

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
MARCH 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 (entered at 7:30 pm)
Chief of Police Frank M. Nucera, Jr.

ABSENT: None

Mayor Benowitz called the meeting to order at approximately 7:03 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.

At this time, Committeeman Carson 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 K. Johnson Redevelopment Contract Matter (PILOT), IDI-Rock Contract Matter, Professional Services Contract Matter Capehart-Scatchard, Barbara Woolley-Dillon vs. Township of Bordentown; seconded by Committeeman Moynihan.

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.

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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 7:06 pm and reconvened the regular meeting at 7:31 pm.

Mayor Benowitz announced that after Closed Session discussion, the Township Committee will act on K. Johnson Redevelopment which is Agenda Item #26A, which is Ordinance #2014-13.

Also, Township Clerk Eckert attended a seminar on March 21, 2014 and the CAP Ordinance and the Resolution to average the tax rate must be adopted prior to adopting the Resolution to Introduce the Budget. Therefore, the format of the meeting Agenda has changed. Therefore, previous Agenda Items #26 and #18 are now Agenda Items #9 and #10.

Mayor's Proclamation Proclaiming April 1, 2014, as National Service Recognition Day.

At this time, Mayor Benowitz read the Proclamation into the record and presented it to Anna Muschal.

Mayor's Proclamation Proclaiming the Month of March as Women's History Month.

At this time, Mayor Benowitz read the Proclamation into the record and acknowledged the women who were present.

Township Committee discussion with Erin Nooney of the Burlington County Health Department regarding Authorization to Conduct Aerial Larval/Adult Mosquito Control Activities.

Erin Nooney and Jeff Rosen, representatives from the Burlington County Health Department, were in attendance to answer questions related to mosquito spraying.

At this time, Committeeman Moynihan made a motion for Mayor Benowitz to sign a contract to spray Bordentown Township with the indicated pesticides; seconded by Committeeman Carson.

AYE: Committeeman Carson, Committeeman Moynihan

NAY: Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

Consideration Introduction of Ordinance #2014-12 entitled ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-12; seconded by Committeeman Moynihan.

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

NAY: None

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TOWNSHIP CLERK ECKERT: The public hearing will be April 7th.

Resolution #2014-083-18 entitled RESOLUTION TO USE ALTERNATE TAX COLLECTION RATE PURSUANT TO N.J.S.A. 40A:4-41c(1) FOR USE IN THE 2014 MUNICIPAL BUDGET.

At this time, Deputy Mayor Cann made a motion to adopt Resolution #2014-083-18; seconded by Committeewoman Popko.

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

NAY: None

Resolution #2014-083-9 entitled INTRODUCTION OF 2014 MUNICIPAL BUDGET.

At this time, Committeewoman Popko made a motion to adopt Resolution #2014-083-9; seconded by Deputy Mayor Cann.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be May 5th. (Adoption date is dependent on the State's approval.)

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced there are 2 additional items: Revised Resolution #2014-083-14 that was received from Bond Counsel and revised Ordinance #2014-11. There are also revised budget sheets to be incorporated into the previously distributed budgets; they are sheets 3B, 3C, 9, and 24. She added that Mayor Benowitz already reviewed the ordinance for the K. Johnson PILOT that is being added after the Consent Agenda.

CONSENT AGENDA

Resolution #2014-083-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-083-12 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2014-083-13 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

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Resolution #2014-083-14 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE SALE OF \$8,041,000 PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2014, CONSISTING OF GENERAL OBLIGATION BONDS, 2014 SERIES A (GENERAL CAPITAL) AND GENERAL OBLIGATION BONDS, 2014 SERIES B (WATERFRONT CAPITAL); AND AUTHORIZING OTHER MATTERS RELATING THERETO.

Resolution #2014-083-15 entitled RESOLUTION TO ESTABLISH AN ENVIRONMENTAL GREEN PURCHASING POLICY.

Resolution #2014-083-16 entitled RESOLUTION ESTABLISHING A SUSTAINABLE LAND USE PLEDGE.

Resolution #2014-083-17 entitled RESOLUTION TO APPOINT TOM MAHONEY AS A BUILDING/PLUMBING INSPECTOR I THE CONSTRUCTION DEPARTMENT FOR THE TOWNSHIP OF BORDENTOWN.

Resolution #2014-083-19 entitled AUTHORIZING 2014 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).

Resolution #2014-083-20 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Resolution #2014-083-21 entitled RESOLUTION APPOINTING MEMBERS TO THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.

Resolution #2014-083-22 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2014-083-23 entitled A RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO EXECUTE AN AGREEMENT WITH BURLINGTON COUNTY FOR COOPERATIVE PARTICIPATION IN THE COMMUNITY DEVELOPMENT ACT OF 1974.

Township Committee reviewed and discussed Consent Agenda Items #2014-083-11 through #2014-083-23, excluding #2014-083-18. Committeeman Carson commented/asked questions.

Committeeman Carson made a statement for the record that at the last meeting he voted against the payment to Turnkey Title for the purchase of building/land for the public works expansion. He wanted to clarify that he was not against the payment of the bill, but against the purchase of the building and land for the project.

Township Clerk Eckert asked for a 5 minute recess to rectify problems with the recording equipment. The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 8:23 pm and reconvened the regular meeting at 8:33 pm.

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CONSENT AGENDA (continued)

Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, and Mayor Benowitz commented/asked questions. Township Clerk Eckert will amend a typographical error in the March 10, 2014 minutes.

At this time, Committeeman Carson made a motion to open to the public the consent agenda items; seconded by Committeeman Moynihan.

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

NAY: None

WALT KOSUL, 539 Route 206: Mr. Kosul commented/inquired about the bond ordinance. Deputy Mayor Cann responded to his inquiry.

MARILEE RYAN, Environmental Commission Member, 13 Ticonderoga Drive: Ms. Ryan asked if Attorney Kearns would give them guidance on how to make Resolution #2014-083-15 into an ordinance. Deputy Mayor Cann responded it was discussed at the last meeting that the Township Committee was not sure how it would affect the budget by mandating a Green Purchasing Program. Creating a resolution would allow the Township to first look at purchases (for approximately 6 months) to see what the overall impact was on the budget before adopting an ordinance.

Seeing no further comments, Committeeman Carson 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, Committeewoman Popko made a motion to adopt the consent agenda; seconded by Committeeman Carson.

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

NAY: None

Consideration of Re-Introduction of 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.

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Committeeman Carson expressed concern/made comments on several items in the ordinance. Deputy Mayor Cann responded that the Planning Board has reviewed the ordinance which was integrated from several local ordinances and reviewed by several professionals. It has been written for most situations, and there is the potential for applicants to apply for a variance. The reason why the Fire Marshall has been included is because the N.J. Department of Community Affairs has not written a standard as yet; therefore, the Construction Code Official cannot enforce. Mayor Benowitz, Committeeman Moynihan, and Committeewoman Popko made additional comments. The Township Committee agreed to introduce the ordinance. Committeeman Carson will speak with Construction Official Pete Carbone prior to adoption.

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-7; seconded by Committeewoman Popko.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be April 7th.

Consideration of Introduction of Ordinance #2014-11 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING AND SUPPLEMENTING VARIOUS SIGN STANDARDS WITHIN THE LAND DEVELOPMENT ORDINANCE.

Committeeman Carson inquired about the banners at Alstarz; these are considered promotional signs that require a 30-day permit.

At this time, Committeeman Carson made a motion to introduce Ordinance #2014-11; seconded by Committeeman Moynihan.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be April 7th.

Consideration of Introduction of Ordinance #2014-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING A FINANCIAL AGREEMENT WITH KJOHNSON URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40a:20-1 ET SEQ.

At this time, Committeeman Carson made a motion to introduce Ordinance #2014-13; seconded by Deputy Mayor Cann.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be April 7th.

Public Hearing On Ordinance #2014-10 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-2 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Deputy Mayor Cann made a motion to open the public hearing on Ordinance #2014-10; seconded by Committeeman Moynihan.

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

NAY: None

Seeing no public comment, Deputy Mayor Cann made a motion to close the public hearing on Ordinance #2014-10; seconded by Committeeman Moynihan.

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

NAY: None

Consideration of Adoption of Ordinance #2014-10 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-2 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Deputy Mayor Cann made a motion to adopt Ordinance #2014-10; seconded by Committeeman Moynihan.

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

NAY: None

Township Committee discussion of DOT Grants – Transportation Alternatives Program (TAP) and Safe Routes To School (SRTS).

Deputy Mayor Cann asked Community Development Director Brian Johnson to search for Grants. The Township Committee discussed the bike paths and sidewalks, and the target areas in the Township.

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At this time, Deputy Mayor Cann made a motion to authorize Alt. Township Engineer Fred Turek to proceed with application for these grants; seconded by Committeewoman Popko.

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

NAY: None

Township Committee discussion of Advertising for Community Events.

Mayor Benowitz said that monies should be allocated for newspapers advertisements for Community Events. Advertising on the website and social media were discussed. Committeeman Carson suggested adding information with the tax bill mailing, including that they can sign up to e-mail notifications from the Township Website. After conversation, the Township Committee decided to spend funds for advertising.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson said he had nothing to report.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Bordentown Sewerage Authority met on March 17, 2014. They are working to finalize the connection agreement with Rock-IDI. The Authority has no intention to take sewerage flow from Mansfield Township entities.

Regarding the Police Department, they are considering hiring a former Trenton Police Officer to fill a Patrolman opening. Bordentown Township has been asked to be the lead agency in Burlington County for bomb-sniffing dogs.

COMMITTEEWOMAN POPKO: Regarding Public Works Department, Committeewoman Popko said there will be another leaf pick-up the second and third weeks of April. They are getting ready for the Easter Egg Hunt. There was a meeting with Mr. Horner regarding the fencing for the proposed dog park. P.W. Director Buhner has a meeting scheduled with Bordentown Waterfront and Brian Johnson regarding the MACCS trash pick-up.

Tom Sable from Florence will be signing off on the recycling tonnage grant at the end of April. After that, P.W. Director Buhner will be certified and be able to sign himself.

The Senior Citizen Meeting is scheduled for April 7, 2014.

Regarding the Environmental Commission, they have been working on the Green Fair and different policies and ordinances. There are several vendors scheduled for the Green Fair. They are also working on Actions for Sustainable Jersey; i.e. anti-idling campaign, the community garden, water conservation, paper shredding event, etc.

DEPUTY MAYOR CANN: Deputy Mayor Cann did not report.

MAYOR BENOWITZ: The Economic Development Authority Committee had a meeting on March 11, 2014. There are now 11 members. The business breakfast was Monday, March 17, 2014, and Township Planner Jack Carman gave a presentation on the Southern Gateway Regional Redevelopment Plan.

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The Public Works Department is putting out signage as a result of Mayor Benowitz's public safety tours.

The Mayor's Office hours are now Monday 1:30-3:30 pm, Thursday 3:15-5:15 pm, and Tuesday 5:00-7:00 pm. commencing April 7, 2014. Appointments and walk-ins are accepted.

An e-mail was received from the Mayor of Bristol, PA thanking Bordentown Township for their support in fighting to stop the building of the hazardous waste incinerator in Bristol, PA. The city of Burlington incurred \$50,766.25 in total costs, and they are seeking additional financial support. The overall application has been withdrawn.

A ribbon cutting ceremony is scheduled for April 4, 2014 at 11:00 a.m. at David Schiavone Real Estate Office on Route 130 North.

In regard to the March 13, 2014 Planning Board meeting, the Wisdom Dinner application has been adjourned to April 10, 2014. NWL had a 5600 s.f. addition approved. MIM-Hayden application was approved to erect two 90 foot billboards facing Route 295, with illumination of 5,000 nits during the day and 500 nits at night. The sign and solar ordinances were approved.

The DVRPC will hold a public information session on the proposed connector road between Dunns Mill and Rising Sun Road near Route 130 on Friday, April 11, 2014 from 2:30-4:30 at the Senior Center Community Building.

The Easter Egg Hunt is scheduled for Saturday, April 19, 2014 at 10:00 am. at Northern Community Park. The Health & Wellness Fair and Green Fair is scheduled for Saturday, April 26, 2014 at 10:00-2:00 pm at Joseph Lawrence Park.

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

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

NAY: None

ROGER PLEW, Chairman, Bordentown Township Environmental Commission, 117 Philmont Avenue: Mr. Plew asked what the difference was between resolutions and ordinances. Attorney Kearns responded that an ordinance is law and a resolution adopts a policy that stays in effect until it is changed by the Township Committee. He asked if the Sustainable Jersey and Green Team resolutions need to be done every year. Committeewoman Popko said that when she applies for grants through Sustainable Jersey, they specifically ask on the application to have the yearly resolution establishing a Green Team completed each year. Attorney Kearns said that establishing the Green Team does not require an annual resolution, only to appoint the members. P.W. Director Buhner added that his contract with the JIF requires yearly resolutions. Mr. Plew will contact and confirm with Sustainable Jersey.

CAROL de GROOT, 8 Arlington Road: Ms. de Groot said that she offered the Township white storage boxes and wanted to donate her time to clean up the files in the old Administrator's office. She said she arrived last week, she was told there were confidential files in that office. Mayor Benowitz said that he had thanked her for bringing this to their attention, and more than half the items have since been removed. The Township Clerk is in the process of examining the remaining documents for further action, including disposal, and this will not happen overnight. Committeewoman Popko thanked Ms. de Groot and said she did not realize this was inappropriate.

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Ms. de Groot also asked about the Township Committee Meeting minutes. Deputy Mayor Cann responded that the Township is now doing summarized minutes. Township Clerk Eckert said the budget workshop minutes are not detailed.

LEN de GROOT, 8 Arlington Road: Mr. de Groot said that he thinks certain staff have duties that are impossible to perform with the number of people, experience, and number of hours. He added that he thought Police Chief Nucera was out of his element as an Administrator, and the Township needs an experienced Administrator. He said that it is inappropriate for Police Chief Nucera to carry a gun to a Township meeting and feels intimidated.

Mr. de Groot asked if the basement documents were written away and destroyed properly per the State's D.A.R.M. requirements. Township Clerk Eckert responded, yes. He also commented on the stacks of papers in the other various offices.

Mr. de Groot commented on the stipends that were given to the Police Chief, Township Clerk, and CFO and said cost is lost in doing their primary jobs. With the possible exception of Chief Nucera, most are out of the Township normal duty hours. Stipends are supposed to be a short-term solution to a short-term problem. He said we cannot keep doing this to the staff and to the Township without a professional staff to handle the problems that need to be done in a work week.

WALT KOSUL, 539 Route 206: Mr. Kosul said he'd like to see the bicycle trail map. He also inquired about the budget. Attorney Kearns said that the entire budget introduced tonight is public record. Township Clerk said it has to be advertised 10 days prior to the public hearing. The Township cannot proceed until the State approves it.

Township Clerk presented Mr. Kosul and Mr. de Groot with a copy of the entire budget.

Mr. Kosul commented on the OPRA law; a copy of the budget is not subject to OPRA.

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

At this time, Committeeman Carson 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 Deputy Mayor Cann.

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

NAY: None

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The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:45 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK