

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
FEBRUARY 8, 2016

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 Jill Popko
Deputy Mayor Stephen Benowitz
Committeeman James Cann
Committeeman Richard Carson (video-conferenced @ 7:51 pm)
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer David Kocian
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Eric Holliday
Public Works Director Dean Buhner

Mayor Popko called the meeting to order at approximately 7:07 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 4, 2016, 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 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, Deputy Mayor 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 OPRA Potential Litigation; K. Johnson Team 85 Pilot Agreement Contract Matter; and Professional Services Agreements for Township Webmaster and Special Counsel for Environmental Matters; seconded by Committeeman Cann.

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 Cann, Deputy Mayor Benowitz, Mayor Popko

NAY: None

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ABSENT: Committeeman Holliday, Committeeman Carson

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:10 pm and reconvened the regular meeting at 7:49 pm.

Mayor's Proclamation supporting Endeavors of Amber Mack, Mrs. New Jersey International.

Mayor Popko announced that Bob Smyth from Congressman Tom MacArthur's Office was also present to honor Ms. Mack. The Proclamation was presented to Ms. Mack and read into the record by Mayor Popko.

Presentation of Phase 2 of the Bordentown Waterfront Community by Jeffrey Albert, Princewood Properties.

In accordance with the Redevelopment Agreement, Jeffrey Albert asked the Redevelopment Committee (the Township Committee) for their consent to apply to the Planning Board for Phase 2 at the Bordentown Waterfront Community. Phase 2 represents all the land that is on the west side of the rail. Bill Hamilton--Landscape Architect and Planner, Paul Schneider--Land Use Attorney, and Herb Ames were also present. The representatives proceeded with the presentation. The Township Committee expressed concern with the increase in the number of units and the number of bedroom.

Mr. Albert was asked to provide documentation that Quick-Chek has taken the steps to apply for permits and post escrows and, in addition, provide proof that marketing efforts on the retail have been addressed. These items will be provided at the next meeting.

At this time, Committeeman Cann made a motion to postpone and relist the Bordentown Waterfront Community Presentation of Phase 2 for the February 22, 2016 Township Committee Meeting; seconded by Deputy Mayor Benowitz.

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

NAY: None

ABSENT: Committeeman Holliday

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that an amended bill list was distributed, adding Purchase Order #16-00165. In addition, the Closed Session meeting was not completed and the Committee will need to recess at the end of meeting to go back into Closed Session; action may be taken at the end of the meeting.

CONSENT AGENDA

Resolution #2016-039-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

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Resolution #2016-039-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2016-039-11 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2016-039-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2016-039-13 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Resolution #2016-039-14 entitled AMEND VETERANS PARK – JOSEPH LAWRENCE RECREATION AREA BASKETBALL COURT RENOVATIONS PROJECT WITH NICKOLAUS CONSTRUCTION COMPANY – CHANGE ORDER NO. 1.

Resolution #2016-039-15 entitled AMEND 2014 BORDENTOWN ROAD PROGRAM WITH ARAWAK PAVING COMPANY – CHANGE ORDER NO. 2.

Resolution #2016-039-16 entitled APPROVING RAFFLE LICENSE #RL:423.

Resolution #2016-039-17 entitled RESOLUTION ENDORSING THE ADOPTION OF GREEN BUILDING PRACTICES FOR CIVIC, COMMERCIAL AND RESIDENTIAL BUILDINGS.

Resolution #2016-039-18 entitled BORDENTOWN TOWNSHIP COMPANION ANIMAL PLEDGE.

Resolution #2016-039-19 entitled PLEDGE SUPPORTING NJ WILDLIFE ACTION PLAN.

Resolution #2016-039-20 entitled RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY.

Resolution #2016-039-21 entitled RESOLUTION SUPPORTING THE ENVIRONMENTAL COMMISSION'S RESOLUTION TO CREATE AN ANTI-IDLING POLICY.

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-039-9 through #2016-039-21. Committeeman Cann, Committeeman Carson, Deputy Mayor Benowitz, and Mayor Popko commented/asked questions on the Consent Agenda.

Resolution #2016-039-10. Committeeman Cann and Mayor Popko cited changes to the January 25, 2016 minutes. Township Clerk Eckert will make the amendments.

Resolution #2016-039-15. Deputy Mayor Benowitz and Mayor Popko asked about the status of the grass replacement on the Arlington Road drainage project. Police Chief Nucera will follow-up with C.D. Director Brian Johnson and report back.

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

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

NAY: None

ABSENT: Committeeman Holliday

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

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

NAY: None

ABSENT: Committeeman Holliday

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

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

NAY: None

ABSENT: Committeeman Holliday

Township Committee discussion of 2016 Request to Conduct Aerial Larval/Adult Mosquito Control Activities.

The Township Committee was in agreement that this discussion item be relisted for February 22, 2016 Meeting. Township Clerk Eckert will find out if the Township declines the aerial, can we still be part of the spot spraying contract.

Township Committee discussion of Rental Plots at Community Garden.

Mayor Popko will be distributing a copy of the rules and regulations (covenant) of the Community Garden. Attorney Fahey stated that the Township Committee should authorize the use of the property because it is a municipally-owned property. There should also be some type of explanation as validation for the rent; the Township can't make money, they can only recoup costs. The fee and agreement should be approved by resolution.

Roger Plew, Chairman of the Environmental Commission, stated that Patricia Concannon who is an attorney and leader of the Green Team was going to create a contract to be submitted to the Township Committee for their approval, but if Mayor Popko had sample contracts from other municipalities, they would be reviewed.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann said he had a discussion with P.W. Director Buhner, and the recent snowstorm (blizzard) took a toll on the equipment and large trucks; most of it has been repaired.

An Affordable Housing Sub-Committee meeting was held. The 5 month extension deadline of April 1, 2016 is approaching. Some type of plan has to be created or an addendum to the one previously submitted, and guidance is needed from the Court Master, Mary Beth Lonergan. Also, COAH charges to commercial real estate were put in abeyance by the Governor and that was taken off, so anything that has been approved has some gray area to it, as opposed to what the Township can impose in terms of COAH. So some of the projects are in the lurches to exactly what their COAH obligation is. The Township is working with the Special Attorney on Affordable Housing to work out the numbers. This will impact how we operate covering this obligation. The goal is to minimize as much as possible the number of new homes that have to be built in the Township.

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

DEPUTY MAYOR BENOWITZ: One February 4, 2016, the Planning Board heard the amended final and preliminary site plan presented by Investors Bank at a joint meeting with Bordentown City's Planning Board. The applicant was granted approval with variances and conditions.

He attended the February 1, 2016 Senior Citizen meeting. He gave them information about the Black History Month Ceremony and encouraged them to go.

Deputy Mayor Benowitz gave an update on the UCC and Community Development Offices and provided the status of some of the projects.

The Bordentown Sewerage Authority Reorganization meeting will be held on February 16, 2016.

The EDAC business breakfast has been re-scheduled for February 29, 2016 at the Town and Country Diner at 7:30 a.m. A presentation will be made about redevelopment.

The Black History Month Ceremony is scheduled for February 25, 2016 at the Bordentown Regional High School Library. Two sessions will be held, and the public is invited.

MAYOR POPKO: Mayor Popko inquired about the website and said it needs to be updated. Police Chief Nucera will follow-up with Angel Sauro.

She attended the Affordable Housing Sub-Committee meeting with Committeeman Cann.

She went to the Veteran's Advisory Committee meeting in Committeeman Carson's absence. They are organizing a fundraiser and concert for this summer to raise funds for the proposed Veteran's Memorial.

Committeeman Cann and she met with Phoenix Advisors to discuss bonding and status of finances. She said the Township is in a good place and the first budget meeting is scheduled for February 27, 2016 at 10:00 a.m.

On February 10, 2016 from 4:00 to 8:00 pm in the Senior Community Center there will be a letter writing workshop to oppose the SRL Pipeline, the Transco Compressor Station, the ELCON Hazardous Waste Facility, and the Waste Management Landfill. There will be information packets available about the projects and assistance in writing letters to their representatives, the NJ DEP, and the BPU. There will also be a Freeholder's meeting on February 10, 2016 at 7:00 pm.

There is a mayor's meeting this week where she will be talking about the environmental issues. She made an appointment with the NJ DEP who are setting up a date this week to meet with our

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representatives, legislators, and all the mayors along the pipeline to discuss different problems with the pipeline and the compressor station.

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

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

NAY: None

ABSENT: Committeeman Holliday

WALT KOSUL, 539 Route 206: Mr. Kosul asked what was the policy for OPRA in regard to the budget. Attorney Fahey responded that OPRA is a law, and the Township responds and provides the material requested. Mr. Kosul also asked if any written retirements were received for this year, so this could be added to the budget. Attorney Fahey stated this is not an OPRA question, it is a personnel matter and not public information.

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

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

NAY: None

ABSENT: Committeeman Holliday

At this time, Deputy Mayor Benowitz made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess the regular meeting to meet in closed session for the purpose of discussing Professional Services Agreements for Township Webmaster and Special Counsel for Environmental Matters; seconded by Committeeman Cann.

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

NAY: None

ABSENT: Committeeman Holliday

TOWNSHIP CLERK ECKERT: Township Clerk Eckert announced, at this time, that Committeeman Carson departed the meeting.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 9:32 pm and reconvened the regular meeting at 10:35 pm.

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Resolution #2016-039-21A entitled APPOINTING VARIOUS MEMBERS OF THE TOWNSHIP PROFESSIONAL STAFF: TOWNSHIP WEBMASTER AND SPECIAL COUNSEL FOR ENVIRONMENTAL MATTERS.

At this time, Deputy Mayor Benowitz made a motion to approve Resolution #2016-039-21A; seconded by Committeeman Cann.

AYE: Committeeman Cann, Deputy Mayor Benowitz, Mayor Popko

NAY: None

ABSENT: Committeeman Carson, Committeeman Holliday

ADDITIONAL MATTERS:

None

At this time, Mayor Popko made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby adjourn the regular meeting.

AYE: Committeeman Cann, Deputy Mayor Benowitz, Mayor Popko

NAY: None

ABSENT: Committeeman Carson, Committeeman Holliday

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:36p.m.

JILL POPKO, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK