

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
FEBRUARY 24, 2014

The Regular meeting of the Township Committee of the Township of Bordentown was held in the Main Meeting Room in the Municipal Building.

PRESENT: Mayor Stephen Benowitz
Deputy Mayor James Cann
Committeeman Richard Carson
Committeeman John Moynihan
Committeewoman Jill Popko
Township Clerk Colleen Eckert
Attorney William J. Kearns, Jr.
Chief Financial Officer David Kocian
Public Works Director Dean Buhrer
Chief of Police Frank M. Nucera, Jr.

ABSENT: None

Mayor Benowitz called the meeting to order at approximately 7:05 p.m. and led a salute to the flag and a moment of silence.

Township Clerk Eckert read the following 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 6, 2014, 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, 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.

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.

Presentation by Volunteers of America Regarding Proposed Affordable Housing.

There were no representatives in attendance to do the presentation. Township Clerk Eckert will contact them to reschedule.

At this time, Committeeman Carson made a motion to recess the regular meeting for the purpose of discussing Public Works Expansion Contract Matter; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

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The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:08 pm and reconvened the regular meeting at 7:34 pm.

Resolution #2014-049-20A entitled RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE THE AMENDMENT TO SETTLEMENT AGREEMENT FOR THE PURCHASE OF BLOCK 92, LOT 9.03, 266 CROSSWICKS ROAD.

At this time, Deputy Mayor Cann made a motion to open Resolution #2014-049-20A to the public; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

LEN de GROOT, 8 Arlington Road: Mr. de Groot asked if this was an additional property; it is not. Deputy Mayor Cann added additional comments regarding the contract and the environmental concerns. Mr. de Groot said he was in favor of the project.

At this time, Deputy Mayor Cann made a motion to close Resolution #2014-049-20A to the public; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Committeewoman Popko made a motion to adopt Resolution #2014-049-20A; seconded by Deputy Mayor Cann.

AYE: Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: Committeeman Carson, Committeeman Moynihan

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that Agenda Item #23 (Adoption of Ordinance #2014-7) and Agenda Item #25 (discussion item on Mosquito Control) were being pulled.

CONSENT AGENDA

Resolution #2014-049-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-049-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.

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Resolution #2014-049-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2014-049-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2014-049-11 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION.

Resolution #2014-049-12 entitled RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO LORRAINE DADDONA, 21 ELM AVENUE.

Resolution #2014-049-13 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Resolution #2014-049-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2014-049-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2014-049-16 entitled APPOINTING MEMBER TO THE BORDENTOWN SEWERAGE AUTHORITY.

Resolution #2014-049-17 entitled RESOLUTION TO ESTABLISH TERMS FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE MEMBERS.

Resolution #2014-049-18 entitled AUTHORIZING 2014 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).

Resolution #2014-049-19 entitled AUTHORIZING ISSUANCE OF BINGO LICENSE #BL:398.

Resolution #2014-049-20 entitled APPROVING RAFFLE LICENSE #RL:399.

Township Committee reviewed and discussed Consent Agenda Items #2014-049-7 through #2014-049-20. Committeewoman Popko, Deputy Mayor Cann, and Mayor Benowitz commented/asked questions.

Resolution #2014-049-8. Committeewoman Popko cited a typographical change to the February 10, 2014 minutes. Township Clerk Eckert will amend the minutes.

Committeeman Cann said he would be abstaining from the February 10, 2014 Regular and Closed Session Meeting Minutes.

At this time, Deputy Mayor Cann made a motion to open to the public the consent agenda items; seconded by Committeewoman Popko.

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AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

Seeing no comments, Deputy Mayor Cann made a motion to close to the public; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Deputy Mayor Cann made a motion to adopt the consent agenda; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann excluding the February 10, 2014 Regular and Closed Session Minutes, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2014-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$2,088,181 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$1,516,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.

(NOTE: The Public Hearing for Ordinance #2014-6 was held at the February 10, 2014 meeting.)

At this time, Deputy Mayor Cann made a motion to adopt Ordinance #2014-6; seconded by Committeewoman Popko.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

Public Hearing on Ordinance #2014-7 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN TO CREATE SECTION 1200, ENTITLED RENEWABLE ENERGY, AND TO PROVIDE FOR STANDARDS REGARDING SUCH RENEWABLE ENERGY FACILITY USES AND INSTALLATIONS.

At this time, Committeewoman Popko made a motion to open the public hearing on Ordinance #2014-7; seconded by Committeeman Moynihan.

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AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked why Ordinance #2014-7 was being pulled. Mayor Cann responded that the Planning Board never received a copy of the ordinance. Mr. Morginstin suggested that if developed, adding a device that shut off the solar panels. If this doesn't cost too much, it should be a requirement.

Seeing no further public comment, Deputy Mayor Cann made a motion to close the public hearing on Ordinance #2014-7; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Deputy Mayor Cann made a motion to table the Adoption of Ordinance #2014-7 to the March 24, 2014 Township Committee Meeting; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

Consideration of Introduction of Ordinance #2014-8 entitled AN ORDINANCE CHANGING THE STREET NAME OF ADVANTAGE COURT TO ALTRAN COURT.

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-8: seconded by Committeeman Carson.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be March 10th.

Township Committee discussion of Burlington County Health Department request for Aerial Larval/Adult Mosquito Control Activities.

Discussion Item pulled from Agenda.

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Township Committee discussion regarding the Bordentown City Water Tower Lighting.

There are two flags that are currently being lit on the tower. P.W. Director Buhner said that Bordentown City had studies done on different types of lighting. The Township Committee has not seen these reports. There will be further discussion after the Township Committee reviews the reports.

Township Committee discussion of Establishing Date for 4th of July Celebration and Fireworks.

Police Chief Nucera said there will be a conflict with other municipalities if held on Saturday, July 5, 2014. Deputy Mayor Cann said it would cost 30 or 50% more if held on July 4, 2014. The Township Committee decided that the date of the celebration will be Thursday, July 3, 2014, with the Fishing Derby held on Friday, July 4, 2014.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson commended Mayor Benowitz, Angel Sauro, and the staff on the Black History event held on Saturday, February 22, 2014.

The proposed date of November 1, 2014 for the 2014 Veteran's Day Ceremony was discussed among the Township Committee members. They would like to see the ceremony held on Veteran's Day which is Tuesday, November 11, 2014 this year. Angel Sauro who coordinates the ceremony has a conflict; the Township Committee suggested the Municipal Clerk stand in for her.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Veteran's Advisory Committee has not had a meeting since the last Township Committee Meeting.

He could not attend the Bordentown Sewerage Authority meeting. (Mayor Benowitz will report.)

The Animal Control Officers have been busy, with a lot of calls from Florence Township.

In regard to the Police Department, there are several on-going narcotics investigations going on. The Department is also dealing with DUIs and bar fights.

COMMITTEEWOMAN POPKO: In regard to Public Works, all the plows are running except one. The case loader is being repaired. They are also working on potholes.

Committeewoman Popko also said the Black History event was very interesting and fascinating.

Regarding the Environmental Commission, they met with Chesterfield Township on the Green Fair/Health and Wellness Fair which will be held on April 26, 2014.

The Senior Citizen Meeting is scheduled for March 3, 2014.

DEPUTY MAYOR CANN: Deputy Mayor Cann thanked Fred Turek, Planning Board Engineer and Assistant Township Engineer who provided valuable and timely assistance with the ongoing Rock- IDI purchase. There are upcoming meetings scheduled with them including a construction scheduling meeting.

Deputy Mayor Cann met with the High School's Key Club and they would like to be involved with future Township's community service affairs and events.

There was a meeting with the firm that is doing the FEMA Germantown & Municipal Drive project. They will begin construction on March 15, 2014.

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Deputy Mayor Cann said the Black History event was very well done.

MAYOR BENOWITZ: The Economic Development Advisory Committee Meeting was held on February 11, 2014. The Business Breakfast is scheduled for March 17, 2014 at 7:30 a.m. at Town and Country Restaurant. Noticing is complete and all the Township Committee members can attend.

Mayor Benowitz thanked various speakers who attended the 1st Black History event held February 22, 2014. Attendance was low. Bordentown City would like to be involved next year.

He attended the Bordentown Sewer Authority meeting. They had reorganization and the officers stayed the same. The Treatment Works Application for the Rock-IDI warehouse was sent to the N.J. DEP.

He would like Bordentown Township to have a table for \$75 at the Northern Burlington County Chamber of Commerce Business and Community Expo on April 8, 2014 at the Scottish Rite. The table would include representatives from the Environmental Commission, the Economic Development Committee, and Community Development.

At this time, Committeeman Moynihan made a motion to authorize Bordentown Township to attend the Northern Burlington County Chamber of Commerce on April 8, 2014 and expend \$75 for a table; seconded by Deputy Mayor Cann.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

The last Northern Burlington County Chamber of Commerce Meeting was held on February 20, 2014.

In regard to the Planning Board, the major subdivision into 3 lots of the Craft property was approved for future development (2 lots) by the Bordentown Waterfront. Stepan Chemical will acquire the third lot. The Autumn Land Group received waiver of site plan approval to permit use of offices for place of worship with conditions including restrictions on days and hours of use.

A letter was received from the Burlington County JIF stating that Bordentown Township was awarded \$1,950 for participation in the 2013 Safety Incentive Program.

PUBLIC PARTICIPATION: At this time, Committeewoman Popko made a motion to open the meeting for public participation; seconded by Committeeman Carson.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked for a list of the streets scheduled for repair per Ordinance #2014-6. Township Clerk Eckert will provide it. He also said the cross under the Welcome to Bordentown sign on the southbound side of Route 206 has not yet been removed. Police Chief Nucera said it was supposed to be moved 20 feet.

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WALT KOSUL, 539 Route 206: Mr. Kosul commented on the Veteran's Day Celebration discussion and said it was his opinion to keep it on the actual date, November 11, 2014.

Seeing no further comments, Committeeman Carson made a motion to close the public portion of the meeting; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

MAYOR BENOWITZ: Mayor Benowitz announced that the next budget meeting is scheduled for Saturday, March 1, 2014 at 10:00 a.m.

At this time, Deputy Mayor Cann made the following motion:

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 Professional Services Contract Matter (Barbara Woolley-Dillon v. Township of Bordentown); Professional Services Contract Matter (Bristol Incinerator); Solid Waste Collection Contract Matter; K. Johnson Redevelopment Project Contract Matter (PILOT Agreement); Public Works Department Personnel Matter; NJ Turnpike Authority v. Township of Bordentown Litigation; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 8:57 pm and reconvened the regular meeting at 9:38 pm.

Resolution #2014-049-20B entitled A RESOLUTION TO APPOINT SPECIAL COUNSEL FOR A LITIGATION MATTER.

At this time, Committeeman Carson made a motion to approve Resolution #2014-049-20B; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSTAIN: Deputy Mayor Cann

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Resolution #2014-049-20C entitled AUTHORIZE SETTLEMENT AGREEMENT WITH NEW JERSEY TURNPIKE AUTHORITY TO PROVIDE EXEMPT STATUS FOR BLOCK 129, LOTS 18 AND 15.01 AND BLOCK 132, LOTS 2 AND 4.

At this time, Committeeman Carson made a motion to approve Resolution #2014-049-20C; seconded by Committeeman Moynihan.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

At this time, Deputy Mayor Cann made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adjourn the regular meeting; seconded by Committeeman Carson.

AYE: Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:41 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK