

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
APRIL 21, 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 John Moynihan
Committeewoman Jill Popko
Township Clerk Colleen Eckert
Attorney William J. Kearns, Jr.
Chief Financial Officer David Kocian
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Richard Carson

Mayor Benowitz called the meeting to order at approximately 7:04 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, Committeewoman Popko 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 Borden's Crossing Performance Bonds (Potential Litigation); Bradford Pointe COAH Funds Disbursement (Contract Matter); Municipal Court Personnel Matter; 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.

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

NAY: None

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ABSENT: Committeeman Carson

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:06 pm and reconvened the regular meeting at 7:34 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that at their places is a revised bill list which added the payment to Sonco Worldwide Inc. for dog park fencing.

Also, as a result of Closed Session discussion, there is now an addition to the Consent Agenda: Resolution #2014-111-13A which authorizes the governing body to call the bonds for the Borden's Crossing Development.

CONSENT AGENDA

Resolution #2014-111-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-111-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.

Resolution #2014-111-9 entitled A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED TAX BILLS FOR THE YEAR OF 2014.

Resolution #2014-111-10 entitled APPOINTMENT OF MEMBER TO ZONING BOARD OF ADJUSTMENT.

Resolution #2014-111-11 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE EXECUTION OF A LEASE WITH THE FOUNDATION FOR BORDENTOWN TRADITIONS.

Resolution #2014-111-12 entitled RESOLUTION ESTABLISHING THE BASE WEEKLY WORK HOURS FOR THE EMERGENCY MANAGEMENT COORDINATOR AND DEPUTY EMERGENCY MANAGEMENT COORDINATOR.

Resolution #2014-111-13 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CONFIRMING THE SALE AND AWARD OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2014, CONSISTING OF GENERAL OBLIGATION BONDS, 2014 SERIES A (GENERAL CAPITAL) AND GENERAL OBLIGATION BONDS, 2014 SERIES B (WATERFRONT CAPITAL).

Resolution #2014-111-13A entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING

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WILLIAM J. KEARNS, TOWNSHIP ATTORNEY, TO CALL THE PERFORMANCE BONDS RELATING TO THE BORDEN'S CROSSING DEVELOPMENT.

Township Committee reviewed and discussed Consent Agenda Items #2014-111-7 through #2014-111-13A. Committeewoman Popko and Deputy Mayor Cann commented/asked questions.

Resolution #2014-111-7. Committeewoman Popko stated that the amount the Township pays for street lights is exorbitant. She suggested placing solar panels on the lights.

Committeewoman Popko also commented on the savings for the costs associated with installation of the dog park at Northern Community Park.

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

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

NAY: None

ABSENT: Committeeman Carson

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

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

NAY: None

ABSENT: Committeeman Carson

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

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

NAY: None

ABSENT: Committeeman Carson

Public Hearing on Ordinance #2014-9 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE LAND DEVELOPMENT ORDINANCE TO DELETE CERTAIN PERMITTED USES IN THE HC (HIGHWAY COMMERCIAL) ZONING DISTRICT.

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At this time, Committeewoman Popko made a motion to open the public hearing on Ordinance #2014-9; seconded by Deputy Mayor Cann.

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

NAY: None

ABSENT: Committeeman Carson

Seeing no public comment, Committeewoman Popko made a motion to close the public hearing on Ordinance #2014-9; seconded by Committeeman Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption of Ordinance #2014-9 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE LAND DEVELOPMENT ORDINANCE TO DELETE CERTAIN PERMITTED USES IN THE HC (HIGHWAY COMMERCIAL) ZONING DISTRICT.

DEPUTY MAYOR CANN: Deputy Mayor Cann stated that the Planning Board reviewed this Ordinance and endorsed it to the Township Committee.

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

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

NAY: None

ABSENT: Committeeman Carson

Public Hearing on 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.

At this time, Deputy Mayor Cann made a motion to open the public hearing on Ordinance #2014-14; seconded by Committeewoman Popko.

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

NAY: None

ABSENT: Committeeman Carson

Seeing no public comment, Deputy Mayor Cann made a motion to close the public hearing on Ordinance #2014-14; seconded by Committeewoman Popko.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption 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.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2014-14; seconded by Deputy Mayor Cann.

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

NAY: None

ABSENT: Committeeman Carson

Public Hearing on 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, Committeewoman Popko made a motion to open the public hearing on Ordinance #2014-15; seconded by Committeeman Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

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PATRICIA SMITH, 95 Dunns Mill Road: Ms. Smith said asked what this ordinance was for and where this property is located.

Seeing no further public comment, Deputy Mayor Cann made a motion to close the public hearing on Ordinance #2014-15; seconded by Committeewoman Popko.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption 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, Committeewoman Popko made a motion to adopt Ordinance #2014-15; seconded by Deputy Mayor Cann.

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

NAY: None

ABSENT: Committeeman Carson

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.

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

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: This will be referred back to the Planning Board. The public hearing will be May 19th.

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Consideration of Introduction of Ordinance #2014-16 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH FEES AND TO FURTHER PROVIDE A PROCEDURE FOR REVIEWING AND AMENDING THE FEE SCHEDULE.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be May 5th.

Consideration of Introduction of Ordinance #2014-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE APPROPRIATION OF A PORTION OF REVENUES FROM A CERTAIN PAYMENT IN LIEU OF TAXES (PILOT) BENEFIT OF THE BORDENTOWN REGIONAL SCHOOL DISTRICT. (PULLED)

MAYOR BENOWITZ: Mayor Benowitz announced that this ordinance is being withdrawn because additional discussion is necessary. It will be introduced at the next Township Committee Meeting.

Township Committee discussion of the Status of the Bossert Park Bridge Repair Project.

Mayor Benowitz announced that this project should be completed in about 2 weeks. The cost savings by having the Public Works Department perform the work is approximately \$20,000. There will be public notification of the opening day of the bridge with a ceremony. Deputy Mayor Cann said that he spoke with the Engineer and minor revisions have been made to the Bossert Park project, and request for bids should go out very soon.

Township Committee discussion of the Motto for the Township of Bordentown.

Mayor Benowitz said that after discussion with Economic Development Advisory Committee (EDAC), it was suggested that, "The Crossroads of the Heart of New Jersey" be considered as a motto for Bordentown Township. Committeeman Moynihan said he was underwhelmed but he said he hadn't thought of a better one. Committeewoman Popko thought the motto was a little long.

Township Committee discussion of the Fireworks Contract for the July 4th Celebration.

Mayor Benowitz announced that it will be a longer performance with music, and a conclusion that will have people talking about this event for a long time. Bordentown Traditions has contributed \$10,000 and Bordentown City has indicated they will contribute \$5,000, and Bordentown Township will contribute \$10,000 or 15,000 (depending on what Bordentown City contributes).

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Township Committee discussion of the Road Improvement Program.

Mayor Benowitz said the roads identified for need of improvement must be put in order. Public Works Director Buhrer announced the names of the roads that will be done first and the cost of each for an estimated total of \$1,138,200. He then announced the remaining roads that will be completed. There will be additional funds available for maintaining the roads that are not in bad condition. Chief Nucera stated that once the roads are selected and the engineer gets involved, he will contact the CAIT Program offered by Rutgers to see if they would provide any guidance on the reconstruction.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Police Department conducted an active shooter drill which was held last week at the Middle School. Investigation is continuing on the fatal pedestrian accident that recently occurred on Rising Sun Road. They're awaiting confirmation from the Trenton Police Department on a transfer of an officer for possible hire by Bordentown Township.

The Bordentown Sewerage Authority is considering a rate increase to coincide with the departure of Ocean Spray.

COMMITTEEWOMAN POPKO: Committeewoman Popko said the Easter Egg Hunt was successful and thanked everyone who participated.

The next Environmental Commission Meeting with the Green Team is scheduled for April 22, 2014. They are working on the Green Fair and Health & Wellness Fair which is scheduled for April 26, 2014 from 10:00am to 2:00 pm. Points will be earned that day for the Sustainable Jersey Certification.

Police Chief Nucera has been working with an Environmental Commission Member on bike registration.

The dog park is scheduled to open on May 10, 2014. The ribbon cutting will be at 12:00 noon. There will be vendors present. The cost of the dog park is less than anticipated.

DEPUTY MAYOR CANN: Deputy Mayor Cann said the bond sale was April 10, 2014, and the Township received a great rate on the bonds.

On Friday, April 4, 2014 he met with Alt. Engineer Fred Turek and Planner Jack Carman to look at the Clifton Mill tree planting; the five-year agreement is about to end. The 6,000 planted trees have mostly done well. Some of the pine trees, which could be used for Christmas trees, have been cut down and hauled out. There has been dumping and quad riding at the site which is damaging the trees. Deputy Mayor Cann asked P.W. Director Buhrer to create signage to be placed there.

In regard to the Public Works Expansion, the Township will go out to bid on the buffer and the fencing, which will not interfere with the environmental investigation. The architect will be helping to finalize the plans and specifications for the improvements. The environmental engineer will be performing the last step for the remediation requirements for the site and final testing. He will also be taking over the contamination remediation on our site, which may have spilled onto our newly acquired site.

In a recent League of Municipalities Advisory, it was stated that the DVRPC has a program that they help with solar installation soft cost. This should be investigated to see if it would pertain to the Township.

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DOT approval for the new design of the traffic signal on Hedding and Rising Sun Roads has not yet come back.

MAYOR BENEWITZ: At the April 10, 2014 Planning Board Meeting, the Bordentown Waterfront Community made a presentation for the relocation of the COAH housing. It was favorably recommended by the Planning Board, and they have to report back a conditional use as a change in the Redevelopment Plan for a convenience store with gas pumps (Quick-Chek). The Township Committee will need to consider an ordinance in this matter since it's in the Redevelopment zone. Quick-Chek is the anchor in the Phase I retail component.

The Planning Board recommended Ordinance #2014-9 for the final adoption by the Township Committee.

Mayor Benowitz attended the Northern Burlington County Chamber of Commerce Expo held on April 8, 2014. Bordentown Township was represented with a table there.

DEPUTY MAYOR CANN: Deputy Mayor Cann said, as discussed at the previous meeting, they are putting together FEMA funding under the Presidential Emergency Designation for Sandy Funds for the Orchard Avenue area where there was a sink-hole from the drainage failure at Orchard Avenue and Glen Road. It has been submitted to FEMA and the estimated cost of repair is \$468,750.

MAYOR BENEWITZ (continued): Mayor Benowitz attended the April 8, 2014 Economic Development Advisory Committee meeting. They are in the process of creating a marketing plan and the next business breakfast is being planned.

On April 15, 2014 there was a meeting held regarding the Southern Gateway Regional Redevelopment area.

The first Easter Egg Hunt was well attended. He thanked all the volunteers for their help.

Mayor Benowitz said there have been several hits to the Township website, 2,011 unique visitors and 3,878 views.

He said he attended the Police Department's active shooter drill. It prepares the officers in case of an emergency at the high school.

The mayor's office hours are Monday 1:30-3:30 pm, Tuesday 5:00-7:00 pm, and Thursday 2:30-4:30 pm.

The Health & Wellness Fair & Green Fair is scheduled for Saturday, April 26, 2014 from 10:00-2:00 pm at Joseph Lawrence Park. Advertising for events has been done in the newspapers, by signs, and by posters in local businesses.

COMMITTEEWOMAN POPKO: Committeewoman Popko announced that May 3, 2014 is the Paper Shredding Event at the Senior Community Center. She stated some the free events that will be offered.

Township Committee discussion of the July 2, 2014 Concert.

Mayor Benowitz said the Township is holding a free 2 hour concert by a 28 member Army Band as part of the pre-July 4, 2014 festivities. The Township Committee discussed the preferred location and time, and it was decided the concert will be held from 6:00-8:00 pm at the High School.

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

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

NAY: None

ABSENT: Committeeman Carson

KEVIN FERRARI, 7 Steven Court: Mr. Ferrari commented on the lighting of the water tower on Crosswicks Road. Mayor Benowitz responded that only one side is being illuminated, and the other side is being painted over so residents would not be offended by an unlit flag there. The Township is currently looking into lower impact lights and it is still being investigated.

GERHARD LINDNER, 4 Richard Court: Mr. Lindner also commented about the lighting of the water tower. He asked how the Township planned on investigating how it impacts the surrounding residents. P.W. Director Buhner responded with a light study and added that the water tower is owned by Bordentown City. Mr. Lindner asked if the surrounding residents could receive a letter and be polled. Deputy Mayor Cann responded that a proper investigation must be done.

SHELLEY WEBSTER, 1 Lambo Court: Ms. Webster inquired about the proposed Connector Road and how it will affect Dunns Mill Road residents. Deputy Mayor Cann explained the purpose of this road, how it will resolve the truck traffic, and DVRPC's involvement.

PATRICIA SMITH, 95 Dunns Mill Road: Ms. Smith expressed her concerns on the proposed Connector Road. Deputy Mayor Cann said the State's Highway Department will not consider a clover leaf on Route 295. Mayor Benowitz said this project is still in the planning stages and suggested Ms. Smith attend the future hearings to pose her concerns. Deputy Mayor Cann explained the purpose of the Connector Road is to draw the traffic to the Route 130 end and away from the Middle School and residents' homes.

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

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

NAY: None

ABSENT: Committeeman Carson

At this time, Committeewoman Popko 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 Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:09 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK