RELEASE OF PERFORMANCE GUARANTEE FOR

**130 Bordentown Associates, LLC (Bottom Dollar Food Store)
262 Route 130
BLOCK: 127 LOT: 3**

RESOLUTION NO. 2013-028-14

WHEREAS, 130 Bordentown Associates, LLC is the owner 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 Bottom Dollar Food Store, 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, 130 Bordentown Associates, LLC has originally provided performance guarantees, in the amount of a 90% Letter of Credit (LOC) in the amount of \$303,451.78, and a 10% cash guarantee in the amount of \$33,716.87; which were subsequently reduced by the Township Committee by Resolution No. 2012-362-17 to a \$91,035.54 LOC and \$10,115.06 cash guarantee; and

WHEREAS, 130 Bordentown Associates, 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 Engineer Consultant, Frederick J. Turek, P.E., has inspected all the improvements of which notice has been given and has filed a report dated January 8, 2013 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 a 2-year Maintenance Guarantee in the amount of \$84,292.20, which may be in the form of a 90% LOC and 10% Cash, and

WHEREAS, the Township's Engineering Consultant has subsequently recommended in correspondence dated January 14, 2013 that the 2-year Maintenance Guarantee period commence retroactively on August 27, 2012; 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 130 Bordentown Associates, LLC, with the conditions set forth below.
2. The Township shall release the current guarantee upon receipt of a 2-year Maintenance Guarantee in the amount of \$84,292.20, which may be in the form of a 90% LOC and 10% Cash, subject to acceptance of the Township Attorney.
3. The release of the guarantee is also conditioned upon payment of any outstanding negative balance in the inspection escrow account, plus an additional deposit of \$500.00 to cover the costs of any inspections during the life of the Maintenance Guarantee.
4. The 2-year duration of the Maintenance Guarantee shall retroactively commence on August 27, 2012, and shall end on August 27, 2014.
5. The Township Clerk shall forward a certified copy of this resolution to: 130 Bordentown Associates, LLC.

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2013-028-15

REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION

WHEREAS, there exists an unused balance in the following Planning or Zoning escrow account:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
The Storage Depot	Storage Depot 800 Route 206 Block 61, Lot 2	971600	\$200.00

WHEREAS, the Director of Community Development has certified that the project is complete and there are no unpaid invoices for professional services in connection with the project; and,

WHEREAS, the Director of Community Development recommends the balance 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:

6. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balance of the escrow deposit, in the amount indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
7. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid Applicant.
8. That the Township Committee directs the Township Clerk to forward a copy of this resolution to the Applicant.

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2013-028-16

RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR THE “BURLINGTON COUNTY RIVERLINE TASK FORCE” PROGRAM

WHEREAS, the Townships of Bordentown, Cinnaminson, Delran, Riverside, Florence, Delanco, Edgewater Park, the Cities of Bordentown, Beverly and Burlington and the Boroughs of Palmyra and Riverton are neighboring municipalities within the County of Burlington; and

WHEREAS, their Police Departments provide Riverline patrols in their respective municipalities; and

WHEREAS, the municipalities often rely upon each other for additional officers to provide such services; and

WHEREAS, the municipalities wish to enter into an Interlocal Service Agreement to utilize police to enforce criminal statutes and local ordinances in the municipalities; and

WHEREAS, said Interlocal Service Agreement has been prepared by the Township of Bordentown and has been found to be acceptable by the Township Committee of the Township of Bordentown; and

WHEREAS, N.J.S.A. 40:8A-1, et seq., the Interlocal Service Act, permits this Interlocal Service Agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the Mayor of the Township of Bordentown is hereby authorized to execute the Interlocal Service Agreement with the Townships of Cinnaminson, Delran, Riverside, Florence, Delanco, Edgewater Park, the Cities of Bordentown, Beverly and Burlington and the Boroughs of Palmyra and Riverton concerning the “Burlington County Riverline Task Force Program”; and

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the Chief Financial Officers and the Municipal Clerks of Cinnaminson, Delran, Riverside, Florence, Delanco, Edgewater Park, the Cities of Bordentown, Beverly, and Burlington and the Boroughs of Palmyra and Riverton.

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

INTERLOCAL AGREEMENT

THIS AGREEMENT made this _____ day of _____, 2013, by and between the Township of Bordentown, 1 Municipal Drive, Bordentown, New Jersey 08505, County of Burlington; the Township of Cinnaminson, 900 Manor Road, Cinnaminson, New Jersey 08077, County of Burlington; the Township of Delran, 900 Chester Avenue, Delran, New Jersey 08075, County of Burlington; the Township of Riverside, 1 W. Scott Street & Pavilion Avenue, Riverside, New Jersey 08075, County of Burlington; the Township of Florence, 711 Broad Street, Florence, New Jersey 08518, County of Burlington; the Township of Delanco, 770 Coopertown Road, Delanco, New Jersey 08075, County of Burlington; the Township of Edgewater Park, 400 Delanco Road, Edgewater Park, New Jersey 08010, County of Burlington; the City of Bordentown, 324 Farnsworth Avenue, Bordentown, New Jersey 08505, County of Burlington; the City of Beverly, 446 Broad Street, Beverly, New Jersey 08010, County of Burlington; the City of Burlington, 525 High Street, Burlington, New Jersey 08016, County of Burlington; the Borough of Palmyra, 20 W. Broad Street, Palmyra, New Jersey 08065, County of Burlington, the Borough of Riverton, 501 Fifth Street, Riverton, New Jersey, 08077, County of Burlington hereinafter collectively referred to as “the Municipalities”;

WHEREAS, police officers from the municipalities to work and enforce the criminal statutes and local ordinances affecting the safety and welfare of the municipalities.

WITNESSETH:

That for and in consideration of the mutual covenants herein, the parties hereto agree as follows:

1. The municipalities agree to participate in the project utilizing police to enforce criminal statutes and local ordinances in the municipalities for the “Burlington County Riverline Task Force.”

Dated: _____

Township of Bordentown
Mayor

WITNESS:

Dated:

Dated: _____

Township of Cinnaminson
Mayor

WITNESS:

Dated:

Page 2
"Burlington County Riverline Task Force"
Interlocal Agreement

Dated: _____

Township of Delran
Mayor

WITNESS:

Dated:

Dated: _____

Township of Riverside
Mayor

WITNESS:

Dated:

Dated: _____

Township of Florence
Mayor

WITNESS:

Dated:

Dated: _____

Township of Delanco
Mayor

WITNESS:

Dated:

Dated: _____

Township of Edgewater Park
Mayor

WITNESS:

Dated:

Dated:

City of Bordentown
Mayor

WITNESS:

Dated:

Dated:

City of Beverly
Mayor

WITNESS:

Dated:

Dated:

City of Burlington
Mayor

WITNESS:

Dated:

Dated:

Borough of Palmyra
Mayor

WITNESS:

Dated:

Dated:

Borough of Riverton
Mayor

WITNESS:

Dated:

RESOLUTION #2013-028-17

RESOLUTION APPROVING STIPEND TO CYNTHIA DZIURA FOR CERTAIN ASSIGNED DUTIES WITHIN THE COMMUNITY DEVELOPMENT OFFICE

WHEREAS, to maintain the daily functions of the Community Development Office, the Township Committee has assigned certain clerical duties to Cindy Dziura (Clerk's Office); and

WHEREAS, Ms. Dziura has agreed to accept the additional duties of the Community Development Office; and

WHEREAS, the Township Committee wishes to provide a stipend to Ms. Dziura for her performance of the additional functions;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award the following stipend:

Cindy Dziura, Keyboarding Clerk 1 (Clerk's Office) \$10,000

BE IT FURTHER RESOLVED that said award shall be in conjunction with Bordentown Township Ordinance #2013-1 and shall be retroactive to January 1, 2013, and shall be paid over the 26 pay periods; and

BE IT FURTHER RESOLVED that said stipend shall be made a part of Ms. Dziura's annual salary with regards to the Public Employees Retirement System reports; and

BE IT FURTHER RESOLVED that should Ms. Dziura no longer perform said additional duties, the stipend shall cease upon the conclusion of the current pay period.

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

RESOLUTION #2013-028-18

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN
APPOINTING BRIAN JOHNSON AS MUNICIPAL-HOUSING LIAISON

WHEREAS, the Township Committee of the Township of Bordentown was granted a Judgment of Repose on August 16, 2000; and

WHEREAS, the Township Committee of the Township of Bordentown will submit a Fair Share Plan that promotes an affordable-housing program pursuant to the Fair Housing Act (N.J.S.A. 52:27D-301 *et seq.*) and COAH's Third Round Substantive Rules (N.J.A.C. 5:94-1 *et seq.*); and

WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et seq.*, the Township of Bordentown is required to appoint a Municipal Housing Liaison for the administration of the Bordentown Township's affordable-housing program to enforce the requirements of N.J.A.C. 5:94-7 and N.J.A.C. 5:80-26.1 *et seq.*; and

WHEREAS, the Township of Bordentown has amended Chapter 16 entitled Fair Share Housing to provide for the appointment of a Municipal Housing Liaison to administer the Township of Bordentown's affordable-housing program;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, that Brian Johnson is hereby appointed by the Township Committee of the Township of Bordentown as the Municipal Housing Liaison for the administration of the affordable-housing program, pursuant to and in accordance with Chapter 16 of the Revised General Ordinances 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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

RESOLUTION #2013-028-19

RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY

WHEREAS, in 2012, the Township of Bordentown, by resolution, chose to participate in the Sustainable Jersey Certification Program; and

WHEREAS, in order to achieve the certification, the Township of Bordentown must adopt certain policies and procedures to gain points towards the certification; and

WHEREAS, the Bordentown Township Employee Environmental Performance Policy is one requirement under the Sustainable Jersey Certification Program in which all Township departments shall maximize opportunities to reduce the amount of waste they produce, recycle materials and conserve energy;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adopt the policy, attached hereto, as the Bordentown Township Employee Environmental Performance Policy effective upon adoption of this resolution; and

BE IT FURTHER RESOLVED that the Township Clerk shall forward a copy of this policy to all Township Employees upon its adoption.

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

RESOLUTION #2013-028-20

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 March 26, 2012, 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, 2013 and ending December 31, 2013; and

WHEREAS, it is understood by both parties that all other provisions of the original agreement shall remain in effect through December 31, 2013;

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

FARMLAND LEASE AGREEMENT EXTENSION

THIS AGREEMENT, entered into this 28th day of January, 2013, between the Township of Bordentown, a municipal corporation of the State of New Jersey, (hereinafter "the Township") and Stephen Turgyan, whose address is 292 Ward Avenue, Bordentown, New Jersey 08505 (hereinafter "the Tenant"), governs the Tenant's use of property identified as **Block 90, Lot 4 & Lot 6; Block 92, Lots 7.01 and 8.01; and Block 93, Lot 9.01**, (hereinafter "the subject properties") owned by the Township of Bordentown, in accordance with the regulations established by New Jersey Department of Environmental Protection, Green Acres Program, and Burlington County Open Space Program.

WHEREAS, the Township is the record owner and title holder to land identified on the municipal tax map as **Block 90, Lot 4 & Lot 6; Block 92, Lots 7.01 and 8.01; and Block 93, Lot 9.01** in the Township of Bordentown, County of Burlington, State of New Jersey; and

WHEREAS, the Township desires to lease the subject properties for the purpose of farming; and

WHEREAS, the Township advertised for price proposals from prospective tenants, and the Township received a proposal from Stephen Turgyan which the Township Committee of the Township of Bordentown deemed was most advantageous to the Township, price and other factors considered;

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

Possession and Use

The Township shall give possession and use of the subject properties to the Tenant, who shall use the property solely for farming purposes, consistent with the terms of this Agreement.

Term of Agreement

The term of this Lease Agreement shall commence on January 1, 2013 and shall terminate on December 31, 2013. The parties agree that the Township may renew the Agreement on a monthly or on a yearly basis, for such price and other terms that the parties deem to be mutually agreeable. In addition, this Agreement is subject to termination by the Township prior to the renewal date upon the Township's issuance of thirty (30) days written notice to the Tenant.

Lease Payments

The Tenant shall pay the Township the sum of \$7,440.00 as consideration for the Township's agreement to permit the Tenant to utilize the subject property for farming purposes. The tenant shall make payment to the Township on an annual basis. The annual payment for year 2013 is due to the Township upon the execution of this lease agreement. Payment shall be by check payable to the Township of Bordentown, and shall be delivered to the Municipal Clerk of the Township of Bordentown. In the event that the Township agrees to renew the lease agreement, payments are due not later than February 15th of each renewal year.

Interest shall accrue on any unpaid lease payment at the annual rate of eighteen (18) per cent.

Assignment, Transfer, Convey, Sublet, or Disposal of Contract

The Tenant shall not assign, transfer, convey, sublet, or otherwise dispose of the lease or any part thereof without the written consent of the Township of Bordentown.

Tenant Responsibilities and Duties

- a. Tenant will maintain the farm throughout the term of this Lease in as good condition as at the beginning of then tenancy, with the exception of normal wear and damage from causes beyond the Tenant's control.
- b. Tenant will conduct agricultural activities in an efficient manner, and will do all the plowing, seeding, cultivating and harvesting in a manner that will conserve the Township's property consistent with good farming practices.
- c. Tenant will not plow permanent pasture and meadow land or cut live trees for sale or personal use or remove trees without the written consent of the Township.
- d. Tenant shall not expand farming beyond the current plow zone configuration established by the Township.
- e. Tenant will perform all maintenance on the properties to ensure that active farming will be maintained throughout the lease period (i.e., clearing and maintaining farm ditches, field drains, irrigation ponds, etc.).

- f. Tenant, will not, without consent of the Township, house automobiles, motor trucks, tractors or farm equipment on the subject property.
- g. Tenant will not erect or permit to be erected on the subject property any structures or buildings, or incur any expense to the Township for such purposes, without written consent of the Township.
- h. Tenant will control soil erosion on the subject property as completely as practicable, and will strictly adhere to all regulations of the State Agricultural Development Commission with respect to farmland usage and with County Soil Conservation District regulations. Furthermore, in the last year of this lease agreement, the Tenant shall plant a cover crop to minimize soil erosion after the expiration date of the lease.
- i. Tenant shall not plant crops that will have a growing season which extends past the expiration date of the lease, unless the lease has been extended by the Township.
- j. Tenant will not apply any sludge, leaves or other similar materials on the subject property without the written consent of the Township.
- k. Tenant, shall hold a current Certified Pesticide Applicator License issued by the State of New Jersey; a copy of such license shall be attached to this Lease Agreement. This requirement may be waived by the Township in the event that Tenant engages an individual or company possessing said license to apply pesticides to the property for farming purposes. Such waiver shall be set forth in writing by the Township.
- l. Tenant shall not cause the removal of any soil from the subject property for any purposes, including sod farming, the handling of nursery stock, and similar activities.
- m. Tenant shall install "Posted No Hunting" signs on the subject property.
- n. Tenant will not conduct agricultural activities nor plant crops within ten (10) feet of any Township bituminous bikeway/walkway, where existing, without the written consent of the Township.

- o. Tenant, will not operate or maneuver any vehicles or farming equipment over or upon the Township bituminous bikeway/walkway, where existing, without the written consent of the Township.

Township Rights

1. The Township reserves the right to enter the subject property at any reasonable time for purposes of consultation with the Tenant or for making inspections, repairs, or improvements.
2. The Township has the right to discontinue farming on said property prior to the expiration of the term of this lease. The Township will give the Tenant six months prior notice of the termination of the lease.
3. The Township shall not be responsible for paying the Tenant for the cost of any damage or destruction of crops related to the Township's entry onto the subject property. The Township will contact the tenant within a reasonable time prior to the Township's entry on the subject property for non-emergency purposes in order to arrange for the least intrusive and least damaging path of entry onto and movement over the property.
4. The Township shall have access to all parcels of land that are not being farmed by the Tenant. In addition, public access to farmed portions of the subject property shall be permitted once the Tenant's farming activities have been completed.

Laws and Jurisdiction

The Tenant shall comply with all laws, orders, rules, and regulations of the Township of Bordentown, the County of Burlington, the State of New Jersey, and all Federal governmental authorities. Any and all disputes over the terms of the lease shall be resolved in accordance with the laws of the State of New Jersey.

Fire and Other Casualty

The Tenant shall notify the Township at once of any fire or casualty. The Township's insurance only covers Township property; therefore it is the Tenant's responsibility to provide insurance for all personal property; i.e. tractors, farm

equipment, etc. The Tenant shall maintain comprehensive general liability insurance with an insurance company authorized to do business in the State of New Jersey in the amount of \$2,000,000.00 for bodily injury and naming Bordentown Township as an additional insured on the leased properties. A copy of certificates of such coverage shall be attached to the lease.

Damages

The Tenant is liable for all damages caused by violating the terms of the lease, including the payment of the Township's attorney fees and costs associated with action to enforce the requirements of the lease.

WHEREFORE, the parties to this Agreement accept the terms of this Agreement by their signatures below:

TOWNSHIP OF BORDENTOWN

By: _____
Jim Cann, Mayor

Attest:

Colleen Eckert, RMC
Municipal Clerk

Witness: **TENANT**

RESOLUTION #2013-028-21

AUTHORIZING 2013 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59)

WHEREAS, various 2012 bills have been presented for payment this year, which bills represent obligations of the prior fiscal year and were not covered by order number and/or recorded at the time of transfers between the 2012 budget in the last two months of 2012; and

WHEREAS, N.J.S.A. 40A:4-59 provides that all unexpended balances carried forward after the close of the fiscal year are available, until lapsed at the close of the succeeding year, to meet specific claims, commitments or contracts incurred during the preceding fiscal year, and allow transfers to be made from unexpended balances to those which are expected to be insufficient during the first three months of the succeeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, that the transfers in the amount \$15,300.00 be made between the 2012 Budget Appropriation Reserves as follows:

Appropriation Reserves Transfers 01.28.13		
	From	To
Vehicle Maintenance - O/E		15,000.00
Water - O/E		300.00
Landfill / Solid Waste Disposal - O/E	15,300.00	
	<hr/>	<hr/>
	15,300.00	15,300.00

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 January 28, 2013.

COLLEEN M. ECKERT, RMC, TWP. CLERK

01/28/13

RESOLUTION #2013-028-22

RESOLUTION TO ESTABLISH HOURLY RATE CHARGES FOR MUNICIPAL EMPLOYEE PROFESSIONALS FOR BILLING TO LAND DEVELOPMENT ESCROW ACCOUNTS DURING CALENDAR YEAR 2013, PURSUANT TO THE NJ MUNICIPAL LAND USE LAW

WHEREAS, the Township intends to use the services of municipal employee professionals for the review and inspection of certain land development projects, and intends to bill the respective escrow accounts for those services; and

WHEREAS, the NJ Municipal Land Use Law, at 40:55D-53.2a., permits charges to land development escrow accounts by the Township-employed professionals, provided that the hourly rate charge is not more than 200% of the actual hourly base salary paid to the employee;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that the following hourly rate charge for review and inspection of land development projects by Township-employed professionals is hereby established as follows:

<u>Municipal Employee</u>	<u>Hourly Rate to be billed to Escrow Accounts for Calendar Year 2013</u>
Director of Community Development/Engineer	\$76.92

TOWNSHIP OF BORDENTOWN

RESOLUTION #2013-028-24

RESOLUTION CALLING FOR THE RESTORATION
OF ENERGY TAXES TO MUNICIPALITIES

WHEREAS, taxes on gas and electric utilities were originally collected by the host municipalities to be used for local purposes and to compensate the public for the use of their rights of way; and

WHEREAS, when the State made itself the collection agent for these taxes, it promised to dedicate the proceeds to municipal property tax relief; since, just as municipalities collect property taxes for the benefit of school districts, counties and other entities; the State is supposed to collect Energy Taxes for the benefit of municipal governments; and

WHEREAS, for years, though, State budget makers have diverted funding from Energy Taxes to fund State programs; and instead of being spent on local programs and services and used to offset property taxes, the money has been spent as successive Legislatures and Administrations have seen fit; and

WHEREAS, while the State may need to have the right to over-ride the statutory dedication of these revenues to local governments, in order to deal with emergencies and crises that may occur; current State policy makers should not exercise that right automatically; and

WHEREAS, while that right should be the exception, it has become the rule; and

WHEREAS, by using tactics such as reducing CMPTRA, which is also comprised of revenues that should be returned to municipalities, State Budget makers have been able to continue collecting Energy Taxes, while keeping additional revenue that should have been returned to provide property tax relief; and

WHEREAS, from \$72 million in State Fiscal Year 2005, to \$505 million in State Fiscal Year 2011, the State's diversion of Energy Taxes has continued to grow; and

WHEREAS, the cumulative impact of years of underfunding has left many municipalities, including the Township of Bordentown, with serious needs and burdensome property taxes; and

WHEREAS, local elected officials are in the best position to decide the best use for these resources, which were always intended to fund local programs and services;

NOW THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bordentown that urge the immediate enactment of legislation (A-2753/S-1923) for the immediate restoration of funding diverted from Energy Taxes intended for local use; and

BE IT FURTHER RESOLVED, that we, respectfully, call on State policy makers to end the diversion of our municipal resources to cover State spending and to provide us with this important tool to relieve the worst-in-the-nation property tax burden borne, for too long, by the people of New Jersey; and

BE IT FINALLY RESOLVED, that copies of this Resolution be forwarded to the Governor of the State of New Jersey, our State Legislators and the League of Municipalities.

ORDINANCE #2013-1

AN ORDINANCE TO AMEND ORDINANCE #2012-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

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 #2012-7 is hereby amended as follows:

ANNUAL SALARIES

KEYBOARDING CLERK 1 (Community Development Office) STIPEND \$10,000

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, 2013, and shall remain in effect until such time as amendments are required. 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.

TOWNSHIP OF BORDENTOWN

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO
ESTABLISH A RESTRICTED-PARKING ZONE IN FRONT OF A
RESIDENCE OCCUPIED BY A HANDICAPPED PERSON**

ORDINANCE #2013-2

WHEREAS, the Township Committee of the Township of Bordentown has received and reviewed a petition by Mr. Bruce Hill for a restricted-parking zone for handicapped persons in front of his residence in the Township of Bordentown; and

WHEREAS, the Township committee of the Township of Bordentown believes that the establishment of a restricted-parking zone is in conformity with the requirements of N.J.S.A. 39:4-197.6.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that the following is established:

1. One restricted-parking zone is hereby established in front of 757 Mission Road, Bordentown, New Jersey, the residence of Bruce Hill. This restricted-parking zone will be established in conformity with Section 2B of the Manual on Uniform Traffic Control Devices (as amended).
2. This restricted-parking zone has been designated solely for the use by Bruce Hill and cannot be transferred or utilized by anyone other than said individual. Upon individual permanently vacating residence due to permanent relocation or in the event of death, designated handicapped parking spot shall not be transferred and this ordinance shall be repealed.

ORDINANCE NO. 2013-3

AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LAND AND BUILDINGS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$600,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$570,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.

BE IT ORDAINED BY THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY (not less than two-thirds of all members thereof affirmatively concurring) AS FOLLOWS:

Section 1. The improvements or purpose described in Section 3 of this bond ordinance is hereby authorized to be undertaken by the Township of Bordentown, in the County of Burlington, New Jersey (the "Township") as a general improvement or purpose. For the improvement or purpose described in Section 3 hereof, there is hereby appropriated the sum of \$600,000, including \$30,000 as the down payment required by the Local Bond Law. The down payment has been made available by virtue of provision for down payment or for capital improvement purposes in one or more previously adopted budgets.

Section 2. In order to finance the cost of the improvement or purpose not covered by application of the down payment or otherwise provided for hereunder, negotiable bonds or notes are hereby authorized to be issued in the principal amount of \$570,000, pursuant to the Local Bond Law. In anticipation of the issuance of the bonds, negotiable bond anticipation notes are hereby authorized to be issued pursuant to and within the limitations prescribed by the Local Bond Law.

Section 3. (a) The improvement hereby authorized and the purpose for which the bonds or notes are to be issued is for the acquisition of certain land consisting of approximately

3.60 acres and the improvements thereon located at 266 Crosswicks Road in the Township, including all work and related materials necessary therefor or incidental thereto.

(b) The estimated maximum amount of bonds or notes to be issued for the improvement or purpose is as stated in Section 2 hereof.

(c) The estimated cost of the improvement or purpose authorized herein is equal to the amount of the appropriation herein made therefor.

Section 4. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the chief financial officer; provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the chief financial officer. The chief financial officer shall determine all matters in connection with notes issued pursuant to this bond ordinance, and the chief financial officer's signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. 40A:2-8(a). The chief financial officer is hereby authorized to sell part or all of the notes from time to time, at not less than par and accrued interest, at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the date of delivery thereof. The chief financial officer is directed to report in writing to the governing body at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the amount, the description, the interest rate and the maturity schedule of the notes sold, the price obtained and the name of the purchaser.

Section 5. The capital budget or temporary capital budget (as applicable) of the Township is hereby amended to conform with the provisions of this bond ordinance to the extent

of any inconsistency herewith. In the event of any such inconsistency and amendment, the resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget or amended temporary capital budget (as applicable) and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

Section 6. The following additional matters are hereby determined, declared, recited and stated:

(a) The improvement or purpose described in Section 3 of this bond ordinance is not a current expense. It is an improvement or purpose the Township may lawfully undertake as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefited thereby.

(b) The period of usefulness of the improvement or purpose, within the limitations of the Local Bond Law, is 40 years.

(c) The Supplemental Debt Statement required by the Local Bond Law has been duly prepared and filed in the office of the Clerk, and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey. Such statement shows that the gross debt of the Township as defined in the Local Bond Law is increased by the authorization of the bonds and notes provided in this bond ordinance by \$570,000, and the obligations authorized herein will be within all debt limitations prescribed by that Law.

(d) An aggregate amount not exceeding \$50,000 for items of expense listed in and permitted under N.J.S.A. 40A:2-20 is included in the estimated cost indicated herein for the improvement or purpose.

(e) The Township reasonably expects to commence with the acquisition of the improvement or purpose described in Section 3 hereof, and to advance all or a portion of the costs in respect thereof, prior to the issuance of bonds or notes hereunder. To the extent such costs are advanced, the Township further reasonably expects to reimburse itself from proceeds of the obligations authorized by this bond ordinance for capital expenditures with respect to the improvement initially paid for from current or other available funds of the Township. This constitutes a declaration of "official intent" within the meaning of Treasury Regulations §1.150-2. The Township hereby certifies that this declaration is reasonable on the date hereof in that (i) it is consistent with the budgetary and financial circumstances of the Township, (ii) no funds (other than the proceeds of the obligations authorized by this bond ordinance) are, or are reasonably expected to be, reserved, allocated on a long-term basis, or otherwise set aside by the Township pursuant to its budget or financial policies with respect to the capital expenditures to be reimbursed, and (iii) the Township does not have a pattern of failing to reimburse itself for capital expenditures actually paid and for which an official intent was declared, other than due to unforeseeable extraordinary circumstances beyond the Township's control. Proceeds of the obligations authorized by this bond ordinance shall be allocated to expenditures not later than 18 months after the later of (i) the date on which the original expenditure is paid, or (ii) the date the improvement is placed in service or abandoned, but in no event more than 3 years after the original expenditure is paid.

Section 7. Any grant moneys received for the improvement or purpose described in Section 3 hereof shall be applied either to direct payment of the cost of the improvement or purpose or to payment of the bonds or notes issued pursuant to this bond ordinance. The amount

of bonds or notes authorized but not issued hereunder shall be reduced to the extent that such funds are so used.

Section 8. The full faith and credit of the Township is hereby pledged to the punctual payment of the principal of and the interest on the obligations authorized by this bond ordinance. The obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable real property within the Township for the payment of the obligations and the interest thereon without limitation as to rate or amount.

Section 9. The Township Committee hereby covenants on behalf of the Township to take any action necessary or refrain from taking such action in order to preserve the tax-exempt status of the bonds and notes authorized hereunder as is or may be required under the Internal Revenue Code of 1986, as amended, and the regulations promulgated thereunder (the "Code"), including compliance with the Code with regard to the use, expenditure, investment, timely reporting and rebate of investment earnings as may be required thereunder.

Section 10. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by the Local Bond Law.