

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
APRIL 4, 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  
Committeeman Eric Holliday  
Township Clerk Colleen Eckert  
Attorney Eileen Fahey  
Public Works Director Dean Buhner  
Chief of Police Frank M. Nucera, Jr.

ABSENT: Chief Financial Officer David Kocian

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 Affordable Housing Contract Matter: E-Consult; 301 Exeter Bordentown-Hedding, LLC, Tax Abatement Contract Matter; Environmental Litigation Matters: Transco Compressor Station, Waste Management Landfill, Elcon Hazardous Waste Facility, SRL Pipeline, Penn East; Litigation/Negotiation/Attorney-Client Privilege regarding Potential Claims; 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 Carson, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko

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NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:07 pm and reconvened the regular meeting at 7:50 pm.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert announced that a revised Ordinance #2016-7 was distributed. As a result of Closed Session, Resolution #2016-095-17A is being added to the Consent Agenda. Purchase order No. 16-00490 is being pulled from the bill list.

**Resolution #2016-095-7 entitled RESOLUTION CONDUCTING ANNUAL BUDGET SELF-EXAMINATION FOR THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON.**

At this time, Committeeman Cann made a motion to adopt Resolution #2016-095-7; seconded by Committeeman Holliday.

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

NAY: None

**Resolution #2016-095-8 entitled INTRODUCTION OF 2016 MUNICIPAL BUDGET.**

At this time, Deputy Mayor Benowitz made a motion to adopt Resolution #2016-095-8; seconded by Committeeman Cann.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be May 9<sup>th</sup>.

**CONSENT AGENDA**

**Resolution #2016-095-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2016-095-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.**

**Resolution #2016-095-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.**

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**Resolution #2016-095-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.**

**Resolution #2016-095-13 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.**

**Resolution #2016-095-14 entitled RESOLUTION AUTHORIZING 2016 SAFETY CONTRACT, BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.**

**Resolution #2016-095-15 entitled AUTHORIZING DISPOSAL OF SURPLUS PROPERTY.**

**Resolution #2016-095-16 entitled APPROVING RAFFLE LICENSE #RL:426.**

**Resolution #2016-095-17 entitled RESOLUTION TO APPROVE GARDEN PLOT RENTAL AGREEMENT.**

**Resolution #2016-095-17A entitled APPROVING AN AGREEMENT WITH E-CONSULT FOR AFFORDABLE HOUSING MATTERS.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-095-9 through #2016-095-17A. Committeeman Carson, Committeeman Holliday, Deputy Mayor Benowitz and Mayor Popko commented/asked questions on the Consent Agenda.

Resolution #2016-095-17. Committeeman Carson questioned the zoning of the rentals of the Community Garden. Per Attorney Fahey, it is no longer a rental; it is a registration fee. The resolution will be changed to read, Garden Plot Agreement.

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

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

NAY: None

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

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

NAY: None

At this time, Deputy Mayor Benowitz made a motion to adopt the consent agenda with the amendment to the bill list; seconded by Committeeman Holliday.

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

NAY: None

**Public Hearing on 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, Deputy Mayor Benowitz made a motion to open the public hearing on Ordinance #2016-4; seconded by Committeeman Holliday.

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

NAY: None

Seeing no public comment, Deputy Mayor Benowitz made a motion to close the public hearing on Ordinance #2016-4; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Adoption 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, Deputy Mayor Benowitz made a motion to table Ordinance #2016-4 due to not having enough information at this time, and it will be brought back up at a meeting on April 18, 2016; seconded by Committeeman Holliday.

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

NAY: None

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**Public Hearing on 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 open the public hearing on Ordinance #2016-5; seconded by Committeeman Holliday.

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

NAY: None

Seeing no public comment, Deputy Mayor Benowitz made a motion to close the public hearing on Ordinance #2016-5; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Adoption 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 adopt Ordinance #2016-5; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Introduction of Ordinance #2016-6 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP AND APPROPRIATING \$5,400,000 FOR SAID PURPOSES: AUTHORIZING THE ISSUANCE OF \$5,130,000 PRINCIPAL AMOUNT OF OBLIGATIONS OF THE TOWNSHIP TO FINANCE SAID PURPOSES: AND PROVIDING FOR OTHER MATTERS RELATING THERETO.**

At this time, Committeeman Cann made a motion to introduce Ordinance #2016-6: seconded by Deputy Mayor Benowitz.

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

NAY: None

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TOWNSHIP CLERK ECKERT: The public hearing will be April 18<sup>th</sup>.

**Consideration of Introduction of Ordinance #2016-7 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT ZONE.**

COMMITTEEMAN CARSON: Committeeman Carson inquired about the storm water runoff. Attorney Fahey responded that it shall be channeled underground and it just doesn't require a storm water management facility.

Committeeman Carson also asked about the clock tower. Attorney Fahey responded that it would be in proportion to the design of the site.

At this time, Deputy Mayor Benowitz made a motion to introduce Ordinance #2016-7: seconded by Committeeman Holliday.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be April 18<sup>th</sup>.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN CANN: Committeeman Cann had met with P.W. Director Buhner and Alt. Engineer Fred Turek and gave an update on the new and old Public Works Buildings.

Committeeman Cann gave a summary of a letter from Attorney Jeff Surenian's office regarding Affordable Housing.

The Township will be able to accommodate BCSA Soccer who will be holding a training session at Northern Community Park in the morning. This will not interfere with baseball. There was a discussion about the lack of fields in the Township and the soccer fields that had been used on Ward Avenue.

COMMITTEEMAN CARSON: Committeeman Carson reported on what was discussed at the recent School Board Meeting. Their budget was introduced and stayed within the 2% CAP.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said the Fire Districts have not yet held their meetings, and he would have their reports at the next Township Committee meeting.

In regard to the Office of Emergency Management, Washington, DC approved a Major Disaster Declaration for the January 23-24, 2016 snowstorm. He has been working with Police Chief Nucera and OEM Director Andy Law on applying for reimbursement from FEMA.

He attended a Secured Waters meeting on March 16, 2016 in Delran with OEM Director Andy Law.

The programmed Animal Control Officers' radios were issued to them.

He attended the Grand Opening of Team 85 and Cheyenne Mountain Outfitters. He also went to the Parlour and Pfizio Pizza who both just opened up.

Committeeman Holliday cited some recent police activities.

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**DEPUTY MAYOR BENOWITZ:** As requested, Police Chief Nucera met with Bordentown City Mayor Malone regarding the flushing of the fire hydrants. They will be flushed per a schedule that will be provided to the Township in the near future. He thanked Diane Heinz for bringing it up to the Township's attention.

Deputy Mayor Benowitz met with Police Chief Nucera and Construction Official Joe LaRocca to discuss possible Shared Services with Bordentown City regarding UCC. The Township Committee all agreed this was a good idea.

He attended the March 21, 2016 Sewerage Authority Meeting. The minutes were made available to the Township Committee. Copies of the new rate schedule will be distributed to the Township Committee.

He attended the Senior Social Meeting on March 21, 2016 and the Senior Business Meeting on April 4, 2016, and gave an update of their events.

**MAYOR POPKO:** Mayor Popko announced that Norman Hand was appointed as Code Enforcement.

She has been meeting with the environmental groups and lawyers on the various problems in the Township, and we are proceeding with fighting those battles.

She met with the executive group of the Veterans' Advisory Committee to discuss a concert to be held at Joseph Lawrence Park this summer to raise money for the Veterans' Memorial. She asked Police Chief Nucera to contact Green Acres to ask if the VAC could erect a sign on the property.

There was discussion about bringing restroom trailers at Joseph Lawrence Park for the July 4<sup>th</sup> Fireworks event instead of port-o-pots.

The Environmental Commission has been working on the Green Fair with Chesterfield Township. It will be held on April 30, 2016 at Joseph Lawrence Park from 11:00-3:00 pm.

Two Grants were received: 1) A Trails Grant through the State Forestry and the NJ DEP for \$24,000 for the trails at Northern Community Park, and 2) A \$150,000 Grant from the County for repair of the pavilion at Joseph Lawrence Park.

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

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

**NAY:** None

**DEAN BUHRER, Public Works Director:** P.W. Director Buhrer announced that he and Mayor Popko will be going to the County on Wednesday, April 6, 2016. They will be obtaining information regarding recycling. He said there is an Assembly Bill A-2371 where they are looking to encourage companies to take bottles back on a deposit; however, there is wording in the bill that funnels the Clean Communities money, that used to come to each municipality, will now be going to Special Interest. By eliminating the high quality plastic bottles that are currently going into the recycling stream, it will drastically reduce the tonnage grants going to each municipality.

Mr. Buhrer also mentioned that the River Gate Development has a sign that says, "Welcome to Bordentown" as you leave the Township and enter Mansfield Township. Mayor Popko said this will be discussed at a meeting with River Gate scheduled for April 6, 2016.

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DIANE HEINZ, 3 Hattaras Court: Ms. Heinz thanked the Township for following-up in getting a schedule for the fire hydrant flushing. As part of the contract for painting of the fire lanes in the Township, a bill will be sent to Williamsburg Village HOA for their portion. Police Chief Nucera will send an email to the Williamsburg Village HOA. Township Clerk Eckert will include this in the Township's traffic ordinance.

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, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko

NAY: None

**ADDITIONAL MATTERS:**

COMMITTEEMAN CARSON: Committeeman Carson stated that he had notified Police Chief Nucera that he would be away during the months of January and February. During a periodical check of the exterior of his house by the Police Department, it was discovered that the hose faucet had broken and the water was running. The Patrolman obtained a house key from a neighbor and turned the water off from the basement. He commended the Police Department and said they went above and beyond.

Committeeman Carson said there was a comment made about his meeting attendance in the minutes of March 14, 2016. Mayor Popko stated that it's not just missed meetings but also liaison responsibilities and Closed Session Meetings. Committeeman Carson responded that there are reasons for the missed meetings.

At this time, Committeeman Carson 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 Deputy Mayor Benowitz.

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

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:01 p.m.

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JILL POPKO, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK