

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
FEBRUARY 23, 2015

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 James Cann
Deputy Mayor Jill Popko
Committeeman Stephen Benowitz
Committeeman Richard Carson
Committeeman John Moynihan
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 Cann called the meeting to order at approximately 7:02 p.m. and led a salute to the flag and a moment of silence. Mayor Cann announced that three members of the community have died during the past month: Daryll Williams, Ellen Wehrman, and Richard Pinter.

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 7, 2015, 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 Benowitz 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 Administrative Personnel; seconded by Committeeman Carson.

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 Benowitz, Committeeman Moynihan, Committeeman Carson, Deputy Mayor Popko, Mayor Cann

NAY: None

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The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:05 pm and reconvened the regular meeting at 7:30 pm.

Mayor's Proclamation Honoring 1SG Richard J. Pinter, Army, Retired. At this time, Mayor Cann read the Proclamation into the record. He stated that Mrs. Pinter would like to accept the Proclamation at a later date.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that in conjunction with Resolution #2015-054-09, a letter dated February 9, 2015 was received from the Burlington County JIF regarding 2014 Safety Incentive Program Awards.

CONSENT AGENDA

Resolution #2015-054-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2015-054-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.

Resolution #2015-054-10 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATION.

Resolution #2015-054-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2015-054-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2015-054-13 entitled GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FISCAL GRANT CYCLE JULY 2014 – JUNE 2019.

Resolution #2015-054-14 entitled REDUCTION OF PERFORMANCE GUARANTEES FOR RIVERGATE URBAN RENEWAL COMPANY, LLC (BORDENTOWN WATERFRONT, PHASE 1A) BURLINGTON STREET, BLOCK 140, LOT 5.01, REDUCTION NO. 1.

Resolution #2015-054-15 entitled AUTHORIZING 2015 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).

Resolution #2015-054-16 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Township Committee review and discussion of Consent Agenda Items Resolutions #2015-054-8 through #2015-054-16. Committeeman Moynihan, Committeeman Benowitz, Deputy Mayor Popko, and Mayor Cann commented/asked questions.

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Resolution #2015-054-09. Mayor Cann read into the record the letter dated February 9, 2015 that was received from the Burlington County JIF regarding 2014 Safety Incentive Program Awards.

Committeeman Benowitz stated that he will be abstaining from the February 9, 2015 Regular and Closed minutes. Township Clerk Eckert will make a correction, that he was not present, in the Closed Session minutes.

Deputy Mayor Popko inquired about a bill for \$157 from Columbus Vet regarding a kitten. Police Chief Nucera responded that if an unclaimed, injured or stray animal is found, it is required by statute that the animal must be taken to the vet. Columbus Vet is the only open vet at night. Mayor Cann added that as of the last evaluation, Bordentown Township Animal Control was making a small profit.

Mayor Cann said there were several bills on the Amboy Bank litigation. He asked if they could be charged to the Performance Bond; Attorney Kearns responded no.

Mayor Cann said that we have not received bills from PSE&G since October. Police Chief Nucera has been following up on this.

Mayor Cann cited a typographical error in the Regular minutes on page 3. Township Clerk Eckert will make the correction.

MAYOR CANN: In regard to the LSM Contract Matter, Mayor Cann said that Attorney Kearns will be drafting a letter letting them know the Township was switching to VOA. Attorney Kearns responded that he is awaiting a response from LSM's attorney.

In regard to the accumulation of water and ice on Shelbourne Road and Thorntown Lane that was discussed at the last meeting, C.D. Director Brian Johnson spoke to P.W. Director Buhner who said there definitely is a new sump pump there that is causing the problem. A modest modification may remedy it, and when the contractor returns they may be able to correct it.

In regard to updating the Zoning Maps, Mayor Cann said the autocad program was located and the maps are currently being updated at a modest cost.

POLICE CHIEF NUCERA: Police Chief Nucera gave an update on the status of the road conditions at Hedding Road. There is a meeting with the Rockerfeller Group regarding closing Hedding Road until the construction at Grainger is completed. Mansfield Township and Borden's Crossing HOA have been contacted and are in favor of this.

Resolution #2015-054-13. Mayor Cann said this is the Alcoholism and Drug Abuse Fiscal Grant we apply for every year.

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

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

NAY: None

WALT KOSUL, 539 Route 206: In regard to Resolution #2015-054-14, Mr. Kosul asked what the purpose was of the Reduction of the Performance Bond. Mayor Cann responded that once construction is completed and the engineer signs off, by statute it must be reduced and turned into a Maintenance Bond. This is for the completed infrastructure at the Bordentown Waterfront.

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MIKE HUNTANAR, 16 Tantum Court: Mr. Huntanar invited the Township Committee to speak at the Grande at Crystal Lake's HOA meeting which is held in June or July. This was done last year, and it was very productive.

Seeing no further comments, Committeeman Carson made a motion to close to the public; seconded by Committeeman Benowitz.

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

NAY: None

At this time, Committeeman Benowitz made a motion to adopt the consent agenda; seconded by Committeeman Carson.

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

NAY: None

Public Hearing on Ordinance #2015-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION ADVISORY COMMITTEE UNDER AND ADVISORY TO THE PLANNING BOARD.

At this time, Committeeman Moynihan made a motion to open the public hearing on Ordinance #2015-1; seconded by Deputy Mayor Popko.

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

NAY: None

Seeing no public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2015-1; seconded by Committeeman Carson.

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

NAY: None

Consideration of Adoption of Ordinance #2015-1 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE ESTABLISHMENT OF A HISTORIC PRESERVATION ADVISORY COMMITTEE UNDER AND ADVISORY TO THE PLANNING BOARD.

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At this time, Committeeman Benowitz made a motion to adopt Ordinance #2015-1; seconded by Committeeman Carson.

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

NAY: None

Public Hearing on Ordinance #2015-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE JOINT ADMINISTRATION OF LAND USE POWERS WITH THE CITY OF BORDENTOWN.

At this time, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2015-2; seconded by Committeeman Benowitz.

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

NAY: None

Seeing no public comment, Committeeman Carson made a motion to close the public hearing on Ordinance #2015-2; seconded by Deputy Mayor Popko.

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

NAY: None

Consideration of Adoption of Ordinance #2015-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE JOINT ADMINISTRATION OF LAND USE POWERS WITH THE CITY OF BORDENTOWN.

At this time, Committeeman Benowitz made a motion to adopt Ordinance #2015-2; seconded by Committeeman Carson.

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

NAY: None

Township Committee discussion of Authorization to Conduct Aerial Larval/Adult Mosquito Control Activities.

Mayor Cann said this discussion item is in regard to the spraying of Temephos in the northern end of town. Mayor Cann explained the reason why the Township decided not to spray last year. Deputy Mayor Popko indicated that Rutgers University has reported through their Cooperative Extension that they are requesting counties to stop using Temephos and to switch to other biological controls. Deputy

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Mayor Popko said the Township was told last year that the Burlington County Health Department was looking to switch in 2015 to BTI, but has not. Committeeman Benowitz added that the research he made in 2014 did not show the effectiveness of using these types of chemicals. Committeeman Moynihan indicated that if Rutgers Cooperative Extension has written to the County Mosquito Control Commission suggesting that they no longer use Abate, he would like to see a copy. Township Clerk Eckert said a decision to the County is required by April 1, 2015. A vote will be taken at the next Township Committee meeting.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson said he had nothing to report at this time.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said the Sewer Authority held their reorganization meeting on February 17, 2015. Ron Marino from Bordentown was re-elected as the Chairman.

Committeeman Moynihan cited some of the cases the Police Department is working on. The new police officers have actively begun working for the Township.

COMMITTEEMAN BENOWITZ: Committeeman Benowitz stated that the Economic Development Advisory Committee did not meet this month; however, the next business breakfast is scheduled for March 23, 2015 from 7:30-9:00 a.m. at Town & Country.

The 2nd Annual Black History Month celebration is scheduled for February 26, 2015 at 7:00 pm at the Senior Center.

The Mayor's Charity Ball is scheduled for March 28, 2015 at the Scottish Rite. Tickets are \$75 each.

On February 11, Committeeman Benowitz attended Fire District #2 meeting. The budget stayed within the CAP. He gave a brief update on what was discussed at the meeting. The budgets for both Fire Districts passed.

The Quick-Chek application was heard at the February 12, 2015 Planning Board Meeting. The application is adjourned to the March 12, 2015 meeting. Buildings B & C of Phase 1B are not included in the application. Five residents spoke during the public portion.

In regard to the Bordentown Waterfront project, the Redevelopment Plan and Agreement must be reopened for discussion. The professionals for the Planning Board were re-appointed.

DEPUTY MAYOR POPKO: The Public Works Department continues to clear the ice and snow. She commended the job the Department is doing. Quotes are being received for the pipes that broke at the Joseph Lawrence Park; they will be sent to the insurance adjusters. The heater has been repaired at Northern Community Park.

There have been many complaints about garbage pick-up, including missing a whole development. She requested that a meeting be made with Central Jersey as soon as possible. Police Chief Nucera asked for a copy of the complaint list and said he would set up a meeting, and include Attorney Kearns. Mayor Cann said that if a meeting cannot be set up within a couple of days, the Township should take action.

The Environmental Commission continues to meet with the Chesterfield Township Environmental Commission and Green Team. The Green Fair is scheduled for May 9, 2015. The next Environmental Commission meeting is March.

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MAYOR CANN: Mayor Cann said they are still gathering information for the budget. The budget hearing is March 7, 2015 with breakfast beginning at 10:00 am, and the hearing starting is at 11:00 am.

There was a meeting with the Financial Advisor, the Bond Counsel, and Bordentown Waterfront to review the status of the billing. Mayor Cann discussed the approximate amounts the school and town would be receiving. The Township Committee was in agreement to use the non-residential formula.

The Bordentown Waterfront may have someone developing the back end of the project who may go with less units. Because of this, Mayor Cann thinks that the Financial Agreement should be reopened. And because the Redevelopment Agreement is weak, it also needs to be more comprehensive. The Auditor, Bond Counsel, and Financial Advisor all recommend this. Jeffrey Albert and Bob Dale are in agreement.

Mark Remsa and David White of the Burlington County Bridge Commission would like to attend a Township Committee Meeting on the Shop Burlington County First website. They want to demonstrate how they can help the municipality and support municipal programs. Township Clerk Eckert will forward the information to Angel Sauro so she can schedule them to make a presentation at a future Township Committee Meeting.

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

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

NAY: None

GLENDIA MARCELL, 116 Bordentown-Hedding Road: Ms. Marcell said the Township did a great job with snow removal. However, all the State's plow trucks use Bordentown-Hedding Road to get to Route 295, without plowing Bordentown-Hedding Road and the snow gets packed down. There is a weight restriction on the road. Mayor Cann asked Police Chief Nucera to call the State to make them aware of the problem.

Ms. Marcell also asked what the future plan was for the increased truck traffic on Bordentown-Hedding Road. Police Chief Nucera assured her that cameras were there and ordinance violations have been issued. The camera will be replaced at the location. Mayor Cann told Ms. Marcell that Grainger says that there will be less tractor trailer traffic because a lot of their outgoing material is on UPS/Fed-Ex type vehicles. She added that the VMS works at the location, but was removed to be recharged, but will be returned shortly. Mayor Cann said the Township is currently working to make changes to Rising Sun Road by putting in an alternate road. Many approvals have been received; however, it is awaiting funding. If it is a State Road it will eligible for Federal funds.

MIKE HUNTANAR, 16 Tantum Court: Mr. Huntanar said he attended the last Planning Board meeting. He said he previously spoke to Bob Dale and he had told him they would be willing to work with the Grande at Crystal Lake's HOA on a buffer plan. Bob Dale did not have the most recent buffer plan, and Mr. Huntanar felt he was not getting positive feedback from him. Mayor Cann said he'd like to schedule a meeting with representatives from the Grande at Crystal Lake's HOA, Township Professionals, and Bordentown Waterfront professionals. He added that the Planning Board cannot mandate they do this because it's an off-site improvement, but the agreement can be acknowledged in the

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resolution. Mayor Cann directed Mr. Huntanar to contact C.D. Director Brian Johnson to schedule a meeting with all the parties.

WALT KOSUL, 539 Route 206: Mr. Kosul complimented the Mayor's statement regarding the Bordentown Waterfront's Financial Statement, and said that he feels the Township Committee is representing all the tax payers.

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

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

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 Benowitz, Committeeman Moynihan, Committeeman Carson, Deputy Mayor Popko, Mayor Cann

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 8:51 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK