

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
APRIL 7, 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 7:00 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 Professional Services Contract Matter (Bristol Incinerator), Municipal Court Personnel Matter, and Solid Waste Collection Contract Matter; seconded by Committeewoman Popko.

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.

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

NAY: None

PAGE 2
REGULAR MEETING
April 7, 2014

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:03 pm and reconvened the regular meeting at 7:34 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that at their places is an amended bill list, Ordinances #2014-14 and #2014-15, and the signed finance agreement for the Kevin Johnson Pilot which corresponds to Ordinance #2014-13.

CONSENT AGENDA

Resolution #2014-097-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-097-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2014-097-9 entitled AUTHORIZING ISSUANCE OF APUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.

Resolution #2014-097-10 entitled APPROVE SHARED SERVICES AGREEMENT WITH THE TOWNSHIP OF FLORENCE FOR A CERTIFIED RECYCLING PROFESSIONAL (CRP).

Resolution #2014-097-11 entitled APPOINTING MEMBER OF THE TOWNSHIP PROFESSIONAL STAFF: ALTERNATE PUBLIC DEFENDER.

Resolution #2014-097-12 entitled APPROVING RAFFLE LICENSE #RL:400.

Resolution #2014-097-13 entitled APPROVING RAFFLE LICENSE #RL:401.

Resolution #2014-097-14 entitled APPOINTING ZONING BOARD OF ADJUSTMENT MEMBER.

Township Committee reviewed and discussed Consent Agenda Items #2014-097-7 through #2014-097-14. Deputy Mayor Cann commented/asked questions.

At this time, Deputy Mayor Cann 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

PAGE 3
REGULAR MEETING
April 7, 2014

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

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

NAY: None

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

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

NAY: None

Ordinance #2014-7 (Solar Ordinance), agenda Items #15 & #16, which was referred to the Township Committee from the Planning Board, was pulled from the Agenda by Community Development Director Brian Johnson. Mr. Johnson stated that after introduction of this ordinance he spoke with Committeeman Carson about his concerns. The changes were significant and, therefore, the ordinance will have to go back before the Planning Board for their review. Committeewoman Popko requested it also be reviewed by the Environmental Commission.

Public Hearing on Ordinance #2014-11 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING AND SUPPLEMENTING VARIOUS SIGN STANDARDS WITHIN THE LAND DEVELOPMENT ORDINANCE.

At this time, Deputy Mayor Cann made a motion to open the public hearing on Ordinance #2014-11; seconded by Committeeman Moynihan.

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 the ordinance included a penalty for the non-removal of signs after approval of sign and including political signs. Mayor Benowitz responded that the penalties are included in the ordinance and do include political signs.

Seeing no further public comment, Deputy Mayor Cann made a motion to close the public hearing on Ordinance #2014-11; seconded by Committeewoman Popko.

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

NAY: None

PAGE 4
REGULAR MEETING
April 7, 2014

Consideration of Adoption 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: Committeeman Carson asked that a copy be provided of the ordinance that shows a mark-up of the changes that were made. Deputy Mayor Cann said that this was already provided to the committee members and the planning board.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2014-11; seconded by Committeeman Moynihan.

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

NAY: None

Public Hearing on 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, Committeeman Carson made a motion to open the public hearing on Ordinance #2014-12; seconded by Deputy Mayor Cann.

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

NAY: None

WALT KOSUL, 539 Route 206: Mr. Kosul asked the purpose of this ordinance. Deputy Mayor Cann responded that it allows the Township flexibility in the future. The Township is not moving the budget to the limit that is allowed; therefore, the township is allowed to capture the gap between what the limit is and what the township is actually using, and preserve it for two years. So if in a future budget the township needs to exceed a certain amount, the township can go back and capture that amount through the CAP bank. It does not affect this year's budget, and this ordinance is done every year.

Seeing no further public comment, Committeewoman Popko made a motion to close the public hearing on Ordinance #2014-12; seconded by Committeeman Carson.

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

NAY: None

Consideration of Adoption 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).

PAGE 5
REGULAR MEETING
April 7, 2014

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

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

NAY: None

Public Hearing on Ordinance #2014-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH K. JOHNSON 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, Deputy Mayor Cann made a motion to open the public hearing on Ordinance #2014-13; seconded by Committeeman Carson.

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

NAY: None

BRUCE HILL, 757 Mission Road: Mr. Hill asked if Kevin Johnson paid his taxes. Deputy Mayor Cann responded, yes. The tax exemption is because the 2008 Redevelopment Plan that was approved stated that he was entitled to a 30 year PILOT, and it was re-affirmed in 2011. Attorney Kearns said that there was an obligation under the Redevelopment Plan to give Kevin Johnson a financial agreement, the 30 year abatement program. He will start by paying about 60% of what taxes are and it goes up every 5 years. The PILOT agreement has a 10 day default clause if he doesn't pay his taxes.

LEN de GROOT, 8 Arlington Road: Mr. de Groot asked about the program offered to Kevin Johnson. Attorney Kearns said that there are two separate programs. Kevin Johnson's is a 30-year PILOT agreement starting at about 60% of what taxes would have been and goes up steadily. The other program is a 5-year abatement program that starts at 0 and goes up 20% per year and at the end of 5 years is on the full tax level. Deputy Mayor Cann added that the Abatement is applicable to anyone, including residents, if they do major improvements. Mr. de Groot also asked about the K. Johnson PILOT money that is dispersed to the other entities. Deputy Mayor Cann responded that 5% is obligated to the County and it has been discussed a minimum of 5% will go to the schools. The remainder goes to the Township. Mr. de Groot was concerned because under the Waterfront development none of the money is designated in the Financial Agreement for the schools. Attorney Kearns said this would not be in the Financial Agreement because the money comes to the Township for appropriation. Mr. de Groot continued with comments on monies that are dispersed to the schools, and asked that the Township review the percentage of the funds to see if it is adequate to the needs of all the agreements.

WALT KOSUL, 539 Route 206: Mr. Kosul asked why Kevin Johnson doesn't have a residual agreement. He also asked several questions on the ordinance and the redevelopment committee. Mr. Kosul asked if there was a tax appeal and when the tax assessor gets involved in the 30-year PILOT

PAGE 6
REGULAR MEETING
April 7, 2014

agreement. Attorney Kearns responded to his questions/comments and explained the difference between a PILOT and ABATEMENT.

Seeing no further public comments, Committeeman Carson made a motion to close the public hearing on Ordinance #2014-13; seconded by Committeewoman Moynihan.

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

NAY: None

Consideration of Adoption of Ordinance #2014-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A FINANCIAL AGREEMENT WITH K. JOHNSON 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, Committeewoman Popko made a motion to adopt Ordinance #2014-13; seconded by Deputy Mayor Cann.

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

NAY: None

COMMITTEEMAN CARSON: Committeeman Carson asked if there was a time frame of when an Ordinance would be created for the percentages of PILOT money that are given to the County and Schools. It will be put on the next meeting's agenda.

Consideration of Introduction of Ordinance #2014-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN VACATING THE PUBLIC INTEREST IN A PORTION OF A CERTAIN ACCESS EASEMENT LOCATED IN THE TOWNSHIP OF BORDENTOWN, BURLINGTON COUNTY, NEW JERSEY.

ATTORNEY KEARNS: Attorney Kearns stated that Ordinances #2014-14 and #2014-15 deal with the new warehouse coming into the Township.

COMMITTEEWOMAN POPKO: Committeewoman Popko stated that she did not like receiving ordinances, etc. the evening of the meeting without having time to review it.

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-14: seconded by Committeeman Carson.

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

PAGE 7
REGULAR MEETING
April 7, 2014

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be April 21st.

Consideration of Introduction of Ordinance #2014-15 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN VACATING THE PUBLIC INTEREST IN A PORTION OF A CERTAIN DRAINAGE EASEMENT LOCATED IN THE TOWNSHIP OF BORDENTOWN, BURLINGTON COUNTY, NEW JERSEY.

At this time, Committeeman Carson made a motion to introduce Ordinance #2014-15: 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 21st.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson said the school board advertised for a Superintendent and received 15 applications. It is narrowed down to 5 candidates, and they would like to hire someone by July 1, 2014.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Veteran's Advisory Committee met on April 1, 2014. Fund raising was discussed for the Bordentown Veteran's Memorial.

Regarding the Police Department, they are moving ahead with the hiring of a new patrolman but a Sergeant has put in his papers to retire on September 1, 2014. There was an article in the Burlington County Times that mentioned that the Bordentown Township police dogs assisted in the apprehension of a home invasion suspect in Mount Holly.

COMMITTEEWOMAN POPKO: Regarding Public Works Department, Committeewoman Popko said leaf pick-up has started in the north end of the township. The softball and t-ball fields at Joseph Lawrence Park have been tilled. The adult women's pitching mound needs to be replaced in field #4. There has been progress with the mayor's sign project in the north end of the Township. The new canine vehicle project has been completed. One of the old landscape trailers was refurbished. Public Works will be finishing up the Bossert Park bridge project when the ground dries up.

The Environmental Commission will not meet until next week. The Green Fair and Health & Wellness Fair is scheduled for April 26, 2014 from 10 a.m. to 2 p.m. at Joseph Lawrence Park.

The dog park is scheduled to open May 10, 2014. There is a meeting to be held on April 10, 2014 in the Northern Community Park warming room regarding the dog park. The fencing will be discussed. Mr. Horner has quoted \$6,200 for 9 gage fencing and \$5,600 for 11 gage fencing and will supply labor for installation. There is \$3,500 in the trust account, so the difference would have to come out of open space. Committeewoman Popko will first check with Home Depot on the fencing.

PAGE 8
REGULAR MEETING
April 7, 2014

Deputy Mayor Cann made a motion to proceed with authorization to utilize Open Space Funds, if necessary, for fencing for the dog park up to an amount of \$3,500; seconded by Committeewoman Popko.

AYE: Committeewoman Popko, Deputy Mayor Cann, Mayor Benowitz

NAY: Committeeman Carson, Committeeman Moynihan

DEPUTY MAYOR CANN: Deputy Mayor Cann said the Office of Emergency Management is in the process of applying for a revised \$450,000 Grant from FEMA for the destruction caused by Hurricane Sandy for the Orchard Avenue area. In addition, there is a potential for an additional award for Hurricane Sandy clean-up for approximately \$18,000; this would include the hourly rate for the Emergency Management Coordinator Andy Law. He currently is a part-time salary employee and does not have an hourly rate; therefore, an ordinance needs to be revised establishing an hourly rate for him and the deputy coordinator for presidential declared emergencies.

There was a meeting with Lutheran Social Ministries (LSM) regarding the senior COAH funding for the senior COAH housing. They did not receive funding for the last two rounds of applications. LSM has a commitment to the end of the year to try to get funds with the redeveloper. They do not anticipate MFHA having funds available for the spring, so they are looking for a fall program to be put in place for funding. This is a concern to the Township to get the senior COAH housing moving, but no action is being taken at this time. Moving the housing from next to the commercial site to the Craft-Woolston property was also discussed; this will allow them to lower their cost per unit. LSM has been told that the Township will actively be searching for another agency that can do this without the MFHA funding who can step in if necessary. Jeffrey Albert is setting up a meeting with a senior development official at LSM to discuss further. Mr. Albert has also revised his plans for the Quick-Chek with a gas station and will return to the Planning Board.

The Bossert Park Bridge foundation has been repaired and Public Works will be doing the guardrails and the aprons. Alt. Township Engineer Fred Turek has the plans and specifications ready to go out to bid. The township is waiting for the state to approve the design for the Hedding Road traffic light.

The potential Super WaWa redeveloper has submitted a revised plan for the former Saturn dealership property. This is part of the Southern Regional Development Plan and is a conditional use.

The AT&T Cellular at the old Burger King property is now under construction.

COMMITTEEMAN CARSON: Committeeman Carson asked what the status was of the Township Administrator position. Mayor Benowitz agreed that the process should start.

MAYOR BENOWITZ: On March 26, 2014 Mayor Benowitz made a 4 ½ minute taping with Comcast Newsmakers where he discussed the business commercial projects that are going on in the Township. It is available on the website under the Mayor's corner.

Mayor Benowitz spoke at the Senior Police Academy on March 27, 2014. He thanked the Bordentown Township Police Department for their participation.

He attended the Zoning Board meeting. The sign for Russ Ayres Hot Dogs was approved. Lou Garty was appointed as Zoning Board Attorney, and David Caldwell was sworn in as a new alternate member.

The Mayor attended the Waterfront's monthly meeting and gave an update on the progress of the project.

PAGE 9
REGULAR MEETING
April 7, 2014

He performed a ribbon cutting ceremony on April 4, 2014 for David Schiavone and Associates on Route 130.

On April 5, 2014, he attended the Township's Little League opening day ceremony. He thanked their president, board members, and coaches.

The commercial warehouse on Bordentown-Hedding Road is proceeding.

He stated that people are using the Township's website.

The Green and Health & Wellness Fairs are scheduled for April 26, 2014. There will be limited newspaper advertising.

The Northern Burlington County Chamber of Commerce Expo is scheduled for April 8, 2014 at the Scottish Rite.

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

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

NAY: None

CHRISTOPHER MIRABELLI, 767 Mission Road: Mr. Mirabelli addressed his concerns on the traffic safety on Mission Road. Mayor Benowitz said signs are in the process of being placed in this area. Police Chief Nucera added that funds have been appropriated for relining the roadway.

BRUCE HILL, 757 Mission Road: Mr. Hill reiterated concerns about the Mission Road traffic safety. Police Chief Nucera will follow-up. Mr. Hill also asked if a road project is being planned and Mayor Benowitz responded, yes. Mr. Hill also stated that the public service bus, N.J. Transit, is engine braking. Police Chief Nucera will also look into this.

Mr. Hill said that a recent newspaper article said that Burlington County is releasing monies for parks, but Bordentown Township was not included. Deputy Mayor said he thought this was for prior approvals. The Township Committee said another round is coming up.

DAN NORCROSS, 759 Mission Road: Mr. Norcross also expressed his concerns about the traffic on Mission Road.

WALT KOSUL, 539 Route 206: Mr. Kosul asked what the difference was between resolutions and ordinances. Attorney Kearns explained the differences to him.

Mr. Kosul asked if he could meet with the finance officer regarding the budget. The Township Committee responded, yes.

Seeing no further comments, Deputy Mayor Cann 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

PAGE 10
REGULAR MEETING
April 7, 2014

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 Committeewoman Popko.

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 9:13 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK