

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
SEPTEMBER 28, 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  
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Richard Carson  
Public Works Director Dean Buhner

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.

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 Matters; Seth Hand Park Contract Matter; Joseph Lawrence Park Contract Matter; Charles Bossert Park Contract Matter; Public Works Expansion Project Contract Matter; Borden's Crossing Performance Bond Matter (Potential Litigation); 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

PAGE 2  
REGULAR MEETING  
September 28, 2015

ABSENT: Committeeman Carson

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:06 pm and reconvened the regular meeting at 7:41 pm.

**Mayor's Proclamation Declaring October 10, 2015, as Put The Brakes On Fatalities Day.**  
At this time, Mayor Cann read the Proclamation into the record.

**ADMINISTRATIVE REVIEW**

A copy of a Certificate of Special Congressional Recognition that was awarded to Police Chief Nucera was distributed to the Township Committee. Committeeman Moynihan will discuss this later in the meeting.

There is an Addendum to the Consent Agenda adding Resolutions #2015-271-20A and #2015-271-20B.

As a result of Closed Session, Resolutions #2015-271-20C and #2015-271-20K are being added to the Consent Agenda.

Mayor Cann announced that Attorney Kearns joined/merged with a new law firm and the name of his firm has changed effective October 1, 2015.

**CONSENT AGENDA**

**Resolution #2015-271-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2015-271-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.**

**Resolution #2015-271-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2015-271-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

**Resolution #2015-271-12 entitled RESOLUTION TO AMEND THE MUNICIPAL SHARED SERVICES DEFENSE AGREEMENT FOR COAH RELATED MATTERS.**

**Resolution #2015-271-13 entitled RESOLUTION TO AMEND THE SCHEDULE OF DATES AND TIMES FOR THE REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND LOCAL BOARD OF HEALTH.**

**Resolution #2015-271-14 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.**

**Resolution #2015-271-15 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON FOR CENTRAL COMMUNICATIONS/"911 CALLS" FOR PUBLIC SAFETY ENTITIES.**

**Resolution #2015-271-16 entitled AMEND PUBLIC WORKS EXPANSION PROJECT PHASE 1A – FENCE AND LANDSCAPE BUFFERING WITH GOWER’S, INC., CHANGE ORDER NO. 1.**

**Resolution #2015-271-17 entitled APPROVING RAFFLE LICENSE #RL:418.**

**Resolution #2015-271-18 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA.**

**Resolution #2015-271-19 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF WASTE MANAGEMENT SUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED LANDFILL TO BE LOCATED IN FAIRLESS HILLS, PENNSYLVANIA.**

**Resolution #2015-271-20 entitled RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION PURCHASE ORDER ENCUMBRANCES.**

**Resolution #2015-271-20A entitled RESOLUTION TO AMEND THE PROFESSIONAL SERVICES AGREEMENT WITH THE TOWNSHIP ATTORNEY, WILLIAM JOHN KEARNS, JR.**

**Resolution #2015-271-20B entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOARD OF CHOSEN FREEHOLDERS AND BURLINGTON COUNTY AND TOWNSHIP OF BORDENTOWN FOR A SUB-GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2015 IN THE AMOUNT OF \$65,000 TO ACCOMPLISH THE INSTALLATION OF HANDICAPPED CURB RAMPS AT VARIOUS LOCATIONS.**

**Resolution #2015-271-20C entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS EXPANSION PROJECT – POLYCHLORINATED BIPHENYL SELF-IMPLEMENTING PLAN.**

**Resolution #2015-271-20D entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS EXPANSION PROJECT – UST CONTAMINATED SOIL DISPOSAL (262 CROSSWICKS ROAD).**

**Resolution #2015-271-20E entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VETERAN’S PARK AT JOSEPH LAWRENCE RECREATION AREA – BASKETBALL COURTS RENOVATIONS.**

**Resolution #2015-271-20F entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PREPARATION OF NEW VOTING DISTRICT MAP.**

**Resolution #2015-271-20G entitled RESOLUTION ACCEPTING THE QUOTE FROM OSTRICH NURSERY FOR SETH HAND PARK – EDUCATIONAL NATIVE PLANTING PROJECT.**

**Resolution #2015-271-20H entitled RESOLUTION ACCEPTING THE QUOTE FROM NICKOLAUS CONSTRUCTION COMPANY, INC., FOR VETERANS PARK AT JOSEPH LAWRENCE RECREATION AREA – BASKETBALL COURT RENOVATIONS PROJECT.**

**Resolution #2015-271-20I entitled A RESOLUTION TO AWARD A CONTRACT TO GOWER’S, INC., FOR THE CHARLES BOSSERT PARK – PHASE TWO IMPROVEMENT PROJECT.**

**Resolution #2015-271-20J entitled REJECTING BIDS FO THE PUBLIC WORKS EXPANSION PROJECT – PROJECT 1, OUTBUILDINGS.**

**Resolution #2015-271-20K entitled RESOLUTION AUTHORIZING MEDIATION AGREEMENT AND RETAINER’S FEE FOR BENCHMARK RESOLUTION SERVICES, LLC, IN THE MATTER OF TOWNSHIP OF BORDENTOWN \* AMBOY BANK, ET AL.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2015-271-8 through #2015-271-20K. Committeeman Moynihan, Committeeman Benowitz, Deputy Mayor Popko, and Mayor Cann commented/asked questions on the Consent Agenda.

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

WALT KOSUL, 539 Route 206: In regard to Resolution #2015-271-15, Mr. Kosul asked how this resolution affects him living in zip code 08610. Mayor Cann responded, no affect, this is the renewal of a contract that has already been in place.

In regard to the Township’s opposition to the proposed waste facility, he asked what was being done in addition to the resolution. Mayor Cann stated it is being posted on the website where residents can call in or write to the PA-DEP opposing ELCON and the landfill, a letter was recently received from Florence, there is a meeting on September 30, 2015 at 6:30 pm, and the Township is prepared to contribute financially.

Seeing no further 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

PAGE 5  
REGULAR MEETING  
September 28, 2015

ABSENT: Committeeman Carson

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

AYE: Committeeman Benowitz, Committeeman Moynihan--excluding Resolution Number 2015-271-16, Deputy Mayor Popko, Mayor Cann

NAY: None

ABSENT: Committeeman Carson

**Public Hearing on 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, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2015-15 seconded by Committeeman Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

Seeing no public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2015-15; seconded by Committeeman Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

**Consideration of Adoption 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 adopt Ordinance #2015-15; seconded by Deputy Mayor Popko.

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

NAY: None

ABSENT: Committeeman Carson

**Public Hearing on 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 open the public hearing on Ordinance #2015-16; seconded by Committeeman Moynihan.

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 #2015-16; 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 #2015-16 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, Deputy Mayor Popko made a motion to adopt Ordinance #2015-16; seconded by Committeeman Moynihan.

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

NAY: None

ABSENT: Committeeman Carson

**Consideration of Introduction of Ordinance #2015-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING TITLE 6 OF THE CODIFIED GENERAL ORDINANCES OF THE TOWNSHIP OF BORDENTOWN, AND CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE, TO ADD PROVISIONS FOR THE KEEPING OF CHICKENS. (PULLED)**

Deputy Mayor Popko expressed her disapproval in the fee amounts. After discussion, the Township Committee decided to pull the Ordinance. They will ask C.D. Director Brian Johnson to do a survey of what other towns have done.

PAGE 7  
REGULAR MEETING  
September 28, 2015

**Consideration of Introduction of Ordinance #2015-17 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO VACATE A PORTION OF HARDING AVENUE AND AN UNNAMED ALLEY WITHIN TAX BLOCK 22. (Formerly Ordinance #2015-18)**

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2015-17 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 October 26<sup>th</sup>.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN MOYNIHAN: The Veteran's Advisory Committee will hold a car show on Sunday, October 11, 2015 at Peter Muschal School/Joseph Lawrence Park/Veteran's Memorial Park from 10:00-4:00 pm. On Saturday, November 7, 2015 the Veteran's Day Ceremony will be held at the Bordentown Cemetery at 1:00 pm.

The Bordentown Sewerage Authority had a meeting on September 14, 2015. The rate hearing was postponed until November 16, 2015. The fiscal year 2015 budget, which starts on December 1, 2015, will be introduced at their next meeting on October 19, 2015.

In regard to the Water Authority, Commissioner Targonski wants to give the Environmental Commission a tour of the Water Plant. He asked that Deputy Mayor Popko contact him next week.

Committeeman Moynihan gave some highlights of recent Police Department matters.

COMMITTEEMAN BENOWITZ: The October 1, 2015 Planning Board meeting is cancelled. The October 8, 2015 meeting will include Team 85 Final Site Plan Approval and the Acme Commons application.

There was a conference call meeting with the Bordentown Waterfront on September 18, 2015. He gave a summary of what was discussed.

He attended the Stony Brook Sew and Vac ribbon cutting ceremony on September 19, 2015 with Mayor Cann.

The 2<sup>nd</sup> Annual Economic Development Advisory Committee (EDAC) Awards business luncheon was held on September 21, 2015 at the Town and Country Restaurant. He gave a summary of what was discussed.

DEPUTY MAYOR POPKO: Deputy Mayor Popko gave an update on the Public Works Department projects. In regard to trash pick-up, she asked that the Public Works Department notify the garbage company when streets are closed and an alternative route.

The Rotary Club and the Junior Girl Scouts will be joining the Green Team this year along with the Environmental Commission to participate in different projects and events.

Paper Shredder Day is scheduled for October 10, 2015 and will be held at the Public Works Recycling Center from 9:00-12:00 noon.

PAGE 8  
REGULAR MEETING  
September 28, 2015

The Fall Nature Walk and activities is scheduled for October 11, 2015 at 10:00 a.m. at the Northern Community Park.

The Community Garden will be closed on October 17, 2015. Over 700 lbs. of fresh organic produce has been harvested and donated. A small party will follow.

MAYOR CANN: The Juvenile Justice Commission (JJC) is holding a walk at Johnstone on October 2, 2015 at 9:15 a.m. Mayor Cann said he will be attending.

Meetings are being set up to speak with redevelopers interested in the Southern Gateway.

**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, Deputy Mayor Popko, Mayor Cann

NAY: None

ABSENT: Committeeman Carson

TOM DALTON, 17 Bennington Road: In regard to the proposed chicken ordinance, he said he thought half the town has 1/5 acre or less and could be chicken owners. Deputy Popko responded that he was correct.

In regard to the Bordentown Waterfront project, Mr. Dalton asked if the Township was provided with an update of the number of children that would be attending the schools. Mayor Cann and Committeeman Benowitz responded that when this information becomes available it will be released to the public.

Mr. Dalton asked if the Township will be released from the obligation of the bonds when the phases at the Bordentown Waterfront are finished. Mayor Cann responded that the Township is not released until the bonds are paid off.

WALT KOSUL, 539 Route 206: Mr. Kosul commented on the Township's Redevelopment Committee, Bordentown Waterfront Community and their PILOT, and affordable senior housing.

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

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

NAY: None

ABSENT: Committeeman Carson

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan announced that a Certificate of Special Congressional Recognition presented by Congressman Tom MacArthur to Police Chief Nucera was received. It was in recognition of outstanding and invaluable service to the community. He read an excerpt from the letter into the record.



PAGE 9  
REGULAR MEETING  
September 28, 2015

POLICE CHIEF NUCERA: Police Chief Nucera announced that the first Lunch and Learn by the JIF will be held on Friday, October 16, 2015. The Municipal Offices will be closed at 12:00 noon.

Monday, October 5, 2015 the Municipal Building hours will revert back to 9:00 a.m. to 5:00 p.m., doors closing at 4:30 p.m.

COMMITTEEMAN BENOWITZ: Committeeman Benowitz asked that the Township Committee consider a date for the Black History Month event.

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 8:36 p.m.

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JAMES CANN, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK