

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JULY 20, 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 7:00 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.

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 Construction Department Personnel Matter; Borden's Crossing Performance Bonds (Potential Litigation); Public Works Department Personnel Matter; Community Development Office Personnel Matter; Tax Collector

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Personnel Matter; Township Clerk Personnel Matter; Professional Services Contract Matter – Proposal Seth Hand Park; Administration Personnel Matter; 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 7:03 pm and reconvened the regular meeting at 7:43 pm.

Presentation of Certificates to Cub Scouts Pack 65. Mayor Cann stated that the Cub Scouts picked up approximately 21 cubic yards of trash from the Joseph Lawrence Park after the 4th of July Fireworks Celebration. On behalf of the Township Committee, Mayor Cann thanked each Scout and presented them with a certificate.

Presentation of Plaque to Ron Jacobsen for Assistance with 4th of July Fishing Derby. At this time, Mayor Cann read the plaque into the record and acknowledged Mr. Jacobsen's contribution to the annual Fishing Derby. Mr. Jacobsen said he will continue with this event and thanked everyone for the plaque.

Resolution #2015-201-8 entitled PROMOTING LIEUTENANT BRIAN PESCE TO THE PROVISIONAL APPOINTMENT OF POLICE CAPTAIN.

At this time, Committeeman Moynihan made a motion to approve Resolution #2015-201-8; seconded by Deputy Mayor Popko.

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

NAY: None

At this time, Township Clerk Eckert Administered the Oath of Office to Captain Pesce.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:58 pm and reconvened the regular meeting at 8:01 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert said that amended Ordinance #2015-12 was provided to them. And added that as a result of Closed Session, Resolutions #2015-201-31A through #2015-201-31F were being added to the Agenda.

CONSENT AGENDA

Resolution #2015-201-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2015-201-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2015-201-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2015-201-13 entitled A RESOLUTION TO CANCEL TAXES.

Resolution #2015-201-14 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2015-201-15 entitled A RESOLUTION TO CANCEL TAXES.

Resolution #2015-201-16 entitled RESOLUTION TO ESTABLISH HOURLY RATE CHARGES FOR MUNICIPAL EMPLOYEE PROFESSIONALS FOR BILLING TO LAND DEVELOPMENT ESCROW ACCOUNTS DURING CALENDAR YEAR 2015, PURSUANT TO THE NJ MUNICIPAL LAND USE LAW.

Resolution #2015-201-17 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2015-201-18 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2014.

Resolution #2015-201-19 entitled APPROVING CORRECTIVE ACTION PLAN FOR REPORT OF AUDIT FOR THE YEAR ENDING DECEMBER 31, 2014.

Resolution #2015-201-20 entitled APPROVING RAFFLE LICENSE #RL:414.

Resolution #2015-201-21 entitled AUTHORIZING ISSUANCE OF BINGO LICENSE #BL:415.

Resolution #2015-201-22 entitled APPROVING RAFFLE LICENSE #RL:416.

Resolution #2015-201-23 entitled ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.

Resolution #2015-201-24 entitled APPOINTING CHAIRMAN TO THE VETERANS ADVISORY COMMITTEE.

Resolution #2015-201-25 entitled AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS.

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Resolution #2015-201-26 entitled RESOLUTION TO APPOINT SEASONAL LABORER EMPLOYEES IN THE DEPARTMENT OF PUBLIC WORKS.

Resolution #2015-201-27 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE IRON SKILLET RESTAURANT/PETRO TRUCK STOP.

Resolution #2015-201-28 entitled A RESOLUTION TO APPOINT PATRICK ZINGARO AS TEMPORARY ELECTRICAL SUBCODE OFFICIAL AND PART-TIME ELECTRICAL INSPECTOR.

Resolution #2015-201-29 entitled AUTHORIZING PARTICIPATION IN THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR THE PREPARATION OF A STATEWIDE FAIR SHARE ANALYSIS.

Resolution #2015-201-30 entitled APPOINTMENT OF MEMBERS TO ZONING BOARD OF ADJUSTMENT.

Resolution #2015-201-31 entitled RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE TRANSFER OF CERTAIN AGREEMENTS WITH RESPECT TO PHASE 1C OF THE WATERFRONT REDEVELOPMENT PROJECT.

Resolution #2015-201-31A entitled RESOLUTION TO APPOINT JOSEPH LaROCCA TO THE POSITION OF FULL-TIME UNIFORM CONSTRUCTION CODE OFFICIAL/CODE ENFORCEMENT OFFICER AND AS SUBCODE OFFICIAL FOR BUILDING, PLUMBING AND FIRE.

Resolution #2015-201-31B entitled RESOLUTION TO APPOINT DOUGLAS NELSON TO THE POSITION OF PUBLIC WORKS LABORER IN THE DEPARTMENT OF PUBLIC WORKS.

Resolution #2015-201-31C entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO APPOINT PAMELA KEINTZ TO THE POSITION OF KEYBOARD CLERK IN THE OFFICE OF COMMUNITY DEVELOPMENT.

Resolution #2015-201-31D entitled RESOLUTION APPROVING STIPEND TO JEFFREY ELSASSER FOR CERTAIN ASSIGNED FINANCIAL DUTIES WITHIN THE FINANCE OFFICE.

Resolution #2015-201-31E entitled RESOLUTION AUTHORIZING MERITORIOUS AWARDS TO AN EMPLOYEE OF THE TOWNSHIP OF BORDENTOWN.

Resolution #2015-201-31F entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE SETH HAND PARK LANDSCAPE IMPROVEMENT PROJECT.

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Township Committee review and discussion of Consent Agenda Items Resolutions #2015-201-10 through #2015-201-31F. Committeeman Carson, Committeeman Moynihan, Committeeman Benowitz, and Deputy Mayor Popko commented/asked questions on the Consent Agenda.

JEFFREY ALBERT, Bordentown Waterfront Community, gave a brief explanation of Resolution #2015-201-31 in regard to the recently approved Quick-Chek. He explained that the agreement with the Township states that any transfer of property must be approved by the Redevelopment Authority. Rich LaMont of Quick-Chek was present and also answered questions from the Township Committee. Mr. LaMont responded to the question raised by Committeeman Moynihan pertaining to the sale of diesel fuel and indicated to Committeeman Moynihan that there would be no sale of diesel fuel to tractor trailers.

Resolution #2015-201-11. Deputy Mayor noted a typographical error on the July 6, 2015 Regular Minutes. Township Clerk Eckert will amend the error.

Resolution #2015-201-19. The Township Committee decided to pull Resolution #2015-201-19 and asked that the Township Auditor correct the Corrective Action Plan.

Resolution #2015-201-29. The Township Committee discussed this resolution and stated that there are currently already more than 35 municipalities involved in the defense of the Supreme Court's Decision on the Affordable Housing Fair Share Analysis. Attorney Kearns said he heard there were almost 100 municipalities that responded.

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

WALT KOSUL, 539 Route 206: Mr. Kosul asked for an explanation of Resolution #2015-201-16. Attorney Kearns responded that it is for in-house chargeback of any land use work completed by C. D. Director Brian Johnson. It sets the maximum rate that Mr. Johnson can receive on an application or inspection.

In regard to Resolution #2015-201-31, Mayor Cann responded that this is a formality of the redevelopment agreement.

Mr. Kosul also inquired about the Township stipends. Police Chief Nucera responded that there will be one stipend remaining, which is the Tax Collector's. Mayor Cann responded that three Administrators' stipends are still in place.

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

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At this time, Committeeman Benowitz made a motion to adopt the consent agenda, excluding Resolution #2015-201-19, and Resolution #2015-201-11 as amended; seconded by Deputy Mayor Popko.

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

NAY: None

Public Hearing on 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.

At this time, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2015-10; seconded by Committeeman Moynihan.

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

NAY: None

LEN de GROOT, 8 Arlington Road: Mr. de Groot asked several questions and made suggestions regarding this ordinance. Mayor Cann responded that this ordinance can be amended if a major change is necessary.

Seeing no further public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2015-10; seconded by Committeeman Moynihan.

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

NAY: None

Consideration of Adoption 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.

At this time, Deputy Mayor Popko made a motion to adopt Ordinance #2015-10; seconded by Committeeman Benowitz.

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

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NAY: None

Public Hearing on 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 open the public hearing on Ordinance #2015-11; seconded by Committeeman Moynihan.

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

NAY: None

WALT KOSUL, 539 Route 206: Mr. Kosul asked for an explanation of the ambulance-billing services from the Township. Mayor Cann responded that the Township needs uniform billing for out of township residents. Uninsured township residents pay nothing.

ROBERT DELANEY, 5 Alfred Drive: Mr. Delaney asked what changes were made to the ordinance. Mayor Cann responded, just the individual charges as listed. Mr. Delaney also asked what the Township has done for the residents that have been charged. Mayor Cann responded the Township has reimbursed the residents that requested a refund.

Seeing no further public comment, Committeeman Benowitz made a motion to close the public hearing on Ordinance #2015-11; seconded by Committeeman Moynihan.

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

NAY: None

Consideration of Adoption 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 adopt Ordinance #2015-11; seconded by Committeeman Moynihan.

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

NAY: None

Consideration of Introduction of Ordinance #2015-12 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

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At this time, Deputy Mayor Popko made a motion to introduce Ordinance #2015-12: seconded by Committeeman Benowitz.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be August 17th.

Consideration of Introduction of Ordinance #2015-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CANCELLING CERTAIN FUNDED AND UNFUNDED APPROPRIATION BALANCES IN THE AMOUNT OF \$654,622.70 AND REAPPROPRIATING SAID FUNDS FOR OTHER GENERAL CAPITAL IMPROVEMENTS AND FOR OTHER PURPOSES.

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2015-13: 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 August 17th.

TOWNSHIP COMMITTEE AND STAFF REPORTS

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

COMMITTEEMAN MOYNIHAN: The Veteran's Advisory Committee had a meeting on July 7, 2015. He cited some of the upcoming scheduled events.

Committeeman Moynihan gave an update on some recent Police Department matters.

He attended the Bordentown Sewerage Authority meeting today. The minutes from the June 15, 2015 meeting will be transcribed verbatim. The financial discussion from last month's meeting continued. Committeeman Moynihan said he expressed to the Bordentown City Commissioners that Bordentown Township is confident with our representatives at the Sewer Authority Board.

COMMITTEEMAN BENOWITZ: Committeeman Benowitz attended the Chamber of Commerce Meeting held on July 9, 2015.

He attended the July 9, 2015 Planning Board Meeting. The Wawa application was heard and continued to the next meeting.

The Economic Development Advisory Committee met. The business website was discussed. The next luncheon will be held on September 21, 2015 at Town and Country Restaurant; awards will be distributed.

He attended the Senior Citizen Social Meeting today.

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DEPUTY MAYOR POPKO: Deputy Mayor Popko gave an update on the Public Works Department projects. The Public Works Department received a notification from the N.J. DEP regarding apartment complexes and businesses that are not separating their recycling.

The Environmental Commission meeting is scheduled for July 21, 2015. Deputy Mayor Popko has been working on the ELCON incinerator project which is being installed in Pennsylvania. The Freeholders are on board, and are sending their solicitors, health department and recycling department personnel to the August 12, 2015 meeting in Pennsylvania. She also spoke to State Senator Linda Greenstein of Mercer County who is also sending representatives. There is a meeting on July 24, 2015 in Hamilton to further discuss this project.

Last Thursday, Music in the Park was held. This week is Movies in the Park, which is paid for by a Grant from Sustainable Jersey, and the movie Over the Hedge will be shown.

The Community Garden has already donated 150 lbs. of produce to the local food banks. Deputy Mayor Popko inquired about the status of the proposed ordinance for chickens at residences.

A letter from Eve Ziegler was received requesting permission to plant a tree at Bossert Park on behalf of their family in memory of Pete Ziegler. The Township Committee was all in agreement. Deputy Mayor Popko will respond to them.

MAYOR CANN: Mayor Cann reported that they met with Sherry from Phoenix Advisors regarding the Waterfront PILOT income and debt service, as well as other financial matters.

Information regarding the potential purchase of the 18 acres of Open Space on Crosswicks Road has been received, and the Township is currently working on the pre-appraisal requirements.

The letter switching from LSM to VOA for Senior Affordable Housing is now before the judge. They also have the Township's declarative judgment opposing the affordable housing.

Burlington County Recycling is having a problem with needles showing up in recycling.

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 Carson, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

ROB DELANEY, 5 Alfred Drive: Mr. Delaney asked when the Dunkin Donuts was opening. He cited several concerns with the site. Mr. Delaney also asked what has been done to address the oversized AT&T sign and ALDI signs.

He also inquired: who the author of the Bordentown Mustang was, what the salary is of the Community Development Director's new secretary, about the promotion and position of the provisional Police Captain, about the status of filling the Township Administrator position, and about the auditor's errors for the last two years.

Mr. Delaney asked if food from the Community Garden was going to residents in need. Deputy Mayor Popko responded that the food pantries distribute to those in need.

LEN DeGROOT, 8 Arlington Road: Mr. DeGroot asked that questions and answers be respectful. Mayor Cann responded that they try to allow free discussion.

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WALT KOSUL, 539 Route 206: Mr. Kosul asked about the status of the (former) Dix Drive-in property, which has been cleaned up and the Township now owns it. Attorney Kearns will follow-up on the location of the deed. Mayor Cann stated that the Township is not ready to develop that (future) park; we are currently working on our existing parks. Mr. Kosul also commented on the political candidates.

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 said the Township Committee has received computer tablets to reduce the amount of paper agendas being sent to them, but are still receiving hard copies. Police Chief Nucera explained that the Township is eliminating Gmail and switching back to a new Microsoft Outlook program and everything will be stored on the in-house server. At this time, Township Clerk Eckert is limited in the amount of material that can be sent out. The new Outlook is due to be installed by the September meeting.

MAYOR CANN: Mayor Cann stated that he received a letter requesting support of Assembly Bill A-4435 regarding government records. It moves the OPRA to a mediation board to remove some of the hassle that municipalities are going through. A resolution will be prepared for the next meeting.

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 return to Closed Session to discuss Administration Personnel Matter; seconded by Deputy Mayor Popko.

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 9:41 pm and reconvened the regular meeting at 10:12 pm.

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 adjourn the regular meeting; seconded by Committeeman Carson.

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 10:13 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK