

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
MARCH 9, 2020

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 Eric Holliday
Committeeman Eugene Fuzy
Committeeman James Kostoplis
Committeeman Ken Mason
Administrator Michael Theokas
Chief Financial Officer Jeffrey Elsasser
Deputy Clerk Cindy Dziura
Attorney Eileen Fahey

ABSENT: Township Clerk Maria Carrington

Mayor Benowitz called the meeting to order at approximately 6:30 p.m. Roll Call was taken by Deputy Township Clerk Dziura.

Deputy Mayor Holliday made a motion, seconded by Committeeman Kostopolis, to move Resolution #2020-3-9 for the Township Committee to meet in closed executive session at 6:33 pm for the purpose of discussing:

- Personnel: Finance Account Clerk/Cashier
- Attorney/Client Privilege: Affordable Housing
Professional Services Agreement

The minutes of the closed session may be disclosed to the public when it is determined that the above matter(s) no longer require confidentiality.

Voice Vote: All Aye.

The closed executive session ended at 7:15 pm and Committeeman Fuzy made a motion to recess the meeting; seconded by Committeeman Kostoplis.

The meeting resumed at 7:30 p.m. Mayor Benowitz led a salute to the flag and a moment of silence dedicated to the tornado victims in Tennessee.

Deputy Township Clerk Dziura read the following Open Public Meeting Announcement:

This meeting is called pursuant to the provision of the Open Public Meeting Act. On January 8, 2020, a notice of the 2020 meetings was sent to the *Burlington County Times* and *The Times* and was subsequently published by the *Burlington County Times* on January 10, 2020. The notice was posted on the bulletin boards in the Municipal Building and has remained continuously posted as required under the statute. In addition, a copy of the notice is and has been available to the public and is on file in the office of the Township Clerk.

Proper notice having been given, the Township Clerk is directed to include this statement in the minutes of the meeting. The proceedings of this meeting, which are open to the public, are being electronically

recorded and will act as the minutes of the meeting in conjunction with the abbreviated form of the minutes. Requisite minutes are kept for all meetings, whether open or closed to the public.

In case of an emergency, please note where the fire exits are, the rear of the room and the side behind me. During a fire do not use the elevator. Assistance will be provided.

Fire District #2 Budget Review

At this time, Mayor Benowitz proceeded to Fire District #2 Budget Review.

Mayor Benowitz read a statement into the record.

Resolution #2020-71 entitled APPROVE FIRE DISTRICT BUDGET DEFEATED AT THE POLLS

Public Hearing: Deputy Mayor Holliday made a motion to open the public hearing on Resolution #2020-71; seconded by Committeeman Fuzy. Voice Vote: All Aye.

Seeing no public comment, Committeeman Mason made a motion to close the public hearing on Resolution #2020-71; seconded by Deputy Mayor Holliday. Voice Vote: All Aye.

Adoption: Deputy Mayor Holliday made a motion to adopt Resolution #2020-71; seconded by Committeeman Mason. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None

Correspondence

- a. February 26, 2020 Letter from Burlington County Public Safety Services
Action: Motion to (continue/discontinue) use of Burlington County Central Communications System for 911 Call Receipts and Emergency Services Dispatch

Mayor Benowitz read the letter into the record.

Deputy Mayor Holliday made a motion to continue the 911 service; seconded by Committeeman Kostoplis. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None

A letter expressing the Township's desire to continue the 911 service will be sent to Burlington County Public Safety Services.

Administrative Review

Deputy Township Clerk Dziura stated there was nothing to add to the Agenda.

Consent Agenda

Resolution #2020-72 entitled APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS

Resolution #2020-73 entitled RESOLUTION APPOINTING MEMBER TO THE ENVIRONMENTAL COMMISSION

Resolution #2020-74 entitled RESOLUTION TO APPOINT PER DIEM EMT

Resolution #2020-75 entitled AUTHORIZING REFUND OF OVERPAYMENT OF COAH FEES

Resolution #2020-76 entitled RESOLUTION AUTHORIZING THE PURCHASE OF ROLLOUT CARTS OF VARIOUS SIZES FOR THE TOWNSHIP OF BORDENTOWN

Resolution #2020-77 entitled RESOLUTION AUTHORIZING THE PURCHASE OF SKID STEER BOOM MOWER FOR THE TOWNSHIP OF BORDENTOWN PUBLIC WORKS DEPARTMENT

Resolution #2020-78 entitled REFUND OF ESCROW BALANCES FOR AUTOZONE DEVELOPMENT APPLICATION

Resolution #2020-79 entitled REFUND OF ESCROW BALANCES FOR SAAJ URBAN RENEWAL DEVELOPMENT APPLICATION

Resolution #2020-80 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO MATT CROWELL UPON RETIREMENT

Resolution #2020-81 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR PROPERTY SURVEY, MONUMENTATION AND LEGAL DESCRIPTION OF THE REAL PROPERTY OF BLOCK 66, LOT 12.02, ALSO KNOWN AS 183 CROSSWICKS ROAD

Resolution #2020-82 RESOLUTION APPOINTING RACHEL FISHER AS FULL-TIME ACCOUNT CLERK/CASHIER

Resolution #2020-83 entitled Resolution Authorizing THE EXECUTION OF A SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN AND NEW JERSEY NATURAL GAS COMPANY

Resolution #2020-84 entitled APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS

Township Committee review and discussion of Consent Agenda Items Resolutions #2020-72 through #2020-84. There were no comments from the Township Committee.

Deputy Mayor Holliday made a motion to open to the public the Consent Agenda items; seconded by Committeeman Fuzy. Voice Vote: All Aye.

ROGER SCHNEIDER, 93 Charles Bossert Drive: Mr. Schneider inquired about Resolution #2020-81, and wanted to know if we were purchasing this property. Mayor Benowitz responded, yes.

Seeing no further comment, Deputy Mayor Holliday made a motion to close to the public; seconded by Committeeman Fuzy. Voice Vote: All Aye.

Committeeman Fuzy made a motion to adopt the Consent Agenda; seconded by Committeeman Mason.
Roll Call Vote:

AYE: Committeeman Fuzy; Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None

Ordinance #2020-05 entitled CALENDAR YEAR 2020 “CAP” ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A: 4-45.14).

Public Hearing: Deputy Mayor Holliday made a motion to open the public hearing on Ordinance #2020-05; seconded by Committeeman Kostoplis. Voice Vote: All Aye.

Seeing no public comment, Deputy Mayor Holliday made a motion to close the public hearing on Ordinance #2020-05; seconded by Committeeman Mason. Voice Vote: All Aye.

Adoption: Deputy Mayor Holliday made a motion to adopt Ordinance #2020-05; seconded by Committeeman Fuzy. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None

Introduction of Ordinance #2020-06 entitled ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE ADDING CHAPTER 8.31 REGARDING COMMERCIAL TENANCY CHANGE

Deputy Mayor Holliday made a motion to introduce Ordinance #2020-06: seconded by Committeeman Fuzy.
Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None
PUBLIC HEARING: March 23, 2020

Introduction of Ordinance #2020-07 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE AGWAY (GROWMARK)/YATES REDEVELOPMENT PLAN

Deputy Mayor Holliday made a motion to introduce Ordinance #2020-07: seconded by Committeeman Kostoplis. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz
NAY: None
PUBLIC HEARING: April 13, 2020

Introduction of Ordinance #2020-08 entitled ORDINANCE AUTHORIZING THE PURCHASE OF REAL PROPERTY LOCATED AT 183 CROSSWICKS ROAD AND KNOWN AS BLOCK 66, LOT 12.02 PURSUANT TO N.J.S.A. 40A:12-5

Deputy Mayor Holliday made a motion to introduce Ordinance #2020-08: seconded by Committeeman Fuzy.
Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz

NAY: None

PUBLIC HEARING: March 23, 2020

Introduction of Ordinance #2020-09 entitled AN ORDINANCE AMENDING THE BORDENTOWN TOWNSHIP MUNICIPAL CODE AND CREATING A PROJECT LABOR AGREEMENT OPTION FOR CERTAIN PUBLIC WORKS CONTRACTS AND PUBLICLY FUNDED PROJECTS

Deputy Mayor Holliday made a motion to introduce Ordinance #2020-09: seconded by Committeeman Kostoplis. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz

NAY: None

PUBLIC HEARING: March 23, 2020

Consideration of Resolution #2020-85 entitled INTRODUCTION OF 2020 MUNICIPAL BUDGET (BY TITLE ONLY)

Mayor Benowitz read a statement into the record. He noted there is no tax increase.

Deputy Mayor Holliday made a motion to introduce Resolution #2020-85: seconded by Committeeman Fuzy. Roll Call Vote:

AYE: Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, Mayor Benowitz

NAY: None

PUBLIC HEARING & CONSIDERATION OF ADOPTION (TENTATIVE): April 27, 2020

New Business:

a. Letter from Senator Singleton: Establishment of Goals for Contracting with Veteran Owned Business Enterprises, Hiring Veterans in the Municipal Workforce & Recognizing the Military Service of Residents in Civic.

Administrator Theokas stated we are already complying with many of the bullet-points. CFO Elsasser researched this and spoke with Colonel Jeff Cantor who runs the program. If the Township Committee were to agree to this, regardless of what type of business it is and what type of project we have, each of the 300+ Veteran-Owned businesses in New Jersey would have to be contacted. Administrator Theokas recommended that the liaison reach out to the to the Veteran's Advisory Committee and get their opinion,

then report back to the Township Committee on what the next step would be. There is no time constraint on this resolution. This item will be re-addressed at a later meeting.

b. Review of Public Scoping Hearing. Mayor Benowitz read a statement into the record. He stated the Township Committee heard the concerns of the residents regarding the location of the proposed municipal complex. In addition, a sub-committee is being formed which will include members of the public, Township professionals, and a member of the Township Committee to identify, qualify and recommend all possible sites for the proposed municipal complex. He assured the residents that this process is “not a done deal”, and the reason for the scoping hearing was to provide the public an opportunity to voice concerns, ask questions and offer opinions. The 2020 budget does not include the financing for a new municipal complex.

Administrator’s Report

Administrator Theokas reported that P.W. Director Buhner, Safety Coordinator Sam Vail and he attended a Jif Safety Seminar. On Saturday, March 7, 2020, CFO Elsasser and he led an in-service training on the 2020 Budget for the Township Committee members.

Township Committee Liaison Reports

Committeeman Fuzy, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Holliday, and Mayor Benowitz gave their reports.

Public Participation

Deputy Mayor Holliday made a motion to open the meeting for public participation; seconded by Committeeman Kostoplis. Voice Vote: All Aye.

ROGER SCHNEIDER, 93 Charles Bossert Drive: Mr. Schneider asked if the Township owned the Dix property. Mayor Benowitz responded, yes. Mr. Schneider said he has been speaking to a lot of residents. One of his neighbors told him a story about their grandson and how it would be beneficial to keep the land for the children. Mr. Schneider asked if the scoping process would be continuing. Administrator Theokas responded that the Township is obligated to send all comments and continue with the application process through N.J. DEP, and there will be two more public comment periods. The N.J. DEP recommends allotting 9-12 months for the entire process before they make a decision. Mayor Benowitz added that the Township is stopping the process to do our due diligence. The Township will be submitting the paperwork to N.J. DEP by March 16, as required.

GERRY JAEKEL, 2 Anthony Court, Holloway Meadows: Ms. Jaekel said she received a letter regarding the upkeep of their house; specifically the uplifting of sidewalk from the trees that were planted when their house was built. She cited that work was done on another court in her development and heard that the Township paid for this. Administrator Theokas said he would look into it. He said that lots of these letters went out, and not to worry about dates; the point of the letter was to initiate contact with the Township. There is legal precedent that residents are responsible for maintenance and safety of the sidewalk—there is liability for the homeowner which is why the Township sends out these letters. Administrator Theokas assured her that Code Enforcement Office will contact her.

JOHN GRAZIANI, 3 Anthony Court, Holloway Meadows: Mr. Graziani said his survey does not include the sidewalk. He asked where is his property line, and what is he responsible for. Administrator Theokas and Attorney Fahey explained the township code to him. It has been the precedence of the Township that

the sidewalk is the responsibility of the homeowner to maintain; shoveling the snow, etc. Mr. Graziani stated that the Township installed the handicap ramps at the corners. Administrator Theokas responded yes, the Township is responsible for the corner ADA ramps to be ADA compliant. Mayor Benowitz asked him to speak with Attorney Fahey, Administrator Theokas, and him after the meeting.

CRAIG ROSS, 5 Anthony Court, Holloway Meadows: Mr. Ross said that the letter he received from Code Enforcement Officer Costner felt like a threat and he took offense to it. It said that he has only 30 days to perform the repair. Administrator Theokas said the wording in the letter has been amended. Mr. Ross added that it is hard getting a hold of Code Enforcement Officer Costner. Mr. Ross cited items at his home that were inspected by Construction Officials that should not have received a C.O. Administrator Theokas responded he could not speak for things that happened 10 years ago, but will speak with Code Enforcement Officer Costner and about the trees and sidewalks.

GERRY JAEKEL, 2 Anthony Court, Holloway Meadows: Ms. Jaekel also said that the letter she received from Code Enforcement Officer Costner felt threatening. Administrator Theokas said the letter has been amended. Ms. Jaekel said that 10 years ago after the house was built, they were forced to keep the tree they did not want.

ERIC TEICHMAN, 232 Crosswicks Road: Ms. Teichman inquired about the scoping hearing. Administrator Theokas said that the Township is obligated to N.J. DEP to supply results of scoping hearing by March 16, 2020. Mayor Benowitz responded that the Township has stopped the process for now and an ADHOC Committee will be established to look for other locations.

Seeing no further comment, Deputy Mayor Holliday made a motion to close the meeting to the public; seconded Committeeman Fuzy. Voice Vote: All Aye.

Final Comments from Township Committee

Committeeman Kostoplis recognized Fire Chief Bob MacFarland and stated he just received a valor award from the 200 Club. While he was off duty on his way to the fire academy to teach a class in Mt. Holly, he noticed smoke coming from a house. They indicated someone was trapped inside. He ran in without his gear and saved the man trapped inside.

There being no further comments from the Township Committee, Committeeman Mason made a motion to adjourn the Regular Meeting at approximately 9:00 p.m.; seconded by Deputy Mayor Holliday. Voice Vote: All Aye.

The next Township Committee Meeting will be held on March 23, 2020.

Respectfully Submitted,

CYNTHIA DZIURA, DEPUTY TOWNSHIP CLERK