

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
MARCH 14, 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 Eric Holliday
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer David Kocian
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Richard Carson

Mayor Popko called the meeting to order at approximately 7:05 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 Professional Services Contract Matter: Alternate Public Defender; Professional Services Contract Matter: Affordable Housing; SRL Pipeline and Transco Compressor Station Potential Litigation; John Fityere v. Township of Bordentown; Barbara Woolley-Dillon v. Township of Bordentown; Personnel Matter: 2016 Salaries; Bordenø Crossing Litigation; and AFSME Unfair Labor Practice; seconded by Committeeman Holliday.

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, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko

NAY: None

PAGE 2
REGULAR MEETING
MARCH 14, 2016

ABSENT: Committeeman Carson

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:08 pm and reconvened the regular meeting at 7:40 pm.

MAYOR POPKO: Mayor Popko announced that there was insufficient time, and Closed Session would be continued. The following items will be discussed when the meeting has closed: SRL Pipeline and Transco Compressor Station Potential Litigation; Barbara Woolley-Dillon v. Township of Bordentown; Personnel Matter: 2016 Salaries.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that the Township Committee was provided documentation regarding the 2015 Road Program, which corresponds with Item #25. In addition, an amended bill list was provided adding a payment to BCN Telecom, Inc. As a result of Closed Session, Resolution #2016-074-22A is being added to the Consent Agenda. A motion needs to be placed on the table for the Governing Body in reference to a settlement Agreement for Fityere v. Township of Bordentown.

At this time, Committeeman Cann made a motion to approve the settlement of the matter of John Fityere v. Township of Bordentown, subject to the terms discussed and in the form of an agreement approved by the Township Administrator and Attorney; seconded by Deputy Mayor Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

CONSENT AGENDA

Resolution #2016-074-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2016-074-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #216-074-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2016-074-10 entitled ENDORSING ASSEMBLY BILLS SPONSORED BY THE HONORABLE RONALD S. DANCER, REGARDING CERTAIN UTILITY COMPANY RIGHTS OF WAY, INTRA-STATE NATURAL GAS PIPELINE PLACEMENT AND BPU PROCEDURES.

Resolution #2016-074-11 entitled AUTHORIZING 2016 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).

PAGE 3
REGULAR MEETING
MARCH 14, 2016

Resolution #2016-074-12 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Resolution #2016-074-13 entitled APPROVING RAFFLE LICENSE #RL:425.

Resolution #2016-074-14 entitled RESOLUTION TO AMEND THE SCHEDULE OF DATES AND TIMES FOR THE REGULAR MEETINGS OF THE TOWNSHIP COMMITTEE AND LOCAL BOARD OF HEALTH.

Resolution #2016-074-15 entitled RESOLUTION APPROVING CHANGE ORDER NO. 2 AND AUTHORIZING FINAL PAYMENT TO ALL SURFACE ASPHALT PAVING, INC., FOR THE CHARLES BOSSERT PARK RECREATION IMPROVEMENTS, CONTRACT NO. 2 (STONE DUST PATH & SITE GRADING).

Resolution #2016-074-16 entitled RESOLUTION APPROVING CHANGE ORDER NO. 1 AND AUTHORIZING FINAL PAYMENT TO GOWER'S, INC., FOR THE CHARLES BOSSERT PARK – PHASE 2 IMPROVEMENTS.

Resolution #216-074-17 entitled RESOLUTION TO USE ALTERNATE TAX COLLECTION RATE PURSUANT TO N.J.S.A. 40A:4-41 FOR USE IN THE 2016 MUNICIPAL BUDGET.

Resolution #2016-074-18 entitled AMENDING RESOLUTION #2016-039-21A ENTITLED APPOINTING VARIOUS MEMBERS OF THE TOWNSHIP PROFESSIONAL STAFF: TOWNSHIP WEBMASTER AND SPECIAL COUNSEL FOR ENVIRONMENTAL MATTERS.

Resolution #2016-074-19 entitled APPOINTING VARIOUS MEMBERS OF THE TOWNSHIP PROFESSIONAL STAFF: SPECIAL COUNSEL FOR ENVIRONMENTAL MATTERS RELATING TO SRL PIPELINE AND TRANSCO COMPRESSOR STATION.

Resolution #2016-074-20 entitled RESOLUTION TO CREATE AN AD HOC COMMITTEE FOR THE PURPOSES OF REVIEWING THE NEEDS OF NEW MUNICIPAL COMPLEX.

Resolution #2016-074-21 entitled APPROVING AND AUTHORIZING PERSON-TO-PERSON TRANSFER OF ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE.

Resolution #2016-074-22 entitled APPOINTING CODE ENFORCEMENT OFFICER TRAINEE.

Resolution #2016-074-22A entitled RESOLUTION TO APPOINT ALTERNATE PUBLIC DEFENDER.

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-074-7 through #2016-074-22A. Committeeman Cann, Committeeman Holliday, Deputy Mayor Benowitz and

PAGE 4
REGULAR MEETING
MARCH 14, 2016

Mayor Popko commented/asked questions on the Consent Agenda. The amount in the Affordable Housing budget was also discussed.

Resolution #2016-074-8. Committeeman Cann, Committeeman Holliday, and Mayor Popko cited changes to the February 22, 2016 Regular Minutes. Township Clerk Eckert will amend them.

Resolution #2016-074-19. Mayor Popko said she spoke with Genova Burns, LLC and they have agreed to lower their billing cost from \$250/hour to \$200/hour. Township Clerk Eckert will follow-up to make sure the Agreement is changed in writing.

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

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

NAY: None

ABSENT: Committeeman Carson

CAROL de GROOT, 8 Arlington Road: In regard to Resolution #2016-074-20, Mrs. de Groot asked if the resolution includes review to repair the current municipal building, as well as consideration of a new one. Mayor Popko and Attorney Fahey responded that it includes both. Mrs. de Groot also inquired if the Ad Hoc Committee would include any residents. Attorney Fahey responded that this is just the preliminary to determine what route the Township was going, and they can bring in a realtor and other resident(s) at a later time if needed. Committeeman Cann stated that the Ragan Design Group determined that expanding and modernizing the current building was more costly than building a new one. The Ad Hoc Committee will also be looking at prospective locations. Committeeman Holliday added that this review is in the very early stages.

WALT KOSUL, 539 Route 206: Mr. Kosul also commented on Resolution #2016-074-20. He asked if this committee would give a report at a public meeting; he asked for transparency and if there was a deadline. Mayor Popko responded that an Engineer was hired, and now we want to move forward with this Committee to decide if the new municipal complex should be located here or somewhere else, in addition to a number of other decisions. Attorney Fahey suggested the Ad Hoc Committee meet within the next month so that there will be a better idea of what the critical path is (to set a direction) to report on at the next Township Committee meeting.

Mr. Kosul asked what a temporary budget amendment was. CFO Kocian responded that it is adding onto the temporary budget for operations until the municipal budget is adopted. The budget will be introduced on April 4, 2016.

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

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

NAY: None

PAGE 5
REGULAR MEETING
MARCH 14, 2016

ABSENT: Committeeman Carson

At this time, Deputy Mayor Benowitz made a motion to adopt the consent agenda with the amendments to the February 22, 2016 Regular meeting; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Introduction of Ordinance #2016-4 entitled AN ORDINANCE GRANTING A FIVE (5) YEAR TAX EXEMPTION AND ABATEMENT OF LOCAL REAL PROPERTY TAXES TO EXETER 301 BORDENTOWN-HEDDING, LLC, FOR PROPERTY LOCATED AT 301 BORDENTOWN-HEDDING ROAD IN THE CENTRAL CROSSINGS BUSINESS PARK AND IDENTIFIED AS BLOCK 137.01, LOT 3.01 ON THE TAX MAP OF THE TOWNSHIP OF BORDENTOWN.

At this time, Committeeman Cann made a motion to introduce Ordinance #2016-4: seconded by Deputy Mayor Benowitz.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be April 4th.

Consideration of Introduction of Ordinance #2016-5 entitled CALENDAR YEAR 2016 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

At this time, Deputy Mayor Benowitz made a motion to introduce Ordinance #2016-5: seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP CLERK ECKERT: The public hearing will be April 4th.

Township Committee discussion of 2016 Capital Budget.

Mayor Popko said there are a lot of roads to fix in Bordentown. Police Chief Nucera stated that the Road Program, completion of the new Public Works Building, equipment for the Police and Public Works Departments, the replacement ambulance, and the generator are being considered in the 2016 Capital Budget. Police Chief Nucera confirmed that road resurfacing and curb and sidewalk replacement will be done for Van Drive and be part of the East Drive repair.

Mayor Popko asked if the grass at Arlington and Shelbourne is part of this Program. Police Chief Nucera responded this was part of the 2014 Road Program; it is a Performance Bond that still exists. C.D. Director Brian Johnson is in the process of contacting the contractor for Arlington Road, as well as the other roads that are outstanding to rectify seeding, soil etc. that needs to be taken care of.

Committeeman Cann asked when bonding could go out, since there are indications that the bond rate will increase in June. Police Chief Nucera said that once the Township Committee approves it, they will meet with Bond Counsel and then contact the Financial Advisor to quickly move forward.

Mayor Popko asked what the current debt is. CFO Kocian responded \$1.5 million. Mayor Popko stated that she was concerned that the roads get done before they get a lot worse and cost us a lot more.

In regard to the Public Works renovation, Committeeman Cann stated that most of the monies budgeted for the Public Works expansion was expended on the removal of the contaminated tanks on the old site and the removal and treatment of that soil.

Mayor Popko instructed the Administrator to move forward with the discussed Budget items.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: The sinkhole that occurred in the Glen and Cedar has been repaired by the Public Works Department. The sleeving method they used will save the Township a lot of money. Patching and crack repair and street sweeping will occur soon.

Committeeman Cann attended the protest held at the Statehouse today put on by the Pinelands Preservation over the SRL Pipeline and Compressor Station. They talked to State Senators and Assemblymen regarding the Township's objections.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday cited some recent police activities.

In regard to the Office of Emergency Management, OEM Director Andy Law updated him on the March 4, 2016 snowstorm, as well as last year's activities. We are still waiting for Washington, DC to approve the major disaster declaration for the January 23-24, 2016 snowstorm so we can put in for reimbursement from FEMA.

In regard to the Fire Districts, Committeeman Holliday gave an update on two fires, recent activities, and a summary of their meetings.

The Animal Control Officers are still waiting for their radios to be programmed.

DEPUTY MAYOR BENOWITZ: The Black History Month Program was held on February 25, 2016 at the Bordentown Regional High School Library. Two sessions were held, and attended by approximately 200 students. Various officials also attended, and it was very much a success.

The EDAC business breakfast was held on February 29, 2016 at the Town and Country Restaurant. Mayor Popko was the keynote speaker who provided an update of business commercial activity in the Township.

Deputy Mayor Benowitz continues to meet with C.D. Director Brian Johnson and Construction Official Joe LaRocca on a weekly basis.

PAGE 7
REGULAR MEETING
MARCH 14, 2016

March 5, 2016, he attended the Cub Scout Blue and Gold Ceremony.

The EDAC meeting scheduled for March 8, 2016 was cancelled.

The Planning Board meeting scheduled for March 10, 2016 was cancelled.

Deputy Mayor Benowitz attended the March 7, 2016 Senior Citizens Meeting. He spoke about the budget and environmental issues.

On March 9, 2016, Committeeman Cann and he attended a development meeting with Jules Nissim and his partner. They want to proceed with the development of his project of 1-2 bedroom apartments.

MAYOR POPKO: Mayor Popko and our Attorney from Genova Burns, met with the Pinelands Preservation Alliance and their Counsel, Rethink Energy, about an alliance to oppose the SRL Pipeline and Compressor Station. There is a BPU meeting this Friday to decide if they are going to allow the pipeline. She spoke at the EDAC business breakfast and provided an update of new businesses in the Township.

There is an Environmental Commission meeting scheduled for March 15, 2016. A clean-up is scheduled for Saturday, March 19, 2016 at Northern Community Park to get ready for the Easter Egg Hunt. The Easter Egg Hunt will be held on Saturday, March 26, 2016 at 9:00 a.m.

(Township Clerk Eckert read Committeeman Carson's report that he had emailed to her, into the record.)

COMMITTEEMAN CARSON'S REPORT: The Veteran's Advisory Committee met on March 1, 2016. Information was collected from the Committee members for Township I.D. cards. A proposed concert was discussed. Fred Turek will be invited to their April meeting to present additional ideas for the memorial. The Committee voted to present a wreath at the annual Parade of Wreaths held at the Joint Base on May 19, 2016.

MAYOR POPKO: Mayor Popko made the suggestion and asked that the Township Committee to consider that after missing a certain number of meetings that a Township Committee person should be docked pay. She said Committeeman Carson continually misses meetings for no reason at all, and it is disrespectful to the taxpayers. He has attended only one liaison responsibility meeting this year, and he should consider paying back some of the funds that he is receiving from the Township.

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

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

NAY: None

ABSENT: Committeeman Carson

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz presented a list of where the fire lanes are currently located in Williamsburg Village. Their HOA would like to re-stripe them this spring and asked the Township if they had additional recommendations. Police Chief Nucera responded that he spoke with Fire Chief Scholey and it has been assigned to the traffic section to determine if the existing lanes should remain and if new ones should be painted. The list would then be adopted by ordinance so the Township

PAGE 8
REGULAR MEETING
MARCH 14, 2016

Police can enforce it. Committeeman Holliday said he will meet with the City Water Department to determine when the fire hydrants will be flushed.

CAROL de GROOT, 8 Arlington Road: Ms. de Groot also said that she doesn't know when the fire hydrant on their street was last flushed.

DEPUTY MAYOR BENOWITZ: Deputy Mayor Benowitz asked Police Chief Nucera to make arrangements for the Township to meet with the City of Bordentown regarding the fire hydrants.

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz stated that the Williamburg Village HOA had been paying the City of Bordentown Water Department for almost 20 years for the fire hydrants. They are now being paid by Fire District #2.

LEN de GROOT, 8 Arlington Road: In regard to establishment of the CAP bank, Mr. de Groot stated that this is an ordinance that has been needed for as long as they've lived here. It allows Township Committees to budget without fear of not having money available in the future.

WALT KOSUL, 539 Route 206: Mr. Kosul asked about the 2016 budget. He was told the budget would be introduced on April 4, 2016 and adopted on May 9, 2016. CFO Kocian clarified that the April 4, 2016 budget introduction will be an approved budget.

Mr. Kosul said there hasn't been a replacement for the former employee of the City Water Department that used to flush the fire hydrants.

ROGER SCHNEIDER, 93 Charles Bossert Drive: Mr. Schneider asked if the paving of Charles Bossert Drive would be done during the summer months. Police Chief Nucera responded that the main streets are targeted for completion when school is out.

Mr. Schneider also commented about the speed of vehicles on Route 528 (Crosswicks Road). Police Chief Nucera responded that they are supposed to move forward with the flashing light this April because they exceeded their budget last year. He will follow up with the County.

LEN de GROOT, 8 Arlington Road: Mr. de Groot suggested installing the flashing light with a control for a red light for fire trucks exiting out of Derby Firehouse.

ROGER SCHNEIDER, 93 Charles Bossert Drive: Mr. Schneider said that when he spoke to the County Engineer, he told him the type of light being installed was going to be activated quickly and it will have an LED light on top posting if you are going over the speed limit. Police Chief Nucera told Mr. Schneider to call him in 2 days and he would update him.

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

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

NAY: None

ABSENT: Committeeman Carson

PAGE 9
REGULAR MEETING
MARCH 14, 2016

ADDITIONAL MATTERS:

There were no additional matters to be discussed.

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 the items previously identified: SRL Pipeline and Transco Compressor Station Potential Litigation; Barbara Woolley-Dillon v. Township of Bordentown; Personnel Matter: 2016 Salaries; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

MAYOR POPKO: Mayor Popko announced that the Township Committee would not be taking action when they return to Open Session to close the meeting.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 9:17 pm and reconvened the regular meeting at 9:55 pm.

At this time, Committeeman Holliday made a motion to return to Open Session; seconded by Committeeman Cann.

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

NAY: None

ABSENT: Committeeman Carson

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 adjourn the regular meeting; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

PAGE 10
REGULAR MEETING
MARCH 14, 2016

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:55 p.m.

JILL POPKO, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK