

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JULY 18, 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 Sander Friedman
Chief Financial Officer David Kocian
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Attorney Eileen Fahey

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 for the police officers who were gunned down in Baton Rouge, LA.

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, Committeeman Cann 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; Municipal Court Personnel 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 Deputy Mayor Benowitz.

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 7:07 pm and reconvened the regular meeting at 7:43 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that there is a revised bill list. As a result of Closed Session, Resolutions #2016-200-20A, #2016-200-20B, and #2016-200-20C are being added. Resolution #2016-200-18 is being pulled. She also announced that at the conclusion of the Consent Agenda Items, a motion will be put on the table to appoint a wetlands expert. And a resolution has been drafted to coincide with Township Committee discussion of the August meeting schedule.

CONSENT AGENDA

Resolution #2016-200-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2016-200-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2016-200-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2016-200-10 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION.

Resolution #2016-200-11 entitled ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.

Resolution #2016-200-12 entitled AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE.

Resolution #2016-200-13 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THEYEAR 2015.

Resolution #2016-200-14 entitled APPOINTING MEMBER TO THE VETERANS ADVISORY COMMITTEE.

Resolution #2016-200-15 entitled RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE EXTENSION OF TRANSPORT AGREEMENT FOR BORDENTOWN TOWNSHIP EMS.

Resolution #2016-200-16 entitled AMEND PUBLIC WORKS EXPANSION – PROJECT 2, 266 CROSSWICKS ROAD WITH JOSEPH PORRETTA BUILDERS, INC. – CHANGE ORDER NO. 6.

Resolution #2016-200-17 entitled AUTHORIZING EXECUTION OF THE FY2017 BURLINGTON COUNTY ANNUAL ALLIANCE PLAN AGREEMENT.

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Resolution #2016-200-18 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE EXECUTION OF A LEASE WITH THE BORDENTOWN ELKS LODGE #2085. (PULLED)

Resolution #2016-200-19 entitled RESOLUTION ACCEPTING LETTER OF RESIGNATION FROM KIM JOHNSON, VIOLATIONS CLERK TYPIST.

Resolution #2016-200-20 entitled RESOLUTION AUTHORIZING INSURANCE DEDUCTION PAYMENT IN THE LITIGATION MATTER OF BARBARA WOOLLEY-DILLON V. TOWNSHIP OF BORDENTOWN.

Resolution #2016-200-20A entitled AUTHORIZING THE SETTLEMENT OF THE LITIGATION INVOLVING BONDING CLAIMS RELATED TO THE BORDEN'S CROSSING DEVELOPMENT.

Resolution #2016-200-20B entitled RESOLUTION OPPOSING THE ISSUANCE OF FRESHWATER WETLANDS PERMIT AND WATER QUALITY CERTIFICATE FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOR THE PROPOSED TRANSCONTINENTAL PIPELINE COMPANY COMPRESSOR STATION 203 AND CHESTERFIELD METER SUBSTATION SITES.

Resolution #2016-200-20C entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO APPOINT SARAH GRAUBART TO THE POSITION OF VIOLATIONS CERK TYPING IN THE MUNICIPAL COURT OFFICE.

Township Committee review and discussion of Consent Agenda Items Resolutions #2016-200-7 through #2016-200-20C, excluding Resolution #2016-200-18. Committeeman Cann, Committeeman Holliday, and Mayor Popko commented/asked questions on the Consent Agenda.

Resolution #2016-200-7. Committeeman Cann asked if payment to Lou Garty (page 8) was actually for litigation. Police Chief Nucera will check on this.

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

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

NAY: None

WALT KOSUL, 539 Route 206: In regard to Resolution 2016-200-20, Mr. Kosul asked what an insurance deduction payment is. Committeeman Cann responded it is litigation settled by the appointing judge with the JIF's deductible paid by the Township in good faith to the lawsuit winner. The rest will be at the expense of the JIF.

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

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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, excluding Resolution #2016-200-18, any changes made to the name of the new employee (Resolution #2016-200-20C), any changes to the bill list transactions regarding litigation, and minor changes to Resolution #2016-200-20A; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Carson with abstention to Resolution #2016-200-8, Committeeman Holliday, Deputy Mayor Benowitz, Mayor Popko with nay to Resolution #2016-200-11.

NAY: None

Township Clerk Eckert asked for the following motion:

At this time, Deputy Mayor Benowitz made a motion to enter into a Shared Services Agreement with Chesterfield Township to appoint Mark Gallagher as Wetlands Expert in the Transco Compressor Station matter, not to exceed \$7,250 for the 50% Bordentown Township portion; seconded by Committeeman Carson.

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

NAY: None

Consideration of Introduction of Ordinance #2016-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING THE SECTION 15.04.020 OF THE BORDENTOWN TOWNSHIP CODE TO ESTABLISH PERMIT AND FEE SCHEDULE.

DEPUTY MAYOR BENOWITZ: Deputy Mayor Benowitz recommended Construction Official LaRocca be available at the next meeting to review changes made to the fee schedule.

At this time, Deputy Mayor Benowitz made a motion to introduce Ordinance #2015-10: 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 August 15th.

Township Committee discussion of August Meeting Schedule.

After discussion, the Committee decided to cancel the Township Committee meetings of August 8 and 22, 2016, and schedule a meeting for Monday, August 15, 2016.

Resolution #2016-200-20D entitled RESOLUTION AMENDING THE 2016 MEETING SCHEDULE FOR THE BORDENTOWN TOWNSHIP COMMITTEE.

At this time, Deputy Mayor Benowitz made a motion to approve Resolution #2016-200-20D; seconded by Committeeman Holliday.

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

NAY: None

Township Committee discussion of Establishing New Date for Fireworks Celebration.

Police Chief Nucera said he spoke with Chris Nunn of Bordentown Traditions and it was suggested Labor Day Fireworks to be held Friday, September 2, 2016; raindate Saturday, September 3, 2016. Police Chief Nucera said he would speak with Bordentown City Mayor Malone tomorrow. Pyrotechnics said they will hold those dates. Mayor Popko stressed the need for advertising to let the community know.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann said the Township Committee should consider sending a mailing to all the residents regarding the N.J. DEP hearing scheduled for August 22, 2016 regarding the compressor station.

There was an Affordable Housing court decision. The court decisions did not authorize a retrospective, new, and discreet Affordable Housing GAP period obligation. Committeeman Cann said this is not the end, but it is a large victory. Our Affordable Housing Attorney, Jeff Surenian was there helping make a case for the Township.

Public Works has been working hard cleaning up from the last storm. There was a lot of tree damage. The crack sealing is not moving as quickly as expected.

COMMITTEEMAN CARSON: Committeeman Carson said the Veterans Advisory Committee met on July 12, 2016 in preparation of the recently postponed concert that was supposed to be held on August 13, 2016. Mayor Popko said a music in the park or movie night may be scheduled for that date.

The School Board meeting was held on July 13, 2016. They are going to arbitration with the contract. The summer projects; i.e. painting, roofing, etc. are going according to schedule.

COMMITTEEMAN HOLLIDAY: In regard to the damages from the winter snowstorm, Committeeman Holliday said FEMA will be reimbursing the Township \$14,455.04 for damages to the vehicle.

Renovations are continuing at Fire District #1. He gave a summary of what was discussed at the meeting.

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Fire District #2 has a meeting scheduled with Steve Walsh regarding insurance. Their ISO insurance rating used to be 5, and it is now 10. Residents' Homeowners Insurance may go up because of this.

Police Chief Nucera went to Washington, DC to attend a briefing from President Obama and his Staff on Policing in the 21st Century.

He cited a recent Police activity in the City of Trenton.

DEPUTY MAYOR BENOWITZ: Deputy Mayor Benowitz commended the Public Works Department for their clean-up work after the storm.

He attended a Waterfront Community Planning Board Redevelopment Subcommittee meeting on July 6, 2016 to discuss the application that came before the July 14, 2016 Planning Board meeting.

The July 12, 2016 Economic Development Advisory Committee meeting was cancelled.

He attended the July 5, 2016 Senior Citizen Business Meeting and the July 18, 2016 Senior Citizen Social Meeting.

The July 18, 2016 Sewerage Authority Meeting was cancelled; there will be a meeting on July 25, 2016. The rate hearing will now be conducted on August 15, 2016.

The fire hydrant flushing schedule still has not been established.

At the July 14, 2016 Planning Board meeting, the Waterfront Community, LLC Phase II was approved with numerous conditions. The number of units has been decreased by 99 units.

COMMITTEEMAN CARSON: Committeeman Carson initiated a discussion on the ISO rating change at District #2 Derby Firehouse. There have been many inquiries from residents regarding this. This is affecting homeowners' insurance policies. Police Chief Nucera said he reached out to the Chief at District #2 and asked what the cause is of going from the 5 to 10 rating. Committeeman Holliday is also following up on this.

MAYOR POPKO: Mayor Popko said she swore-in the new officers at the Northern Burlington Chamber of Commerce breakfast this past week. Bill Ryan is their president again.

There is an Environmental Commission meeting tomorrow night. The Green Team has been working on the Community Garden. The Girl Scouts have been coming out regularly. One hundred pounds of organic produce has been donated to the area food pantries. Donations of \$300 have been received from the July 4th hot dog sale. They are working on a resolution that addresses global climate change to be submitted to the Township Committee.

In regard to the August 13, 2016 Veterans' Advisory Committee's (postponed) Fundraiser Concert, she said there are a number of issues that need to be worked out. The new tentative reschedule date is May 2017.

A letter was received from residents of Arlington Road about the nut weed grass issue. Mayor Popko invited C.D. Director Brian Johnson to tonight's meeting, but he could not attend to address the issue. She said she was told by the contractor a few weeks ago that he was getting a professional and would hear back from him directly. She did not receive the action list until July 18, 2016 from the Contractor and added that she is not satisfied with the movement to correct the problem. Mayor Popko also feels that the nut weed should all be dug out.

Mayor Popko made a statement regarding her dissatisfaction with certain things going on in the Township, and that her negative feelings should not reflect all the good work of the Township and its employees.

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POLICE CHIEF NUCERA: Police Chief Nucera gave a summary of the timeline of the nut weed project. He said the contractor, the Command Company, and he would follow the recommendation from TruGreen. Brian Johnson forwarded an email from the Command Company dated July 13, 2016 to Police Chief Nucera where the TruGreen Company gave a tentative schedule of corrective action. Emails of the residents were provided to C.D. Director Brian Johnson who will notify them of the schedule of work.

COMMITTEEMAN CANN: Committeeman Cann stated that at the recent Planning Board meeting, Waterfront Community, LLC asked that they inform the Township Committee that the public park at the waterfront will be coming back to the Township Committee for finalization. The public park will be the only township park that borders the Delaware River. Mayor Popko said she was not in agreement with the waterfront's public park. The N.J. DEP may not approve the ramps, amphitheater, etc., and she feels it would not be a public park; however, the Township would be responsible for the upkeep. Committeeman Cann said there is a small park, promenade, fishing pier which have all been approved by the N.J. DEP.

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

LEN de GROOT, 8 Arlington Road: Mr. de Groot expressed his concern about the Arlington Road nut grass problem and said it has been a year and it is now severe. Police Chief Nucera said that TruGreen has a plan of attack which includes digging down 14-16 inches, removing the soil, treating the areas and front yards, and replacing the soil. . Police Chief Nucera will reach out to Brian Johnson tomorrow. Mr. de Groot also asked that flags be placed when they are spraying.

Mr. de Groot asked that our police officers be recognized during this time of disorder in our Country. And a thank you to our public works employees who have always gone the extra mile for the Township

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz asked if the Township could change the signs on the Williamsburg Drive roundabout to "No Parking," instead of "no parking when road is snow covered." Police Chief Nucera will follow-up on this.

Ms. Heinz thanked Police Chief Nucera for updating her on the flushing of the hydrants.

MARTHA VESELKA, 23 Gloucester Court: Ms. Veselka congratulated Police Chief Nucera for being recognized by President Obama.

She suggested consulting the Environmental Commission for their expertise on the nut weed grass.

Ms. Veselka said she supported the mass mailing to the residents asking for them to attend the hearing and informing them that the clean water certificate should not be granted because the pipeline is going over so many streams and the compressor station is on wetlands.

Also, Ms. Veselka stated Theresa Letterman from Pinelands Preservation Alliance said their group would be willing to do the mailings and absorb the costs if they were provided the addresses of the residents.

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WALT KOSUL, 539 Route 206: Mr. Kosul asked if there would be a Transco representative present at the August 22, 2016 meeting. Committeeman Cann responded, yes they have to be, and Bordentown Township will be there to convince the N.J. DEP to do its job. The N.J. DEP doesn't do its own research, so the research they are relying upon is the research supplied by Transco Williams. Mayor Popko added that our drinking water will be directly affected.

Mr. Kosul asked about the progress on the new municipal building/remodeling project. Committeeman Cann responded that another meeting has not yet been scheduled and C.D. Director Brian Johnson supplied everyone with a summary.

MAYOR POPKO & COMMITTEEMAN HOLLIDAY: Mayor Popko announced upcoming Arts in the Park events. Committeeman Holliday announced August 2, 2016 is National Night Out.

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

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

NAY: None

ADDITIONAL MATTERS:

COMMITTEEMAN CARSON: Committeeman Carson said the proposed Veteran's Memorial is having a hard time picking up speed for fundraising. He said the Elks have a Veteran's Committee and they have available to apply for is an Impact Grant which will give you \$10,000, and you can apply each year over the next several years for that funding. The application deadline is September 9, 2016. He said the phase of the memorial would have to be considered. He asked for consent from the Township Committee to get Alt. Engineer Fred Turek to meet with Police Chief Nucera, the Veteran's Committee, and the Bordentown Elks. Authorization from the Township Committee will also needed to submit a percentage amount. The Township Committee was all in agreement for Committeeman Carson to proceed.

COMMITTEEMAN CANN: Committeeman Cann said that even though the Pinelands Preservation Alliance volunteered to do the mailing regarding the August 22, 2016 N.J. DEP hearing regarding the compressor station, if funds could be found, it should be authorized that the Township do the mailing. Committeeman Carson expressed concern in giving our mailing list to another entity. Police Chief Nucera said he just spoke with Martha Veselka and she would have the woman from the Pinelands send an email. The Township already has a bulk mailing permit, so the Township could do the mailing and they reimburse us. Committeeman Cann said he wants the mailing to go with an official Township letterhead, not Pinelands Preservation Alliance. Police Chief Nucera will follow-up on this once the email is received. The Township Committee was all in agreement to expend monies for this mailing.

TOWNSHIP CLERK ECKERT: Township Clerk Eckert announced that she has the affidavit for the audit that needs to be signed by each Committeeperson before they leave tonight's meeting.

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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 9:31 p.m.

JILL POPKO, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK