

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JUNE 27, 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
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Committeeman Richard Carson
Chief Financial Officer David Kocian

Mayor Popko 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 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, Elcon Hazardous Waste Facility, SRL Pipeline, Penn East; Bordenø Crossing Litigation; Public Works Department Personnel Matter; FY 2015 CDBG Grant Contract Matter; Barbara Woolley-Dillon Litigation Matter.

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 Holliday, Deputy Mayor Benowitz, Mayor Popko

NAY: None

PAGE 2
REGULAR MEETING
June 27, 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 7:50 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that as a result of Closed Session, Resolutions #2016-179-15A and #2016-179-15B are being added.

CONSENT AGENDA

Resolution #2016-179-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2016-179-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2016-179-9 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.

Resolution #2016-179-10 entitled RESOLUTION AMENDING CERTAIN APPOINTMENTS MADE TO THE ZONING BOARD OF ADJUSTMENT.

Resolution #2016-179-11 entitled APPROVING RAFFLE LICENSE #RL:431.

Resolution #2016-179-12 entitled RESOLUTION TO APPOINT SEASONAL LABORER EMPLOYEE IN THE DEPARTMENT OF PUBLIC WORKS.

Resolution #2016-179-13 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.

Resolution #2016-179-14 entitled STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, GREEN ACRES ENABLING RESOLUTION.

Resolution #2016-179-15 entitled RESOLUTION ACCEPTING THE QUOTE FROM ACME HEATING, AIR CONDITIONING AND REFRIGERATION, INC., FOR THE BORDENTOWN TOWNSHIP PUBLIC WORKS BUILDING.

Resolution #2016-179-15A entitled RESOLUTION TO APPOINT BRIAN KAHER TO THE POSITION OF PUBLIC WORKS LABORER IN THE DEPARTMENT OF PUBLIC WORKS.

Resolution #2016-179-15B entitled A RESOLUTION TO AWARD A CONTRACT TO A TEAM CONCRETE, INC., FOR THE FY 2015 CDBG CONCRETE ACCESSIBLE RAMPS – ADA BARRIER REMOVAL PROJECT.

PAGE 3
REGULAR MEETING
June 27, 2016

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-179-7 through #2016-179-15B. Committeeman Cann, Committeeman Holliday, Deputy Mayor Benowitz, and Mayor Popko commented/asked questions on the Consent Agenda.

Resolution 2016-179-8. Deputy Mayor Benowitz and Mayor Popko cited some changes to the minutes of June 13, 2016. Township Clerk Eckert will amend the minutes.

Mayor Popko said that with the turnpike being enlarged, she wants to know if the Township is having more or less traffic incidents and what the percentage is in the last 3 years. Police Chief Nucera will follow-up with her request. Committeeman Cann said that the traffic on Route 130 is steadily building.

Mayor Popko asked that in the future, the Community Development Department not include copies of payment receipts in their monthly reports.

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

WALT KOSUL, 539 Route 206: In regard to Resolution 2016-179-14, Mr. Kosul asked where the Township's monies were coming from. Mayor Popko responded, the Township and the County each pay 25% and the State will pay 50%. It is budgeted in the Open Space Green Acres Funds. Committeeman Cann added that in 2007, the Township residents by referendum approved a 3 cent per hundred tax used for Green acres. Mayor Popko added that the Township will be saving approximately 50 acres for Open Space Green Acres.

Mr. Kosul asked why there was an amendment in the budget for Resolution 2016-179-13. Committeeman Cann responded that the Township did not know how much would be received. Once a total was received, the budget was amended. This is a standard, typical, and usual amendment of the budget.

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

ABSENT: Committeeman Carson

At this time, Deputy Mayor Benowitz made a motion to adopt the consent agenda, with amendments to the June 13, 2016 Minutes; seconded by Committeeman Holliday.

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

PAGE 4
REGULAR MEETING
June 27, 2016

NAY: None

ABSENT: Committeeman Carson

Public Hearing on Ordinance #2016-8 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 Benowitz made a motion to open the public hearing on Ordinance #2016-8; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

WALT KOSUL, 539 Route 206: Mr. Kosul asked when a Professional Administrator would be hired. Mayor Popko responded that he should ask this in the public session.

Seeing no further public comment, Deputy Mayor Benowitz made a motion to close the public hearing on Ordinance #2016-8; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption of Ordinance #2016-8 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 Benowitz made a motion to adopt Ordinance #2016-8; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Public Hearing on Ordinance #2016-9 entitled AN ORDINANCE OF BORDENTOWN TOWNSHIP AMENDING TITLE SIX OF THE TOWNSHIP CODE REGULATING THE SALES OF DOGS AND CATS BY PET SHOPS.

PAGE 5
REGULAR MEETING
June 27, 2016

At this time, Deputy Mayor Benowitz made a motion to open the public hearing on Ordinance #2016-9; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Seeing no public comment, Deputy Mayor Benowitz made a motion to close the public hearing on Ordinance #2016-9; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Consideration of Adoption of Ordinance #2016-9 entitled AN ORDINANCE OF BORDENTOWN TOWNSHIP AMENDING TITLE SIX OF THE TOWNSHIP CODE REGULATING THE SALES OF DOGS AND CATS BY PET SHOPS.

At this time, Deputy Mayor Benowitz made a motion to adopt Ordinance #2016-9; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Carson

Township Committee discussion of Sample Civil Disobedience Ordinance.

Mayor Popko stated that a sample ordinance and literature was received from Grant Township, Pennsylvania. Attorney Fahey discussed home rule charter, civil disobedience, and expressed some specific concerns. Police Chief Nucera gave a police department perspective. Committeeman Cann asked that other options be explored; i.e. research any creative ways other communities have done to protest without violating the law. Attorney Fahey will follow up on this.

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

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

NAY: None

ABSENT: Committeeman Carson

PAGE 6
REGULAR MEETING
June 27, 2016

AGNES MARCELLA, 68 Old York Road, Chesterfield Township: Ms. Marcella asked that the Township create a resolution to protect the constitutional rights to protest of any citizen on Township land. She also inquired what police department would be called if Route 528 was blocked. Police Chief Nucera responded, the local police department. Mayor Popko stated that residents would not be cited for trespassing on Township property if it is for environmental or pipeline reasons as long as they notify the Township what they are doing.

DAWN SHERIDAN, Chesterfield Township: Ms. Sheridan asked if Transco received eminent domain for the property. Mayor Popko replied, not yet and we are still fighting this.

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

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

NAY: None

ABSENT: Committeeman Carson

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann stated there will be another new municipal building/remodeling meeting coming up.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said he spoke with OEM Director, Andy Law who met with FEMA today. The application for the major snowstorm in January is currently being reviewed.

There will be a joint task force on Route 528. The Annual National Night Out will be held on August 2, 2016 from 6:00-9:00 pm at Joseph Lawrence Park.

It was discussed at the Fire District #2 meeting on June 13, 2016 that the firefighters are leaving Bordentown Township and transferring to Hamilton Township. Police Chief Nucera is looking for ways to rectify this. Derby Fire Company District #2 is looking to hire 4 more firefighters. The new firetruck will be delivered in August.

Committeeman Holliday said that the Township Committee attended the high school and middle school graduations.

DEPUTY MAYOR BENOWITZ: On June 20, 2016, he attended the Sewerage Authority Meeting. The audit report was reviewed and he gave a summary of what was discussed.

He discussed status of various community development/redevelopment projects. Shared services are being discussed in the UCC Department.

MAYOR POPKO: Mayor Popko said she has been working with the Veteranø Advisory Committee on the upcoming fundraiser concert scheduled for August 13, 2016 from 1:00-9:00 pm. It will benefit the Veteranø Memorial at Veteranø Memorial Park.

In regard to the recent Environmental Commission meeting, prizes were given to the poster contest winner. She has been working with the Girl Scouts at the Community Garden. The area food pantry will receive the fresh vegetables.

PAGE 7
REGULAR MEETING
June 27, 2016

Mayor Popko attended a meeting in Chesterfield regarding the pipeline compressor station. There will be additional letters and information available on the Township website for residents to sign and mail. On June 29, 2016 at 3:30 pm, there is a rally to declare independence from fossil fuels at Senator Sweeney's Gloucester County Office in West Deptford, New Jersey and encouraged residents to show their support. She met with the Delaware River keepers in Pennsylvania about ELCON.

She spoke about her disappointment with the nut grass that was planted on Arlington Road during the drainage project. Chemicals have been sprayed to kill the grass, but she said it all needs to be dug out at this point. Police Chief Nucera said that C.D. Director Brian Johnson informed him that the contractor was going to be out there in 2 weeks to spray, and if it didn't resolve the issue that reseeding would be done in the fall. The Township Committee recommended that the contractor not be paid, and the performance bond not be removed. Mayor Popko added that there aren't even flags there to denote that the area has been sprayed.

Mayor Popko went to Bossert Park with P.W. Director Buhner. She asked that in the future, the P.W. Department work with the Landscape Planner in the decision of tree placement. She also said there is an issue with trees on Thorntown Lane.

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

VINCENT CARABLE, Fenton Lane, Chesterfield Township: Mr. Carable asked what the protocol would be if a giant rat was placed on the Township property with the name, Williams Transco on it. Police Chief Nucera responded that Mr. Carable should contact him in the event police calls are received.

TOM SEAMAN, 18 Arlington Road: Mr. Seaman also expressed his dissatisfaction with the nut grass, and said that there is no communication when the lawns are being sprayed. He was told that nut grass destroys the roots.

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz said she received a letter from N.J. Manufacturers requesting the fire district name and number that services her area. Police Chief Nucera stated that he still has not received the hydrant flushing schedule from Bordentown City Mayor Malone.

Ms. Heinz inquired about the tickets for the upcoming National Guard Band Concert. Police Chief Nucera responded tickets are not necessary; the Township is just making sure the number of attendees does not exceed 900.

MAYOR POPKO: Mayor Popko announced all the upcoming Township events.

PATTY CARUSO, 201 Province Line Road, Wrightstown, NJ: Ms. Caruso announced that she is a member of People Over Pipelines. She said that one way to stop the Pipeline is to use the Federal Clean Water Act, Section 401 WCQ. Recently, New York State stopped the Constitution Pipeline from travelling through the State by refusing to grant the pipeline company a water quality permit. It has been

PAGE 8
REGULAR MEETING
June 27, 2016

suggested that People Over Pipelines ask local governments to pass resolutions urging the N.J. DEP to reject the 401 water quality certification. She asked if Bordentown Township will do this. Committeeman Cann thought this had been done; if not, it will be.

GLEN ASHTON, 12 Windingbrook Road: Mr. Ashton commended everyone for their help in the Transco Pipeline matter. He also mentioned that the Bordentown Water Tower was in close proximity to the proposed Transco Pipeline and Compressor Station. There is a fundraiser scheduled to be held this week at the Chesterfield Inn in opposition to the Pipeline.

Mr. Ashton also inquired about the proposed development of the property located across from Clifton Mill. Committeeman Cann said they were excluded from the County sewerage area, so their first step was to go to the County in attempt to become included in the County Sewerage area mapping. They have made those formal applications. They have not yet brought forth a formal application to the Township Committee or the Planning Board, but it could come by the end of the year.

AGNES MARCELA, 68 Old York Road: Ms. Marcela asked if the 3 minute idle law is enforced in Bordentown Township. Mayor Popko responded, yes. Police Chief Nucera added that there are certain exclusions.

WALT KOSUL, 539 Route 206: Mr. Kosul said a lawsuit that was settled by the Township of \$240,000 in back pay. He asked how this would be paid. Attorney Fahey responded that it is provided for within the budget.

Mr. Kosul asked if the Township is pursuing the hiring of a professional Administrator. Committeeman Cann responded, yes.

P.W. DIRECTOR BUHRER: P.W. Director Buhner requested a meeting with the Mayor and Committeeman Cann on the way the Township was advertising their events on signs. Mayor Popko agreed and said she would like to have large banners. In addition, P.W. Director Buhner said the Public Works Department has not been given enough time to create the signs.

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

ADDITIONAL MATTERS:

COMMITTEEMAN CANN: Committeeman Cann said that Central Waste Trash Collection had two call outs, and one whole street was missed. Township Clerk Eckert said their contract is up at the end of 2016. Committeeman Cann discussed that we have no relief in our contracts. The Township is looking into having MACCS prepare the bid specifications for the new contract.

PAGE 9
REGULAR MEETING
June 27, 2016

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

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:30 p.m.

JILL POPKO, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK