

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
DECEMBER 22, 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 7:08 p.m. and led a salute to the flag and a moment of silence. He asked for prayers intended for Committeeman Moynihan's recent loss.

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 EMS Personnel Matter; Township Administrator Personnel Matter; 2015 Professional Contract Awards; 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
December 22, 2014

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:10 pm and reconvened the regular meeting at 7:41 pm.

Mayor's Proclamations Honoring the Service of Bordentown Township Police K-9's Vilka and Hondo (handler Ptl. Burns) and K-9's Grant and Justice (handler Ptl. Brettell). At this time, Mayor Benowitz read the Proclamations into the record and acknowledged each K-9 and handler.

Mayor's Proclamation Honoring Mollie Anderson-Theriault. At this time, Mayor Benowitz read the Proclamation into the record and explained that this proclamation was presented to Ms. Anderson-Theriault at the B.C.S.A. ceremony. (Ms. Anderson-Theriault was not in attendance this evening.)

Presentation by Bob Fitzpatrick, members of "Citizens Against the Smell of Tullytown" relating to the Proposed Landfill and Incinerator located in Falls Township, Bucks County, Pennsylvania.

Mayor Benowitz stated that Mr. Fitzpatrick could not attend tonight's meeting. He said that C.A.T.S.O.T. (Citizens Against the Smell of Tullytown) is the organization that deals with the present Waste Management Landfill in Pennsylvania across the Delaware River from Florence. Bordentown Township will get the prevailing wind and the water can be polluted. Information about the organization can be obtained from their website: www.catsot.com. Mr. Fitzpatrick would have discussed plans for a new landfill proposed by Waste Management and the recurrence of the proposed incinerator. Tonight's Consent Agenda includes Resolution #2014-356-20 opposing the project. Deputy Mayor Cann and Committeewoman Popko attended a public hearing about the Landfill on December 10, 2014 and gave a brief summary of what was discussed at the meeting. Committeewoman Popko recommended that the Township monetarily contribute to the legal battle. Information on this issue will be placed on the Township's website.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that the Township Committee members were provided with a revised Resolution #2014-356-12. As a result of Closed Session Discussion, the Township Committee will be making a motion (later in the meeting).

CONSENT AGENDA

Resolution #2014-356-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2014-356-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2014-356-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2014-356-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

PAGE 3
REGULAR MEETING
December 22, 2014

Resolution #2014-356-14 entitled ESTABLISHING THE DATE AND TIME OF THE ANNUAL REORGANIZATION MEETING OF THE TOWNSHIP COMMITTEE FOR THE YEAR 2015.

Resolution #2014-356-15 entitled RESOLUTION AMENDING CERTAIN STIPULATIONS RELATING TO THE FLEXIBLE BENEFITS SPENDING PLAN.

Resolution #2014-356-16 entitled A RESOLUTION TO AWARD A CONTRACT TO S. BATATA CONSTRUCTION, FOR THE THORNTOWN LANE/HINKLE DRIVE INTERSECTION IMPROVEMENTS.

Resolution #2014-356-17 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT, PHASE 3 – REMEDIAL INVESTIGATION.

Resolution #2014-356-18 entitled AUTHORIZING DECEMBER 22, 2014, BUDGET TRANSFERS.

Resolution #2014-356-19 entitled CANCELLATION OF 2014 BUDGET APPROPRIATIONS.

Resolution #2014-356-20 entitled RESOLUTION IN OPPOSITION TO THE PROPOSED HAZARDOUS WASTE TREATMENT FACILITY IN KEYSTONE INDUSTRIAL PORT COMPLEX IN FALLS TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA.

Township Committee reviewed and discussed Consent Agenda Items #2014-356-10 through #2014-356-20. Committeeman Carson, Committeeman Moynihan, Committeewoman Popko, and Deputy Mayor Cann commented/asked questions.

Resolution #2014-356-17. Committeeman Carson inquired about the remediation of the new Public Works facility. Police Chief Nucera responded that Alt. Township Engineer Fred Turek has an architectural plan on the project. There were problems with Enviro-Tec who was originally going to be handling the remediation, and due to the time limit placed by N.J. DEP, Police Chief Nucera contacted Arecon to expedite the matter.

Resolution #2014-356-18. Committeewoman Popko said that on page 7 of the December 8, 2014 Township Committee Minutes, her comment should read “may” instead of the word, “would.”

Deputy Mayor Cann said that at the December 8, 2014 Township Committee meeting a resident, Kostas Petris, inquired about the speed and safety of the off ramp at Carman Avenue. Police Chief Nucera responded that he and Alt. Township Engineer Fred Turek contacted the N.J. DOT and the stop sign and yield sign at that location will be reversed.

Resolution #2014-356-10. CFO Kocian gave clarification on certain bills.

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

PAGE 4
REGULAR MEETING
December 22, 2014

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

NAY: None

SIDNEY MORGINSTIN, 849 East Drive: In regard to Resolution #2014-356-19, Mr. Morginstin asked if these unexpended funds were going to the surplus account. Deputy Mayor Cann said, yes it has been done in the past, or used on smaller items that need updating.

In regard to Resolution #2014-356-17, Mr. Morginstin asked what the remediation covers. Deputy Mayor Cann responded this follows through with N.J. DEP's requirements for Phase III of the environmental plan for the new site.

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, Committeeman Carson made a motion to adopt the consent agenda; seconded by Committeewoman Popko.

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

NAY: None

MAYOR BENEWITZ: Mayor Benowitz asked that copies of Resolution #2014-356-20 also be sent to New Jersey government officials.

Public Hearing on Ordinance #2014-32 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN IN BURLINGTON COUNTY, STATE OF NEW JERSEY, REQUIRING THE MAINTENANCE OF PROPERTIES THAT ARE VACANT OR ABANDONED OR IN FORECLOSURE.

At this time, Committeewoman Popko made a motion to open the public hearing on Ordinance #2014-32; seconded by Committeeman Carson.

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

NAY: None

Seeing no public comment, Committeeman Carson made a motion to close the public hearing on Ordinance #2014-32; seconded by Deputy Mayor Cann.

PAGE 5
REGULAR MEETING
December 22, 2014

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

NAY: None

Consideration of Adoption of Ordinance #2014-32 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN IN BURLINGTON COUNTY, STATE OF NEW JERSEY, REQUIRING THE MAINTENANCE OF PROPERTIES THAT ARE VACANT OR ABANDONED OR IN FORECLOSURE.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2014-32; seconded by Committeeman Carson.

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

NAY: None

Township Committee discussion of Draft Letter to Township Residents with Trenton and Yardville Mailing Addresses and Costs Associated with Same for Mailing.

Police Chief Nucera said there are approximately 694 properties with 5 different zip codes besides 08505 in Bordentown Township. By the next Township Committee meeting, he will have the draft letter completed and a final list of properties ready to proceed.

Township Committee discussion of the Proxy Vote for Beneficial Customers.

Police Chief Nucera said this proxy was received by the Township because we are an account holder.

At this time, Committeeman Carson made a motion to authorize the Administrator to sign-off “for” to both questions on the proxy card; seconded by Committeeman Moynihan.

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

NAY: None

Township Committee discussion of correspondence received from DeCotiis relating to the New Jersey Turnpike Authority Use and Occupancy Agreement.

Deputy Mayor Cann said he reached out to John Keller of the Turnpike Authority and the Township is scheduling meetings with him and his staff in January. Committeeman Moynihan asked if he could attend that meeting. Mr. Keller asked that copies of the (former) Dix Drive-In photos could be sent to him. One of the Township’s concerns to Mr. Keller will be the Turnpike’s building of an access road on Township property without authorization.

PAGE 6
REGULAR MEETING
December 22, 2014

As A Result of Closed Session Discussion:

At this time, Committeeman Carson made a motion indicating the Township Committee's intention to negotiate a contract with Frank Nucera, Jr., for the Administrator's position upon retirement from the Police Department; seconded by Deputy Mayor Cann.

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

NAY: None

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson asked Committeewoman Popko if the Bordentown Cemetery was a State V.A. cemetery. A certain amount of plots are set aside for veterans only.

COMMITTEEMAN MOYNIHAN: In regard to the Police Department, there has been an increase in DWI incidents this past weekend. Speed limits are being enforced.

COMMITTEEWOMAN POPKO: Committeewoman Popko said the Environmental Commission met, and they are in the process of working on a Shared Service with Chesterfield Township by having a Green Fair. It was held in Bordentown Township in 2014, and will be held in Chesterfield Township in 2015. The Environmental Commission was going to draw up a letter opposing the hazardous waste site facility, but it is now being done by the Township Committee. They are looking into the ozone request from the Mayor and Governor. They received bronze certification from Sustainable Jersey, so now they have a better chance of receiving Grant funds.

In regard to the Public Works Department, leaf collection continues. They are continuing with installation of the new flooring at the Senior Community Center. They are also working on building an office for the CFO which is currently part of the court office.

Shelburne Road is being tarred at this time.

Committeewoman Popko asked if a stipend could be discussed for Kim Wolverton of the Public Works Department who has also been doing additional work for Andy Law of Emergency Management. This will be discussed further as a Personnel Matter in Closed Session.

Both firehouses passed their budgets. Derby Firehouse District #2 rolled over their funds and was not going to raise taxes in the southern end of town. For Mission Firehouse #1, the fire tax will be raised approximately 22-23% in the northern end of town.

DEPUTY MAYOR CANN: In regard to the recent Special Township Committee Meeting held on December 11, 2014, Deputy Mayor Cann said that there were approximately 54 responses to the request for Administrator. The sub-committee consisted of Committeeman Carson and Deputy Mayor Cann and there were four candidates selected for interviews.

There have been two meetings scheduled with Waterfront. The Township representatives met with the Bond Counsel and Financial Advisor again to make sure tax collection in the first quarter will meet the debt service obligation they have. They are still responsible for the payment even if it does not meet the obligation. The number of units that needed to be completed was 58, and they have 72 with

PAGE 7
REGULAR MEETING
December 22, 2014

C.O.s. The second part of the meeting was with the professionals and legal staff to discuss the Quick-Chek application and coming to a consensus on how to proceed. There will be subsequent meetings scheduled with Quick-Chek and the professionals.

The scheduled FEMA meeting occurred. Alt. Township Engineer Fred Turek made-up an extensive presentation to demonstrate the need for remediation in this area and Jumble Gut Run. The FEMA professionals were in agreement that it is a project in need; the only question is the funding. Emergency Management Coordinator Andy Law is working closely with them.

Deputy Mayor Cann commented on a recent Police matter. A resident said our police force acted in a very prompt and professional manner, and he was impressed with their performance in a very dangerous situation.

Deputy Mayor Cann met with N.J. DOT regarding pedestrian and traffic on Route 130 & 206 in February 2013. The report was received and is in C.D. Director Brian Johnson's office. It includes plans which are very positive. It will be approximately 2-2 ½ years to complete, but it is now in the queue. Also as part of the pedestrian meeting held, a sidewalk plan was presented for the Route 130 & 206 merge area which will also be part of the queue.

MAYOR BENOWITZ: Mayor Benowitz said that at the last Township Committee meeting he spoke about a Marketing Plan for the Township. He read into the record the letter received from Mark Remsa of the Burlington County Department of Economic Development and Regional Planning. They were agreeable to meet with Township representatives to discuss the economic development services they provide.

Committeewoman Popko, Police Chief Nucera, P.W. Director Buhner, and he attended the trash removal meeting on December 16, 2014 with Mr. Fiumefreddo of Central Jersey Waste. Complaints were discussed and addressed. Quarterly meetings will be scheduled to keep abreast of future problems.

On December 17, 2014, there was a meeting with PSE&G. They are proposing a storage and headquarters office space at the (former) Yates Circuit Foil property.

A meeting with St. Francis was held on December 16, 2014. The President and Vice-President of St. Francis attended, as well as the Sr. Vice-President of Lourdes Health System. They still intend on occupying both buildings at the K. Johnson site. He gave a brief summary of the meeting.

Police Chief Nucera and he attended the Borden's Crossing Homeowner's Association meeting on December 11, 2014. Answers were given to residents regarding the legal status of the issues relating to the former developers.

He attended the Wreaths Across America on December 10, 2014, and the wreath he accepted is displayed outside.

On December 20, 2014, he accompanied Santa Claus throughout Fire District #2.

He attended the Bordentown Community Soccer Association Award Ceremony on December 20, 2014 where he presented a Proclamation to Mollie Anderson-Therault.

He thanked everyone for a wonderful, busy, productive, and exciting year.

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

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

NAY: None

PAGE 8
REGULAR MEETING
December 22, 2014

CAROL de GROOT, 8 Arlington Road: Mrs. de Groot said she was still not receiving emails of the Township Agendas. Police Chief Nucera said he would bring this to the attention of our IT person.

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked that the speed on East Drive be evaluated. Police Chief Nucera said they will continue doing this.

Mr. Morginstin asked that a member of the Environmental Commission also be included with the Turnpike meetings/clean-up. Committeewoman Popko will request this.

He said that potentially a CVS was interested in building on the corner of Route 130 and Farnsworth Avenue, and asked if this would interfere with the widening of the road. Deputy Mayor Cann responded that it will improve the traffic at that location. Mr. Morginstin also asked about CVS going to the Bottom Dollar building across the highway (which is closing at yearend). Mayor Benowitz responded it would be up to the owner.

Mr. Morginstin commented that there was an article in the Burlington County Times stating that Grainger and Team Campus are using non-union laborers. Mayor Benowitz and Committeewoman Popko responded to his comment. He suggested the Township write a letter to the Burlington County Times correcting the advertisement. Mayor Benowitz said Grainger will handle this.

ROGER PLEW, 117 Philmont Avenue, Environmental Committee Chairman: Mr. Plew asked about the Township's recent email address change from .com to .org. Police Chief Nucera said that .com still works and automatically changes to .org. Either way, documents will still be received.

Mr. Plew complained about the parking situation at Hilltop Plaza/Mission Road. Police Chief Nucera will follow-up.

Mr. Plew said he will be creating a letter to the Mayor addressing the ozone level and development of the anti-idling ordinance with enforcement.

ROB DELANEY, 5 Alfred Drive: Mr. Delaney inquired about vests for the police dogs. Police Chief Nucera said the patrol-certified dogs have them.

Mr. Delaney said some people contacted him regarding the fire district elections. They said 1-2 committee people campaigned against the fire election, representing themselves as a member of the Township Committee, and engaged in at least one conflict. He encouraged the issue be discussed among the committee members. There was no reply from the Township Committee.

WALT KOSUL, 539 Route 206: Mr. Kosul inquired about the intention of creating a contract for the Administrator position, which will be presented at a later time. It was explained to Mr. Kosul that it is a process and a lot of things have to be coordinated first.

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

PAGE 9
REGULAR MEETING
December 22, 2014

COMMITTEEWOMAN POPKO: Committeewoman Popko responded to Mr. Delaney's comment regarding the committeeperson campaigning against the fire district election and stated that what he said was completely false. She said she did go door-to-door informing the residents of the fire district election and potential increase, and did not mention her position with the Township.

At this time, Committeeman Carson made a motion to authorize the Township Administration to create a letter to be sent to the N.J. DOT endorsing a concept alignment plan for Route 130 & Farnsworth Avenue to improve traffic, and the construction of pedestrian sidewalks on Route 130 & 206 as shown on the concept plan; 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 recess this Regular Meeting to meet in Closed Session for the purpose of discussing 2015 Professional Contract Awards and the Public Works Personnel Matter; seconded by Deputy Mayor Cann.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 9:14 pm and reconvened the regular meeting at 10:08 pm.

At this time, Deputy Mayor Cann made a motion to authorize a merit award of \$1,000 for Kim Wolverton for the year 2014; 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 Committeeman Moynihan.

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

NAY: None

PAGE 10
REGULAR MEETING
December 22, 2014

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:09 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK