

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
SEPTEMBER 29, 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
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Richard Carson
Public Works Director Dean Buhner

Mayor Benowitz called the meeting to order at approximately 7:06 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 Professional Services Contract Matter and 2014 Road Program Contract Matter; seconded by Deputy Mayor Cann.

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 7:08 pm and reconvened the regular meeting at 7:31 pm.

Administration of Oath of Office to Police Officers. At this time, Township Clerk Eckert administered the Oath of the Office to Police Officers, Keith Alexander, Peter Appelman, Anthony Nagle, and Adam Edwards.

Presentation by Christopher Childs requesting permission to repaint street markers as part of his Eagle Scout project. Christopher Childs resides at 880 East 3rd Street, Florence, NJ, and attends Florence Township Memorial High School. Mr. Childs gave a presentation to the Township Committee. He stated that for his Eagle Scout project he'd like to repaint the white crosswalks and several curb markers in the Ward Avenue area. Committeewoman Popko said she spoke to P.W. Director Buhner who approves this project, and he will work under the supervision of P.W. Director Buhner.

Township Committee discussion with Fred Turek, Engineer, regarding Final Report of Phase 1 and 2 Remediation of Public Works Facility

Mr. Turek and Pat Nocera with Arecon were in attendance and reviewed the final report of phase 1 and 2 remediation of the new Public Works Facility.

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

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

NAY: None

ABSENT: Committeeman Carson

MAYOR BENOWITZ: Mayor Benowitz made a statement regarding conduct at Township Committee Meetings. He quoted from Resolution #2014-4-14 which was passed at the January Reorganization meeting.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced there is an addendum to be added to the Consent Agenda: Resolution #2014-272-16A. As a result of Closed Session, Resolutions #2014-272-16B and Resolutions #2014-272-16C are being added to the Consent Agenda.

CONSENT AGENDA

Resolution #2014-272-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-272-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2014-272-11 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2014-272-12 entitled RESOLUTION APPROVING CHANGE ORDER NO. 1 AND AUTHORIZING FINAL PAYMENT ALLSTATE POWER VAC, INC., FOR THE DRAINAGE IMPROVEMENTS TO MUNICIPAL DRIVE AND GERMANTOWN ROAD PROJECT.

Resolution #2014-272-13 entitled RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD RECONSTRUCTION PROJECT.

Resolution #2014-272-14 entitled RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN BIKEWAY PROJECT – PHASE 4.

Resolution #2014-272-15 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC, T/A CHICKIE'S & PETE'S.

Resolution #2014-272-16 entitled APPROVING RAFFLE LICENSE #RL:407.

Resolution #2014-272-16A entitled RESOLUTION ACCEPTING PROPOSAL FROM J. MCHALE & ASSOCIATES, INC., TO CONDUCT APPRAISALS FOR CERTAIN TAX APPEALS FOR THE TOWNSHIP OF BORDENTOWN.

Resolution #2014-272-16B entitled RESOLUTION ACCEPTING THE PROPOSAL FROM CME ASSOCIATES FOR CONSTRUCTION PHASE SERVICES FOR THE 2014 ROAD IMPROVEMENT PROGRAM.

Resolution #2014-272-16C entitled A RESOLUTION TO AWARD A CONTRACT TO ARAWAK PAVING FOR THE 2014 ROAD IMPROVEMENT PROGRAM.

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Township Committee reviewed and discussed Consent Agenda Items #2014-272-9 through #2014-272-16C. Committeewoman Popko and Deputy Mayor Cann commented/asked questions.

Resolution #2014-272-10. Deputy Mayor Cann noted a change in the September 15, 2014 Township Committee minutes.

DEPUTY MAYOR CANN: Deputy Mayor Cann said he spoke with Alt. Engineer Fred Turek regarding completion of the two grant applications. They are being submitted ahead of the deadline (Resolutions #2014-272-13 and #2014-272-14).

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

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

NAY: None

ABSENT: Committeeman Carson

WALT KOSUL, 539 Route 206: Mr. Kosul asked for more information about the bike trail grant application. Alt. Engr. Fred Turek provided a response regarding the proposed project.

Seeing no further comments, Deputy Mayor Cann made a motion to close to the public; seconded by Committeeman Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

At this time, Committeewoman Popko 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 #2014-27 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

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At this time, Deputy Mayor Cann made a motion to open the public hearing on Ordinance #2014-27; seconded by Committeewoman Popko.

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 #2014-27; seconded by Committeewoman Popko.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption of Ordinance #2014-27 entitled AN ORDINANCE TO AMEND ORDINANCE #2014-21 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2014-27; seconded by Committeeman Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN MOYNIHAN: The Bordentown Sewerage Authority and Veteran's Advisory Committee have not met since the last Township Committee meeting.

In regard to the Police Department, they recently arrested four suspects in the recent rash of burglaries that covered Bordentown Township and several neighboring municipalities. Police Chief Nucera gave a brief synopsis and said the residents were very helpful in their apprehension.

Community Day was September 20, 2014 and all the police dogs and the requested handlers showed up.

COMMITTEEWOMAN POPKO: Committeewoman Popko said she attended a meeting with the Abbott Marshlands Stewardship Council in Hamilton, NJ. They are opening up a nature center on

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October 7, 2014 and the Township Committee Members are invited to join the Council. A family day will be held on October 14, 2014.

Paper Shredder Day is being held on October 11, 2014 from 9:00 a.m. to 12:00 noon at the Public Works Recycling Facility.

On October 17, 2014, the Environmental Commission Meeting is having a planting at Northern Community Park around the gazebo. They have been working with Jack Carman, Township Planner, on the arrangement of plants.

The Public Works Department is getting ready for the Wailing Woods Haunted Hayride which will be held on October 24, 2014. Leaf pick-up will begin in October, and they are currently working on the road drains.

DEPUTY MAYOR CANN: Deputy Mayor Cann said that Community Day was very well done and very well attended. He thanked Angel Sauro, Public Works Department, the Senior Community, and the Police Department.

The WaWa application has not been submitted, but has been presented to the Alt. Township Engineer and Planner. They will be making changes based on the review, and will be meeting again. They are not yet ready to present a formal application.

At the suggestion of Community Development Director, Brian Johnson, the Planning Board created a small four member sub-committee to interview a traffic engineer for the potential WaWa application. Stacey Acari from Environmental Resolutions (ERI) was interviewed.

MAYOR BENOWITZ: Mayor Benowitz announced that a ribbon cutting ceremony was held at Fulton Bank on September 17, 2014.

He thanked everyone who helped with Community Day. Local restaurants provided the food for the day.

PSE&G held a ground breaking ceremony on September 24, 2014.

He is meeting with the Township professionals on a continuing basis regarding the on-going projects.

There was a recent HOA meeting at the Preserve at Meadow Run. It was attended by Deputy Mayor Cann, Police Chief Nucera, Community Development Director Brian Johnson, Alt. Engineer Fred Turek, Planner Jack Carman, and him. All the questions posed by the HOA Board, Property Management Company, and residents were addressed. Mayor Benowitz said the Township continues to address all the quality of life questions posed by the ongoing construction by Grainger. They will be meeting again, and contact will be maintained.

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

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

NAY: None

ABSENT: Committeeman Carson

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz said Community Day was well attended and she had a great time. She also thanked the Public Works Department for tending to the storm drains on

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Williamsburg Drive. Ms. Heinz said she was looking forward to the Mayor's attendance at Williamsburg Village's HOA meeting.

AL BERNOTAS, 76 Groveville Road: Mr. Bernotas described the theft that occurred at his property, and then thanked all the enforcement agencies especially, Bordentown Township Police, that took part in the apprehension of the suspects in the burglaries. Police Chief Nucera responded to Mr. Benotas questions stating the investigation is still ongoing and encompasses a large number of municipalities, so he could not respond at this time. He welcomed Mr. Bernotas to come in once the investigation was completed and he would give him all the information.

ROBERT DELANEY, 5 Alfred Drive: Mr. Delaney said public safety in Bordentown Township is second to none and they do an excellent job.

Mr. Delaney told Mayor Benowitz that in the past, the members of the Planning or Zoning Board were always invited to the ribbon cuttings and ground breakings.

Mr. Delaney suggested putting e-mail addresses on Township employee business cards.

Mr. Delaney asked that the Township consider working with the developer of the (current) Saturn property, which is being proposed for a WaWa. He thinks it may not be the best area as far as safety, etc.

Mr. Delaney asked who pays for the dumpster that collects the electronics. Committeewoman Popko responded that it is supplied by the recycling company at no charge and the Township receives monetary and grant benefits.

Mr. Delaney asked questions and discussed the mosquito spraying in the Township. Committeewoman Popko responded to his questions.

Mr. Delaney asked how many diesel pumps are in the Quick-Chek application. He said the Meadow Run residents were told only one at their recent HOA meeting. Mr. Delaney said that he was told by Meadow Run residents that Mayor Benowitz dropped his business card off but didn't discuss adjacent development. Mayor Benowitz responded that he was correct.

In regard to Quick-Chek, Mr. Delaney said there was an error on the resolution. He asked why the correction has not yet been listed on the Township Committee agenda. Mayor Benowitz responded that the Township first wants to meet with the residents regarding lighting, etc. Deputy Mayor Cann added that there have been block and lot subdivision changes that have not yet been approved by the County. There was additional discussion with Mr. Delaney regarding the Quick-Chek gas station/convenience store being located at the Bordentown Waterfront Redevelopment Area.

HOWARD BARMAN, 8 Farmview Road: Mr. Barman said he is running for Township Committee because of how the Quick-Chek application is being handled. He discussed the gasoline/diesel pumps at that location. He also inquired about the potential of a convenience store/gas station being located at the current Saturn location. Deputy Mayor Cann clarified that developers have the right to bring whatever applications they want to the Township. Mr. Barman discussed Grainger's commercial redevelopment project and the impact on the residents of Meadow Run. He also said the apartments at the Bordentown Waterfront will not be high-end.

CAROL deGROOT, 8 Arlington Road: Ms. deGroot stated that when she was on the Township Committee previous Committees created lawsuits against the Township because there was not supposed to be any homes south of Rising Sun Road, it was supposed to be all commercial.

LEN deGROOT, 8 Arlington Road: Mr. deGroot said that this Township Committee is stuck with an agreement for abated taxes for up to 30 years at the Bordentown Waterfront project. He

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reminded everyone that this Township Committee did not put in this redevelopment project. He commended the current Committee for bringing a ratable into the Township.

Mr. deGroot commented about the amount of time a person gets to speak at meetings.

He commented on the mosquito spraying, and said he was always against it. He also stated that politics shouldn't be part of the discussion.

ROBERT DELANEY, 5 Alfred Drive: Mr. Delaney stated that (he arrived late because) he was at Back to School night for his child.

WALT KOSUL, 539 Route 206: Mr. Kosul said he was never in favor of the Bordentown Waterfront Project, but he said there will be children present especially with the Quick-Chek coming in.

Mr. Kosul asked if the hotel/motel occupancy fee in the budget comes under the 2% CAP or if it's free money. Deputy Mayor Cann responded that it goes in the General Revenue of the Township. Attorney Kearns provided an explanation on how the occupancy fee is reflected within the budget.

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

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

NAY: None

ABSENT: Committeeman Carson

COMMITTEEMAN CANN: Committeeman Cann reiterated that Quick-Chek was not pursued, they came and applied to the Township.

He also said that the current Grainger site was always approved for that use.

In regard to the Luxury Apartments at Bordentown Waterfront, he said it's a term that's used when it was approved meaning higher-end rent.

At this time, Deputy Mayor Cann 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.

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

NAY: None

ABSENT: Committeeman Carson

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The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:21 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK