

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JUNE 8, 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 Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: None

Mayor Cann called the meeting to order at approximately 7:01 p.m. and led a salute to the flag and a moment of silence. He announced that Harry Havens had passed away this past weekend.

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 Emergency Management Coordinator Personnel Matter; Construction Department Personnel Matter; Bordentown Township Financial Agreement Contract Matter; seconded by Deputy Mayor 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 Benowitz, Committeeman Carson, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

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ANNA MUSCHAL, 38 Edgewood Road: Ms. Muschal asked if the resolution regarding the Abbott Marshlands was going to change. Mayor Cann replied, no.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:04 pm and reconvened the regular meeting at 7:30 pm.

Mayor's Proclamation Honoring Harry E. Havens, Jr. At this time, Mayor Cann read the Proclamation into the record.

APPOINTMENT OF EMERGENCY MANAGEMENT COORDINATOR:

In accordance with N.J.S.A. Appendix A:9-40 I, James Cann, as Mayor, do hereby appoint Andrew Law as Emergency Management Coordinator for a three year term beginning May 1, 2015 and expiring April 30, 2018.

APPOINTMENT OF PLANNING BOARD MEMBER:

In accordance with N.J.S.A. 40:55D-23 and Section 25:704 of the Revised General Ordinances of the Township of Bordentown as adopted by Ordinance #1990-15, commonly known as the Land Development Ordinance of the Township of Bordentown establishing a Planning Board, I, James Cann, as Mayor, do hereby make the following appointments to the Planning Board:

Class IV Member – 4 Year Unexpired Term Expiring 12/31/18: Eugene Grybowski

ADMINISTRATIVE REVIEW

Township Clerk Eckert said there is an addendum for tonight's meeting that includes the Proclamation for Harry Havens and Resolutions #2015-159-23A, #2015-159-23B, and #2015-159-23C. In addition, following Closed Session discussion is Introduction of Ordinance #2015-9.

CONSENT AGENDA

Resolution #2015-159-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2015-159-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2015-159-11 entitled RESOLUTION TO APPOINT TAX COLLECTOR FOR THE TOWNSHIP OF BORDENTOWN.

Resolution #2015-159-12 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN THE COOPERATING STEWARDSHIP AGREEMENT FOR THE ABBOTT MARSHLANDS.

Resolution #2015-159-13 entitled RESOLUTION AUTHORIZING THE EXECUTION OF A SHARED SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF FLORENCE AND THE TOWNSHIP OF BORDENTOWN FOR ANIMAL CONTROL SERVICES.

Resolution #2015-159-14 entitled RESOLUTION AUTHORIZING A PROFESSIONAL SERVICES AGREEMENT WITH THE FIRM HEYER, GRUEL AND ASSOCIATES FOR PLANNING SERVICES IN COAH RELATED MATTERS.

Resolution #2015-159-15 entitled RESOLUTION TO ACCEPT PROPOSAL FROM HAMILTON SPOTLIGHT.COM FOR DESIGN OF WEBSITE FOR THE ECONOMIC DEVELOPMENT ADVISORY COMMITTEE.

Resolution #2015-159-16 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.

Resolution #2015-159-17 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.

Resolution #2015-159-18 entitled RESOLUTION AUTHORIZING MEDICAL INSURANCE TO NEW EMPLOYEES EFFECTIVE WITH THEIR DATE OF HIRE.

Resolution #2015-159-19 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON (1) AUTHORIZING THE FILING OF A DECLARATORY JUDGMENT ACTION AND A MOTION FOR TEMPORARY IMMUNITY, (2) AUTHORIZING THE ALLOCATION OF MONIES TO RETAIN DR. ROBERT W. BURCHELL TO ANALYZE FAIR SHARE ISSUES AND PROPOSE AN APPROPRIATE APPROACH TO FAIR SHARE DETERMINATIONS, AND (3) DECLARING ITS INTENT TO FULLY COMPLY WITH ITS CURRENT AND FUTURE MOUNT LAUREL OBLIGATIONS AND TO SERVE AS THE “CATALYST FOR CHANGE” TO RENDER ANY MOUNT LAUREL LAWSUITS AS “UNNECESSARY LITIGATION”.

Resolution #2015-159-20 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN RATIFYING THE TERMINATION OF THE MEMORANDUM OF INTENT AND AGREEMENT WITH LUTHERAN SOCIAL MINISTRIES OF NEW JERSEY, INC.

Resolution #215-159-21 entitled RESOLUTION OF NEED AND TO DESIGNATE VOADV PROPERTY, INC., FOR AN AFFORDABLE HOUSING PROJECT BY THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, NEW JERSEY.

Resolution #2015-159-22 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE AMENDMENT TO THE TOWNSHIP’S AFFORDABLE HOUSING TRUST FUND SPENDING PLAN AND COMMITTING THE EXPENDITURE OF FUNDS IN THE TOWNSHIP AFFORDABLE HOUSING TRUST FUNDS TO VOADV PROPERTY, INC.

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Resolution #2015-159-23 entitled AMENDING RESOLUTION #2015-124-11 ENTITLED RESOLUTION AUTHORIZING MARY PICARIELLO, CTC, TO CONTINUE EMPLOYMENT ON AN AS-NEEDED BASIS FOR THE BORDENTOWN TOWNSHIP TAX COLLECTOR'S OFFICE.

Resolution #2015-159-23A entitled RESOLUTION APPROVING CHANGE ORDER NO. BT-1 FOR ARAWAK PAVING COMPANY FOR THE 2014 ROAD PROGRAM.

Resolution #2015-159-23B entitled RESOLUTION AUTHORIZING THE EXECUTION OF A CONTRACT WITH PYROTECNICO FOR JULY 4TH FIREWORKS DISPLAY.

Resolution #2015-159-23C entitled RESOLUTION AUTHORIZING THE MAYOR AND CLERK TO SIGN THE AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN AND THE CITY OF BORDENTOWN FOR THE JOINT EXERCISE OF LAND USE AUTHORITY OVER SPECIFIC COMMON PROPERTIES.

Township Committee review and discussion of Consent Agenda Items Resolutions #2015-159-9 through #2015-159-23C. Committeeman Carson, Committeeman Moynihan, Committeeman Benowitz, Deputy Mayor Popko, Police Chief Nucera and C.D. Director Brian Johnson commented/asked questions.

Resolution #2015-159-10. Committeeman Benowitz cited corrections; Township Clerk Eckert will amend them. Deputy Mayor Popko recused herself from the minutes of May 18, 2015. The Closed Session minutes were pulled, and will be reviewed at the next meeting.

Resolution #2015-159-23A. The Township Committee and C.D. Director Brian Johnson further discussed the run-off problems on Arlington Road and the necessity to remedy the problem.

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 Carson, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

CAROL de GROOT, 8 Arlington Road: In regard to Resolution #2015-159-23A, Ms. de Groot asked why the drainpipes couldn't be in the curb of the road. C.D. Director Johnson responded it is more expensive to dig up the pavement. The only money the resident would have to spend is if they wanted to hook up their home.

Ms. de Groot asked if a microphone system could be installed in the courtroom so the audience could hear better. Township Clerk Eckert responded that it is in the budget, and it is just a matter of scheduling the company to come in between meetings.

NICK D'ANGELO, 18 Bonnie Lane: Mr. D'Angelo stated that if the Township is adding water to the current drains, they may need repairs in the future. P.W. Director Buhrer confirmed there was no problem with drain capacity.

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THERESA ELLIS, 70 Eaton Road: Ms. Ellis said she has been in her home in Bossert for 60 years. She said the playground at Bossert Park in the back of her yard is a dump. Mayor Cann responded that the asphalt will be removed very soon. Ms. Ellis also expressed concern that the lights have been turned off. She asked that lights be installed at the sewer plant and at the bridge.

ALMA FREITAG, 75 Eaton Road: Ms. Freitag also asked that lights be installed at Bossert Park. She added there is a tree hanging down that is blocking a stop sign on Thorntown Lane. The resident removed some of the branches, but not all of them. Ms. Freitag gave the location to C.D. Director Brian Johnson who will follow up.

WALT KOSUL, 539 Route 206: Mr. Kosul asked what VOADV Property, Inc. stood for. Mayor Cann responded, Volunteers of America which is a nation-wide, non-profit organization that builds affordable housing.

In regard to Resolution #2015-159-12, Mr. Kosul asked if any other municipalities in Burlington County were joining the Abbott Marshlands. Deputy Mayor Popko responded that Bordentown City is attending the meetings, and there are municipalities in Mercer County who have joined.

ANNA MUSCHAL, 38 Edgewood Road: In regard to Resolution #2015-159-12, Ms. Muschal said the Township should investigate the history of the Abbott Marshlands. She said they had plans for development in the Sylvan Glen, and wanted total control without public consent. She feels that signing on with this organization is signing on with the major polluters; i.e. Hamilton Township's Sewer Station, City of Trenton, etc. Ms. Muschal asked that Township Committee oppose this resolution.

PETER ROHRBACHER, 10 Woodland Road: Mr. Rohrbacher asked if anyone from the Township Committee was a member of the Friends of the Abbott Marsh. No one replied, yes. He asked what the legal status was, and said he could not find any information on them. He asked that the Township Committee find out more before signing the Agreement. Mr. Rohrbacher cited examples from the Agreement that were questionable.

WALT KOSUL, 539 Route 206: In regard to Resolution #2015-159-12, Mr. Kosul asked if there was consideration to architectural value. Deputy Mayor Popko responded that it is in their plan, and they do work with N.J. DEP who is also a member.

Seeing no further 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

DEPUTY MAYOR POPKO: Deputy Mayor Popko addressed some of the concerns voiced by the residents and described some of the goals of the Friends of the Marsh. Mayor Cann said it would be more beneficial for the residents to be informed.

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

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

NAY: None

PETER ROHRBACHER, 10 Woodland Road: Mr. Rohrbacher said that Dr. Leck does not run the group; it is run by the Executive Committee. He said the public was not involved in their meetings because they asked questions. Mr. Rohrbacher stated other reasons why he was opposed to Mayor Cann signing the agreement.

ATTORNEY KEARNS: Attorney Kearns stated that their website states they are a group of volunteers under the auspices of D&R Greenway; they are not separately incorporated.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said she would like to meet with the residents to see how she can represent their concerns.

P.W. DIRECTOR DEAN BUHRER: Mr. Buhrer cited some statements from the agreement regarding residency of the representatives.

PETER ROHRBACHER, 10 Woodland Road: Mr. Rohrbacher asked Deputy Mayor Popko if she agreed with the plan. Deputy Mayor Popko responded, yes. Mr. Rohrbacher told Deputy Mayor Popko that she could show up to the meetings without signing to support the plan, the same as Bordentown City does. Deputy Mayor Popko responded there would be no influence in their plan by not signing the agreement.

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

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

NAY: None

At this time, Committeeman Moynihan made a motion to adopt the consent agenda with the exception of the Closed Minutes of May 18, 2015 and modification of May 18, 2015 Regular Minutes as cited by Committeeman Benowitz (Resolution #2015-159-10); seconded by Committeeman Carson.

AYE: Committeeman Benowitz, Committeeman Carson excluding Resolutions #2015-159-12, #2015-159-18, and #2015-159-23A, Committeeman Moynihan excluding Resolution #2015-159-12, Deputy Mayor Popko with abstention to Regular Minutes of May 18, 2015 (Resolution #2015-159-10), Mayor Cann

NAY: None

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Consideration of Introduction of Ordinance #2015-7 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, Committeeman Carson made a motion to introduce Ordinance #2015-7: seconded by Deputy Mayor Popko.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be June 22nd.

Consideration of Introduction of Ordinance #2015-8 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:901 OF THE LAND DEVELOPMENT ORDINANCE, FEES.

At this time, Committeeman Carson made a motion to introduce Ordinance #2015-8: 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 June 22nd.

Consideration of Introduction of Ordinance #2015-9 entitled ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY AUTHORIZING AN AMENDMENT OF THAT CERTAIN FINANCIAL AGREEMENT WITH RESPECT TO PHASE 1 OF THE WATERFRONT REDEVELOPMENT PROJECT.

At this time, Deputy Mayor Popko made a motion to introduce Ordinance #2015-9: 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 June 22nd.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CARSON: Committeeman Carson reminded everyone that the High School graduation is June 18, 2015. The 8th grade graduation is June 19, 2015.

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COMMITTEEMAN MOYNIHAN: The Bordentown Sewerage Authority had a special meeting on May 21, 2015 regarding an upcoming sewer rate increase. They stated the low income senior citizens would continue to pay the same rate in the future.

In regard to the Veteran's Advisory Committee, Harry Havens passed away yesterday and thanked Mayor Cann for the Proclamation.

Committeeman Moynihan gave an update on some recent Police Department matters. The new recruits are doing excellent and will begin patrolling on their own this weekend with a senior officer shadowing them.

COMMITTEEMAN BENOWITZ: Mayor Cann, Police Chief Nucera, C.D. Director Brian Johnson and he attended the Clifton Mills Homeowners Association meeting. Their concerns were addressed.

Ed Fox of the Burlington County Bridge Commission Regional Planning, Planning Board Attorney Lou Garty, C.D. Director Brian Johnson and he attended the Route 130 North Redevelopment Meeting. The areas discussed did not meet the redevelopment requirements.

Committeeman Moynihan, Committeeman Carson, and he attended the May 23, 2015 Memorial Day Ceremony.

On May 26, 2015, Mayor Cann, Police Chief Nucera, C.D. Director Brian Johnson and he attended the Meadow Run HOA meeting. The punch list and other concern were discussed and addressed.

The Waterfront Community Financial Agreement meeting was held on May 29, 2015. Committeeman Benowitz gave a brief summary.

He attended the June 1, 2015 Senior Citizen Club meeting. He stated the charity activities they are currently involved with.

On June 3, 2015, there was a meeting with representatives of Chickie's and Pete's regarding their intentions for the construction of an outside patio. An application to the Planning Board is forthcoming.

There was a Planning Board meeting held on June 4, 2015. Wawa representatives gave reports and the application is continued to July 9, 2015. The objector's attorney asked questions and will present their professional testimony at this meeting. The applicant made a concession that trucks would exit the property to Route 206 south via Municipal Drive. The July 2, 2015 Planning Board Meeting is being cancelled.

Committeeman Benowitz gave an update on the first Mayor's Ball which is scheduled for August 8, 2015.

DEPUTY MAYOR POPKO: The Environmental Commission and Green Team will be meeting on June 9, 2015.

In regard to the Public Works Department, the shed at the Community Garden has been completed. Brush, leaves, and concrete will be accepted at the new Public Works facility next week. Two storm drains were rebuilt: at the end of Klein and on Castle Court, with 35 more to go. The OSHA safety inspection at the Public Works facility went well with only a few minor problems. She gave an update on repairs at the Township parks, Township buildings, and streets and roads.

MAYOR CANN: Mayor Cann reported that there is a reduction of approximately \$86,000 for tax appeals, with a credit of \$31,000. So the payout will be only \$55,000, where \$120,000 was budgeted. (This is County tax court, not the State.)

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There was a meeting with Attorney Skip Reale regarding the Borden's Crossing Performance Bond issue. The judge ordered that the emergency repairs be completed by Amboy Bank, and a bill from the HOA for snow removal was provided to them.

The Burlington County Board of Taxation is proceeding with the Assessment Demonstration Program, which they want to implement in 2016. Mayor Cann said this is a bad plan, stated why, and urged everyone to go to a Freeholders meeting and express concerns. In addition, the majority of the financial burden of the changeover goes to the municipality.

There was a meeting with Bordentown City on two joint ventures: the EMT Ambulance Service and the Court. There will be more reporting between the two entities. After discussion of purchasing a new ambulance, it was decided they would look into remounting and updating two of the older ambulances. The ambulances will now also be rotated in the future so they will accumulate mileage equally.

Mayor Cann said that Emergency Management Coordinator, Andy Law, has expanded that position. He is more like a consultant for the Township, and has successfully obtained a substantial amount of monies for the Township from FEMA Grants.

PUBLIC PARTICIPATION: At this time, Committeeman Moynihan 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 stated that the run-off from the Shop-Rite Shopping Center is draining right across Orchard Avenue. P.W. Director Buhner will pass this information to C.D. Director Brian Johnson. Mayor Cann added that there has been a transfer of ownership at that location, and the area will be redeveloped in the future.

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

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

NAY: None

POLICE CHIEF NUCERA: Police Chief Nucera announced that as a JIF Insurance requirement, June 19, 2015 will be the next Lunch and Learn which is being incorporated into the employees' summer picnic. The building will be closed in the afternoon.

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.

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

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:42 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK