

**TOWNSHIP OF BORDENTOWN
TOWNSHIP COMMITTEE REGULAR MEETING AGENDA**

DATE: September 28, 2020 TIME: 7:00 P.M. VIRTUAL

<https://us02web.zoom.us/j/89114917020?pwd=M1ZkV1ZBT2hXM0dWbnpJeGxBcTJGZz09>
or Dial In +1 646 876 9923 (Meeting ID: 891 1491 7020)

1. Call to Order and Roll Call

PRESENT	ABSENT	
_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Holliday
_____	_____	Committeeman Fuzy
_____	_____	Committeeman Kostoplis
_____	_____	Committeeman Mason
_____	_____	Administrator Theokas
_____	_____	Clerk Carrington
_____	_____	Attorney Fahey
_____	_____	Chief Financial Officer Elsasser

2. Resolution #2020-9-28 to meet in closed session

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby exclude the public to meet in Closed Executive Session for the purpose of discussing:

- Attorney-Client Privilege: Litigation
- Attorney-Client Privilege: Personnel

No formal action will be taken while in closed session. 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.

3. Salute to the Flag and Moment of Silence

4. Open Public Meeting Announcement

This meeting is called pursuant to the provisions of the Open Public Meeting Act. A notice of the 2020 meeting schedule was sent to the *Burlington County Times* and *The Times* on January 8, 2020 and was subsequently published by the *Burlington County Times* on January 10, 2020. The notice is 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 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 written form of the minutes. Minutes are kept for all meetings, whether open or closed to the public.

5. Correspondence: None

6. Administrative Review of Agenda

7. CONSIDERATION OF CONSENT AGENDA ITEMS:
 - a. Township Committee review and discussion of Consent Agenda Items.
 - b. Public comment on Consent Agenda items.
8. CONSENT AGENDA: Motion, Second and Roll Call to adopt Resolutions #2020-224 to #2020-236
 - a. Resolution #2020-224 entitled APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS
 - b. Resolution #2020-225 entitled RENEWAL OF LIQUOR LICENSES FOR THE 2020-2021 TERM
 - c. Resolution #2020-226 entitled A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) PORTABLE RADIOS FOR THE TOWNSHIP OF BORDENTOWN POLICE DEPARTMENT
 - d. Resolution #2020-227 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO RECOGNIZING AND MEMORIALIZING THE RETIREMENT OF RICHARD T. BRETTELL
 - e. Resolution #2020-228 entitled RESOLUTION TO AMEND RESOLUTION #2020-148 AND APPOINT NICOLE BENCIVENGO AS A SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I
 - f. Resolution #2020-229 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LCC FOR THE SURVEY OF THE WATERFRONT PROPERTY BOUNDARIES
 - g. Resolution #2020-230 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LCC FOR ADDITIONAL REMEDIATION TASKS REQUIRED BY THE NJ DEP TO ISSUE A RESPONSE ACTION OUTCOME FOR 266 CROSSWICKS ROAD
 - h. Resolution #2020-231 entitled RESOLUTION TO APPOINT PER DIEM EMTS
 - i. Resolution #2020-232 entitled A RESOLUTION TO CANCEL TAXES
 - j. Resolution #2020-233 entitled RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND FINAL PAYMENT TO EARLE ASPHALT COMPANY FOR THE FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO REMOVE ADA BARRIERS AT VARIOUS LOCATIONS
 - k. Resolution #2020-234 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION
 - l. Resolution #2020-235 entitled A RESOLUTION TO CANCEL TAXES
 - m. Resolution #2020-236 entitled APPROVING ROUTINE BUSINESS: PAYMENT OF BILLS
9. New Business:
 - a. 2020 Best Practices Inventory

- b. Results of Township Note Sale from September 23, 2020
- 10. Administrator's Report
- 11. Township Committee Liaison Reports
- 12. Public Participation: Questions, comments or statements from members of the public
- 13. Final Comments from Township Committee
- 14. Motion to Adjourn – Next Regular Meeting is scheduled for **Tuesday**, October 13, 2020

**ALL LEGISLATION LISTED ABOVE IS SUBJECT TO CHANGE
UNTIL IT IS OFFICIALLY ADOPTED BY THE GOVERNING BODY.**

RESOLUTION 2020-9-28

RESOLUTION TO MEET IN CLOSED EXECUTIVE SESSION

WHEREAS, the Open Public Meetings Act, P.L. 1975, Chapter 231 permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the Township Committee of the Township of Bordentown wishes to discuss:

- Attorney-Client Privilege: Litigation
- Attorney-Client Privilege: Personnel

WHEREAS, minutes of the closed session will be kept and not be made public until the above matters no longer require confidentiality.

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby exclude the public to meet in Closed Executive Session for the purpose of discussing the above matters. No formal action will be taken while in closed session. 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.

RESOLUTION #2020-224

APPROVING ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the Regular Meeting Minutes and Closed Meeting Minutes of the Regular Meeting on September 14, 2020, the Meeting Minutes and Closed Meeting Minutes of the Special Meeting on September 15, 2020, the Meeting Minutes and the Closed Meeting Minutes from the Special Meeting on September 21, 2020 are hereby approved as (_____ submitted) (_____ corrected) and authorized to be posted to the Municipal Bulletin Board and website.

BE IT RESOLVED that the following reports for the month of August 2020 as submitted by the Township Officials have been received, provided to the Township Committee and filed with the Township Clerk: Finance, Tax Collector, Township Clerk, Community Development, Housing, Construction and Municipal Court.

RESOLUTION #2020-225

RENEWAL OF LIQUOR LICENSE FOR THE 2020-2021 TERM

WHEREAS, the New Jersey Division of Alcoholic Beverage Control (ABC) has implemented an electronic, web based licensing called POSSE ABC; and,

WHEREAS, a renewal application has been filed or submitted through the POSSE ABC portal as directed by the ABC; and,

WHEREAS, the submitted, renewal application has been accepted via POSSE ABC, the Municipal fees have been paid and a Tax Clearance Certificate has been received; and,

WHEREAS, the Director of the ABC extended 2019-20 liquor licenses until September 30, 2020 vail AO 2020-02; and

WHEREAS, the applicant is qualified to be licensed per standards established by Title 33 of the New Jersey Statutes, regulations promulgated there under, and pertinent Township Ordinances; and,

NOW, THEREFORE BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, that the renewal of the following Liquor License for the 2020-2021 term from October 1, 2020 to June 30, 2021, is hereby authorized:

<u>File No.</u>	<u>License Number</u>	<u>Licensee</u>	<u>Establishment</u>
- Plenary Retail Consumption Licenses -			
371992	0304-33-003-006	Mastoris & Manetas Enterprises	Mastoris Diner

RESOLUTION #2020-226

A RESOLUTION AUTHORIZING THE PURCHASE OF TWO (2) PORTABLE RADIOS FOR THE TOWNSHIP OF BORDENTOWN POLICE DEPARTMENT

WHEREAS, there is a need to purchase two (2) portable radios for new recruits in the Police Department; and

WHEREAS, Motorola Inc. has been awarded New Jersey State Contract 83909; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Motorola Inc. will best fulfill the needs of the Township at a price of \$10,129.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
C-04-55-968-200	CAPITAL	\$10,129.00	Portable Radios

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

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

The Township Administrator is hereby authorized to approve and forward a purchase order to Motorola Inc. of PO BOX 1335, Burlington NJ 08505, for the purpose of department wide training in the amount of \$10,129.00

RESOLUTION #2020-227

RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO RECOGNIZING AND MEMORIALIZING THE RETIREMENT OF RICHARD T. BRETTELL

WHEREAS, Richard Brettell is retiring from his position with Bordentown Township Police Department as Patrolman effective October 1, 2020; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Patrolman Brettell's service to the Township, its residents, and the community at large is noteworthy and that Patrolman Brettell ends his service in good standing; and

WHEREAS, the Township Finance Department has determined all benefit time has been used and that no final payment is due to Patrolman Brettell upon retirement per the collective bargaining agreement and in accordance with Bordentown Township Municipal Code; and

WHEREAS, the Township Finance Department has determined that benefits will cease upon retirement on October 1, 2020.

NOW, THEREFORE, BE IT RESOLVED that the Township Committee of the Township of Bordentown hereby recognizes Patrolman Richard T. Brettell upon the occasion of his retirement; and

BE IT FURTHER RESOLVED that the Township Committee hereby directs the Township Clerk to provide Patrolman Brettell a certified copy of this resolution; and

BE IT FURTHER RESOLVED that the Township Committee hereby states its wishes to Patrolman Brettell for a happy and healthy retirement.

RESOLUTION #2020-228

RESOLUTION TO AMEND RESOLUTION #2020-148 AND APPOINT NICOLE BENCIVENGO AS A SPECIAL LAW ENFORCEMENT OFFICERS, CLASS I

WHEREAS, the Township Committee via Resolution #2020-148 appointed Nicole Bencivengo as a Special Law Enforcement Officer, Class II effective March 18, 2021 pending successful completion of the Gloucester County Police Academy; and

WHEREAS, circumstances have changed affecting the ability of Ms. Bencivengo to attend the Police Academy; and

WHEREAS, Chief Pesce is recommending the appointment of Ms. Bencivengo as a Special Law Enforcement Officer, Class I with the power to issue summonses for disorderly persons and petty disorderly persons offenses, violations of municipal ordinances and violations of Title 39 of the Revised Statutes,

WHEREAS, Special Law Enforcement Officers, Class I are authorized according to the Bordentown Township Municipal Code Chapter 2.68.050 as amended by Ordinance No. 2020-14.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Nicole Bencivengo as a Special Law Enforcement Officer, Class I, allowing her to expand her duties as recommended by Chief Pesce for no additional compensation effective immediately for a term to be subject to renewal on May 1, 2021; and

BE IT FURTHER RESOLVED that Ms. Bencivengo's duties as Special Law Enforcement Officer shall not exceed 28 hours per week.

RESOLUTION #2020-229

RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LCC FOR THE SURVEY OF THE WATERFRONT PROPERTY BOUNDARIES

WHEREAS, there is a need for a boundary survey for the 500 Route 130 property also known as Lots 5.02 and 10 to 19 of Block 140, Lots 1.02 and 2.01 of Block 140.01, Lot 4 of Block 141, Lot 1 of Block 69 in Mansfield Township, and Lots 9.01 and 9.02 of Block 13 in Fieldsboro; and

WHEREAS, Turek Consulting LLC has submitted a proposal of services for said purpose; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Turek Consulting LLC will best fulfill the needs of the Township at a price not to exceed \$25,300.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
C-04-55-969-000	CAPITAL	\$25,300.00	Waterfront Boundary Survey

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

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

The Township Administrator is hereby authorized enter into a contract with Turek Consulting LLC of 712 E. Main Street, Suite 1A, Moorestown, NJ 08057 for a boundary survey of the Waterfront property in an amount not to exceed \$25,300.00.

RESOLUTION #2020-230

RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LCC FOR
ADDITIONAL REMEDIATION TASKS REQUIRED BY THE NJ DEP TO ISSUE A RESPONSE
ACTION OUTCOME FOR 266 CROSSWICKS ROAD

WHEREAS, Turek Consulting LLC has been working on the remediation of 266 Crosswicks in order for the NJ Department of Environmental Protection to issue a Response Action Outcome (RAO); and

WHEREAS, additional tasks are needed that are outside of the scope of the initial project which was authorized via Resolution #2018-282-14B on October 9, 2018 including the preparation and filing of a timeframe extension form to the NJDEP and resolving an alternative standard spreadsheet issue; and

WHEREAS, Turek Consulting LLC has submitted a proposal of services for said purpose; and

WHEREAS, the Township Committee of the Township of Bordentown has determined that Turek Consulting LLC will best fulfill the needs of the Township at a price not to exceed \$1,000.00; and

WHEREAS, this is to certify to the Township Committee of the Township of Bordentown that funds for this resolution are available as follows:

BUDGET ACCOUNT	YEAR	COST	DETAIL
C-04-55-965-600	CAPITAL	\$1,000.00	Remediation Tasks for RAO, PCBs 266 Crosswicks Road

JEFFREY C. ELSASSER
CMFO/CTC/PURCHASING AGENT

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

The Township Administrator is hereby authorized enter into a contract with Turek Consulting LLC of 712 E. Main Street, Suite 1A, Moorestown, NJ 08057 for remediation tasks for RAO, PCBS regarding 266 Crosswicks Road in an amount not to exceed \$1,000.00.

RESOLUTION # 2020-231

RESOLUTION TO APPOINT PER DIEM EMTS

WHEREAS, the Township Committee of the Township of Bordentown has determined the need to appoint additional per diem EMTs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following per diem EMTs effective September 28, 2020:

Mary F. Hoffer
Jeffrey J. Ritter

BE IT FURTHER RESOLVED that compensation shall be set at \$15.00 per hour in accordance with Ordinance #2020-03 and Resolution #2019-145.

RESOLUTION #2020-232

A RESOLUTION TO CANCEL TAXES

WHEREAS, the United States Department of Veteran Affairs has classified William Silvaney 100% Permanently and Totally Disabled; and

WHEREAS, N.J.S.A.54:4-3.30a allows for tax exemptions from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute upon proper claim; and

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from JUNE 26, 2020; and

WHEREAS, taxes must be canceled and monies paid by the owner after the tax exemption effective date need to be refunded and taxes canceled going forward.

NOW, THEREFORE BE IT RESOLVED, that the following taxes be canceled and refunded:

Block 92.06 Lot 22.04 Qual C.044 2020 \$3,021.14

RESOLUTION #2020-233

RESOLUTION AUTHORIZING CHANGE ORDER NO. 1 AND FINAL PAYMENT TO EARLE ASPHALT COMPANY FOR THE FY 2019 COMMUNITY DEVELOPMENT BLOCK GRANT PROJECT TO REMOVE ADA BARRIERS AT VARIOUS LOCATIONS

WHEREAS, the Township Committee adopted Resolution #2020-162 on July 13, 2020 authorizing the awarding of a contract to Earl Asphalt Company for the FY 2019 Community Development Block Grant (CDBG) Project to remove ADA barriers at various locations; and

WHEREAS, the contract was executed on July 27, 2020; and

WHEREAS, by way of correspondence dated September 24, 2020, Turek Consulting, LLC, the Township Engineer, has advised the Township Committee of a change order and final payment request along with the submission of the appropriate certification that the existing contract amount should be decreased; and

WHEREAS, N.J.A.C. 5:30-14.4 provides that the Governing Body may authorize change orders and amend contracts in accordance with the procedures set forth in said regulations; and

WHEREAS; the Township Committee has reviewed the aforementioned request and desires to act favorably with respect to same and to amend the contract accordingly and to approve the change order and final payment.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, in the County of Burlington, State of New Jersey, as follows;

1. That the Township Committee hereby amends the aforementioned contract and decreases the contract price by \$33,357.28 for a total of \$113,655.85 in accordance with the terms and conditions of the aforementioned certification and September 24, 2020 correspondence attached hereto as Exhibit A and made art hereof by reference hereto.
2. That the Township Committee hereby authorizes final payment to Earle Asphalt Company in the amount of \$ 113,655.85.
3. That the Township Committee hereby directs the Township Mayor and Clerk to execute any and all documents necessary to effectuate the terms of this Resolution and which are prepared by or reviewed by the Township Attorney.

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2020-234

REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION

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

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
Kemberling & Sons c/o Diane Kraft Kemberling 8 Ackerman Street Stevensville, MD 21666	Block 57 Lot 6	#967600	\$48.26

And, **WHEREAS**, the Director of Community Development has certified that the application and project is complete and that the current amount on the most up to date bank statement is to be refunded to the applicant after deducting any outstanding invoices which shall be paid upon closure of the account; and

WHEREAS, the Director of Community Development recommends the balance of the fund should be returned to the applicant; in accordance with N.J.S.A. 40:55D-53.2.

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

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

RESOLUTION #2020-235

A RESOLUTION TO CANCEL TAXES

WHEREAS, the United States Department of Veteran Affairs has classified John Csolak 100% Permanently and Totally Disabled; and

WHEREAS, N.J.S.A.54:4-3.30a allows for tax exemptions from real and personal property for any citizen and resident of the State who has total or 100% permanent disability as defined by this statute upon proper claim; and

WHEREAS, by application to Eileen Carlos, Tax Assessor in the Township of Bordentown, the said exemption is granted from AUGUST 29, 2020; and

WHEREAS, taxes must be canceled and monies paid by the owner after the tax exemption effective date need to be refunded and taxes canceled going forward.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bordentown that the following taxes be canceled and refunded:

Block 19.01	Lot 30	2020	\$2,751.66
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RESOLUTION #2020-236

APPROVING 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 September 28, 2020, as submitted by the Office of Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.