

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: NOVEMBER 19, 2018    TIME: 7:00 P.M.    MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:            PRESENT            ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Fuzy
_____	_____	Committeeman Holliday
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Michael Theokas, Administrator
_____	_____	Township Clerk Eckert
_____	_____	Deputy Township Clerk Dziura
_____	_____	Attorney Fahey
_____	_____	Chief Financial Officer Elsasser

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

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

On January 11, 2018, advance written notice of this meeting was posted on the bulletin board opposite the main entrance to the meeting room in the Municipal Building; was faxed to the BURLINGTON COUNTY TIMES and THE TIMES; was filed with the Clerk of Bordentown Township; and was mailed to all persons who requested and paid for such notice.

4. The proceedings of this meeting, which are open to the public, are being electronically recorded. Requisite minutes are kept for all meetings, whether open or closed to the public.
5. Resolution to meet in closed session:

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

- Personnel Matters
- Contract Matter / Tax Abatement

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

6. Mayor's Proclamation honoring Eagle Scout Davin Eget as an outstanding citizen and recognizing his achievements.
7. Administrative Review
  - a. Review of agenda
  - b. Review of correspondence
8. Public Hearing on Ordinance #2018-28 entitled AN ORDINANCE TO AMEND CHAPTER 25, LAND DEVELOPMENT ORDINANCE, OF THE BORDENTOWN TOWNSHIP CODE, TO ESTABLISH A NEW ZONING DISTRICT, ENTITLED "AR-AH AGE-RESTRICTED AFFORDABLE HOUSING."
9. Consideration of Adoption of Ordinance #2018-28 entitled AN ORDINANCE TO AMEND CHAPTER 25, LAND DEVELOPMENT ORDINANCE, OF THE BORDENTOWN TOWNSHIP CODE, TO ESTABLISH A NEW ZONING DISTRICT, ENTITLED "AR-AH AGE-RESTRICTED AFFORDABLE HOUSING."

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 #2018-323-10 through #2018-323-16.
10. Resolution #2018-323-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
  11. Resolution #2018-323-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
  12. Resolution #2018-323-12 entitled APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE.
  13. Resolution #2018-323-13 entitled RESOLUTION AUTHORIZING APPOINTMENT OF POLICE SERGEANT JOSEPH CIABATTONI AS MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER PURSUANT TO N.J.S.A. 4:22-14.1 ET SEQ.
  14. Resolution #2018-323-14 entitled RESOLUTION DIRECTING THE DISTRIBUTION OF THE \$13,933.00 NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.
  15. Resolution #2018-323-15 entitled AUTHORIZING NOVEMBER 19, 2018 BUDGET TRANSFERS.
  16. Resolution #2018-323-16 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER TO PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION SECRETARY PATRICK McDONNELL TO SUPPORT THE OPPOSITION OF THE

CONSTRUCTION OF ELCON'S HAZARDOUS WASTE PLANT IN FALLS TOWNSHIP,  
PENNSYLVANIA.

17. Public Hearing on Ordinance #2018-26 entitled ORDINANCE AMENDING CHAPTER 25 "LAND DEVELOPMENT ORDINANCE", Section 25:519 "LARGE-SCALE REMOVAL OF TOP SOIL".
18. Consideration of Adoption of Ordinance #2018-26 entitled ORDINANCE AMENDING CHAPTER 25 "LAND DEVELOPMENT ORDINANCE", Section 25:519 "LARGE-SCALE REMOVAL OF TOP SOIL".
19. Public Hearing on Ordinance #2018-27 entitled AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN INTEREST IN REAL PROPERTY LOCATED AT 24 BORDENTOWN-CHESTERFIELD ROAD, BLOCK 204, LOT 3.02.
20. Consideration of Adoption of Ordinance #2018-27 entitled AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN INTEREST IN REAL PROPERTY LOCATED AT 24 BORDENTOWN-CHESTERFIELD ROAD, BLOCK 204, LOT 3.02.
21. Public Hearing on Ordinance #2018-29 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REPEALING ORDINANCE 2018-19 AND TERMINATING A RESTRICTED PARKING ZONE FOR ACCESSIBLE PARKING AT 5 PLYMOUTH COURT.
22. Consideration of Adoption of Ordinance #2018-29 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REPEALING ORDINANCE 2018-19 AND TERMINATING A RESTRICTED PARKING ZONE FOR ACCESSIBLE PARKING AT 5 PLYMOUTH COURT.
23. Public Hearing on Ordinance #2018-30 entitled AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DRAINAGE EASEMENT THROUGH A PORTION OF BLOCK 98, LOT 9 (17 BENNINGTON ROAD) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN.
24. Consideration of Adoption of Ordinance #2018-30 entitled AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DRAINAGE EASEMENT THROUGH A PORTION OF BLOCK 98, LOT 9 (17 BENNINGTON ROAD) AS SHOWN ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN.
25. Public Hearing on Ordinance #2018-31 entitled AN ORDINANCE AMENDING CHAPTER 25, SECTION 900 OF THE TOWNSHIP CODE REGARDING PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES.
26. Consideration of Adoption of Ordinance #2018-31 entitled AN ORDINANCE AMENDING CHAPTER 25, SECTION 900 OF THE TOWNSHIP CODE REGARDING PERFORMANCE, MAINTENANCE AND RELATED GUARANTEES.
27. Township Discussion on Applying for 2019 CDBG Grant.
28. Administrator and Staff Reports.
29. Township Committee and Staff Reports.

30. Public Participation.

Questions, comments or statements from members of the public in attendance.

31. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

32. Motion to Adjourn.

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

**NOTICE**

**TOWNSHIP OF BORDENTOWN**

NOTICE IS HEREBY GIVEN that the regular meeting of the Bordentown Township Committee scheduled for November 19, 2018, will commence at 7:00 p.m. (rather than the originally advertised start time of 6:30 p.m.) and will be held in the Main Meeting Room of the Municipal Building, 1 Municipal Drive, Bordentown, NJ 08505.

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CYNTHIA DZIURA, RMC, DEPUTY TOWNSHIP CLERK

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

**TOWNSHIP OF BORDENTOWN**  
**ORDINANCE #2018-28**

**AN ORDINANCE TO AMEND CHAPTER 25, LAND DEVELOPMENT ORDINANCE, OF THE BORDENTOWN TOWNSHIP CODE, TO ESTABLISH A NEW ZONING DISTRICT, ENTITLED “AR-AH AGE-RESTRICTED AFFORDABLE HOUSING”**

WHEREAS, the Township Committee of the Township of Bordentown desires to create a realistic opportunity for the creation of affordable housing within the Township; and

WHEREAS, the Township Committee has determined that certain land identified as Block 58 Lot 37 on the Township’s Tax Map is suited for inclusionary development; and

WHEREAS, the Township has a constitutional obligation to create a realistic opportunity for the construction of its fair share of the region’s need for affordable housing; and

WHEREAS, the pursuant to that obligation, the Township entered into a Settlement Agreement with FSHC, which was approved by the Court in June of 2018 (the “FSHC Agreement”); and

WHEREAS, the Township was subsequently approached by the developer seeking to do age-restricted affordable housing; and

WHEREAS, the Township Committee has determined that the need for senior housing, as opposed to family, warranted revising the FSHC Agreement; and

WHEREAS, the Township would not amend the FSHC for additional family inclusionary development, but is willing to for senior affordable housing given the large need for same and

WHEREAS, the Township wishes to foster development that provides an affordable housing setaside.

BE IT ORDAINED that Chapter 25, entitled Land Development Ordinance, shall be amended as follows:

Section 25.301, entitled “Zoning Districts,” is hereby amended to include the newly established AR-AH Age-Restricted Affordable Housing Zoning District.

Section 25.303, entitled “Zoning Map,” is hereby amended to include Block 58 Lot 37 in the AR-AH Age-Restricted Affordable Housing Zone in the Official Zoning Map.

Section 25.411, entitled “AR-AH Age-Restricted Affordable Housing” is hereby created to read as follows:

- A. Principal permitted uses on the land and in buildings
  - 1. Affordable and Market-Rate Age-Restricted Multifamily Housing
- B. Accessory uses permitted
  - 1. All uses accessory and incidental to the principal use
- C. Maximum Building Height
  - 1. No building shall exceed 4 stories and 55 feet
- D. Area and Yard Requirements

Minimum Lot Area	4 acres
Minimum Front Yard	75 feet
Minimum Rear Yard	50 feet
Minimum Side Yard	N/A
Maximum Building Coverage	15%
Maximum Impervious Coverage	55%

E. Off-street parking

1. All units shall provide parking spaces in accordance with the standards established by the New Jersey Site Improvement Standards (RSIS) (N.J.S.A. 5:21-1 et seq.).
2. Surface parking areas shall be setback from all lot lines by a minimum of 20 feet.

F. Housing Density

1. 92 age-restricted units

G. Affordable Housing

1. 19 age-restricted rental units shall be set aside for very-low, low-, and moderate-income households.
2. The development of all affordable units shall comply with the Uniform Housing Affordability Controls (UHAC), N.J.A.C. 5:80-26.1 et. seq. or any successor legislation; COAH's Round regulations, the Fair Housing Act and all other relevant law, including, but not limited to, affirmative marketing requirements, bedroom and income distribution requirements, and deed-restriction requirements.
3. A minimum of 50% of all affordable units shall be affordable to very-low and low-income households. All other affordable units shall be affordable to moderate-income households.
4. A minimum of 13% of all affordable units will be affordable to very-low income households.
5. All aspects of the affordable housing component of the tract, including but not limited to monitoring, advertisement, eligibility, controls, and restrictions, shall be in conformance with the UHAC regulations and the court approved affordable housing ordinance.
6. In addition, the affordable units shall remain affordable rental units for a period of at least thirty (30) years from the date of their initial occupancy ("Deed-Restriction Period")

H. Buffers

1. A minimum 20-foot deep landscape buffer along any property lines adjacent to the single-family residential properties shall be provided.

2. The buffer area shall consist of opaque fencing (no less than five (5) feet in height) and/or landscaping.
  3. Landscaping in buffer areas shall be comprised of evergreens and other vegetations that provide optimal year-round screening.
  4. Evergreens plantings shall be a minimum of six (6) feet in height at the time of planting.
  5. No buildings, signs, structures, storage of materials, roadways or parking shall be permitted within the buffer areas.
- I. Signage
1. Signs shall be in accordance with Ordinance Section 25.514.
- J. Landscaping
1. All landscaping shall be in accordance with Ordinance Section 25.506.

INTRODUCED: October 9, 2018

ADOPTED:



RESOLUTION #2018-323-10

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 19, 2018, 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.

11/19/18

RESOLUTION #2018-323-11

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

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of October 22, 2018; the Regular Meetings of October 9, 2018 and October 22, 2018; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as ( \_\_\_\_\_ submitted) ( \_\_\_\_\_ corrected).

BE IT RESOLVED that the following reports for the month of October 2018 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Community Development, Construction, Municipal Court, and Finance.

11/19/18

RESOLUTION #2018-323-12

APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE

BE IT RESOLVED this 19<sup>th</sup> day of November, 2018, by the Township Committee of the Township of Bordentown, in the County of Burlington, New Jersey, that the following person is hereby appointed to serve as members of the Bordentown Township Veterans Advisory Committee:

3 Year Unexpired Term Expiring 12/31/18:

Joseph O’Gorman

11/19/18

RESOLUTION #2018-323-13

RESOLUTION AUTHORIZING APPOINTMENT OF POLICE SERGEANT JOSEPH CIABATTONI AS MUNICIPAL HUMANE LAW ENFORCEMENT OFFICER PURSUANT TO N.J.S.A. 4:22-14.1 ET SEQ.

**WHEREAS**, the New Jersey State Legislature recently enacted a new law, the same of which is codified at N.J.S.A 4:22-14.1 et seq. and went into effect on May 1, 2018, which requires municipalities throughout the State of New Jersey to formally appoint a municipal humane law enforcement officer who shall be responsible for animal welfare within the jurisdiction of the municipality in which they are appointed; and

**WHEREAS**, pursuant to N.J.S.A 4:22-14.1c, the Township of Bordentown (the “Township”) may designate any qualified individual as its municipal humane law enforcement officer, including a police officer who may serve both positions concurrently; and

**WHEREAS**, on May 1, 2018, Township Police Chief, Brian V. Pesce, designated Police Sergeant Ciabattone as municipal humane law enforcement officer after finding that Sergeant Ciabattone met the requirements for the position; and

**WHEREAS**, on October 18, 2018, Chief Pesce forwarded the Administrator, Michael Theokas a recommendation that Sergeant Ciabattone be formally appointed as the Township’s municipal humane law enforcement officer in accordance with N.J.S.A 4:22-14.1 et seq.; and

**WHEREAS**, the Township has considered the recommendation of Chief Pesce and the qualifications of Sergeant Ciabattone and now seeks to appoint Sergeant Ciabattone as the Township’s municipal humane law enforcement officer.

**NOW, THEREFORE, BE IT RESOLVED**, by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that Police Sergeant Joseph Ciabattone is hereby appointed a municipal humane law enforcement officer pursuant to N.J.S.A 4:22-14.1 et seq.

11/19/18

# RESOLUTION NO. 2018-323-14

## RESOLUTION DIRECTING THE DISTRIBUTION OF THE \$13,933.00 NET RETURNED SURPLUS FUNDS HELD IN TRUST BY THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND

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

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

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

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

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

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

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

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

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

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

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

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

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

➤ Credit	\$	0	
➤ Check	\$	0	(Requires Voucher)
➤ A.E.L.C.F.	\$	<u>13,933</u>	(Requires Resolution)
<b>TOTAL DIVIDEND</b>	<b>\$</b>	<b>13,933</b>	

**This Resolution was duly adopted by the Governing Body of the Township of Bordentown at a Public Meeting held on November 19, 2018.**

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**Signature of Mayor**

Township of Bordentown

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**Signature of Clerk**

Township of Bordentown

RESOLUTION #2018-323-15

AUTHORIZING NOVEMBER 19, 2018 BUDGET TRANSFERS

BE IT RESOLVED by the Township of the Township of Bordentown that it hereby approves and authorizes the Chief Financial Officer to make the following 2018 Budget Appropriation transfers pursuant to N.J.S.A. 40A:4-58:

2018 BUDGET TRANSFERS  
11/19/2018

ACCOUNT NUMBER	NAME	DEBIT	CREDIT
7-01-20-120-200	CLERK - OTHER EXPENSES	\$ 1,000.00	
8-01-23-221-200	INS - HEALTH BENEFITS WAIVER - O/E	\$ 42,286.16	
8-01-26-305-330	SOLID WASTE COLLECTION	\$ 25,000.00	
8-01-30-425-200	CERT OF FIRE COMPLIANCE INSPECTIONS	\$ 5,000.00	
8-01-30-430-200	VETERANS ADVISORY COMMITTEE	\$ 43.49	
8-01-31-455-000	SEWER PROCESSING/DISPOSAL	\$ 2,500.00	
8-01-32-465-000	LANDFILL/SOLID WASTE DISPOSAL	\$ 35,000.00	
8-01-36-471-000	PERS	\$ 0.35	
8-01-43-495-200	PUBLIC DEFENDER O/E	\$ 15,216.91	
8-01-23-215-000	WORKERS COMPENSATION INSURANCE		\$ 777.00
8-01-23-215-100	WORKMENS COMP ADDITIONAL LOSS		\$ 5,000.00
8-01-26-330-215	DOCUMENT SCANNING		\$ 6,352.80
8-01-32-465-200	RECYCLING TAX		\$ 12,500.00
8-01-36-473-000	DISABILITY UNEMPLOYMENT COMP INS		\$ 4,640.00
8-01-36-475-000	PFRS		\$ 988.97
8-01-45-930-000	BOND INTEREST		\$ 3,204.93
8-01-20-130-200	FINANCE - OTHER EXPENSES		\$ 15,000.00
8-01-20-135-215	AUDITING SERVICES		\$ 800.00
8-01-20-145-200	TAX COLLECTION - OTHER EXPENSES		\$ 5,000.00
8-01-20-165-200	ENGINEERING COSTS - O/E		\$ 15,000.00
8-01-21-190-100	COMMUNITY DEVELOPMENT - S/W		\$ 25,000.00
8-01-26-290-100	STREETS/ROADS S/W		\$ 20,000.00
8-01-26-290-200	STREETS/ROADS O/E		\$ 11,783.21
TOTAL		\$ 126,046.91	\$ 126,046.91

RESOLUTION #2018-323-16

RESOLUTION AUTHORIZING THE MAYOR TO SIGN A LETTER TO PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION SECRETARY PATRICK McDONNELL TO SUPPORT THE OPPOSITION OF THE CONSTRUCTION OF ELCON'S HAZARDOUS WASTE PLANT IN FALLS TOWNSHIP, PENNSYLVANIA.

WHEREAS, Mayor Benowitz received a request from Mitchell Zupko of Assemblyman Herb Conaway's Office to sign a letter to Pennsylvania Department of Environmental Protection Secretary Patrick McDonnell to support the opposition of the construction of Elcon's Hazardous Waste "thermal oxidizer" Plant in Falls Township; and

WHEREAS, according to the Clean Air Council, Elcon has applied to receive 596 different kinds of waste, producing 800 tons of hazardous sludge per year and 5,000 tons of hazardous salts; and

WHEREAS, given the prevailing winds out of the west, the location of this facility will undoubtedly have a direct impact on the residents of the Township of Bordentown and other surrounding communities; and

WHEREAS, it is the duty of the Township Committee of the Township of Bordentown to represent and protect the interests, health and quality of life of the residents of the Township of Bordentown; and

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the Mayor to sign and forward the attached letter to Secretary Patrick McDonnell and make it an official part of this resolution; and

BE IT FURTHER RESOLVED that the Township Clerk is hereby directed to forward a certified copy of this resolution to Burlington County Municipal Clerks; and the Burlington County Board of Chosen Freeholders.

11/19/18



TOWNSHIP OF BORDENTOWN

ORDINANCE #2018-26

ORDINANCE AMENDING CHAPTER 25 "LAND DEVELOPMENT ORDINANCE", SECTION 25:519  
"LARGE-SCALE REMOVAL OF TOP SOIL"

BE IT ORDAINED AND ENACTED that Chapter 25, "Land Development Ordinance", Section 25:519 "Large-Scale Removal of Top Soil" of the Code of the Township of Bordentown is hereby amended by adding new language, which shall read as follows: (new language underlined)

Section B. ***Permission Required.*** No developer in a major subdivision, major site plan or planned soil removal operation as defined in the Ordinances of the Township shall excavate, scrape, dig or remove 200 cubic yards (or more) of soil for sale, gift or for use other than on the premises from which the soil is taken, except in connection with construction or alteration of a building on the premises and excavating or grading incidental thereto, without first having procured a permit from the Planning Board.

Section C. ***Application for Permit.*** This section is hereby amended to add Item (k) to the application process to read as follows:

(k) Establishment of an escrow account by applicant in the amount of \$2,500 plus an additional \$100 per acre, to cover review and inspections by professionals.

BE IT FURTHER ORDAINED AND ENACTED that all existing ordinances of the Township of Bordentown which are inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies; and

BE IT FURTHER ORDAINED AND ENACTED that in the event that any section, paragraph, clause phrase, term, provision or part of this ordinance shall be adjudged by a court of competent jurisdiction to be invalid or unenforceable for any reason, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the section, paragraph, clause, term, provision or part thereof directly involved in the controversy in such judgment shall be rendered; and

BE IT FURTHER ORDAINED AND ENACTED that this ordinance shall take effect immediately upon approval and publication according to law.

INTRODUCED: October 9, 2018

ADOPTED:

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE #2018-27**

**AN ORDINANCE AUTHORIZING THE CONVEYANCE OF  
AN INTEREST IN REAL PROPERTY LOCATED AT  
24 BORDENTOWN-CHESTERFIELD ROAD, BLOCK 204, LOT 3.02**

**WHEREAS**, the respective Township Committees of the Townships of Bordentown and Chesterfield have determined that it is in the best interest of both communities' residents to share an ownership interest in property currently owned by the Township of Bordentown, but located within the Township of Chesterfield, known as Block 204 Lot 3.02 on the Official Tax Maps of the Township of Chesterfield, which property is commonly known as 24 Bordentown-Chesterfield Road (the "Property"); and

**WHEREAS**, the Property measures approximately .9531 acres and is used as an access road to reach a parcel of undeveloped property owned by and located within the Township of Bordentown, which measures approximately 59 acres and is permanently preserved open space subject to Green Acres restrictions; and

**WHEREAS**, such conveyance of an interest in the Property is consistent with the statutes of the State of New Jersey, including the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., particularly N.J.S.A. 40A:12-4 and 40A:12-10.1; and

**WHEREAS**, the Township of Chesterfield has offered to enter into an Agreement of Sale, providing for the terms and conditions of the transaction, in exchange for payment from the Township of Bordentown in the amount of One Dollar (\$1.00) and other good and valuable consideration; and

**WHEREAS**, the Townships of Bordentown and Chesterfield have negotiated an Agreement of Sale, whereby both Townships will be owners of the Property as "tenants in

common,” and said Agreement of Sale shall be in a form substantially the same as set forth in the attached **Exhibit A**; and

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

**ARTICLE I.** The Mayor, Township Administrator, Township Clerk, and Township Solicitor are hereby authorized to execute any and all documents necessary to effectuate the conveyance of an interest in real property located at lock 204 Lot 3.02 on the Official Tax Maps of the Township of Chesterfield, commonly known as 24 Bordentown-Chesterfield Road, including the attached Agreement of Sale.

**ARTICLE II. 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.
- 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.

INTRODUCED: 10/09/18

ADOPTED:

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE #2018-29**

**AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REPEALING ORDINANCE 2018-19 AND TERMINATING A RESTRICTED PARKING ZONE FOR ACCESSIBLE PARKING AT 5 PLYMOUTH COURT**

**WHEREAS**, in accordance with N.J.S.A. 39:4-197.6, the Township Committee, pursuant to Ordinance 2018-19, established a restricted accessible parking area for Vincent Mattaliano, the resident of 5 Plymouth Court; and

**WHEREAS**, Ordinance 2018-19 specifically provides that the use of the restricted parking area is solely for the designated individual and that, when no longer needed, the designated parking spot shall not transfer and the ordinance shall be repealed; and

**WHEREAS**, the Township has been notified that the restricted parking zone is no longer needed.

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

**ARTICLE I.** The restricted parking zone at 5 Plymouth Court is hereby terminated and Ordinance 2018-19 is hereby repealed.

**ARTICLE II. 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.
- 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.

INTRODUCED: 10/22/18

ADOPTED:

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE #2018-30**

**AN ORDINANCE AUTHORIZING ACCEPTANCE OF A DRAINAGE EASEMENT THROUGH  
A PORTION OF BLOCK 98, LOT 9 (17 BENNINGTON) AS SHOWN ON THE TAX MAP OF  
THE TOWNSHIP OF BORDENTOWN**

**WHEREAS**, the Township Committee has determined that it is necessary to acquire a 20-foot wide drainage easement and right-of-way (the "Easement") on the property owned by Thomas M. and Jennifer Dalton, such property being known as 17 Bennington Drive and identified Block 98, Lot 9 on the Township Tax Map (the "Property"); and

**WHEREAS**, the Easement area measures approximately 1,100 square feet and shall be used to install and maintain drainage improvements; and

**WHEREAS**, such acceptance of an interest in the Property is consistent with the statutes of the State of New Jersey, including the Local Lands and Buildings Law, N.J.S.A. 40A:12-1, et seq., particularly N.J.S.A. 40A:12-4; and

**WHEREAS**, the Township Attorney has prepared the Drainage Easement, a copy of which is attached hereto, and has submitted the same to the owners of the Property for review and execution.

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

**ARTICLE I.** The Township hereby authorizes the acceptance of a 1,100 square foot drainage easement located on a portion of the property identified as Block 98, Lot 9 on the Township Tax Map and consistent with the attached legal description and further directs Township staff to execute and record such documents as may be necessary.

**ARTICLE II. 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.
- 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.

INTRODUCED: 10/22/18

ADOPTED:

**TOWNSHIP OF BORDENTOWN**

**ORDINANCE #2018-31**

**AN ORDINANCE AMENDING CHAPTER 25, SECTION 900 OF THE TOWNSHIP CODE REGARDING PERFORMANCE, MAINTENANCE, AND RELATED GUARANTEES**

**WHEREAS** the State Legislature has amended provisions of the Municipal Land Use Law at N.J.S.A. 40:55D-53 governing the scope of performance, maintenance, and related guarantees which the Township may require, and the Township Committee now desires to amend the Township Code to incorporate the full scope of permissible guarantees; and

**NOW THEREFORE, BE IT ORDAINED**, by the Township Committee of the Township of Bordentown, County of Burlington, that the Township Code be and is hereby amended as follows:

**Section 1.** Chapter 25, Section 900 entitled “Fees, Guarantees, Inspections and Off-Tract Improvements” is hereby amended, modified, or deleted as follows, with new matter being underlined thus, deletions crossed out ~~thus~~, and any and all other sections or subsections not mentioned herein shall remain as written:

**25.902 Guarantees and Inspections**

...

H. Scope of Performance and Maintenance Bonds/Guarantees.

(1) All bonds and/or guarantees required under Section 25.902 shall be required to cover the following improvements, to the fullest extent permitted by N.J.S.A. 40:55D-53, as amended by P.L. 2017, c.312:

- (a) The developer shall furnish a performance guarantee in favor of the Township in an amount not to exceed 120% of the costs of installation of all improvements to be dedicated to the Township and/or any other public entity, as determined by the Township Engineer.
- (b) The developer’s performance guarantee shall include any privately-owned and/or on-site perimeter buffer landscaping.
- (c) If a temporary certificate of occupancy is sought by the developer for a development, unit, lot, building, or phase of the development project, the developer shall be required to furnish a separate guarantee in favor of the Township, in an amount equal to 120% of the cost of remaining improvements to be completed under the temporary certificate of occupancy, not covered by an existing performance guarantee.
- (d) The developer shall be required to furnish a Safety and Stabilization Guarantee, either as a separate guarantee or as a line item of a performance guarantee, at the developer’s option. The scope, amount, and form of this Guarantee shall be governed by N.J.S.A. 40:55D-53, as amended by P.L. 2017, c.312.
- (e) Prior to the release of performance guarantees required pursuant to paragraphs (a) and (b) of this section, the developer shall be required to post a two-year

maintenance guarantee not to exceed 15% of the cost of the installation of the improvements being released.

- (f) Upon inspection and issuance of final approval by the Township engineer, the developer shall be required to post a two-year maintenance guarantee in an amount not to exceed 15% of the cost of installation for the following private, on-site improvements: stormwater management basins, in-flow and water quality structures within the basins, and out-flow pipes and structures of the stormwater management system, if any.
- (g) All methods of inspection, calculation, and release or reduction of any bond and/or guarantee with respect to bonded improvements required in this section shall be undertaken in accordance with the terms of N.J.S.A. 40:55D-53, as amended by P.L. 2017, c.312. All other improvements for which a bond and/or guarantee is not required shall otherwise be governed by the Township Code.

**Section 2. REPEALER, SEVERABILITY AND EFFECTIVE DATE.**

- C. Repealer. Any and all provisions of the Township Code which are inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- D. 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 shall not be affected by said invalidity, and shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- E. Effective Date. This Ordinance shall take effect immediately upon passage as provided by law.

INTRODUCED: 10/22/2018

ADOPTED: