

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: NOVEMBER 12, 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
_____	_____	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. 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 #2013-316-6 through #2013-316-16.

6. Resolution #2013-316-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
7. Resolution #2013-316-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
8. Resolution #2013-316-8 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
9. Resolution #2013-316-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
10. Resolution #2013-316-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
11. Resolution #2013-316-11 entitled AUTHORIZING NOVEMBER 12, 2013, BUDGET TRANSFERS.
12. Resolution #2013-316-12 entitled RESOLUTION AUTHORIZING EXTENSION OF AGRICULTURAL LEASE AGREEMENTS BETWEEN THE TOWNSHIP OF BORDENTOWN AND STEPHEN TURGYAN.
13. Resolution #2013-316-13 entitled RESOLUTION APPOINTING ANIMAL CONTROL OFFICER.
14. Resolution #2013-316-14 entitled RESOLUTION TO APPOINT JAMES SALATA TO THE POSITION OF PROVISIONAL PUBLIC WORKS REPAIRER IN THE DEPARTMENT OF PUBLIC WORKS.
15. Resolution #2013-316-15 entitled APPROVING AND AUTHORIZING A PLACE-TO-PLACE AND PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE.
16. Resolution #2013-316-16 entitled GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT EXTENSION JANUARY 1, 2014 TO JUNE 30, 2014.
17. Public Hearing on Ordinance #2013-16 entitled ORDINANCE AMENDING CHAPTER 10 OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ENTITLED VEHICLES AND TRAFFIC, SCHEDULE VIII – STOP INTERSECTIONS.
18. Consideration of Adoption of Ordinance #2013-16 entitled ORDINANCE AMENDING CHAPTER 10 OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ENTITLED VEHICLES AND TRAFFIC, SCHEDULE VIII – STOP INTERSECTIONS.
19. Consideration of Introduction of Ordinance #2013-17 entitled AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS WHO WISH TO BE PLACED ON A “DO NOT SOLICIT” LIST.
20. Consideration of Introduction of Ordinance #2013-18 AN ORDINANCE TO AMEND ORDINANCE #2009-33 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

21. Consideration of Introduction of Ordinance #2013-19 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH FEES AND TO FURTHER PROVIDE A PROCEDURE FOR REVIEWING AND AMENDING THE FEE SCHEDULE.
22. Consideration of Introduction of Ordinance #2013-20 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN ESTABLISHING THE OFFICE OF EMERGENCY MANAGEMENT, THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR AND TO ADOPT THE EMERGENCY OPERATIONS PLAN.
23. Township Committee discussion with Construction Official, Pete Carbone, regarding Draft Solar Panel Ordinance.
24. Township Committee and Staff Reports.
25. Public Participation.  
  
Questions, comments or statements from members of the public in attendance.
26. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
27. 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 K. Johnson Financial Agreement Contract Matter.

RESOLUTION #2013-316-6

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated November 12, 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.

11/12/13

RESOLUTION #2013-316-7

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of October 28, 2013, and the Regular Meeting of October 28, 2013, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as ( \_\_\_\_\_ submitted) ( \_\_\_\_\_ corrected).

11/12/13

**RESOLUTION #2013-316-8**

**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 2013 taxes in the amount of \$565.04 to William Maurice Whetstone for Block 58 Lot 35.28 commonly known as 332 Crescent Drive.

11/12/13  
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 November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

**RESOLUTION #2013-316-9**

**AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #12-00032 was redeemed on October 28, 2013, in the amount of \$27,146.78.

WHEREAS, US Bank Cust /Empire V., paid tax sale premium, in the amount of \$15,700.00 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 \$15,700.00 to US Bank Cust /Empire V.; for Lien 12-00032, Block 138.10 Lot 4, commonly known as 9 Farmview Road.

MAP  
11/12/13

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 November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

## **RESOLUTION #2013-316-10**

### **AUTHORIZING REFUND OF TAX SALE PREMIUM**

WHEREAS, Tax Sale Certificate #11-00002 was redeemed on October 25, 2013, in the amount of \$31,895.58.

WHEREAS, US Bank Cust for Crestar Capt., paid tax sale premium, in the amount of \$13,500.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$13,500.00 to US Bank Cust for Crestar Capt.; for Lien 11-00002, Block 31 Lot 31, commonly known as 41 Klein Drive.

MAP  
11/12/13

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 November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13



RESOLUTION #2013-316-11

AUTHORIZING NOVEMBER 12, 2013, BUDGET TRANSFERS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves and authorizes the Chief Financial Officer to make the following 2013 Budget Appropriation transfers pursuant to N.J.S.A. 40A:4-58:

Budget Transfers 11.12.13

		From	To
Mayor & Committee	S&W		1,500.00
Municipal Clerk	S&W		250.00
Legal	O/E		7,000.00
Engineering Services	O/E	2,650.00	
UCC	S&W		15,000.00
Employee Group Health	O/E		15,000.00
Emergency Management	O/E	2,500.00	
Certificate Compliance	O/E		2,500.00
Veteran's Advisory	O/E		1,500.00
Utilities - Traffic Signal Services	O/E		2,900.00
Water	O/E		1,000.00
Sewerage Processing	O/E		1,000.00
Landfill/ Solid Waste Disposal	O/E	15,000.00	
Social Security	O/E	27,500.00	
		<hr/>	
		47,650.00	47,650.00

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 November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

RESOLUTION #2013-316-12

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, 2014 and ending December 31, 2014; and

WHEREAS, it is understood by both parties that all other provisions of the original agreement shall remain in effect through December 31, 2014;

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 November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

**FARMLAND LEASE AGREEMENT EXTENSION**

**THIS AGREEMENT**, entered into this 12<sup>th</sup> day of November, 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, 2014 and shall terminate on December 31, 2014. 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 2014 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 15<sup>th</sup> 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 #2013-316-13

RESOLUTION APPOINTING ANIMAL CONTROL OFFICER

WHEREAS, there is a need to appoint an additional Animal Control Officer for the Township of Bordentown; and

WHEREAS, Mr. George Gareis has attended all training seminars and possesses all necessary qualifications to hold said position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. Gareis as an Animal Control Officer for the Township of Bordentown effective September 7, 2013; and

BE IT FURTHER RESOLVED Mr. Gareis shall perform said duties in conjunction with his Public Works Repairer position and be compensated at the same rate between the hours of 7:30 a.m. until 4:00 p.m., Monday through Friday; and

BE IT FURTHER RESOLVED that should Mr. Gareis provide services at any time other than regular work hours of the Public Works Department, compensation shall be set at time and a half of the regular hourly rate, which shall result in payment for a minimum of two (2) hours; and

BE IT FURTHER RESOLVED that should Mr. Gareis provide services extending beyond two (2) hours, compensation shall be provided at time and a half for the entire number of hours worked.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13



RESOLUTION #2013-316-14

RESOLUTION TO APPOINT JAMES SALATA TO THE POSITION OF PROVISIONAL PUBLIC WORKS REPAIRER IN THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township Committee has determined that there is a need to appoint a Public Works Repairer in the Department of Public Works; and

WHEREAS, the Township Committee, upon recommendation by the Public Works Director, has concluded that James Salata is best qualified to fill this position; and

WHEREAS, the necessary and appropriate background investigation has been conducted and Mr. Salata has met the qualifications necessary to fill this position;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Mr. James Salata to the position of Provisional Public Works Repairer in the Department of Public Works, effective November 13, 2013, or the first day in which the employee reports to work; and

BE IT FURTHER RESOLVED that compensation to Mr. Salata shall be set at \$16.00 per hour in accordance with Ordinance #2009-33 and the existing Township – AFSCME Local 3827-D collective bargaining agreement; and

BE IT FURTHER RESOLVED that Mr. Salata is appointed in accordance with and subject to the New Jersey Civil Service Commission rules and regulations.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

RESOLUTION #2013-316-15

APPROVING AND AUTHORIZING A PLACE-TO-PLACE AND PERSON-TO-PERSON  
TRANSFER OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE

WHEREAS, the Township Committee of the Township of Bordentown has received an application for a place-to-place and person-to-person transfer of Plenary Retail Consumption License #0304-33-005-006 for the River Mill Restaurant; and

WHEREAS, a review and investigation by the various responsible officials of the Township with reference to the application has produced the following findings:

1. The submitted application form is complete in all respects and required transfer fees have been received.
2. A statement of consent to the transfer has been filed with the application.
3. Notice of said application was duly published according to law.
4. The applicant is qualified to be licensed according to all statutory, regulatory and local governmental Alcoholic Beverage Control laws and regulations.
5. No written objection to the transfer of license has been filed with the Township.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby approve the place-to-place and person-to-person transfer of Plenary Retail Consumption License #0304-33-005-006 for the River Mill Restaurant; and

BE IT FURTHER RESOLVED that said place-to-place and person-to-person transfer shall be named Trio's Last Call, LLC and shall be effective as of November 13, 2013.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on November 12, 2013.

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COLLEEN M. ECKERT, RMC, TWP. CLERK

11/12/13

Governor's Council on Alcoholism and Drug Abuse  
Fiscal Grant Extension January 1, 2014 to June 30, 2014

Resolution #2013-316-16

**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 of Bordentown was approved for a Municipal Alliance grant for the January 1, 2013 through December 31, 2013 grant term; and

**WHEREAS**, the Governor's Council on Alcoholism and Drug Abuse has extended the 2013 grant term until June 30, 2014, in order to transition the grant to a fiscal year rather than calendar year cycle; and

**WHEREAS**, funding has been made available to Bordentown Residents Against Drugs Municipal Alliance in the amount of 50% of its approved 2013 grant total for the six-month extension period of January 1, 2014 to June 30, 2014, contingent upon meeting the 25% Cash Match and 75% In-Kind Match grant requirement for the extension funding.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Bordentown does hereby authorize the submission of the grant extension for the Bordentown Residents Against Drugs Municipal Alliance grant in the amount of:

DEDR	\$11,450.00
Cash Match	\$ 2,862.50
In-Kind	\$ 8,587.50

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

APPROVED: \_\_\_\_\_  
*(Name), 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 12<sup>th</sup> day of November, 2013.

\_\_\_\_\_  
*(Name), Municipal Clerk*

ORDINANCE #2013-16

ORDINANCE AMENDING CHAPTER 10 OF THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ENTITLED VEHICLES AND TRAFFIC, SCHEDULE VIII – STOP INTERSECTIONS

BE IT ORDAINED by the Township Committee of the Township of Bordentown that it does hereby amend Chapter 10, Schedule VIII “Stop Intersections” of the Bordentown Township Municipal Code to include the following:

Intersection at Hinkle Drive and Thorntown Lane for Southbound traffic	“Stop Sign” on Thorntown Lane for Southbound traffic
Intersection at Thorntown Lane and Hinkle Drive for Westbound traffic	“Stop Sign” on Hinkle Drive for Westbound traffic

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE NO. 2013-17**

**AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS  
AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS  
WHO WISH TO BE PLACED ON A "DO NOT SOLICIT" LIST**

**WHEREAS**, the Township Committee finds that the public health and welfare of the citizens of the Township of Bordentown has been impaired by the peddling of goods and services from door to door; the solicitation of business and of contributions from door to door and the canvassing of residents by those going door to door, and

**WHEREAS**, the door to door peddling, soliciting and canvassing has had a negative impact on the quality of life in the Township of Bordentown and it is necessary to enact reasonable regulations for peddling, soliciting and canvassing in order to preserve the quality of life in the Township of Bordentown while recognizing the reasonable needs of those peddling, soliciting and canvassing on a door to door basis, and

**WHEREAS**, the purpose of this ordinance is to prevent fraud, crime and unethical and dishonest business practices, to maintain quiet and privacy for the residents of the Township, to protect the health and welfare of the citizens of the Township of Bordentown, to preserve the quality of life in the Township of Bordentown and to protect persons going door-to-door, and

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Bordentown, in the County of Burlington, and State of New Jersey that the code of the Township of Bordentown is amended to add the following:

**Section 1. Purpose.** It is the purpose of this ordinance to amend and enhance existing ordinances, laws and regulations on the subject of soliciting, peddling and canvassing to the extent set forth and for the purpose of preserving and protecting the quality of life in the Township of Bordentown.

**Section 2. Definitions:**

Definitions. As used in this ordinance:

- a. "Merchandise" means any goods or other property capable of being the object of a sale but shall not include items of nominal value given in exchange for a contribution to any political, religious, charitable, civic, educational, or philanthropic organization or society or service club or any organization recognized as tax-exempt under the United States Internal Revenue Code.

b. "Solicitor" shall mean a canvasser, hawker or peddler and shall include any person who engages in the practice of going from place to place, house to house, door to door, or person to person including an employee or agent of another, traveling either by foot, truck, automobile or other conveyance:

1. Commercial Peddling or Solicitation: Selling or taking orders for commercial purposes including offering to sell or take orders for goods, merchandise, wares or other articles for future delivery or for services to be performed in the future.

2. Non-Commercial Solicitation and Canvassing: Requesting contributions of funds, property or anything of value or the pledge of any type of future donation or selling or offering for sale any type of property, including but not limited to goods, tickets, books and pamphlets for political, charitable, religious, civic, philanthropic, educational or other non-commercial purposes; conducting surveys, opinion polls and any such similar work; proselytizing; soliciting participation in or support of any group, individual, or organization; or distributing circulars or other complimentary material.

#### **Section 4. Hours limited.**

a. Every commercial peddler or solicitor shall restrict his solicitation activity within the Township to the hours between 10:00 a.m. and 6:00 p.m., prevailing time unless specifically having been invited to a dwelling by an occupant thereof or having previously made an appointment with an occupant.

b. Every non-commercial solicitor or canvasser shall restrict his activity within the Township to the hours between 10:00 a.m. and 8:00 p.m., prevailing time unless specifically having been invited to a dwelling by an occupant thereof or having previously made an appointment with an occupant.

#### **Section 5. Code of Conduct for Peddlers, Solicitors and Canvassers:** There is hereby established a Code of Conduct for Solicitors and Canvassers in the Township of Bordentown, as follows

Every individual engaged in soliciting or canvassing in the Township of Bordentown shall conduct himself or herself according to the following code of conduct:

- A. The individual engaged in soliciting or canvassing shall not enter or remain upon any resident's property upon which it is posted that solicitors are not permitted or notice of similar content.
- B. The individual engaged in soliciting or canvassing shall display his badge or identification in a visible manner.
- C. The individual engaged in soliciting or canvassing shall not enter or attempt to enter any dwelling unit without express invitation from the occupant therein.
- D. The individual engaged in soliciting or canvassing shall immediately leave the resident's property upon request by the resident to do so.
- E. The individual engaged in soliciting or canvassing shall not leave on or about the resident's property any circular, samples or other matter or material unless the item is handed to an occupant of the property.
- F. The individual engaged in soliciting or canvassing shall not indicate that the Township

endorses or sponsors any of the views expressed or the organization for which support or contribution is sought.

- G. The individual engaged in soliciting or canvassing shall not make false claims, misrepresentations or materially incorrect statements concerning the solicitation, organizations represented or the use to be made of the amount solicited.
- H. The individual engaged in soliciting or canvassing shall not engage in any course of alarming conduct or engage in conduct so as to alarm or seriously annoy the occupant of the dwelling.
- I. The individual engaged in soliciting or canvassing shall not engage in any conduct that is prohibited by any statute, regulation or ordinance in effect in the Township of Bordentown.
- J. Any person or organization receiving money or any other thing for a value of \$1 or more from any contributor under a solicitation made pursuant to this chapter shall give to the contributor a written receipt signed by the solicitor showing the date and the amount received, provided that this section shall not apply to any contribution collected by means of a closed box or receptacle used in solicitation where the use thereof has been approved by the Township in accordance with this chapter where it is impractical to determine the amount of each contribution.
- K. When soliciting contributions for charitable purposes, the individual shall verbally advise the prospective donee of the percentage of the funds received and/or collected by the organization which are used directly for the purposes or cause stated for the collection and the percentage of such funds used indirectly to support the purpose or cause stated, i.e., used for administrative expenses, related causes, etc. In addition, he shall also present to the prospective donee a pamphlet or other written documents prominently setting forth the above-stated information.
- L. No individual shall go upon any property or create any sound in a manner calculated to attract the attention of any occupant of a residence on which is posted a sign expressly prohibiting such activity.
- M. The licensing provisions shall not apply to any individual or entity that is not engaged in any sales and which engages in door-to-door canvassing solely for the purposes of political campaigning, advocacy, education or proselytizing as protected by the First Amendment to the United States Constitution.

**Section 6. Do not solicit list.** There is hereby established a “Do Not Solicit List” as follows:

- A. Notwithstanding the provisions of any other ordinance provisions, any person or entity who owns or rents property within the Township may register that property on a do not solicit list.
- B. Registration for the do not solicit list shall be made as follows:
  - (1) The do not solicit list shall be maintained by the Township Clerk.
  - (2) The do not solicit list shall consist solely of property addresses and shall include no further identifying information concerning the ownership of each property.
  - (3) The Tax Assessor shall notify the Township Clerk of any change in ownership of property within the Township. The Township Clerk shall remove from the do not solicit list any property which has changed ownership.
- C. The Township Clerk's office shall provide a copy of the do not solicit list to every applicant to whom a soliciting or canvassing permit is issued by the Township. The Township Clerk's office shall also make available a copy of the do not solicit list to any individual or entity otherwise exempt from the licensing provisions which intends to engage in door-to-door canvassing, solicitation, political campaigning, advocacy, education or proselytizing as those individuals and entities. The do not solicit list along

with the list of those registered as solicitors or canvassers shall, further, be posted on the Bulletin Board in the municipal building and in the Senior Center and shall be posted on the Township's web site.

- D. Residents who register a property on the do not solicit list shall be advised that they must post a "No Soliciting" sign on the property as notice to potential solicitors.
- E. Solicitation at any address identified on the do not solicit list shall constitute a violation. Each and every solicitation at an address identified on the do not solicit list shall constitute a separate violation.

**Section 7. Enforcement** The Soliciting Code of Conduct and the Do Not Solicit List may be enforced by any resident filing a complaint charging the individual with a violation. The complaint shall be filed through the Police Department and shall be signed by the resident as the complainant. The penalty to be imposed upon a conviction shall be a fine imposed by the Municipal Court in an amount not to exceed \$50 on a first offense and not to exceed \$100 on any subsequent offense.

**Section 8. Repealer, Severability and Effective Date.**

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies. The existing licensing and registration provisions are specifically saved from repeal.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect upon proper passage in accordance with the law.



**ORDINANCE #2013-18**

AN ORDINANCE TO AMEND ORDINANCE #2009-33 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 #2009-33 is hereby amended as follows:

HOURLY SALARIES

LABORER 1	\$12.00 - \$24.00
LABORER 2	\$12.00 - \$26.45
LABORER 3	\$12.00 - \$29.32
LABORER/MOTOR BROOM DRIVER	\$12.00 - \$29.32
BUILDING MAINTENANCE WORKER/ MAINTENANCE REPAIRER	\$16.19 - \$27.89
PUBLIC WORKS REPAIRER	\$16.19 - \$27.89
MECHANIC/SENIOR PUBLIC WORKS REPAIRER	\$16.19 - \$32.14
SENIOR PUBLIC WORKS REPAIRER	\$16.19 - \$29.32
MECHANIC	\$21.50 - \$32.14
CUSTODIAN	\$16.00 - \$27.89

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 be effective for the years 2013, 2014, 2015 and 2016. 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:

**TOWNSHIP OF BORDENTOWN**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH FEES AND TO FURTHER PROVIDE A PROCEDURE FOR REVIEWING AND AMENDING THE FEE SCHEDULE**

**ORDINANCE #2013-19**

**WHEREAS**, the Township Committee of the Township of Bordentown has reviewed the permit and fee schedule in Ordinance section 15.04.020; and

**WHEREAS**, the Township Committee of the Township of Bordentown wishes to provide for flexibility in alteration of the permit and fee schedule;

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

**Section 1.** Section 15.04.020 of the Bordentown Township Code is hereby amended to establish a schedule of fees, as follows:

**SECTION 15.04.020  
PERMITS AND FEES**

**1. BUILDING FEES:**

**A. NEW CONSTRUCTION & ADDITIONS:**

a. Use Groups B, H, I-1, I-2, I-3, M, E, R-1, R-2, R-3, R-4, R-5, U, A-2, Volume \_\_\_\_\_ cu. ft. X .035  
of Bldg

b. A-1, A-3, A-4, A-5, F-1, F-2, Volume \_\_\_\_\_ cu. ft. X .027  
of Bldg

c. S-1 & S-2 500,000 Sq ft or less Volume \_\_\_\_\_ cu. ft. X .023  
of Bldg

500,001 Sq ft or larger Volume \_\_\_\_\_ cu. ft. X .018  
of Bldg

d. Commercial Farm Buildings Volume \_\_\_\_\_ cu. ft. X .020  
of Bldg

Maximum fee not to exceed \$1,500.00

**B. RECONSTRUCTION, ALTERATION, RENOVATION, REPAIR:** *(The applicant shall submit cost data by architect or engineer of record, a recognized estimating firm, or by contractor bid. The Construction Office will review the construction cost for acceptability.)*

**Renovation Cost:** *Fees for reconstruction, renovations, alterations and repairs shall be based on the estimated cost of the work.*

- a. Estimated cost up to and including **\$50,000.00** plus \$32.00 per \$1,000
- b. Portion of cost **\$50,001.00** Additional fee of \$25.00 per \$1,000 to and including **\$100,000.00** plus
- c. Portion of cost above Additional fee of **\$100,000.00** \$21.00 per \$1,000

**C. TENTS** (Temporary, > 900 sq. ft. or more than 30 feet in any direction) fee \$150.00

**D. ROOFING & SIDING** ( R-5 Only): fee is \$59 each, or \$99 for both  
All other use groups, the fee shall be calculated as per Section B (a), (b), (c)

**E. SWIMMING POOLS:**

Above ground	\$75.00
In-ground	\$175.00
Fence (new)	\$58.00

**F. SHEDS (Accessory Structures Anchoring)**

**Gazebo's, Metal carports, etc**

200 Sq ft or less	\$59.00
201 Sq ft or more	\$149.00

**G. DECKS:**

200 Sq ft or less	\$100.00
201 Sq ft or more	\$200.00

**H. TANK REMOVAL OR INSTALLATION** (R-5 only) \$75.00  
all other use groups \$175.00

**I. SIGNS:** All Pylon, Ground or Wall \$2.00 per Sq ft

**J. DEMOLITION OR REMOVAL PERMIT:**

Structures 5000 Sq ft or less, all one and two family residences and Commercial farm buildings	\$100.00
All other structures	\$175.00

**K. SOLAR/PHOTOVOLTAIC SYSTEMS FOR USE GROUPS**

<b>R-3, R-4, R-5 Flat fee of</b>	\$200.00
<b>ALL OTHER USE GROUPS</b>	See 1 B- a,b,c

**L. CERTIFICATE OF OCCUPANCY FEES:**

a. Fee for Certificate of Occupancy- Use Groups R-3, R-4 & R-5  
10% of new construction permit, Min= \$85.00

**CERTIFICATE OF OCCUPANCY FEES:**

All other Use Groups \$175.00

b. Fee for Certificate of Continued Occupancy (nonresidential) \$149.00

c. Fee for C.O granted to change of Use \$229.00

d. Fee for Extension of Temporary Certificate of Occupancy \$149.00

**M. CONSTRUCTION PERMIT SURCHARGE FEE:**

a. Volume of new construction \_\_\_\_\_X .00334

b. Cost of Renovation work \$1.70 per \$1,000.00

**N. VARIATION FEES:**

a. Use Group R-3, R-4 & R-5 \$100.00

b. All other use Groups \$636.00

**O. RETAINING WALLS:**

a. Use Groups R-1, R-2, R-3, R-4 & R-5 Requiring a VARIANCE

Less than 550 Sq ft \$75.00 per wall

Over 550 Sq ft \$150.00 per wall

b. All other Use Groups less than 550 Sq ft \$100.00 per wall

Over 550 Sq ft \$200.00 per wall

**P. ASBESTOS ABATEMENT:**

The Administrative cost shall be \$175.00

**Q. MINOR CONSTRUCTION:**

The fee for minor construction work shall be based on the estimated cost of construction.  
The fee shall be as listed in the Reconstruction, Alteration, Renovation, Repair subsection B a, b, c.  
Minor work shall be described in the State Uniform Construction Code, N.J.A.C. 5:23-2.17A

**R. THE MINIMUM FEE FOR ALL SUBCODES SHALL BE \$58.00**

**2. PLUMBING FEES:\***

a. Total number of plumbing/gas/oil piping fixtures\*: \_\_\_\_\_ X \$19.00 ea.

*\*Fixtures to include all fixtures and appliances connected to the plumbing, water closets, urinal/bidet, bath tub, lavatory, shower, sink, indirect waste traps, floor drains, pool drains, dishwasher, water coolers, garbage disposals, water heaters, plumbing vents (Residential), sump pumps (Residential), hose bib, condensate pumps, appliance extension for oil or gas piping system except as listed below in subsection (b).*

b. Total number of special devices\*: \_\_\_\_\_ X \$82.00 ea.

*\*Special devices include grease traps, oil separators, water-cooled air conditioning units, refrigeration units, utility service connection (water/sewer/gas lines), extension or re-arrangement of water/sewer/gas lines, backflow preventers equipped with test ports (double check valve assembly, reduced pressure zone and pressure vacuum breaker (backflow preventers), sewer pump, stacks, steam boilers, hot water boilers (excluding those for domestic water heating), active solar systems, stacks, plumbing vents (Commercial), roof drains (Commercial), and interceptors.*

### **3. ELECTRICAL FEES:\***

*a and b: Receptacles, fixtures and devices to be counted for these parts are lighting fixtures, wall switches, convenience receptacles, sensors, dimmers, alarm devices, smoke and heat detectors, communications outlets, light standards 8 ft or less in height including luminaries, emergency lights, electric signs, exit lights or similar electric fixtures and devices rated 20 amps or less including motors or equipment rated less than 1 hp or 1 kw.*

**a.** Receptacles and fixtures - First 25: fee is \$58.00

**b.** Increments of 25 additional  
receptacles and fixtures \$25.00 ea

**c.** Each motor or electrical device rated from 1 hp or 1 kw to 10 hp or 10 kw; for each transformer or generator rated from 1 kw or 1 kva to 10kw or 10 kva; for each replacement of wiring involving one branch circuit or part; for each storable pool or hydromassage bathtub; for each underwater lighting fixture; for household electric cooking equipment rated up to 16 kw; for each fire, security or burglar alarm control unit; for each receptacle rated from 30 to 50 amps, pool lights, each light standard greater than 8 feet in height including luminaries; for each communications closet.  
the fee is: \$20.00 ea.

**d.** Each motor or electrical device rated from greater than 10 hp or 10 kw to 50 hp or 50 kw; for each service equipment, panelboard, switchboard, switchgear, motor control center, disconnecting means, service entrance or feeder conductors for an overcurrent device rated 225 amps or less; for each transformer or generator rated from greater than 10 kw or 10 kva to 45 kw or 45 kva; for each electric sign rated from greater than 20 amps to 225 amps including associated disconnecting means; for each receptacle rated greater than 50 amps; for each utility load management device;  
the fee is: \$69.00 ea.

**e.** Each motor or electrical device rated from greater than 50 hp or 50 kw to 100 hp or 100 kw; for each service equipment, panelboard, switchboard, switchgear, motor control center or disconnecting means, service entrance or feeder conductors for an overcurrent device rated greater than 225 amps to 1,000 amps;  
the fee is: \$129.00 ea.

**f.** Each motor or electrical device rated greater than 100 hp or 100 kw; for each service equipment, panelboard, switchboard, switchgear, motor control center or disconnecting means, service entrance or feeder conductors for an overcurrent device rated greater than 1,000 amps;  
the fee is: \$599.00

#### **g. Photovoltaic Systems:**

The fee shall be based on the designated kilowatt rating of the Solar/Photovoltaic system as follows:

- (1) One to 50 kilowatts, the fee shall be \$100.00
- (2) 51 to 100 kilowatts, the fee shall be \$200.00
- (3) Greater than 100 kilowatts, the fee shall be \$576.00
- (4) Inverters, the fee shall be \$59.00
- (5) Micro inverters, the fee shall be \$4.00 ea

**h.** For each annual Commercial pool inspection (certification): \$75.00  
 Re-inspection fee \$35.00

**i.** For all private swimming pools, the fee charged for electrical work for each permanently installed *swimming pool* as defined in the building subcode, spa, hot tub, or fountain shall be a flat fee of \$100.00 which shall include any required bonding, and associated equipment such as filter pumps, motors, disconnecting means, switches, required receptacles, etc., excepting heaters, panelboards and underwater lighting fixtures.

**j.** For *public swimming pools*, the fee shall be charged on the basis of number of electrical fixtures and rating of electrical devices involved in accordance with the sections (a) through (f) listed above.

**k.** The fee charged for the installation of single and multiple station smoke or heat detectors and fire, burglar or security alarm systems in any one or two family dwelling shall be a flat fee of 58.00 per dwelling unit.

**l.** For fire, burglar and security alarm systems and detectors in buildings other than one or two family dwellings, the fee shall be charged in accordance with 3(Electrical Fees), (a) through (f) listed above.

*\* For specific information on fees for multimeter stacks, concurrent installation of components of motor controls, and process equipment, refer to NJAC 5:23-4.20(c)2iii(8), (9) and (11) for details on fee applicability.*

**4. FIRE PROTECTION FEES**

**FIRE PROTECTION & HAZARDOUS EQUIPMENT FEES:**

**a. Sprinkler heads:**

- 1 - 20 heads = \$99.00
- 21 - 100 heads = \$189.00
- 101 - 200 heads = \$399.00
- 201 - 400 heads = \$995.00
- 401 - 1,000 heads = \$1,500.00
- Over 1,000 heads = \$2,500.00

**b. Detectors, Horns/Strobes, Exit signs, Signaling devices, Supervisory devices:**

Fee for first 12, fee is \$59.00; for each group of 25 in addition to this, fee is \$29.00

**c. Independent Pre-engineered systems:**

Number of systems \$149.00 ea

**d. Gas or oil fired appliance which is not connected to the plumbing system:**

Number of appliances \$59.00 ea

**e. Kitchen exhaust system:**

Number of systems \$109.00 ea

**f. Incinerators:**

Number of incinerators \$399.00 ea

**g. Crematoriums:**

Number of crematoriums \$399.00 ea

**h. Standpipe fee:**

Number of standpipes	\$299.00 ea
<b>i. Fuel storage tanks:</b>	
550 gals or less	\$59.00
551 gals or more	\$139.00
<b>j. Fire Department Connection:</b>	
Number of FD connections	\$100.00 ea
Roof Hydrants	\$100.00 ea
<b>k. Smoke Control system:</b>	
Number of systems	\$150.00 ea
<b>l. Fireplace venting/Metal Chimney</b>	
Number of vents/Chimneys	\$59.00 ea
<b>m. Dry pipe alarm valves/Pre-action valves</b>	
Number of vales	\$79.00 ea
<b>o. Fire Pumps:</b>	
500 gpm or less,	\$350.00
501 gpm or more,	\$500.00

**5. General Provisions**

**a.** All other Permits and Fees not specifically covered by this Section shall be in accordance with NJAC 5:23-4.

**b.** Section 15.04.020 of the Bordentown Township Code is further amended to add a new provision, as follows:

The schedule of fees established herein shall be reviewed at least annually by the Construction Official to determine whether the fees are sufficient to cover the costs of issuing permits, conducting inspections and maintaining records and filed.

The Construction Official shall submit at least annually, a report to the Township Committee. The Township Committee may adopt and amend the fee schedule by Resolution, which schedule shall provided to anyone seeking a permit.

**c.** If any section, paragraph, subsection, clause or provision of this Ordinance shall be declared invalid by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof.

**d.** All ordinances or parts of ordinances of the Township of Bordentown heretofore adopted that are inconsistent with any of the terms and provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

**e.** This ordinance shall take effect immediately upon adoption. Notice of adoption shall be published as provided by law.

## TOWNSHIP OF BORDENTOWN

### AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN ESTABLISHING THE OFFICE OF EMERGENCY MANAGEMENT, THE POSITION OF EMERGENCY MANAGEMENT COORDINATOR AND TO ADOPT THE EMERGENCY OPERATIONS PLAN

#### ORDINANCE NO. 2013-20

**WHEREAS**, the New Jersey Office of Emergency Management issued Directive No. 102, dated March 15, 1990, which provide standards for the position of Municipal Emergency Management Coordinator; and

**WHEREAS**, N.J.S.A. Appendix A:9-33 et seq. (Chapter 251 P.L. 1942, as amended by Chapter 438, P.L. 1953) sets forth the responsibilities, obligations and authority of the Emergency Management Coordinator;

**WHEREAS**, the New Jersey Civilian Defense and Disaster Control Act, N.J.S.A. App. A:9-33, et seq., requires every municipality and county to create a local emergency management committee (LEPC) and to prepare written emergency operations plans; and

**WHEREAS**, the Township desires to establish a LEPC and guidelines that will allow the local government and the community to coordinate their activities during emergency operations; and

**WHEREAS**, the LEPC shall be the Township's coordinating unit for all activity in connection with local emergencies, and as required by N.J.S.A. App. A:9-33 et seq. shall provide planning guidance to the departments and agencies of the Township.

**NOW, THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey that it does hereby establish the Office of Emergency Management, the position of Emergency Management Coordinator and the Emergency Operations Plan as follows:

#### **Office of Emergency Management**

##### **Definitions.**

The following words and phrases as used in this chapter shall have the following meanings:

A. "Disaster" shall mean any unusual incident resulting from natural or unnatural causes which endangers the health, safety or resources of the residents of one or more municipalities of the State, and which is or may become too large in scope or unusual in type to be handled in its entirety by regular municipal operating services.

B. "Emergency" shall mean and include "disaster" as defined herein.

C. "Local disaster emergency" shall mean any flood, blizzard, frost, hurricane, storm, tornado, high water, wind-driven water, tidal wave, drought, fire, explosion, civil disorder or other catastrophe which is or threatens to be of sufficient severity and magnitude to substantially endanger the health, safety, resources and property of the citizens of the Township of Bordentown, the imminence thereof



which affects the Township but is not so severe as to require action by the Governor of New Jersey or the County Emergency Management Coordinator as described in the NJ Civilian Defense and Disaster Control Act (N.J.S.A. App. A:9-33 et seq.)

**Organization.**

- A. There shall be within the Township of Bordentown an Office of Emergency Management, the head of which shall be known as the Emergency Management Coordinator (hereinafter referred to as the “Coordinator”) who shall be appointed as set forth herein.
- B. There shall be within the Township a Local Emergency Planning Committee (“LEPC”) composed of not more than 15 members, who shall be appointed by the Emergency Management Coordinator.
- C. Aside from the Coordinator, the LEPC shall include representation from the following groups and organizations, if practicable:
  - (1) Elected and local officials;
  - (2) Law enforcement;
  - (3) Fire service;
  - (4) EMS;
  - (5) Health;
  - (6) Local environmental and transportation agencies;
  - (7) Hospitals;
  - (8) Local media representatives;
  - (9) Community groups;
  - (10) Representatives of facilities subject to the emergency planning and community right-to-know requirements; and
  - (11) Local business leaders.

**§ 6-3. Powers and Duties of LEPC.**

- A. The LEPC shall assist the Township in establishing the various local volunteer agencies needed to meet the requirements of all local emergency management activities, in accordance with rules and regulations established by the Governor in pursuance of the provisions of N.J.S.A. App. A:9-33 et seq. The LEPC is authorized, within the limits of appropriations, to establish an adequate organization to assist in supervising and coordinating the emergency management activities of the Township.
- B. The LEPC shall also assist in the management, supervision, and coordination of the volunteer Community Emergency Response Team (CERT) in the Township subject to the provisions of this ordinance, and the rules and regulations promulgated by the Mayor. CERT members shall give critical support to first responders during emergencies, provide immediate assistance to victims, organize volunteers at disaster sites, and collect disaster intelligence to support first responder efforts.
- C. It shall be lawful for the members of the LEPC also to be members of other agencies created to respond to and/or coordinate activities related to emergencies.
- D. This chapter does not relieve any Township department or agency of the responsibilities or authority given by state statute or by local ordinance, nor is it intended to adversely affect the work of any volunteer agency organized for relief in emergencies.

- E. This chapter is based on the New Jersey Civil Defense and Disaster Control Act, N.J.S.A. App. A:9-33 et seq., copies of which are on file with the Township Clerk and available for public inspection.

### **Meetings.**

The LEPC shall meet at such times as may be required by applicable federal and state law, and necessary to fulfill the requirements set forth in this chapter as determined by the Coordinator, or at any time during an emergency situation as requested by the Mayor or the Business Administrator.

### **Township Emergency Management Coordinator.**

- A. Appointment; term. The Mayor shall appoint an Emergency Management Coordinator who shall be a resident of the Township, and who shall serve for a term of three (3) years. The Coordinator shall serve as a member, as well as the Chairperson of the LEPC.
- B. Qualifications. As a condition of appointment and continuance in office, the Coordinator shall have successfully completed at the time of his appointment or within one year immediately following his appointment or the effective date of this act, whichever is later, the current approved Home Study Course and the basic Emergency Management workshop, and such additional requirements as may be required by State law, regulations and/or policy. The failure to fulfill such requirements within the period prescribed shall disqualify the Coordinator from continuing in the office of Coordinator, and thereupon a vacancy in such office shall be deemed to have been created.
- C. The Coordinator shall appoint a Deputy Emergency Management Coordinator with the approval of the Mayor. Wherever possible, such Deputy shall be appointed from among the salaried officers or employees of the Township.
- D. Powers and duties. The powers of the Coordinator shall be as follows:
  - 1. The Coordinator shall be responsible for the planning, activating, coordinating and conducting of emergency management operations within the Township, including coordinating the activities of local municipal departments within the Township and providing them with necessary guidance and advice for the development of emergency management programs.
  - 2. The Coordinator shall also manage, supervise, and coordinate a volunteer Community Emergency Response Team (CERT) in the Township subject to Rules and Regulations promulgated by the Mayor. CERT members shall give critical support to first responders during emergencies, provide immediate assistance to victims, organize volunteers at disaster sites, and collect disaster intelligence to support first responder efforts.
  - 3. A state of local disaster emergency as defined by applicable law and in this ordinance shall be proclaimed pursuant to the authority set forth in the New Jersey Civilian Defense and Disaster Control Act, App.A:9\_33 et seq., whenever, in the opinion of the Coordinator a 'state of local disaster emergency' has occurred or is imminent within the Township. The Coordinator, in accordance with regulations promulgated or hereinafter promulgated by the State Director of Emergency Management, shall be empowered to issue and enforce such

orders as may be necessary to implement and carry out emergency management operations and to protect the health, safety and resources of the residents of the Township.

4. Coordinate the activities of the Township emergency management staff in conjunction with the Annex Coordinators as set forth in the approved Emergency Operations Plan and provide definitive information concerning emergency management programs and policies.
5. Prepare budgets, statistical reports, evaluations and other reports that relate to emergencies in the Township, and submit same to the Mayor, Business Administrator and the appropriate County and State officials.
6. Conduct studies and make changes in the existing organization and operation consistent with applicable law and this ordinance, to assure continuity between all components of the Township emergency management unit.
7. Develop an emergency operating center (EOC) and prepare the emergency operating plan (EOP) for the immediate use of all the facilities, equipment, manpower and other resources of the Township needed for the purpose of minimizing or preventing injury to persons and damage to property, and protecting and restoring to usefulness governmental services and public utilities necessary for the public health, safety and welfare.
8. Develop and conduct drills and exercises for the Township staff and assist in the planning and review of the municipal training program for conformity with county and state criteria.
9. Confer with the Mayor or the Business Administrator for the development of mutual aid programs, for the planning and organization of emergency management programs and the establishment of a municipal emergency management unit, provide advice and guidance on emergency management programs and policies, and review plans for conformity with state and county programs.
10. Coordinate the recruitment and training of volunteer personnel and agencies in order to augment the emergency personnel and facilities of the Township.
11. Attend schools, seminars and meetings which enhance the overall emergency management structure of the Township.
12. The Coordinator shall only request aid in accordance with the provisions of N.J.S.A. App. A:9-40.6. The state statute and mutual aid agreements with other entities shall govern requests for aid outside of local resources.
13. Coordinate with Annex Coordinators for the overall management and deployment of resources during properly declared state or local emergencies or disasters, and during periods of bona fide training in preparation for such occurrences.
14. In emergency situations, coordinate the alerting and mobilization of the municipal emergency management organizations and assist in the processing of requests for emergency aid and the dispatching of aid to the points of greatest need.
15. During the emergency, the Coordinator shall consult with the Mayor and/or the Township Administrator regarding the municipal personnel resources, municipal equipment, and expenditure of municipal funds necessary to respond to the declared emergency. In the event that the Mayor and the Business Administrator are not available for consultation by way of

reasonable means of communication or where exigent circumstances require immediate action by the Coordinator which precludes the opportunity to consult, the Coordinator shall take whatever reasonable action is necessary to protect the health, safety and resources of the residents of the Township.

### **Emergency Operations Plan (EOP).**

A comprehensive emergency operations plan (EOP) shall be adopted and maintained by directive of the Mayor. The EOP shall be prepared by the Coordinator and submitted for approval by the Mayor and will outline the duties and responsibilities under this chapter and all other applicable regulatory requirements. In preparation of the EOP, the Coordinator will consult with all municipal department heads whose departments will be assigned duties and responsibilities under the plan, and said department heads will assist the Coordinator in preparation or modification of the plan. In the preparation or any modification of the plan as it pertains to the Township organization, it is the intent that the services, equipment, facilities and personnel of all existing departments and agencies shall be utilized to the fullest extent. When the plan is approved, it shall be the duty of all municipal departments and agencies to perform the functions assigned by the plan and to maintain their portion of the plan in a current state of readiness at all times. The plan shall be considered supplementary to and an implementation of this Chapter and N.J.S.A. App. A:9-33 et seq.

### **Establishment of a Community Emergency Response Team**

Within the Office of Emergency Management there shall be established the 'Bordentown Township Community Emergency Response Team (CERT)' as follows:

- A. CERT shall respond to man-made and natural disasters, and other emergencies, as directed by the Coordinator.
- B. CERT shall be activated by and shall report to the Coordinator, or the Coordinator's designee, as directed.
- C. CERT may be called upon to assist in large planned community events.
- D. In the event, CERT activation is requested by the Burlington County Emergency Management Coordinator for emergency services outside of the Township of Bordentown, the Coordinator shall activate CERT. The County shall provide insurance coverage for CERT members and Township equipment including but not limited to general liability and workers compensation.
- E. CERT shall only use municipal property and equipment approved for use by the municipality, and authorized by the Coordinator for the particular emergency and/or event for which services are being rendered. However, no CERT member shall use any municipal property or equipment without first receiving proper training and demonstrating proficiency in its use, if applicable.
- F. With the express consent of the Coordinator, CERT may use equipment provided by other local jurisdictions.
- G. The Coordinator shall be responsible for providing all training and preparation of CERT members which may be required for the continued operation and function of CERT.

H. The Coordinator shall promulgate Rules and Regulations, and Standard Operating Procedures for CERT subject to the express approval of the Mayor, or his/her designee.

**§ 6-8. Absence of Coordinator.**

The Deputy Coordinator of Emergency Management shall act as the Coordinator in the absence or disability of the Coordinator.

**BE IT FURTHER ORDAINED**, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.