

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: DECEMBER 22, 2014 TIME: 7:00 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE: PRESENT ABSENT

_____	_____	Mayor Benowitz
_____	_____	Deputy Mayor Cann
_____	_____	Committeeman Carson
_____	_____	Committeeman Moynihan
_____	_____	Committeewoman Popko
_____	_____	Township Clerk Eckert
_____	_____	Attorney Kearns
_____	_____	Chief Financial Officer Kocian
_____	_____	Public Works Director Buhrer
_____	_____	Police Chief Nucera

1. Salute to the flag and moment of silence.
2. Roll Call.
3. 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, the 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.

4. 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.
5. Resolution to meet in closed session:

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.

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.

6. 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).

7. Mayor's Proclamation Honoring Mollie Anderson-Therault.
8. 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.
9. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2014-356-10 through #2014-356-20.
10. Resolution #2014-356-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
11. Resolution #2014-356-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.
12. Resolution #2014-356-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
13. Resolution #2014-356-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
14. Resolution #2014-356-14 entitled ESTABLISHING THE DATE AND TIME OF THE ANNUAL REORGANIZATION MEETING OF THE TOWNSHIP COMMITTEE FOR THE YEAR 2015.
15. Resolution #2014-356-15 entitled RESOLUTION AMENDING CERTAIN STIPULATIONS RELATING TO THE FLEXIBLE BENEFITS SPENDING PLAN.
16. Resolution #2014-356-16 entitled A RESOLUTION TO AWARD A CONTRACT TO S. BATATA CONSTRUCTION, FOR THE THORNTOWN LANE/HINKLE DRIVE INTERSECTION IMPROVEMENTS.
17. Resolution #2014-356-17 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT, PHASE 3 – REMEDIAL INVESTIGATION.
18. Resolution #2014-356-18 entitled AUTHORIZING DECEMBER 22, 2014, BUDGET TRANSFERS.
19. Resolution #2014-356-19 entitled CANCELLATION OF 2014 BUDGET APPROPRIATIONS.

20. 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.
21. 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.
22. 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.
23. Township Committee discussion of Draft Letter to Township Residents with Trenton and Yardville Mailing Addresses and Costs Associated with Same for Mailing.
24. Township Committee discussion of the Proxy Vote for Beneficial Customers.
25. Township Committee discussion of correspondence received from DeCotiis relating to the New Jersey Turnpike Authority Use and Occupancy Agreement.
26. Township Committee and Staff Reports.
27. Public Participation.

Questions, comments or statements from members of the public in attendance.
28. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.

RESOLUTION #2014-356-10

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated December 22, 2014, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

12/22/14

RESOLUTION #2014-356-11

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of December 8, 2014; the Regular Meeting of December 8, 2014; the Special Closed Session Meeting of December 11, 2014; and the Special Meeting of December 11, 2014; as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected); and

BE IT RESOLVED that the following reports for the month of October 2014 as submitted by the Township Officials are hereby received and filed: Community Development and Construction; and

BE IT RESOLVED that the following reports for the month of November 2014 as submitted by the Township Officials are hereby received and filed: Tax Collector, Township Clerk, Municipal Court, Finance, Community Development and Construction; and

12/22/14

RESOLUTION #2014-356-12

AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2014 taxes in the amount of \$1,271.34 to GreenTree%Corelogic for Block 67 Lot 15 commonly known as 22 Thorntown Lane.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2014 taxes in the amount of \$1,164.55 to Lereta LLC for Block 67 Lot 4 commonly known as 253 Ward Avenue.

12/22/14
MAP

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-356-13

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00029 was redeemed on December 15, 2014, in the amount of \$3,345.12.

WHEREAS, US BANK Cust for PC4 Firstrust, paid tax sale premium, in the amount of \$600.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$600.00 to US BANK Cust for PC4 Firstrust; for Lien 13-00029, Block 18 Lot 2, commonly known as 35 Route 130.

MAP
12/22/14

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2014-356-14

ESTABLISHING THE DATE AND TIME OF THE ANNUAL REORGANIZATION MEETING OF
THE TOWNSHIP COMMITTEE FOR THE YEAR 2015

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the annual Reorganization Meeting of the Township Committee for the year 2015 shall be held on January 3, 2015, at 12:00 p.m.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

RESOLUTION #2014-356-15

RESOLUTION AMENDING CERTAIN STIPULATIONS RELATING TO THE FLEXIBLE BENEFITS SPENDING PLAN

WHEREAS, on December 12, 2011, the Township Committee adopted Resolution #2011-346-8, which adopted a Flexible Benefits Spending Plan for Bordentown Township employees in accordance with the Cafeteria Plan Code Section 125; and

WHEREAS, on December 29, 2011, the Township Committee adopted Resolution #2011-363-11, which established a maximum cap of \$1,000 for each employee who wishes to open a Flexible Spending Account; and

WHEREAS, there have been recent modifications to the Cafeteria Plan Code Section 125, authorizing a municipality to increase the Cap and to authorize an employee to roll over up to \$500 from the current year to the next proceeding year;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize an increase in the maximum cap to \$1,500 per employee; and

BE IT FURTHER RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize each employee to roll over a maximum of \$500 to the next proceeding year upon the determination of the balance in the employee's account.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

RESOLUTION #2014-356-16

A RESOLUTION TO AWARD A CONTRACT TO S. BATATA CONSTRUCTION, FOR THE THORNTOWN LANE/HINKLE DRIVE INTERSECTION IMPROVEMENTS

WHEREAS, two quotes were originally received and a contract was awarded to GFI Siteworks, Inc., for the Bordentown Township Thorntown Lane/Hinkle Drive Intersection Improvements; and

WHEREAS, by correspondence received by GFI Siteworks, Inc., it was indicated that they were no longer available to perform the work necessary to complete the project, thereby causing the resolution to be rescinded by the Township Committee on December 8, 2014; and

WHEREAS, the Township Engineer did solicit one additional quote from S. Batata Construction; and

WHEREAS, the Township Committee has reviewed the recommendation made by the Township Engineer to award said contract to the apparent low quote, S. Batata Construction; and

WHEREAS, to avoid further delay of the project due to the potential weather of the winter months, the Township Attorney, on December 16, 2014, conducted a poll of the Township Committee to authorize the award of the contract to S. Batata Construction, with a memorializing resolution reflecting the Township Committee's authorization, at its first available public meeting; and

WHEREAS, funds are available for said project as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract for the Bordentown Township Thorntown Lane/Hinkle Drive Intersection Improvements to S. Batata Construction, 238 Ernston Road, Suite 1R, Parlin, NJ 08859 in the amount of \$16,450.00 for items #1 through #3 inclusive; and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized and directed to execute a contract for same.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

RESOLUTION #2014-356-17

RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT, PHASE 3 – REMEDIAL INVESTIGATION

WHEREAS, Turek Consulting, LLC, submitted a proposal for engineering services the Public Works Facility Expansion Project, Phase 3 – Remedial Investigation; and

WHEREAS, it is the desire of the Township Committee to accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$25,000.00; and

WHEREAS, funds are available to accept said proposal, as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$25,000.00 to provide engineering services for the Public Works Facility Expansion Project, Phase 3 – Remedial Investigation.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

RESOLUTION #2014-356-18

AUTHORIZING DECEMBER 22, 2014 BUDGET TRANSFERS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it hereby approves and authorizes the Chief Financial Officer to make the following 2014 Budget Appropriation transfers pursuant to N.J.S.A. 40A:4-58:

Budget Transfers 12.22.14

		From	To
Tax Collector	S&W		2.00
Assessor	O/E		3,000.00
UCC	O/E	3,000.00	
Emergency Mgmt	S&W		1.00
Streets/Roads	O/E		4,000.00
Buildings & Grounds	O/E		3,500.00
Vehicle Maint	O/E		2,500.00
Electricity	O/E		2,500.00
Street Lighting	O/E		20,000.00
Telecommunications	O/E		2,500.00
Landfill/Solid Waste	O/E	17,500.00	
Municipal Court	O/E	2,500.00	
FICA/SS	O/E	<u>15,003.00</u>	
		38,003.00	38,003.00

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

RESOLUTION #2014-356-19

CANCELLATION OF 2014 BUDGET APPROPRIATIONS

WHEREAS, the following Current Fund 2014 budget appropriations remain unexpended:

Admin S&W	\$ 55,000.00
Police S&W	\$ 215,000.00
Police O/E	\$ 7,500.00
Emergency Mgmt O/E	\$ 9,000.00
Public Defender O/E	\$ 12,000.00
Petroleum O/E	\$ 20,000.00
PW Buildings/Grounds S&W	\$ 12,500.00
EMS S&W	\$ 30,000.00
EMS O/E	\$ 15,000.00
Municipal Court S&W	\$ 10,000.00

Total \$ 386,000.00

WHEREAS, it is necessary to formally cancel said appropriations so that such unexpended appropriations may be cancelled to budget operations:

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that the above listed unexpended appropriations of the Current Fund be cancelled.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

COLLEEN M. ECKERT, RMC, TWP. CLERK

12/22/14

TOWNSHIP OF BORDENTOWN

RESOLUTION #2014-356-20

Resolution in Opposition to the Proposed Hazardous Waste Treatment Facility in Keystone Industrial Port Complex in Falls Township, Bucks County, Pennsylvania

WHEREAS, on December 10, 2014 the Pennsylvania Department of Environmental Protection (DEP) hosted a public meeting and hearing regarding a commercial hazardous waste treatment facility proposed by Elcon Recycling Services to be located in the Keystone Industrial Port Complex in Falls Township, Bucks County Pennsylvania; and

WHEREAS, the DEP states that this operation is a commercial hazardous waste treatment facility, and that it will treat liquid waste from the chemical and pharmaceutical industry; and

WHEREAS, the DEP in their informational press release and at the December 10th meeting said that Elcon Recycling Services has offices in Princeton, New Jersey and has submitted an application for a Phase 1 siting review approval or permit; and

WHEREAS, the Phase 1 siting criteria is “in place to prohibit the location of hazardous waste treatment facilities under certain criteria”; and

WHEREAS, the public meeting was supposed to provide an opportunity for public participation but in reality, such participation for questions from the public was very limited and insufficient for the public to gain true insight and details into the proposed hazardous waste treatment facility; and

WHEREAS, it was evident from the public meeting that some residents and local governmental officials, including some from Pennsylvania only heard about the meeting at the last minute and this greatly restricted their ability to gather detailed information concerning a proposal that could have long-term impact on residents in both Pennsylvania and New Jersey; and

WHEREAS, there was no written detailed information distributed to the public concerning the waste matter, air emissions, discharges to the Delaware River or precautions that will be taken to protect residents in Pennsylvania and New Jersey; and

WHEREAS, the DEP and the applicant, Elcon has provided very little time for concerned members of the public and governmental officials to review and comment on the application before the December 26, 2014 deadline for submittal of testimony, and this lack of time is unreasonable and unfair for an application involving a hazardous waste treatment facility.

WHEREAS, it is the duty of the Township Committee of the Township of Bordentown to represent and protect the interests, health, and quality of life of the residents of the Township.

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Bordentown, County of Burlington, State of New Jersey, as follows:

1. That the DEP is hereby requested to extend its December 26, 2014 deadline date for public comments so that concerned parties in New Jersey and Pennsylvania can have adequate time to review and submit written concerns.
2. That the Township of Bordentown has concerns for not only air emissions, discharges to the Delaware River and the impact on the quality of life for residents in Pennsylvania and New Jersey, but also about the potential impact on municipal potable drinking wells.

3. That the inadequate time provided for public review and comments leaves the Township of Bordentown with no other option at this time except to oppose the hazardous treatment facility and to implore the DEP to hold more public informational hearings as part of the Phase 1 siting review for residents in both states.

TOWNSHIP OF BORDENTOWN

Mayor

I certify that the foregoing Resolution is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on December 22, 2014.

Colleen Eckert, RMC
Township Clerk

TOWNSHIP OF BORDENTOWN

ORDINANCE No. 2014-32

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

WHEREAS, the Township Committee of the Township of Bordentown (“Township”) has reviewed recent amendments to Titles 2A, 40 and 46 of the New Jersey Statutes regarding vacant and abandoned property and the responsibilities of foreclosing creditors; and

WHEREAS, as a result of such legislation, it is appropriate and necessary for the Township Committee to adopt an ordinance to implement the amendments enacted in Chapter 35 of the Laws of 2014;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED, by the Township Committee of the Township of Bordentown that the Code of the Township of Bordentown is amended as follows:

SECTION ONE. The Code of the Township of Bordentown is amended by the addition of the following new sections:

A. Creditor responsibility.

Pursuant to the provisions of the Public Laws of 2014, Chapter 35, a creditor filing a summons and complaint to foreclose a lien on a residential property that is vacant and abandoned, whether the filing of the summons and complaint is made before or after the determination that the property is vacant and abandoned, shall be responsible for the care, maintenance, security, and upkeep of the exterior of the residential property. This obligation applies whether the determination that the property is vacant and abandoned is made by the public officer designated by the Township of Bordentown, pursuant to the provisions of N.J.S.A. 2A:50-73 or otherwise.

B. Notice to creditor; time to correct violations.

If the public officer, or other authorized municipal official as designated by the Township Administrator, determines that a property is vacant or abandoned and that a creditor is obligated to care, maintain, secure and keep up a vacant and abandoned property has failed to do so in violation any of the provisions of the Ordinances of the Township of Bordentown, the public officer or other authorized municipal official shall issue a notice of violation to the creditor that has filed a summons and complaint to foreclose on the property in question. The notice shall require the person or entity to correct the violation within thirty (30) days of receipt of the notice, or within ten (10) days of receipt of the notice if the violation presents an imminent threat to public health and safety. The issuance

of this notice shall constitute evidence that a property is “vacant and abandoned” for purposes of N.J.S.A. 2A:50-73.

C. Designated representative of out-of-State creditor; violation.

An out-of-State creditor shall include the full name and contact information of the in-State representative or agent in the notice required to be provided to the municipal clerk pursuant to paragraph one of N.J.S.A. 46:10B-51. An out-of-State creditor found by a court of competent jurisdiction to have violated this provision shall be subject to a fine of \$2,500.00 for each day of the violation commencing on the day after the 10 day period set forth in paragraph one of N.J.S.A. 46:10b-51 with respect to notifying the municipal clerk that an action to foreclose on the property has been filed.

D. Violations and penalties.

Any person, firm, corporation or entity violating any provision of this ordinance shall, upon conviction, be punishable as provided in Chapter 1, General Provisions, Article I, of this Code. A creditor required to care, maintain, secure and keep up a property under this Chapter cited in a notices issued pursuant to §58-5.2 shall be subject to a fine of \$1,500.00 for each day of the violation.

SECTION THREE.

Additional notice required.

Notice of violations of property maintenance, building or other property codes for any property declared vacant and abandoned pursuant to this Chapter shall be given to a foreclosing creditor as required by P.L. 2014, c. 35.

AND BE IT FURTHER ORDAINED that any prior Ordinances which are inconsistent with the provisions of this Ordinance, are hereby repealed to the extent of such inconsistencies;

AND BE IF FURTHER ORDAINED that should any section, part of any section, or clause or phrase of this ordinance for any reason be held to be invalid or unconstitutional, such decision shall not affect the remaining provisions of this ordinance;

AND BE IT FURTHER ORDAINED that this Ordinance shall become effective immediately following final passage and publication as required by law.