

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
FEBRUARY 13, 2017

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 Stephen Benowitz
Committeeman James Cann
Committeewoman Jill Popko
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer David Kocian
Interim Administrator George Haeuber

ABSENT: Deputy Mayor Eugene Fuzy
Committeeman Eric Holliday
Public Works Director Dean Buhrer

Mayor Benowitz called the meeting to order at approximately 7:02 p.m. and led a salute to the flag and a moment of silence. He announced that Eugene Fuzy lost his father today.

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 11, 2017, 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
SRL Pipeline
NJNG
Elcon Hazardous Waste Facility
- K. Johnson Pilot Agreement Contract Matter.
- Affordable Housing Contract Matter.
- Professional Services Contract Matter: Tree Identification Program-Seth Hand Park.
- Personnel Matters.

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 Committeewoman Popko.

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AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:09 pm and reconvened the regular meeting at 7:45 pm.

Mayor's Proclamation Honoring Matt Horner as an All American Athlete. At this time, Mayor Benowitz read the Proclamation into the record and presented it to Matt Horner.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that Resolutions #2017-044-11, #2017-044-19, and #2017-044-20 are being pulled because they require 4 votes of the Township Committee (Deputy Mayor Fuzy and Committeeman Holliday were absent.) As a result of Closed Session, Resolution #2017-044-20A is being added. Two memorandums from Community Development Director Brian Johnson were received which outlines the Planning Board's recommendation for Ordinances #2017-1 and #2017-2. On page 6 of the bill list, Purchase Order No. 17-00058 is being pulled. On page 1 of the Capital Bill List, Gower's payment for \$8,712.50 is being pulled because it is a duplicate payment.

CONSENT AGENDA

Resolution #2017-044-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2017-044-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2017-044-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-044-11 entitled RESOLUTION AUTHORIZING EMERGENCY TEMPORARY BUDGET. (PULLED)

Resolution #2017-044-12 entitled RESOLUTION APPOINTING ALTERNATE FUND COMMISSIONER.

Resolution #2017-044-13 entitled RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC., FOR PUBLIC WORKS EXPANSION-PROJECT 3, 262 CROSSWICKS ROAD.

Resolution #2017-044-14 entitled RESOLUTION AUTHORIZING FINAL PAYMENT TO JOSEPH PORRETTA BUILDERS, INC., FOR PUBLIC WORKS EXPANSION-PROJECT 2, 266 CROSSWICKS ROAD.

Resolution #2017-044-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

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Resolution #2017-044-16 entitled A RESOLUTION COMMEMORATING AND CONGRATULATING THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND ON 25 YEARS OF SUCCESSFUL OPERATIONS.

Resolution #2017-044-17 entitled RESOLUTION AUTHORIZING THE FUNDING OF BORDENTOWN SHARE OF THE MACCS CONTRACT WITH CENTRAL JERSEY WASTE & RECYCLING FOR BASIC SERVICE SOLID WASTE AND BULK COLLECTION. (PULLED)

Resolution #2017-044-18 entitled AMEND PUBLIC WORKS EXPANSION PROJECT, PHASE 1A-FENCE AND LANDSCAPE BUFFERING WITH GOWER'S, INC., CHANGE ORDER NO. 2 FINAL.

Resolution #2017-044-19 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT. (PULLED)

Resolution #2017-044-20 entitled AUTHORIZING 2017 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59). (PULLED)

Resolution #2017-044-20A entitled RESOLUTION ACCEPTING THE PROPOSAL FROM DESIGN FOR GENERATIONS, LLC, FOR THE TREE IDENTIFICATION PROGRAM – SETH HAND PARK.

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-044-8 through #2017-044-20A. Committeeman Cann, Committeewoman Popko, and Mayor Benowitz commented/asked questions on the Consent Agenda.

Resolution #2017-044-9. Committeeman Cann recommended that the regular meeting minutes of January 23, 2017 be pulled. He cited some items that should be amended. Committeewoman Popko also asked that her comments be added to the public participation portion of the minutes.

Resolution #2017-044-17. Committeeman Cann said there is confusion in the wording and amounts in the resolution. This resolution was pulled to be placed on the next meeting agenda. Township Clerk Eckert will follow-up for clarification.

At this time, Committeewoman Popko made a motion to open to the public the consent agenda items, excluding the January 23, 2017 Regular Minutes of Resolution #2017-044-9, and Resolutions #2017-044-11, #2017-044-17, #2017-044-19, and #2017-044-20; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

SID MORGINSTIN, 849 East Drive: In regard to Resolution #2017-044-18, Mr. Morginstin asked what a privacy slat was. Attorney Fahey responded, she thought it may be the weaving in a chain-

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link fence. In regard to Resolution #2017-044-17, he asked if this was the residential trash pick-up; Mayor Benowitz responded it is for condominiums and apartments.

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

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

At this time, Committeeman Cann made a motion to adopt the Consent Agenda excluding: the January 23, 2017 Regular Minutes of Resolution #2017-044-9, and Resolutions #2017-044-11, #2017-044-17, #2017-044-19, and #2017-044-20; seconded by Committeewoman Popko.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

Public Hearing on Ordinance #2017-1 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.

At this time, Committeeman Cann made a motion to open the public hearing on Ordinance #2017-1; seconded by Committeewoman Popko.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked the difference between Ordinance #2017-1 and #2017-2: one says it allows service stations with conditional use and the other says it can't be a conditional use. Attorney Fahey responded that this is a redevelopment area. In one ordinance, it is a conditional use. In the next ordinance, it is a prohibition against that conditional use in two (different) commercial zones.

Seeing no further public comment, Committeewoman Popko made a motion to close the public hearing on Ordinance #2017-1; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

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ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

Consideration of Adoption of Ordinance #2017-1 entitled AN ORDINANCE AMENDING THE SOUTHERN GATEWAY REDEVELOPMENT AREA.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2017-1; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

Public Hearing on Ordinance #2017-2 entitled AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REMOVING SERVICE STATIONS AS A CONDITIONALLY PERMITTED USE IN THE HIGHWAY COMMERCIAL (HC) AND COMMUNITY COMMERCIAL (CC) ZONES.

At this time, Committeeman Cann made a motion to open the public hearing on Ordinance #2017-2; seconded by Committeewoman Popko.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

WALT KOSUL, 539 Route 206: Mr. Kosul asked about the Southern Gateway Redevelopment Zone and which zone would the gas stations be a permitted use. Attorney Fahey responded, both zones. In the redevelopment zone, that ordinance gave a standard for that conditional use. This ordinance is saying it is not going to be a conditional use in the 2 stated zones. Because of the proliferation of gas stations, it is stated it needs to be precluded so that other uses can be developed in our commercial zones. The gas stations will no longer be a conditionally permitted use in the 2 commercial zones, they will be permitted in the Southern Gateway Redevelopment Zone, and wherever else as stated in the Township Code. Committeeman Cann stated that it is against the law to zone a use totally out of the Township.

Seeing no further public comment, Committeeman Cann made a motion to close the public hearing on Ordinance #2017-2; seconded by Committeewoman Popko.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

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Consideration of Adoption of Ordinance #2017-2 entitled AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE TOWNSHIP OF BORDENTOWN REMOVING SERVICE STATIONS AS A CONDITIONALLY PERMITTED USE IN THE HIGHWAY COMMERCIAL (HC) AND COMMUNITY COMMERCIAL (CC) ZONES.

At this time, Committeewoman Popko made a motion to adopt Ordinance #2017-2; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

Consideration of Introduction of Ordinance #2017-3 entitled CALENDAR YEAR 2017 "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, Committeewoman Popko made a motion to introduce Ordinance #2017-3; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

TOWNSHIP CLERK ECKERT: The public hearing will be February 27th.

Consideration of Introduction of Ordinance #2017-4 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 5.24 OF THE CODE OF THE TOWNSHIP OF BORDENTOWN WITH RESPECT TO BINGO AND RAFFLE LICENSES.

At this time, Committeewoman Popko made a motion to introduce Ordinance #2017-4; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

TOWNSHIP CLERK ECKERT: The public hearing will be February 27th.

Township Committee discussion of 2017 Community Events Advertising.

This item was tabled until the February 27, 2017 Township Committee Meeting. Committeewoman Popko said she has not seen anything on the upcoming Black History Month Event to be held on February 22, 2017. Mayor Benowitz will follow-up with Angel Sauro.

Township Committee discussion of Municipal Agreement to Conduct Aerial Larval/Adult Mosquito Control Activities.

This item is also tabled until the February 27, 2017 Township Committee Meeting. Committeeman Cann asked Township Clerk Eckert to contact Mr. Nuni of the Board of Chosen Freeholders and get information on what the larval area spraying will consist of.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann said he spoke with the Community Development Office regarding the escrow accounts. They have been behind and need to be caught up so the professionals can be paid. C.D. Director Brian Johnson told him that he has been following up with the developers to put the money in the accounts and will have several ready by the next meeting.

There are sample tree/plants signs ready for Seth Hand Park to present to the school to get their input.

COMMITTEEWOMAN POPKO: In regard to the Public Works Department, Committeewoman Popko said she has received telephone calls from several residents on Dunns Mill Road and is happy there is emergency funding to get Phase 1 of the road repaired. The State of N.J. had put a freeze on the funds for pre-scheduled work. The road will be completed fully during the summer, when school is over.

The Public Works Department has been repairing potholes throughout the town. She urged residents to report them.

They have been picking up brush, which will not go into the landfill, and will be a cost savings to the residents.

An emergency station has been set up at Public Works.

Lt. Mount and P.W. Director Buhner are working on the software updates for the registration and insurance of the Township fleet.

In regard to the trash pick-up, complaints from residents have been reduced by 99% from last year at this time.

She attended the School Board Meeting. There are 2 major issues she is concerned about: test scores and the lead levels in the drinking water. She encouraged the public to attend the next meeting to be held on February 15, 2017.

On February 24, 2017 at 9:30 a.m., the Pinelands Commission will be coming out with their answer at the Crowne Royal in Cherry Hill. She encouraged everyone to attend.

ELCON will be coming out with Phase 2, A & B. She hopes information will go on the Township Website and social media. Mayor Benowitz asked her to send Deputy Mayor Fuzy an email regarding this.

MAYOR BENOWITZ (Report on behalf of Committeeman Holliday who was not present): Mayor Benowitz and Committeeman Holliday attended the Mission Fire Company District #1 meeting on February 2, 2017. The election will be February 18, 2017. The new firehouse has a C.O.

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Derby Fire Company District #2 holds their meeting on the 2nd Monday at the same time the Township Committee meeting is scheduled. Mayor Benowitz said that he spoke with the Fire Chief who emailed the water company, and one of the three fire hydrants has finally been fixed (in Williamsburg Village).

In regard to Emergency Management, the final grant amount received from FEMA is \$668,740.88 for the Sylvan Glen Culvert repair. Repairs must be completed this year. Mayor Benowitz commended Emergency Management Coordinator Andy Law.

Mayor Benowitz cited some recent Police activities. On January 26, 2017, the Police Officers participated in the Bordentown Regional High School Day of Empowerment. Officers acted as guest speakers and taught lessons on distracted driving and driving while impaired with use of simulation goggles.

MAYOR BENOWITZ: Mayor Benowitz said that he has been meeting with Department Heads and Staff on a daily basis. This will be turned over to Interim Administrator, George Haeuber very soon.

On January 26, 2017, he met with Chesterfield Mayor Lietka to discuss a Shared Service Agreement regarding environmental litigation involving the Pipeline and Compressor Station. Our attorneys are ironing out the details.

He was a keynote speaker at the January 30, 2017 EDAC Business Breakfast.

He met with the Clifton Mills HOA on January 31, 2017. Their questions included dedication of the roads and the possibility of the warehouse in their community.

On February 1, 2017, he attended the Affordable Housing meeting.

He attended the Village Grande HOA meeting on February 1, 2017. Questions from residents were addressed.

Mayor Benowitz attended the Rising Sun/Dunns Mill by-pass road meeting at Assemblyman Herb Conaway's office with N.J. DOT and DVRPC representatives in order to get the project on the DVRPC pick program.

He attended the Bordentown Regional Hall of Fame dinner at the Bordentown Elks and presented certificates to the 4 inductees.

On February 6, 2017, he attended the Sr. Citizens' Business Meeting.

He attended the KJUR Settlement Conference on February 7, 2017.

He took a safety tour with Captain Pesce and Township Engineer Fred Turek which will result in additional safety signage throughout the Township. A second tour will be scheduled.

COMMITTEEWOMAN POPKO: Committeewoman Popko requested additional lighting in the rear of Borden's Crossing. Mayor Benowitz asked her to email Captain Pesce regarding this.

MAYOR BENOWITZ (continued): Mayor Benowitz had a Budget Financial meeting today with the Township's Financial Advisor, Bond Counsel, Auditor, CFO Kocian, and Interim Administrator George Haeuber. It was a very good meeting.

He said he continues to work closely with the Township Professionals and the Administrative Team (Interim Administrator Haeuber, Township Clerk Eckert, and CFO Kocian).

Mayor Benowitz said he was in constant contact with P.W. Director Buhner and Captain Pesce during the snow day. He thanked them and their departments' personnel.

He attended the February 7, 2017 ribbon cutting ceremony for Carpenter and Paterson, Inc. who are located at the former Prince Racket property.

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PUBLIC PARTICIPATION: At this time, Committeewoman Popko made a motion to open the meeting for public participation; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

DARREN HOPKINS, 28 Ridgewood Drive: Mr. Hopkins complained about the trucks and road condition of Rising Sun Road between Route 295 and Route 130; particularly the noise and how his house shakes. Mayor Benowitz said he was aware of the manhole cover and said it can be taken care of by the Bordentown Water or Sewer Department. Committeeman Cann said that Rising Sun Road is a local road that has been designated as a truck route, and once it has been designated as a truck route, it becomes the maintenance of the State of N.J. Mr. Hopkins said he called the State of N.J. and they told him that between Route 295 and Route 130 is residential and belongs to Bordentown Township. Attorney Fahey asked Mr. Hopkins to leave his contact information with Mr. Haeuber for follow-up to see if the Township can help.

SID MORGINSTIN, 849 East Drive: Mr. Morginstin inquired about the unfinished parking lot at Team 85. Mayor Benowitz responded that the Township is still in negotiations (litigation).

Mr. Morginstin asked if there has been discussion about the Concerts in the Park Community Event. Mayor Benowitz responded that the meeting discussion item is about the advertising, but the Township is working on the concerts. Mr. Morginstin requested that the Boehme Opera Company of New Jersey be continued because he helps fund it with Marilee Ryan.

Mr. Morginstin asked why the Township Committee Agendas are not posted until Monday morning. Mayor Benowitz responded, there was a snow day this week.

Mr. Morginstin asked about the anti-idling resolution and how it affects the parents waiting for the school bus with their kids. Committeewoman Popko responded that she knows that the Environmental Commission has contacted the school's transportation department to get a list of bus stops so they can erect anti-idling signs; however, she doesn't think these parents should get a citation if it is below 32 degrees and if they are receiving 5 minutes connection time with their kids. Mayor Benowitz said that it is a process and the locations still need to be identified.

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz said the fire hydrant in Williamsburg Village was fixed and she thanked the Township Committee.

Ms. Heinz said she received a text from the Public Works Department stating they cleaned the snow off of Williamsburg Drive, but the landscaper put the snow from the sidewalks into the road again. The landscaper was advised that this is not acceptable and so he complied.

Ms. Heinz said there are parents who idle at the end of the courts waiting for their kids to get off the school bus. She hopes when the striping issue is addressed that this will be rectified. Mayor Benowitz said the roads have not been dedicated to the Township. Mayor Benowitz said that Administrator Haeuber will follow-up and review Title 39 with Captain Pesce.

AGNES MARSALA, 68 Old York Road, Chesterfield Township: Ms. Marsala asked the Township Committee if they could have signed copies of the resolutions on South Jersey Gas and the SRL that were given to the Pinelands Commission. Township Clerk Eckert said if she completes and

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OPRA request she will provide her with a copy. She asked for a copy of the Environmental Commission's resolutions, as well. Ms. Marsala asked if the Township can find out from the Sewer Authority to see if the pipeline would have any impact on them. Mayor Benowitz referred the question to Mr. de Groot who is a member of the Bordentown Sewerage Authority.

LEN de GROOT, 8 Arlington Road, Member of the Sewerage Authority: Mr. de Groot said the issue will be reopened at their next meeting on February 15, 2017.

AGNES MARSALA, 68 Old York Road, Chesterfield Township: Ms. Marsala asked about Title 39 and if she would get a ticket if she parked in Williamsburg Village. Mayor Benowitz said the roads have not been dedicated to the Township; they are still private roads.

Ms. Marsala thanked the Township Committee for their help and publicizing the Pinelands Commission meeting and said good luck with Elcon. She urged them to please not settle, and Chesterfield Township still has plenty of money from the land they sold to Elcon.

WALT KOSUL, 539 Route 206: Mr. Kosul asked if Committeeman Cann gave a report on the municipal building complex relocation. Committeeman Cann responded, no, there hasn't been a meeting because there was some changes in personnel. When this is settled, another meeting will be scheduled. The last meeting was less than a month ago where a recommendation was given to the Township Committee. It will also depend on the budget.

Mr. Kosul asked what the budget hearing dates were. Mayor Benowitz told Mr. Kosul that he was previously provided those dates. Township Clerk Eckert responded that the public meeting is tentatively scheduled for March 11, 2017; introduction is tentatively scheduled for March 25, 2017. Mr. Kosul asked if he could meet with CFO Kocian after the budget is introduced; Mayor Benowitz responded, no, the budget will be introduced at a public meeting.

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

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

ADDITIONAL MATTERS:

Mayor Benowitz read into the record a thank you note from Shawn Mount and Family.

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 Committeewoman Popko.

AYE: Committeeman Cann, Committeewoman Popko, Mayor Benowitz

NAY: None

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ABSENT: Committeeman Holliday, Deputy Mayor Fuzy

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:33 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK