

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
MAY 23, 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 Richard Carson
Committeeman Eric Holliday
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer David Kocian
Chief of Police Frank M. Nucera, Jr.

ABSENT: Public Works Director Dean Buhrer

Mayor Popko called the meeting to order at approximately 6:30 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: Environmental Litigation Matters: Transco Compressor Station, Waste Management Landfill, Elcon Hazardous Waste Facility, SRL Pipeline, Penn East Pipeline; Professional Services Engineer's Proposals: Concession Pavillion Proposal, Dunns Mill Road Resurfacing – Phase 1, Installation of ADA Curb Ramps.

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; seconded by Committeeman Holliday.

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

NAY: None

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The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:33 pm and reconvened the regular meeting at 7:50 pm.

Township Committee discussion with Alternate Engineer, Fred Turek, pertaining to the Safe Routes to School NJDOT 2016 Grant Application.

Alt. Engineer Fred Turek said he attended one of the many seminars that N.J. Safe Routes to School conducted at Rutgers. This is Federal money, not county or state money, and must pertain to a K-8 elementary school. He presented the packet to the Township Committee Members. The project in mind would be the bike path connection between the Borden's Crossing Development and the High School and include a pedestrian bridge at a cost of approximately \$300,000. There are two applicants, the township and the school, and two resolutions are required. Mr. Turek explained some of the many requirements of the Grant, and said not many municipalities received it in the past and there is limited funding.

Mr. Turek suggested putting the effort into and applying to the infrastructure trust fund again through N.J. DOT. There is no deadline and you can apply throughout the year.

Presentation by Marlo Fairlie regarding TNR Program (Trap, Neuter, and Release).

Ms. Fairlie of 13 Gateswood Court in the Township explained that she is a board member of Friends of Burlington County Animal Shelter and spoke to the Township regarding feral cats in Bordentown Township. Her organization has been told that if they get a few pilot programs in place, they would get more support on the County level to pursue the effort. A change in local ordinance and a contract with the Burlington County Animal Shelter would be required. Ms. Fairlie proceeded to give information and statistics regarding the program and answer questions from the Committee. Mayor Popko said the Committee was in agreement that this is a great idea and asked Ms. Fairlie to get a monetary amount in writing from the County. Ms. Fairlie gave Township Clerk Eckert sample documents for distribution to the Township Committee.

Announcement by Township Clerk relating to the Comcast Renewal Franchise Agreement.

Township Clerk Eckert announced that as follow-up from the last Township Committee Meeting where the public hearing was initiated regarding the Comcast Renewal Franchise Agreement, the renewal from the BPU should have been sent to Bordentown City. The Township's current Agreement with Comcast is in effect until the year 2032.

ADMINISTRATIVE REVIEW

Township Clerk Eckert said that as a result of Closed Session, Resolutions #2016-144-25A, #2016-144-25B, and #2016-144-25C are being added to the Consent Agenda.

CONSENT AGENDA

Resolution #2016-144-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2016-144-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

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Resolution #2016-144-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2016-144-13 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2016-144-14 entitled AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE.

Resolution #2016-144-15 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE EXECUTION OF A LEASE WITH THE FOUNDATION FOR BORDENTOWN TRADITIONS.

Resolution #2016-144-16 entitled REDUCTION OF PERFORMANCE GUARANTEE FOR GRAINGER WAREHOUSE – GRAY CONSTRUCTION/IDI GAZELEY, BLOCK 138.12, LOTS 5.01 AND 5.02.

Resolution #2016-144-17 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE RENEWAL OF THE TERM OF AN INTERLOCAL SERVICES AGREEMENT WITH MANSFIELD, CHESTERFIELD, NORTH HANOVER AND SPRINGFIELD TOWNSHIPS CONCERNING EXTRA DUTY ASSIGNMENT OF POLICE OFFICERS.

Resolution #2016-144-18 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.

Resolution #2016-144-19 entitled RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE AMENDMENT OF THE ESCROW AGREEMENT AMONG THE TOWNSHIP, BORDENTOWN WATERFRONT COMMUNITY, LLC, AND THE BANK OF NEW YORK MELLON.

Resolution #2016-144-20 entitled RESOLUTION OF THE MAYOR AND TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN CORRECTING TYPOGRAPHICAL ERROR IN ENACTED ORDINANCE.

Resolution #2016-144-21 entitled RESOLUTION AUTHORIZING REFUND OF ONE-DAY SOLICITATION LICENSE PERMIT FEE TO RICHARD NAPPA “NAPPA DAPPA DOGS”.

Resolution #2016-144-22 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.

Resolution #2016-144-23 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS N.J.S.A. 40A:4-87.

Resolution #2016-144-24 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATIONS N.J.S.A. 40A:4-87.

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Resolution #2016-144-25 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CONFIRMING THE SALE AND AWARD OF THE TOWNSHIP'S GENERAL OBLIGATION BONDS, SERIES 2016, CONSISTING OF GENERAL OBLIGATION BONDS, 2016 SERIES 1 (GENERAL CAPITAL) AND GENERAL OBLIGATION BONDS, 2016 SERIES B (WATERFRONT CAPITAL).

Resolution #2016-144-25A entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VETERANS MEMORIAL PARK—CONCESSION/PAVILLION IMPROVEMENTS.

Resolution #2016-144-25B entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE DUNNS MILL ROAD RESURFACING—PHASE I PROJECT.

Resolution #2016-144-25C entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE INSTALLATION OF ADA CURB RAMPS PROJECT.

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-144-10 through #2016-144-25C. Committeeman Cann, Committeeman Holliday, Deputy Mayor Benowitz, and Mayor Popko commented/asked questions on the Consent Agenda.

Resolution #2016-144-11. Committeeman Cann noted a typographical error in the Regular Session minutes of May 9, 2016 and cited clarification in regard to the Waterfront Development Contract Matter in the May 9, 2016 Closed Session minutes.

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 Carson, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko

NAY: None

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

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

NAY: None

At this time, Committeeman Carson made a motion to adopt the consent agenda with the amendments to the Regular and Closed Session Minutes of May 9, 2016 as noted by Committeeman Cann; seconded by Committeeman Cann.

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AYE: Committeeman Cann, Committeeman Carson, Committeeman Holliday, Deputy Mayor Benowitz with abstention to Agenda Item 27 to the end of the May 9, 2016 Regular Meeting Minutes, 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.

ATTORNEY FAHEY: Attorney Fahey stated that this item had been tabled for two meetings awaiting additional information from the applicant regarding the need for the extension. She forwarded to the Township Committee a letter dated May 10, 2016 from Exeter 301 Bordentown-Hedding, LLC's counsel explaining that they needed the additional time in order to complete the improvements and find tenants for the project. Attorney Fahey added that the Township Committee must decide if that is sufficient to agree that the agreement can be amended that the TCO can be extended to December 31, 2017. The applicant has met all the requirements per the agreement, it is simply providing another 12 months to complete the construction.

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

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

NAY: None

Township Committee discussion and review of Sample Ordinances Relating to the Sale of Dogs and Cats from Pet Shops.

JEAN CLAYTON, 362 Holly Road, Marlton, NJ: Ms. Clayton said she was the person who submitted the sample ordinance to the Township. She explained that this ordinance would prevent pet stores from selling dogs from commercial breeders and puppy mills; they would be able to sell dogs from rescues and from shelters. There has been legislation passed, but Ms. Clayton's group wants to reach the local municipalities. Ms. Clayton provided a list of municipalities that were in favor of the ordinance.

PATRICK QUINN, resident of Burlington County, representing United Against Puppy Mills of Lancaster, PA: Mr. Quinn said that he'd like to see the Township be proactive before a pet shop moves into the Township. He distributed copies of news articles to the Committee members and described what United Against Puppy Mills does.

Attorney Fahey said she reviewed the samples. The Township Committee members asked questions and made several comments. The Committee will await additional information from Ms. Clayton before proceeding with creation of an ordinance.

Township Committee discussion of Representative Appointments to the River Route Corridor's Revitalization Plan.

Mayor Popko asked Deputy Mayor Benowitz and Committeeman Cann to be the Representatives from the Township Committee, as well as Bill Popko from the Planning Board and Community Development Director Brian Johnson. Township Clerk Eckert announced that the letter from Ed Fox of the County had been emailed to the Township Committee Members and advised that the first meeting has been scheduled for June 27, 2016. The resolution officially appointing the members will be presented at the next meeting.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann stated that he attended the MACCS meeting with P.W. Director Dean Buhrer and gave a brief summary of what was discussed.

The first meeting of the Municipal Office Space Needs was held. Both a remodeled current building and a new building were discussed, as well as finances.

The construction at the new and old Public Works buildings is progressing. Grass cutting and crack sealing of roads is continuing.

COMMITTEEMAN CARSON: Committeeman Carson said the Bordentown Street Fair was cancelled on Saturday, but the Veteran's received \$300.60 in donations on Sunday.

He was unable to attend the Board of Education meeting. Professional Staff appointments were made. There is still ongoing discussion with regards to the bonds they want to redo, and if they should go out for an RFP in selecting a Bond Counsel.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said the Chief at Fire District #1 will be meeting with Police Chief Nucera on updating the fire main ordinance. Building construction continues with a partial opening of the firehouse expected in August and a full opening in October.

At the Fire District #2 meeting, local events scheduled for this summer was discussed.

OEM Director Andy Law continues to update current emergency plans for the Township.

Committeeman Holliday cited some recent police activities.

On May 11, 2016, he attended the Business Association Event at Cedar Gardens and on May 17, 2016, he attended the Capitol Canine Association event held at the Texas Roadhouse. He also attended the Grand Opening and Fundraiser of Trooper Sean Cullen on May 18, 2016 at the Parlour.

He was also present at the Municipal Office Space Needs meeting with Committeeman Cann and Police Chief Nucera.

DEPUTY MAYOR BENOWITZ: He attended the Planning Board Meeting on May 12, 2016. TC Bordentown Associates was awarded a 1-year extension on the previous major site plan approval (Rising Sun Road and Route 295 interchange). Waterfront Community, LLC Phase II application was deemed complete and will be heard at the next Planning Board Meeting.

He attended the May 16, 2016 Senior Social Meeting.

There was an in-house meeting with the Professionals to discuss the Waterfront Community, LLC Phase II project and make the final approved site plan most appropriate for the Township residents' interest.

In regard to Community Development and Construction Departments, Deputy Mayor Benowitz stated the status of several projects in the Township.

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Deputy Mayor Benowitz attended the Sewer Authority meeting on May 17, 2016. The minutes are not yet available; however, there will be rate increases for the next four years. Presently, they are 10% per year.

MAYOR POPKO: Mayor Popko discussed her May 12, 2016 trip to the White House with our Congressmen, Senators, and Bonnie Watson Coleman in Washington, DC. She met with a number of other mayors in the EPA about the SRL Pipeline, Transco Compressor Station and Penn East. The visit was very disappointing and she felt they did not hear what they were saying, but said she represented Bordentown as best she could.

The Environmental Commission is working on getting certification from Sustainable Jersey. The Community Garden opened this past Saturday. She thanked the Girl Scouts for helping, and Timothy's Garden Center and Hlubik Farm for their donations. A poster contest was held.

In regard to Animal Control, she complimented George Ondusko in his handling of a disposed of dog who was bludgeoned with an ax. The perpetrator was found and will be going to court.

There will be an informational forum on ELCON to be held on Wednesday night at the Senior Community Center. Former Governor James Florio will be the keynote speaker. Several other speakers will also be present.

Mayor Popko said there is a heroin and prescription drug problem in our schools. She said she recently spoke about the LEAD program that has been set up. A parent has contacted her about an ANGELS program where former addicts come in and speak with junior high school students. Police Chief Nucera will pass the information onto the SRO at the high school.

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 Carson, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko

NAY: None

CAROL de GROOT, 8 Arlington Road: Ms. De Groot inquired about the resolutions and ordinances not being attached to the agenda on our website for this meeting. Mayor Popko agreed with Mrs. de Groot and was surprised that they weren't. Township Clerk Eckert responded that according to a recent OPRA seminar she attended, resolutions before they are enacted are considered drafts and, therefore, should not be put on the website until after the Governing Body takes action. Specifically, resolutions should not be posted until after they are adopted and ordinances prior to being introduced should not be posted. Ms. de Groot requested something in writing from OPRA regarding this. There was additional discussion, and attorney Fahey said she would follow-up with the Clerk's Association and the Municipal Attorneys.

WALT KOSUL, 539 Route 206: Mr. Kosul asked if OPRA also pertains to the Township's Committee approval to have information released. Township Clerk Eckert responded no, it is covered under the OPRA law. Attorney Fahey reiterated stating that she will look to see what the case law is and report back at the next meeting.

LEN de GROOT, 8 Arlington Road: Mr. de Groot said State Legislation publishes working papers. Attorney Fahey responded that with legislature that has to be done when it goes in and out of

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Committee, they have to show what happened when a bill went into Committee and how it was amended when it came out. That process is very different.

Mr. de Groot also commented on the rate increase for the Sewerage Authority. He said, compounded it will be more than a 60% increase. And that only suffices if there is the equivalent of \$2.5 million hook-ups in the next four years to cover the shortage. The problem is that the original bonding has a 5-year hump that has been ignored, and the hump results in over half million dollars' worth of difference each year. The operation of the sewer has gone up only 1% per year over the last 20 years. Not having a sewer increase dropped the bond rating and rebates should not have been given out in the past. In addition, the terra cotta sewer pipes in Bordentown City are 125 years old, and there is only \$400,000 in emergency funds. Mr. de Groot is recommending an immediate 18% increase. He said the Sewer Authority's appointed officials have ignored the problem for years. He said this is a fiscal emergency, and he'd like to speak with the Township Committee to explain exactly what is happening. Deputy Mayor Benowitz added that the debt is calculated into the connection fee formula, which is why it is so high.

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

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

NAY: None

ADDITIONAL MATTERS: None

At this time, Committeeman Cann 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 10:26 p.m.

JILL POPKO, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK