

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
SEPTEMBER 14, 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 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: Committeeman Richard Carson

Mayor Cann called the meeting to order at approximately 7:03 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 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 Professional Services Contract Matter – Charles Bossert Park; Koeller and Engler v. Township of Bordentown; Barbara Woolley-Dillon v. Township of Bordentown; Construction Department Personnel Matter; Administrative Personnel 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 Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

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ABSENT: Committeeman Carson

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:05 pm and reconvened the regular meeting at 7:37 pm.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert said that Resolution #2015-257-16 and Ordinance #2015-17 are being pulled from the Consent Agenda; Mayor Cann briefly explained the reasons.

On page 19 of the General Fund Bill List, P.O. #15-01223 from PSE&G was pulled.

A correction was made to Resolution #2015-257-12; the stipend amount was increased.

A letter dated September 10, 2015 was received from the Mayor of Florence Township regarding their opposition to the Fairless Landfill permit application.

Correspondence was distributed relating to the Township's water quality. This will be reviewed later in the meeting by Committeeman Moynihan.

As a result of Closed Session, Resolutions #2015-257-16A and #2015-257-16B are being added to the Consent Agenda.

**CONSENT AGENDA**

**Resolution #2015-257-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2015-257-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.**

**Resolution #2015-257-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2015-257-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2015-257-11 entitled RESOLUTION ACCEPTING THE QUOTE FROM FURNITURE MILL FOR STANDARD SHADE PAVILION FOR DOG PARK.**

**Resolution #2015-257-12 entitled RESOLUTION APPROVING STIPEND TO KIM WOLVERTON FOR CERTAIN ASSIGNED EMERGENCY MANAGEMENT DUTIES WITHIN THE OFFICE OF EMERGENCY MANAGEMENT.**

**Resolution #2015-257-13 entitled RESOLUTION AUTHORIZING TUREK CONSULTING TO SUBMIT A GRANT APPLICATION UNDER THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.**

**Resolution #2015-257-14 entitled RESOLUTION AUTHORIZING TUREK CONSULTING TO SUBMIT A GRANT APPLICATION UNDER THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.**

**Resolution #2015-257-15 entitled RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT.**

**Resolution #2015-257-16 entitled RESOLUTION ACCEPTING THE QUOTE FROM \_\_\_\_\_ FOR SETH HAND PARK – EDUCATIONAL NATIVE PLANTING PROJECT. (PULLED)**

**Resolution #2015-257-16A entitled RESOLUTION ACCEPTING THE PROPOSAL FROM DESIGN FOR GENERATIONS, LLC, FOR THE CHARLES BOSSERT PARK MEDITATION GARDEN PROJECT.**

**Resolution #2015-257-16B entitled A RESOLUTION TO APPOINT THOMAS LAYOU AS TEMPORARY-PART/TIME FIRE SUBCODE OFFICIAL FOR THE BORDENTOWN TOWNSHIP CONSTRUCTION OFFICE.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2015-257-7 through #2015-257-16B. Committeeman Moynihan, Committeeman Benowitz, Deputy Mayor Popko, and Mayor Cann commented/asked questions on the Consent Agenda.

Resolution #2015-257-8. Mayor Cann noted a revision in the August 17, 2015 Regular Minutes. Township Clerk Eckert will amend the minutes.

Resolution #2015-257-11. Committeeman Moynihan said he still prefers shade trees to be planted at the dog park in lieu of a pavilion. Deputy Mayor Popko stated that half of the pavilion is being paid for by a grant, and the shade trees would die from the dogs urinating on them.

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 Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

ABSENT: Committeeman Carson

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

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

NAY: None

ABSENT: Committeeman Carson

At this time, Committeeman Benowitz made a motion to adopt the consent agenda with amendments and changes, and recognition that Committeeman Moynihan is voting no to Resolution #2015-257-11; seconded by Deputy Mayor Popko.

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

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NAY: None

ABSENT: Committeeman Carson

**Public Hearing on Ordinance #2015-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF BORDENTOWN.**

DEPUTY MAYOR POPKO & COMMITTEEMAN MOYNIHAN: Deputy Mayor Popko and Committeeman Moynihan cited two errors in the addresses listed on the Agreement. Attorney Kearns stated this is an administrative change, and the Ordinance could still be approved as amended.

At this time, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2015-14; seconded by Committeeman Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

Seeing no public comment, Committeeman Benowitz made a motion to close the public hearing on Ordinance #2015-14; seconded by Deputy Mayor Popko.

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

NAY: None

ABSENT: Committeeman Carson

**Consideration of Adoption of Ordinance #2015-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE ACQUISITION OF CERTAIN REAL PROPERTY WITHIN THE TOWNSHIP OF BORDENTOWN.**

At this time, Deputy Mayor Popko made a motion to adopt Ordinance #2015-14; seconded by Committeeman Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

**Consideration of Introduction of Ordinance #2015-15 entitled AN ORDINANCE TO AMEND ORDINANCE #2015-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.**

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2015-15: seconded by Deputy Mayor Popko.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be September 28<sup>th</sup>.

**Consideration of Introduction of Ordinance #2015-16 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, SECTION 10.04.030, HEAVY VEHICLES – EXCLUSIONS, OF THE BORDENTOWN TOWNSHIP CODE.**

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2015-16: seconded by Deputy Mayor Popko.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be September 28<sup>th</sup>.

**Consideration of Introduction of Ordinance #2015-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND THE ACQUISITION OF VARIOUS EQUIPMENT AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$2,300,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$2,185,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME. (PULLED)**

**Township Committee discussion of 2015 November Meeting Schedule.**

Township Clerk Eckert stated that the Township Committee Meetings for November had been changed to November 16, 2015. This is during the League of Municipalities Conference. She suggested alternative dates. A decision was made to cancel November 16, 2015 and schedule the meeting for November 23, 2015.

Committeeman Benowitz made a motion to change the November meeting date from November 16, 2015 to November 23, 2015; seconded by Deputy Mayor Popko.

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

NAY: None

ABSENT: Committeeman Carson

**Township Committee discussion of 2016 NJ Department of Transportation Grant Application.**

An email was received from Alternate Engineer Fred Turek offering suggestions. Various Grants and projects were discussed. Mayor Cann stated that you have to persist and keep applying for the Grants until they are finally awarded.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN MOYNIHAN: The Veteran's Advisory Committee Car Show is scheduled for October 11, 2015 at 11:00 a.m. at Joseph Lawrence Park; the rain date is October 18, 2015. The Veteran's Day Ceremony is November 7, 2015 at 1:00 pm.

Committeeman Moynihan gave some highlights of recent Police Department matters.

A notice was received from the Bordentown Sewerage Authority for the Public Hearing on the rate increase. It is scheduled for September 21, 2015 at their offices.

A notice dated August 4, 2015 from the Water Authority was sent to water customers regarding water quality. Committeeman Moynihan gave an update on what the Water Authority is doing and the water quality of the wells. He said he feels the Water Authority is being proactive and are agreeable to a meeting with the Environmental Commission.

COMMITTEEMAN BENOWITZ: On August 20, 2015, Committeeman Benowitz said he attended the ALDI ribbon cutting ceremony.

Both September Planning Board meetings were cancelled. The Wawa application received preliminary site plan approval at the August meeting. Final site plan approval is dependent upon outside approvals. Team 85 requested a continuation of their hearing.

The next ELCON incinerator hearing is scheduled for September 30, 2015 at 7:00 pm at the Bucks County Sheraton.

On August 27, 2015, he met with the Delaware Valley Regional Planning Commission (DVRPC) to seek further assistance with the ongoing erosion situation at the Sylvan Glen.

He attended both Fire District meetings on September 3, 2015 and gave an update on those entities. Construction Official Joseph LaRocca has assisted with the construction being performed at the District #2 station.

He attended the Senior Citizen business meeting on September 1, 2015.

The Economic Development Advisory Committee (EDAC) meeting was held on September 8, 2015. Final arrangements were made for the awards luncheon which is scheduled for September 21, 2015 at the Town and Country Restaurant.

He attended and spoke at the Bordentown Community Soccer Association (BCSA) on September 19, 2015.

He attended and spoke at the new Dunkin Donut ribbon cutting ceremony on September 12, 2015.

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Community Development Director Brian Johnson and he are in the process of tabulating information regarding abandoned properties in the Township.

The sink hole in Clifton Mill has been repaired.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said that Community Day begins at 11:00 a.m. on September 19, 2015.

She gave an update on several Public Works Department projects.

The Environmental Commission meeting is scheduled for September 15, 2015. The Paper Shredding event is scheduled for October 10, 2015. The Community Garden will be closed on October 17, 2015. They are looking into opening half of the Community Garden for public rental.

The Green Team is meeting September 16, 2015 at Northern Community Park at 7:00 pm. A nature walk through the trails at Northern Community Park is being discussed.

On September 26, 2016, a prescription drug drop-off is being held in the Police Department from 10:00 am to 3:00 pm.

The Wailing Woods Haunted Hayride is being held on October 23, 2015. They are looking for volunteers to dress up and donations of sheets and blankets.

In regard to the ELCON Incinerator and the Fairless Landfill, Deputy Mayor Popko said the Township is supposed to be contacting Florence Township, Burlington City, and the Mercer and Burlington County Freeholders. Police Chief Nucera said he received a response from Florence Township and still has to contact the other entities. Mayor Cann said he has spoken to the Burlington County Freeholders who will be attending and show their opposition. Deputy Mayor Popko thought Bordentown City and Fieldsboro should also be contacted. Police Chief Nucera will follow-up. She asked that the resolutions opposing these two projects be placed on the next meeting's Agenda.

MAYOR CANN: Mayor Cann agreed that resolutions opposing the ELCON Incinerator and the Fairless Landfill needed to be created. He said that Florence's suggestion is well-taken since they've been through this before. He said the PA-DEP reacts most to citizens who contact them. Mayor Cann thought it was at the point that if the Freeholders don't help, the Township may have to get legal assistance in this matter.

Mayor Cann asked about the Thank you letter to W.W. Grainger. Police Chief Nucera responded he has a proof for him to review.

He spoke with C.D. Director Brian Johnson regarding the white road lines in Williamsburg Village. It was discovered that Williamsburg Road is not on the Township bike trail and this road may be scheduled for micro-surfacing.

Flu Shots are being administered at the Senior Center on September 21, 2015 from 11:00 am to 1:00 pm.

In regard to the recent drainage construction project on Arlington Road, residents stated that knotgrass was brought in with the mulch, seed, or soil. The contractor has agreed to bring in a landscaper.

There is another large tract of land that may not be sold to the State, needs to be preserved, and is undevelopable. The Township will be investigating for possible purchase.

Transco is asking for the Township's blessing for an easement and expansion. They are building a station in Chesterfield to compress the gas. Attorney Kearns said this relates to Transco's application to the N.J. DEP for Green Acres clearance. Deputy Mayor Popko stated that the Environmental Commission reviewed a list received from Transco and according to the Environmental Resource Inventory, they encroached on the Township's wetlands, were within 200 yards of homes, etc. C.D. Director indicated to Attorney Kearns that there are concerns giving them permission would be a back

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door way of telling them we are approving their application, so he did not respond to them. Deputy Mayor Popko suggested contacting Chesterfield Township. Mayor Cann said Transco will keep trying, and the Township will keep saying, no.

Mayor Cann informed the Committee members that the Bordentown Development Company has filed suit as an intervener in the Affordable Housing suit, and said the Township may see more of these.

A letter was received from AAH Management Company/Bradford Pointe who are still looking for their funds for repairs they've made. The Township is not administratively ready to release funds.

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

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

NAY: None

ABSENT: Committeeman Carson

LEN DeGROOT, 8 Arlington Road: In regard to the Arlington Road drainage improvement project, Mr. DeGroot said the contractor recently placed additional dirt on both sides of the sidewalk. This is where the knotgrass is growing. Mr. DeGroot said they did a beautiful job on the sidewalk and drain.

Mr. DeGroot asked where the developers want to place affordable housing. Mayor Cann responded there are several vacant sites, but they are zoned REO or High Commercial (HC). One of the properties is the Zieger property next to Crystal Grande and Rising Sun Road.

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz said that two 16 year olds girls were recently soliciting in Williamsburg Village trying to sell the Philadelphia Inquirer. She called the police and asked about no soliciting signage.

Ms. Heinz inquired about the placement of signs regarding parking in Williamsburg Village. Police Chief Nucera responded to her questions. Mayor Cann suggested creating an ordinance to enforce illegal parking in the fire zones.

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

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

NAY: None

ABSENT: Committeeman Carson

MAYOR CANN: Police Chief Nucera and Mayor Cann recently had a meeting with Bordentown City Deputy Mayor Lynch and Brian Maueri of EMS regarding the chassis replacement in the ambulances and the budget. He added that billing is behind and there are not as many calls.

POLICE CHIEF NUCERA: Police Chief Nucera stated that he had a meeting with the health insurance representative. The Township is moving forward to ensure that the necessary requirements are



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met for 2016 under the ACA. The next target date is 2018 and, depending on the change in the law, the Township may be exposed to a penalty based on the cost of insurance for employees. Right now it is approximately \$60,000/year. This is because of the premium levels set by the ACA in comparison to what the premiums are. There may be a possible increase in the prescription costs.

There may be a Special Meeting scheduled for September 24, 2015 at 5:00 pm to finish up promotions of the Sergeants.

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 Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:17 p.m.

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JAMES CANN, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK