

TOWNSHIP OF BORDENTOWN

TOWNSHIP COMMITTEE REGULAR MEETING AGENDA

DATE: MAY 8, 2017 TIME: 6:30 P.M. MEETING ROOM, MUNICIPAL BUILDING

ATTENDANCE:	PRESENT	ABSENT	
	_____	_____	Mayor Benowitz
	_____	_____	Deputy Mayor Fuzy
	_____	_____	Committeeman Cann
	_____	_____	Committeeman Holliday
	_____	_____	Committeewoman Popko
	_____	_____	George Haeuber, Interim Administrator
	_____	_____	Township Clerk Eckert
	_____	_____	Attorney Fahey
	_____	_____	Chief Financial Officer Kocian
	_____	_____	Public Works Director Buhrer

1. Salute to the flag and moment of silence.
2. Roll Call.
3. 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 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.

4. 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.
5. Resolution to meet in closed session:

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:

1. Environmental Litigation Matters: Transco Compressor Station
 SRL Pipeline
 NJNG
2. Kevin Johnson Tax Appeal Matter Potential Litigation.
3. Affordable Housing 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.

6. Resolution #2017-128-6 entitled RESOLUTION TO READ BUDGET BY TITLE ONLY.
7. **2017 Municipal Budget:**
 - a. Public Hearing on 2017 Municipal Budget.
 - b. Consideration of Adoption of Resolution #2017-128-7 entitled ADOPTION OF 2017 MUNICIPAL BUDGET.
8. Mayor's Proclamation dedicating First Week of May as Elks National Youth Week.
9. Mayor's Proclamation dedicating Month of May as Older Citizens' Month.
10. Presentation by Larry Morgan regarding Verizon Wireless proposal for use of Public Rights-of-Way.
11. Administrative Review
 - a. Review of agenda
 - b. Review of correspondence

CONSENT AGENDA ITEMS:

- a. Township Committee review and discussion of Consent Agenda Items.
 - b. Questions or comments from the audience on consent agenda items.
 - c. Motion, Second and Roll Call to adopt Resolutions #2017-128-12 through #2017-128-23.
12. Resolution #2017-128-12 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.
 13. Resolution #2017-128-13 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.
 14. Resolution #2017-128-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 15. Resolution #2017-128-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 16. Resolution #2017-128-16 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.
 17. Resolution #2017-128-17 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.
 18. Resolution #2017-128-18 entitled RESOLUTION APPOINTING CERTIFYING OFFICER FOR THE PERS AND PFRS RETIREMENT SYSTEMS.

19. Resolution #2017-128-19 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VETERANS MEMORIAL PARK – CONCESSION/PAVILION IMPROVEMENTS.
20. Resolution #2017-128-20 entitled A RESOLUTION TO AWARD A CONTRACT TO LANCE ELECTRIC FOR THE VETERANS PARK – CONCESSION/PAVILION IMPROVEMENTS PROJECT.
21. Resolution #2017-128-21 entitled RESOLUTION TO APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS II.
22. Resolution #2017-128-22 entitled AMENDING RESOLUTION #2017-093-21 ENTITLED REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.
23. Resolution #2017-128-23 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.
24. Consideration of Re-Introduction of Ordinance #2017-8 entitled ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AMENDING SECTION 25:501 OF THE LAND DEVELOPMENT ORDINANCE.
25. Public Hearing on Ordinance #2017-9 entitled AN ORDINANCE AMENDING ORDINANCE #2009-3 ESTABLISHING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTIONS RETIREMENT PROGRAM.
26. Consideration of Adoption of Ordinance #2017-9 entitled AN ORDINANCE AMENDING ORDINANCE #2009-3 ESTABLISHING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTIONS RETIREMENT PROGRAM.
27. Township Committee discussion of the BURLCO JIF 25th Anniversary Luncheon for Township Employees.
28. Township Committee discussion regarding Drones.
29. Township Committee and Staff Reports.
30. Public Participation.

Questions, comments or statements from members of the public in attendance.
31. Any additional matters or correspondence to be reviewed, discussed or acted upon at the discretion of the Township Committee.
32. Motion to Adjourn.

ALL PROPOSED LEGISLATION LISTED BELOW IS SUBJECT TO CHANGE AND IS CONSIDERED TO BE A DRAFT UNTIL IT IS OFFICIALLY ADOPTED BY GOVERNING BODY.

RESOLUTION #2017-128-6

RESOLUTION TO READ BUDGET BY TITLE ONLY

WHEREAS, N.J.S.A. 40A:4-8, as amended by Chapter 259, P.L. 1995, provides that the budget may be read by title only at the time of the public hearing if a resolution is passed by not less than a majority of the full governing body, providing that at least one week prior to the date of hearing, a complete copy of the budget has been made available for public inspection and copies have been made available by the Clerk to persons requesting them; and

WHEREAS, these two conditions have been met;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby authorize the 2017 Municipal Budget to be read by title only.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/08/16

RESOLUTION #2017-128-12

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that all of the bills listed to be paid on the list dated May 8, 2017, as submitted by the Office of the Treasurer are hereby approved for payment and the Office of the Treasurer is directed to pay the same.

05/08/17

RESOLUTION #2017-128-13

APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that the minutes of the Township Committee Closed Session Meeting of March 25, 2017; April 1, 2017; April 3, 2017; and April 24, 2017; the Special Meeting of March 25, 2017 and April 1, 2017; and the Regular Meeting of April 24, 2017, as submitted by the Clerk and posted on the bulletin board, be and are hereby approved as (_____ submitted) (_____ corrected).

05/08/17

RESOLUTION #2017-128-14

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00033 was redeemed on APRIL 25, 2017, in the amount of \$335.16

WHEREAS, LORAMARK CAPITAL LLC, paid tax sale premium, in the amount of \$900.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$900.00 to LORAMARK CAPITAL LLC; for Lien 15-00033, Block 138.06 Lot 191 commonly known as 7 SPRINGHOUSE COURT.

JCE
05/08/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-15

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #13-00017 was redeemed on APRIL 26, 2017, in the amount of \$31,520.52

WHEREAS, US BANK C/F ACTLIEN HOLDING LLC, paid tax sale premium, in the amount of \$20,500.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$20,500.00 to US BANK C/F ACTLIEN HOLDING LLC; for Lien 13-00017, Block 93.01 Lot 159 commonly known as 11 WILLOW WAY.

JCE
05/08/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-16

AUTHORIZING REFUND OF TAX SALE PREMIUM

WHEREAS, Tax Sale Certificate #15-00006 was redeemed on APRIL 27, 2017, in the amount of \$504.93

WHEREAS, DSHC ENTERPRISES LLC, paid tax sale premium, in the amount of \$1300.00 for said lien.

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of tax sale premium, in the amount of \$1300.00 to DSHC ENTERPRISES LLC; for Lien 15-00006, Block 53 Lot 2 commonly known as 33 LINDEN ROAD.

JCE
05/08/17

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-17

AUTHORIZING REFUND OF OVERPAYMENT OF TAXES

BE IT RESOLVED, by the Township Committee of the Township of Bordentown that, as requested by the Tax Collector, it hereby authorizes a refund of overpayment of 2017 taxes in the amount of \$2,346.94 to CHASE for Block 93.01 Lot 84 commonly known as 17 WINDINGBROOK ROAD

05/08/17

JCE

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-18

RESOLUTION APPOINTING CERTIFYING OFFICER FOR THE PERS AND PFRS RETIREMENT SYSTEMS

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint Jeffrey Elsasser as the Certifying Officer in conjunction with all reports and forms filed with the NJ Division of Pensions in conjunction with the Public Employees Retirement System (PERS) and the Police and Fireman's Retirement System (PFRS); and

BE IT FURTHER RESOLVED that this appointment shall be held in conjunction with the appointment of the Chief Financial Officer effective June 1, 2017 and at no additional compensation.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-19

RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VETERANS MEMORIAL PARK – CONCESSION/PAVILION IMPROVEMENTS

WHEREAS, Turek Consulting, LLC, submitted has submitted a proposal for the Veterans Memorial Park – Concession/Pavilion Improvements Project; and

WHEREAS, it is the desire of the Township Committee to accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$19,100.00 for construction management and inspection services; and

WHEREAS, funds are available to accept said proposal, as evidenced by the attached Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby accept the proposal from Turek Consulting, LLC, in an amount not to exceed \$19,100.00 for construction management and inspection services for the Veterans Memorial Park – Concession/Pavilion Improvements.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/08/17

RESOLUTION #2017-128-20

A RESOLUTION TO AWARD A CONTRACT TO LANCE ELECTRIC FOR THE VETERANS PARK
– CONCESSION/PAVILION IMPROVEMENTS PROJECT

WHEREAS, two (2) bids were received by the Township Engineer on April 19, 2017, for the Veterans Park – Concession/Pavilion Improvements Project; and

WHEREAS, the Township Committee has reviewed the recommendation made by the Township Engineer to award said contract to the apparent low bidder, Lance Electric; and

WHEREAS, funds are available for said project as evidenced by the attached Chief Financial Officer's Certification of Availability of Funds;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby award a contract for the Veterans Park – Concession/Pavilion Improvements Project to Lance Electric, 18 Sohn Way, Tabernacle, NJ 08088 in the amount of \$390,000.00 for the Base Bid (Items 1 through 11); Alternate Bid #1 (Item 1); and Alternate Bid #2 (Items 1 through 4); and

BE IT FURTHER RESOLVED that the Mayor and the Township Clerk are hereby authorized and directed to execute a contract for same.

It is hereby certified that the foregoing is a true and correct copy
of a resolution adopted by the Township Committee of the Township
of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/08/17

RESOLUTION #2017-128-21

RESOLUTION TO APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS II

WHEREAS, Acting Chief Pesce has determined the need to appoint Special Law Enforcement Officers, Class II, to assist with security details and community events; and

WHEREAS, it is the Township Committee's desire to accept the recommendation of Acting Chief Pesce to appoint SLEO, Class II officers;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby appoint the following Special Law Enforcement Officers, Class II:

Mark Costner
Wayne Lebak
Matthew Dillon

BE IT FURTHER RESOLVED that said appointments shall take effect May 9, 2017, and the compensation for each officer shall be set at \$20/hour in accordance with Bordentown Township Ordinance #2017-7; and

BE IT FURTHER RESOLVED that said appointment shall be considered part-time not to exceed 28 hours per week.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

05/08/17

TOWNSHIP OF BORDENTOWN

RESOLUTION NO. 2017-128-22

**AMENDING RESOLUTION #2017-093-21 ENTITLED REFUND
OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS
(AMENDMENTS ARE IN BOLD, ITALICIZED AND UNDERLINED)**

WHEREAS, there exists unused balances in the following Planning or Zoning escrow accounts:

<u>Applicant</u>	<u>Project</u>	<u>Account No.</u>	<u>Amount</u>
NWL Transformers Mr. Jeffrey D. Patterson 312 Rising Sun Road Bordentown, NJ 08505	Solar Farm Block 137.02 Lot 5.02	975400	0.00
NWL Transformers Mr. Jeffrey D. Patterson 312 Rising Sun Road Bordentown, NJ 08505	Solar Farm Block 137.02 Lot 5.02	975401	<u>0.00</u>
NWL Transformers Mr. Jeffrey D. Patterson 312 Rising Sun Road Bordentown, NJ 08505	Solar Farm Block 137.02 Lot 5.02	975402	911.08
NWL Transformers Mr. Jeffrey D. Patterson 312 Rising Sun Road Bordentown, NJ 08505	Solar Farm Block 137.02 Lot 5.02	975403	2.30
Kevin Beebe 30 Adirondak Road Bordentown, NJ 08505	Fence Block 138.05 Lot 29	970100	62.94
Nancy Liberman 28 Van Drive Bordentown, NJ 08505	Install a deck Block 50.02 Lot 8	982800	\$15.28
David F. Valeri 13 Elm Avenue Bordentown, NJ 08505	Bulk Variance/pool & patio Block 42 Lot 20.02	979100	<u>\$0.00</u> <u>(\$2,260.85</u> <u>owed to</u> <u>Township)</u>

And, **WHEREAS**, the Director of Community Development has certified that the applications and projects are complete and that the amounts listed above are nets amounts to be refunded to the Applicant after deducting any outstanding invoices which shall be paid upon closure of the account(s); and

WHEREAS, the Director of Community Development recommends the balances of the funds should be returned to the applicants; in accordance with N.J.S.A. 40:55D-53.2.

NOW, THEREFORE, BE IT RESOLVED, by the Township Committee of the Township of Bordentown, in the County of Burlington and State of New Jersey, as follows:

1. That the Township Committee, for the aforementioned reasons, hereby directs the release of the unused balances of the escrow deposits, in the amounts indicated above, plus applicable interest, if any, in accordance with N.J.S.A. 40:55D-53.1.
2. That the Township Committee directs the Chief Financial Officer to make payment to the aforesaid applicants or owners.
3. That the Township Committee directs the Township Clerk to forward a copy of this resolution to each Applicant.

It is hereby certified that the foregoing is a true and correct copy of a resolution adopted by the Township Committee of the Township of Bordentown at a meeting held on May 8, 2017.

COLLEEN M. ECKERT, RMC, TWP. CLERK

RESOLUTION #2017-128-23

RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT

WHEREAS, pursuant to N.J.S.A. 40A:4-19, the local municipal temporary budget for the year 2017 was approved on the 7th day of January, 2017; and

WHEREAS, pursuant to N.J.S.A. 40A:4-19, appropriations made for interest and debt redemption charges, capital improvement fund and public assistance are excluded from the 26.25% of the prior year budget cap; and

WHEREAS it is desired to amend said temporary budget in order to appropriate sufficient funds for the payment of the Township's capital improvement needs;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Bordentown, County of Burlington, that the following temporary appropriation be made:

TOWNSHIP OF BORDENTOWN
Temporary Appropriations 05.08.17 40A:4-20

		2017
	PRIOR	\$4,245,439.00
Administration	O/E	5,000.00
Finance	O/E	4,000.00
Legal	O/E	50,000.00
Community Development	S&W	10,000.00
UCC	S&W	5,000.00
Police	O/E	10,000.00
Municipal Prosecutor	O/E	3,000.00
P/W - Streets Roads	O/E	10,000.00
P/W - Vehicle Maintenance	O / E	5,000.00
		102,000.00
TOTAL INCLUDING THIS RESOLUTION		\$4,347,439.00

ORDINANCE #2017-8

ORDINANCE OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN
AMENDING SECTION 25:501 OF THE LAND DEVELOPMENT ORDINANCE

WHEREAS, the Township Committee of the Township of Bordentown has reviewed Section 25:501 of the Bordentown Township Land Development Ordinance, which addresses accessory buildings within the Township; and

WHEREAS, the Township Committee of the Township of Bordentown has concluded that in order to adequately address the purposes stated in the Land Development Ordinance and to provide appropriate standards for accessory uses, amendments to Section 25:501 are needed.

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown that Section 25:501 of the Land Development Ordinance is hereby amended as follows: (amendment text is underlined)

25:501.F – Number of Accessory Structures. There shall be no more than two (2) accessory structures per lot; excluding swimming pools.

25:501.G – Size of Sheds. Sheds shall not exceed 100 square feet.

INTRODUCED:
ADOPTED:

ORDINANCE #2017-9

AN ORDINANCE AMENDING ORDINANCE 2009-3 ESTABLISHING POSITIONS ELIGIBLE THE DEFINED CONTRIBUTIONS RETIREMENT PROGRAM

WHEREAS, the Township Committee has reviewed the provisions of Ordinance 2009-3 and the provisions of N.J.S.A. 43:15C-1 *et seq* .and has determined that it is appropriate to amend the provisions of Ordinance 2009-3.

NOW THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Bordentown, County of Burlington as follows:

Section 1: Ordinance 2009-3 is hereby amended as follows:

Except as provided below, pursuant to N.J.S.A. 43: 15C-2, the following positions are deemed eligible for and shall participate in the Defined Contributions Retirement Program (“DCRP”):

Township Committee Members

~~Administrator~~

Municipal Court Judge

All other provisions shall remain as written.

Section 2. This Ordinance shall take effect upon final passage and publication according to law.

Section 3. All Ordinances or parts of Ordinances inconsistent with this Ordinance are hereby repealed to the extent of such inconsistent.

Section 4. If any section, paragraph, subdivision, clause or provision of this Ordinance shall be adjudged invalid, such adjudication shall apply only to the section, paragraph, subdivision, clause or provision and the remainder of this Ordinance shall be deemed valid and effective.