

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
MAY 19, 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 (entered @ 7:30 pm)  
Committeeman Richard Carson  
Committeeman John Moynihan  
Committeewoman Jill Popko  
Township Clerk Colleen Eckert  
Chief Financial Officer David Kocian  
Public Works Director Dean Buhner  
Attorney Skip Reale

ABSENT: Attorney William J. Kearns, Jr.  
Chief of Police Frank M. Nucera, Jr.

Mayor Benowitz called the meeting to order at approximately 7:05 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.

Mayor Benowitz announced there are no Closed Session items to be discussed. The meeting is adjourned until 7:30 pm.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:08 pm and reconvened the regular meeting at 7:32 pm.

**Mayor's Proclamation proclaiming the month of May as Senior Citizens Month.** At this time, Mayor Benowitz read the Proclamation into the record and presented it to the Senior Citizen Executive Board.

At this time, Mayor Benowitz went off the Agenda to read a statement into the record regarding the May 6, 2014 incident. He announced that Police Chief Nucera is recovering nicely and business at the Municipal Building continues as usual. No questions will be entertained regarding the incident due to the ongoing investigation by the Burlington County Prosecutor's Office.

PAGE 2  
REGULAR MEETING  
May 19, 2014

**Public Hearing on Resolution #2014-139-1 entitled Resolution to Amend 2014 Municipal Budget.**

At this time, Committeeman Carson made a motion to open the public hearing on Resolution #2014-139-1; 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 inquired why there are amendments to the budget and what effect does it have on the budget. Tim Kiel, Township Auditor, Bowman and Company, responded to his question. He said it has to do with the PILOT for the Kevin Johnson Redevelopment Project and the Municipal Alliance on Alcoholism Grant that switched to a fiscal year.

Mr. Kosul also asked about tax appeals. Mr. Kiel responded there is money not applied to tax appeals on specific properties, so it will have to be cancelled or re-appropriated.

(Mr. Kosul asked additional questions—Indiscernible.)

Seeing no further public comments, Committeewoman Popko made a motion to close the public hearing on Resolution #2014-139-1; seconded by Committeeman Carson.

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

NAY: None

**Consideration of Adoption of Resolution #2014-139-1 entitled RESOLUTION TO AMEND 2014 MUNICIPAL BUDGET.**

At this time, Committeeman Carson made a motion to adopt Resolution #2014-139-1; seconded by Committeewoman Popko.

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

NAY: None

**Consideration of Adoption of Resolution #2014-139-2 entitled RESOLUTION TO READ BUDGET BY TITLE ONLY.**

At this time, Committeewoman Popko made a motion to adopt Resolution #2014-139-2; seconded by Committeeman Carson.

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

PAGE 3  
REGULAR MEETING  
May 19, 2014

NAY: None

**Consideration of Adoption of Resolution #2014-139-3 entitled RESOLUTION TO ADOPT 2014 MUNICIPAL BUDGET AS AMENDED.**

At this time, Committeeman Carson made a motion to adopt Resolution #2014-139-3; seconded by Committeeman Moynihan.

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

NAY: None

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert announced that Resolution #2014-139-19 is being pulled; it is no longer needed.

**CONSENT AGENDA**

**Resolution #2014-139-12 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2014-139-13 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.**

**Resolution #2014-139-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2014-139-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2014-139-16 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S AND PETE'S.**

**Resolution #2014-139-17 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM CME ASSOCIATES FOR TAX MAP MAINTENANCE YR 2014.**

**Resolution #2014-139-18 entitled APPROVE SHARED SERVICES AGREEMENT WITH THE BORDENTOWN REGIONAL SCHOOL DISTRICT FOR SOLID WASTE COLLECTION SERVICES.**

**Resolution #2014-139-19 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT. (PULLED)**

PAGE 4  
REGULAR MEETING  
May 19, 2014

Township Committee reviewed and discussed Consent Agenda Items #2014-139-12 through #2014-139-18. Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, and Deputy Mayor Cann commented/asked questions.

Resolution #2014-139-17. Committeeman Carson asked if the updating of the tax maps should go out to bid. Community Development Director Brian Johnson responded CME is the Township's Engineer, and there are some tax map changes that need to be made. CME provided an estimated cost based on hourly rates with a cap on the total amount. Committeeman Moynihan asked what the hourly rate was; it is per the rates listed in their RFP.

At this time, Committeewoman Popko 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 asked for a time line for updating the tax maps. Community Development Director Brian Johnson responded, a couple months.

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

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

NAY: None

**Public Hearing on 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 open the public hearing on Ordinance #2014-7; seconded by Committeeman Moynihan.

PAGE 5  
REGULAR MEETING  
May 19, 2014

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

NAY: None

Seeing no public comment, Committeewoman Popko made a motion to close the public hearing on Ordinance #2014-7; seconded by Deputy Mayor Cann.

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

NAY: None

**Consideration of Adoption 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, Committeewoman Popko made a motion to adopt Ordinance #2014-7; seconded by Committeeman Moynihan.

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

NAY: None

**Consideration of Introduction of Ordinance #2014-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN RELATING TO LAND DEVELOPMENT, TO INCLUDE A SPECIFIC DEFINITION IN SECTION 202 OF THE CODE TO DEFINE THE TERM "CONVENIENCE STORE".**

DEPUTY MAYOR CANN: Deputy Mayor Cann asked for verification that this only pertains to the Bordentown Waterfront Redevelopment Area. Community Development Director Brian Johnson confirmed that this would only apply to the Bordentown Waterfront giving them limitations, as well as defining what a convenience store is. There are presently no definitions for a convenience store in the code.

COMMITTEEMAN CARSON: Committeeman Carson stated that he was not in favor of the Quick-Chek with a gas station at the Bordentown Waterfront site. He stated that this site originally was supposed to contain high-end retail. The Township Committee and Community Development Director Brian Johnson discussed the Planning Board's decision to recommend this change. There is no demand for small retail in today's economy.

At this time, Committeeman Moynihan made a motion to introduce Ordinance #2014-17; seconded by Deputy Mayor Cann.

PAGE 6  
REGULAR MEETING  
May 19, 2014

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

NAY: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be June 9<sup>th</sup>.

**Consideration of Introduction of Ordinance #2014-18 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE WATERFRONT VILLAGE REDEVELOPMENT AREA REDEVELOPMENT PLAN FOR WATERFRONT VILLAGE TO ESTABLISH REVISED PERMITTED OR CONDITIONAL USES.**

DEPUTY MAYOR CANN: Deputy Mayor Cann asked that the words gas station be removed. Township Clerk Eckert said the words would be removed before advertising.

At this time, Deputy Mayor Cann made a motion to introduce Ordinance #2014-18 as amended; seconded by Committeeman Moynihan.

AYE: Committeeman Moynihan, Deputy Mayor Cann, Mayor Benowitz

NAY: Committeeman Carson, Committeewoman Popko

TOWNSHIP CLERK ECKERT: The public hearing will be June 9<sup>th</sup>.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN CARSON: Committeeman Carson thanked Community Development Director Brian Johnson for addressing his concerns regarding the solar ordinance.

On May 21, 2014, the School Board will be having a meet & greet for the new School Superintendent. He formerly was the Superintendent of the East Windsor School System.

Committeeman Carson said he spoke to his neighbors and no one knew of the change in trash collection date. He asked that signs be posted in various places in the south-side of the Township.

In regard to the hiring of an Administrator, he has not yet gotten together with Deputy Mayor Cann. Committeeman Carson reviewed a spreadsheet he created that specifies a tentative time-line for the hiring of the Administrator.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Veteran's Advisory Committee met on May 13, 2014. There was a discussion about Committee membership and attendance. Also discussed were the Veteran's Day Ceremony scheduled for November and a possible fundraiser car show in October.

Regarding the Police Department: 1) The hiring of the new police officer from the Trenton Police Department is in its final stages. 2) The Town and Country Police Fundraiser is tomorrow, May 20, 2014 from 11:00 am-9:00 pm. Proceeds go to support the upcoming Special Olympics.

The Sewer Authority held a meeting tonight prior to this meeting. There is an EPA waiver request letter that needs to be re-submitted by ROCK-IDI's Engineer, and then they can begin the project. Also discussed at their meeting was the proposed rate increase, which may become effective January 1, 2015.

PAGE 7  
REGULAR MEETING  
May 19, 2014

COMMITTEEWOMAN POPKO: The Public Works Department is continuing on the Bossert Park Bridge repair and, weather permitting, completion should be in 3-4 days. By the Public Works Department completing the job, there was a \$20,000 savings to the Township.

The Public Works Department is working on a variety of drainage issues in the Township. There are property maintenance issues being worked on; Committeewoman Popko is working with C.D. Director Brian Johnson on these issues.

Committeeman Carson added that homes on Independence Drive that border the cemetery are also having drainage problems. He believes that it may be due to the dumping of dirt by the cemetery and from leaves sitting in the drain. C.D. Director Brian Johnson will follow-up on this.

Committeewoman Popko said there was also a drainage problem in front of 8 Arlington Road. C.D. Director Brian Johnson said he has followed up on this with the Prosecutor, and there is no enforceable law that can stop sump pump discharge to the curb. The solution would be to do a road improvement project to install a secondary drain for the sump pumps to drain into.

Committeewoman Popko took a tour of the new Public Works building. Emergency Management Coordinator Andy Law is setting up his office there.

The Environmental Commission meets on May 20, 2014. The Community Garden planting did not occur last week because it was too wet and muddy. It is rescheduled for Saturday, May 24, 2014.

The Senior Citizens had a meeting today.

The opening of the dog park was Saturday, May 10, 2014. They received \$260 in donations. There are people wanting to donate benches with a plaque with their name on it.

DEPUTY MAYOR CANN: Deputy Mayor Cann said that the Germantown-Georgetown Road drainage project has caused basement flooding in various homes. He has been working with Community Development Director Brian Johnson on this. Deputy Mayor Cann spoke with the builder of the Germantown Road homes.

COMMITTEEWOMAN POPKO: Committeewoman Popko thanked CFO Dave Kocian and Township Clerk Eckert for taking over the Administrative duties in Police Chief Nucera's absence.

MAYOR BENOWITZ: Mayor Benowitz said he attended the Economic Development Advisory Committee meeting. The next business breakfast is June 16, 2014 at 7:30 a.m. at the Town & Country Restaurant. Inserts to go into the business license renewal mailings, township development, and continuation of a marketing plan were discussed.

There was a meeting with Lutheran Social Ministries on May 16, 2014. The Township will elicit other interested parties in the affordable housing development in the Waterfront Community Redevelopment. Further discussion will possibly occur in July.

The Bossert Park playground will be going out to bid.

Mayor Benowitz read a thank you note from Police Chief Nucera. He thanked the Administrative Team and Brian Johnson for keeping business going as usual.

The new warehouse on Hedding Road is still on schedule for a June groundbreaking.

Mayor Benowitz said he had a good meeting with the interim School Superintendent. The change over to the full-time Superintendent should be smooth.

The escrow bonding for the new warehouse is estimated to be about \$12 million. The Township can ask for a lesser amount; for example 25%. This has been done for K. Johnson's Team 85. The Township needs to be competitive to attract commercial development, and other communities are also doing it. The issuance of a C.O. would be dependent upon completion of the work.

PAGE 8  
REGULAR MEETING  
May 19, 2014

BRIAN JOHNSON, Director of Community Development: Mr. Johnson explained the purpose of performance guarantees. He stated that requiring it is a tremendous economic waste of money for a commercial site because they are rarely defaulted on. If the developer does not complete the work, a C.O. would not be issued. There is precedent with the K. Johnson's Team 85 project where there was a 25% guarantee required. If 120% is required for the new warehouse, they will have to put up \$12 million guarantee. The Township Committee agreed with Mr. Johnson suggestion and a resolution authorizing the 25% will be created for the next meeting.

COMMITTEEMAN CARSON: Committeeman Carson stated that he received an e-mail from Brian Johnson stating the County did a cooperative purchase for line striping, which the Township took part in. Purchase orders can now be issued.

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

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

NAY: None

CAROL de GROOT, 8 Arlington Road: Mrs. de Groot said the change in the garbage pick-up date could have been included in a newsletter.

LEN de GROOT, 8 Arlington Road: Mr. de Groot commented on retail development and the Bordentown Waterfront Community. He also commented on the drainage issue on his street.

STEPHEN MONSON, 11 Windingbrook Road: Mr. Monson, who lives in Clifton Mills, said that the County closed Route 545 and expressed his concern for the emergency vehicles that have to be detoured to get to this community.

Mr. Monson asked if there was an ordinance regarding feeding feral animals. Committeewoman Popko responded that the Township's Animal Control can respond to his concern.

Mr. Monson also asked if the Township contributes to Hope Hose emergency ambulance response into the Township. Deputy Mayor Cann responded Hope Hose does not service the Township with ambulance service. Bordentown Township has its own ambulance service which is a joint service between Bordentown City and Bordentown Township. We have mutual aide relationships, but all of Hope Hose ambulances are Bordentown City's, and they are part of the joint emergency services. Mr. Monson said he receives a fundraising solicitation every year; Mayor Cann said he has complained to Bordentown City to have them cease this, but they have not stopped.

Public Works Director Buhner also commented on the closing of Route 545 (INDISCERNIBLE).

Mr. Monson added that he did not receive notification of the change in trash pick-up day. Deputy Mayor Cann responded that he would speak to Police Chief Nucera regarding notification on the VMS sign.

DIANE HEINZ, 3 Hattaras Court, Williamsburg Village: Ms. Heinz said their Homeowner's Association would be notifying their residents about the change in trash pick-up day.



PAGE 9  
REGULAR MEETING  
May 19, 2014

Ms. Heinz said that pit fires and chimineas are not permitted be used within the community. Ms. Heinz called the police who told her they are permitted in the Township. Attorney Reale said that it is the Homeowner's Association rule and it is up to them to enforce it.

At this time, Committeeman Carson made a motion to close the meeting for public participation; seconded by Committeewoman Popko.

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

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:56 p.m.

---

STEPHEN BENOWITZ, MAYOR

---

COLLEEN M. ECKERT, TOWNSHIP CLERK