

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
JULY 6, 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  
Substitute-Attorney Lou Garty  
Chief Financial Officer David Kocian  
Public Works Director Dean Buhrer  
Chief of Police Frank M. Nucera, Jr.

ABSENT: Township Attorney Bill Kearns

Mayor Cann called the meeting to order at approximately 7:04 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 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.

Mayor Cann said there was an audience member who has to leave, but wanted to make a public comment to the Township Committee.

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

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

NAY: None

DAWN APPLGATE, 307 Bradford Court: Ms. Applegate asked if the Township could contact the State to get the red lights repaired at Route 206/Amboy Road and Dunns Mill Road/Route 130. Mayor Cann responded that the Township has been trying to get these repaired for 3 years, and will continue to try. Police Chief Nucera will contact Ms. Nantz at the State. Mayor Cann encouraged Ms.

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Applegate and her friends and neighbors to write letters to the N.J. Department of Transportation on this matter.

At this time, Committeeman Benowitz made a motion to close the meeting to the public; seconded by Deputy Mayor Popko.

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

NAY: None

At this time, Deputy Mayor 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 Solid Waste Collection Contract Matter (Central Jersey Waste) and Farmland Property Potential Litigation; seconded by Committeeman Benowitz.

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 Carson, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:14 pm and reconvened the regular meeting at 7:33 pm.

**Mayor's Proclamation Honoring the 63<sup>rd</sup> Army National Guard Band**. At this time, Mayor Cann read the Proclamation into the record.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert said that a corrected Resolution #2015-187-13 was provided to them. She added that an additional correction to the Emergency Management Coordinator position effective 5/1/15 should read \$22,000.

A letter was received from the N.J. National Guard 63<sup>rd</sup> Army Band requesting a letter of support. Letters of notification were received from two Public Works staff stating they were retiring.

**CONSENT AGENDA**

**Resolution #2015-187-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

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**Resolution #2015-187-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.**

**Resolution #2015-187-10 entitled A RESOLUTION TO CANCEL TAXES.**

**Resolution #2015-187-11 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.**

**Resolution #2015-187-12 entitled A RESOLUTION TO CANCEL TAXES.**

**Resolution #2015-187-13 entitled ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.**

**Resolution #2015-187-14 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT'S.**

**Resolution #2015-187-15 entitled RESOLUTION TO AMEND THE SCHEDULE OF DATES AND TIMES FOR THE REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND LOCAL BOARD OF HEALTH.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2015-187-8 through #2015-187-15. Committeeman Benowitz commented/asked questions.

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

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

NAY: None

Seeing no comments, Committeeman Benowitz made a motion to close to the public; seconded by Deputy Mayor Popko.

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

NAY: None

At this time, Committeeman Benowitz made a motion to adopt the consent agenda with corrections to Resolution #2015-187-13 (as cited by Township Clerk Eckert); seconded by Deputy Mayor Popko.

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

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NAY: None

**Resolution #2015-187-16 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING A PAYMENT IN LIEU OF TAXES (PILOT) AGREEMENT RELATING TO THE AFFORDABLE SENIOR HOUSING PROJECT TO BE DEVELOPED BY THE VOLUNTEERS OF AMERICA DELAWARE VALLEY.**

Mayor Cann stated that this is in accordance with the same agreement as what the Township provided for LSM (Lutheran Social Ministries). There was discussion among the Township Committee regarding the financing.

OWEN McCABE, VOADV (Volunteers of America Delaware Valley): Mr. McCabe provided the Township Committee an estimation of revenues. He said these are typically 30-40 year mortgages, and you cannot refinance out of them. The Township Committee asked Mr. McCabe several questions.

At this time, Deputy Mayor Popko made a motion to open to the public Resolution #2015-187-16; seconded by Committeeman Benowitz.

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

NAY: None

Seeing no comments, Committeeman Benowitz made a motion to close to the public; seconded by Deputy Mayor Popko.

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

NAY: None

At this time, Deputy Mayor Popko made a motion to adopt Resolution #2015-187-16; seconded by Committeeman Benowitz.

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

NAY: None

**Consideration of Introduction of Ordinance #2015-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 8.28 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES.**

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At this time, Deputy Mayor Popko made a motion to introduce Ordinance #2015-10: seconded by Committeeman Moynihan.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be July 20<sup>th</sup>.

**Consideration of Introduction of Ordinance #2015-11 entitled AN ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AMENDING ORDINANCE #2013-5 REGARDING THE ESTABLISHMENT OF AN AMBULANCE SQUAD AND AMBULANCE BILLING SERVICES FOR THE TOWNSHIP OF BORDENTOWN.**

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2015-11: seconded by Committeeman Moynihan.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be July 20<sup>th</sup>.

**Township Committee discussion of the Waterfront Project to include:**

- a. Status of Developer's Audited Financial Report.
- b. Summary of Pilot Payments made by Developer.
- c. Feasibility of Using Incoming Pilot Monies to fund specific Capital Improvements.

Mayor Cann discussed the Waterfront Project. He gave the status of the financial report and explained how PILOT payments are being spent. Deputy Mayor Popko added that taking care of the infrastructure hasn't been done in quite a while and using the funds for this would benefit the Township. The PILOT agreements in the Township are all different.

There was discussion on the capital budget and the reallocation of some of the money for capital purchases for the public works and police departments. Mayor Cann said funds on hand would be used for the needed equipment in Public Works. Police Chief Nucera and P.W. Director Buhner will prioritize their lists.

There was a consensus to move forward with the new ordinances to change the reallocation of the funds.

**Township Committee discussion of Proposed ELCON Incinerator.**

Deputy Mayor Popko stated that ELCON has passed their first application with the Pennsylvania DEP for the proposed site in Morrisville. She said this is toxic and they will be expelling chemical waste from nuclear facilities through water processing. She feels it would be in the best interest of the

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Township to reach out to other communities and see who wants to join to fight. Deputy Mayor Popko and Committeeman Benowitz will be attending the meeting that has been scheduled for August 12, 2015 (Mayor Cann will be out of town). Governor Florio's firm fought a similar firm in Burlington City and won.

Deputy Mayor Popko recommended that the Township should wait to see who is going to take the lead on this project, and find out where the assemblymen and freeholders stand and ask for their support. It would be better if Mercer County or Burlington County took the lead.

Another resolution opposing the new site will be created. Further discussion regarding designating funds to help with the opposition will be discussed at the July 20, 2015 meeting. Deputy Mayor Popko will reach out to the other municipalities who will be affected by this.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN CARSON: Committeeman Carson commended everyone who was involved in the July 4<sup>th</sup> Fireworks, Concert, and Fishing Derby activities that were held this past weekend.

COMMITTEEMAN MOYNIHAN: There is a Veteran's Advisory Committee Meeting scheduled for July 7, 2015.

The next meeting of the Bordentown Sewerage Authority is July 20, 2015 and will begin at 6:00 pm. Rate increases will be discussed.

There were 10,000 people who attended the fireworks on July 3, 2015. There were no issues and he thanked the Police Department and First Responders.

COMMITTEEMAN BENOWITZ: Committeeman Benowitz attended the Senior Citizen Meeting today. He described the different projects they are working on.

He attended both Fire District meetings on July 2, 2015. He gave an update of what was discussed at the meetings.

On July 2, 2015, he met with Emergency Management Coordinator Andy Law regarding updates on the current projects. Committeeman Benowitz briefly updated the Township Committee.

Committeeman Benowitz requested that he be able to attend all future Route 206 meetings held in Bordentown Township.

He said all the events for the July 4<sup>th</sup> celebration were tremendous and thanked everyone involved.

DEPUTY MAYOR POPKO: Deputy Mayor Popko thanked the Public Works Department for setting up and cleaning up all the July 4<sup>th</sup> events. She thanked the Police Department and everyone else who was involved. She also thanked the Cub Scouts who cleaned up after the fireworks.

Street sweeping will begin July 13, 2015. Public Works has passed the OSHA inspection.

The Environmental Commission has a meeting next week. Harvesting of the Community Garden is Monday, Wednesday, Thursday and Saturdays. Vegetables go to the local food pantry.

Music in the Park and Movies in the Park start Thursday, July 9, 2015 at 7:00 pm.

MAYOR CANN: Mayor Cann reported that Dean Buono, the Township's Arraignment Prosecutor, has been appointed Administrative Law Judge. The Township's Prosecutor will assume the duties until the end of the year. Her RFP included this position.

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On June 30, 2015, he attended a meeting with Williams Pipeline. They are not coming into Bordentown Township, but are doing the compression station which will be located in Chesterfield Township. There is an easement on the Chesterfield Township/Bordentown Township border.

A formal letter was received denying the Township's application for the bikeway program grant. Another letter was received from the N.J. DEP regarding Green Acres Open Space Acquisition for Bordentown Township for a matching grant of \$550,000.

Mayor Cann gave the status of two projects: The Dunns Mill Road Resurfacing Phase I Project, (which we received a Grant for \$196,000 from N.J. DOT) and the unfinished work at Seth Hand Park.

Mayor Cann said the July 4<sup>th</sup> celebrations were outstanding. There were 10,000 people at the fireworks with zero incidents. He thanked everyone.

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

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

NAY: None

ANNA MUSCHAL, 38 Edgewood Road: Ms. Muschal said that she opposes the ELCON project. She said that the Township Committee has been attending meetings, but would like to know if these meetings are made public. Deputy Mayor Popko said she posted the meeting dates on the Township website and Facebook. Ms. Muschal asked if the Township Committee would invite ELCON to make a presentation at the Township building. Mayor Cann announced the next meeting will be held at the Bucks County Sheraton on August 12, 2015. Ms. Muschal said the Township and residents need to "make noise." Attorney Lou Garty suggested that local organizations in Pennsylvania also be contacted to get more people and greater opposition.

CAROL DeGROOT, 8 Arlington Road: Mrs. DeGroot presented a newsletter from 1998 of when the Road Program was started. She asked about the Arlington Road drainage improvements which are part of the Arawak 2014-2015 Road Program contract. Mayor Cann referred Mrs. DeGroot to C.D. Director Brian Johnson for responses to specific questions on the project.

TOM SEAMAN, 18 Arlington Road: Mr. Seaman asked how the Arlington Road drainage improvements project was going to resolve the problem of puddles sitting in front of driveways because the road wasn't graded properly. Mayor Cann said that the Township is trying to alleviate the danger to the residents, and this project will help the current situation.

In regard to Ordinance #2015-10, Mr. Seaman asked why that Township can't have more control on condemning the properties. Mayor Cann responded that the law does not allow it. Deputy Mayor Popko added it is costly to condemn properties. Mr. Seaman said he heard there are animals going in and out of the garage at 17 Arlington Road. Mayor Cann said C.D. Director Brian Johnson should follow-up.

LEN DeGROOT, 8 Arlington Road: Mr. DeGroot asked why the (former Cash) property has a \$250 Veteran's Deduction when it is uninhabitable.

In regard to Ordinance #2015-10, Mr. DeGroot said he would like to see the fee schedule higher for subsequent years. Mayor Cann responded that our attorney said this is not enforceable. Mr. DeGroot

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commented/asked additional questions regarding the condemnation of homes. Attorney Garty stated that the new ordinance is designed to provide more expedient code enforcement.

TOM DALTON, 17 Bennington Road: Mr. Dalton asked if PILOT payments have been received from the Bordentown Waterfront and the Kevin Johnson Team 85 projects. Mayor Cann responded, yes. Mr. Dalton asked several questions regarding Resolution #2015-187-16.

WALT KOSUL, 539 Route 206: Mr. Kosul asked how the PILOT program is attached to the COAH program. Mayor Cann responded COAH will be the lead on the project.

BILL MORELLI, 11 Woodland Road: Mr. Morelli said he had an informative, non-productive meeting with Martha Sapp at Blue Acres today. He advised that Township Committee that it is no longer safe living in his house because of the receding culvert in his backyard. Mr. Morelli will be meeting with Mayor Cann to discuss further.

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

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

NAY: None

COMMITTEEMAN CARSON: Committeeman Carson advised P.W. Director Buhrer that there is tar on the road at the intersection of Constitution and Yorktown Roads where Arawak Pavers parked their trucks. P.W. Director Buhrer will follow-up with the vendor.

Committeeman Carson advised the Township Committee that Kevin Johnson is erecting signs on Route 130. Mayor Cann said there was a recent meeting, but Mr. Johnson has not contacted anyone from Township regarding his interest in purchasing a site.

P.W. DIRECTOR BUHRER: Mr. Buhrer suggested creating a Proclamation from the Township Committee for the Cub Scouts to thank them for cleaning up Joseph Lawrence Park after the fireworks.

Mr. Buhrer asked that Ron from Fish and Game who donates his time to the Fishing Derby does this because of his mentor, James Oros. He asked if consideration could be made to rename the Fishing Derby, "The James Oros Memorial Fishing Derby." Mayor Cann asked for this to be placed on the Agenda for the next meeting.

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 Carson, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None



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The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:49 p.m.

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JAMES CANN, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK