

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
MAY 8, 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
Deputy Mayor Eugene Fuzy
Committeeman James Cann
Committeeman Eric Holliday
Interim Administrator George Haeuber
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer David Kocian

ABSENT: Committeewoman Jill Popko
Public Works Director Dean Buhner

Mayor Benowitz called the meeting to order at approximately 6:32 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 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.

TOWNSHIP CLERK ECKERT: Township Clerk Eckert announced that there was a revised Closed Session Agenda.

At this time, Deputy Mayor Fuzy 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:

1. Waterfront PILOT Contract Matter.
2. Environmental Litigation Matters: Transco Compressor Station
SRL Pipeline
NJNG
3. Kevin Johnson Tax Appeal Matter Potential Litigation.
4. Affordable Housing Matters.
5. Budget Matters.

PAGE 2
REGULAR MEETING
MAY 8, 2017

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 Fuzy, Mayor Benowitz

NAY: None

ABSENT: Committeewoman Popko

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:40 pm and reconvened the regular meeting at 7:51 pm.

Resolution #2017-128-6 entitled RESOLUTION TO READ BUDGET BY TITLE ONLY.

At this time, Committeeman Cann made a motion to adopt Resolution #2017-128-6; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeewoman Popko

2017 Municipal Budget:

MAYOR BENOWITZ: Mayor Benowitz made a statement regarding the 2017 budget. He said Kirk Applegate and Michael Cragin from Bowman and Company were present.

At this time, Deputy Mayor Fuzy made a motion to open the Public Hearing on the 2017 Municipal Budget, as introduced; seconded by Committeeman Cann.

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

NAY: None

ABSENT: Committeewoman Popko

Seeing no comments, Committeeman Cann made a motion to close the public hearing on the 2017 Municipal Budget, as introduced; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeewoman Popko

PAGE 3
REGULAR MEETING
MAY 8, 2017

Consideration of Adoption of Resolution #2017-128-7 entitled ADOPTION OF THE 2017 MUNICIPAL BUDGET.

MAYOR BENOWITZ: Mayor Benowitz announced that this resolution has been pulled from the Agenda.

AMENDMENT TO 2017 Municipal Budget:

Kirk Agglegate and Michael Cragin from Bowman and Company stated what budget amendments were made, and that the local municipal purpose tax is now flat with no cost increase to the taxpayers.

At this time, Committeeman Cann made a motion to introduce the amendment to the 2017 Municipal Budget; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeewoman Popko

Mayor's Proclamation dedicating First Week of May as Elks National Youth Week.

At this time, Mayor Benowitz presented the Proclamation to the Exalted Ruler of the Elks and read it into the record.

Mayor's Proclamation dedicating Month of May as Older Citizens' Month.

At this time, Mayor Benowitz read the Proclamation into the record

Presentation by Larry Morgan regarding Verizon Wireless proposal for use of Public Rights-of-Way.

Mr. Morgan of Tillson Technologies said they are under contract with Verizon Wireless who are looking to enhance their signal strength throughout different areas. This involves attaching equipment onto existing wooden utility poles. They will submit plans on a site by site basis to the building department in order to move the process forward. Attorney Fahey said she will review and edit the agreement and forward it to the Township Committee. A resolution for approval will then be created and presented at the next meeting.

ADMINISTRATIVE REVIEW

Township Clerk Eckert said that an amended bill list was provided adding payment to CIT Technology. There is also an amendment to Resolution #2017-128-23 adding an additional line item for Police Other Expense in the amount of \$16,000. As a result of Closed Session, there are two motions to be considered.

PAGE 4
REGULAR MEETING
MAY 8, 2017

At this time, Committeeman Holliday made a motion authorizing Genova Burns to impose a stay any or all appeals related to the Transco Compressor Station Litigation; seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeewoman Popko

At this time, Committeeman Cann made a motion to authorize the Township to be listed as the permittee in the New Jersey Transit Construction and Occupancy Permit for the 60' of railroad property adjoining the VOA Affordable Housing Project, subject to VOA providing certain indemnification and liability coverages and paying all fees, and further subject to approval of the Township insurance carrier; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeewoman Popko

CONSENT AGENDA

Resolution #2017-128-12 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2017-128-13 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2017-128-14 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-128-15 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-128-16 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-128-17 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2017-128-18 entitled RESOLUTION APPOINTING CERTIFYING OFFICER FOR THE PERS AND PFRS RETIREMENT SYSTEMS.

Resolution #2017-128-19 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VETERANS MEMORIAL PARK – CONCESSION/PAVILION IMPROVEMENTS.

PAGE 5
REGULAR MEETING
MAY 8, 2017

Resolution #2017-128-20 entitled A RESOLUTION TO AWARD A CONTRACT TO LANCE ELECTRIC FOR THE VETERANS PARK – CONCESSION/PAVILION IMPROVEMENTS PROJECT.

Resolution #2017-128-21 entitled RESOLUTION TO APPOINT SPECIAL LAW ENFORCEMENT OFFICERS, CLASS II.

Resolution #2017-128-22 entitled AMENDING RESOLUTION #2017-093-21 ENTITLED REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.

Resolution #2017-128-23 entitled RESOLUTION APPROVING A TEMPORARY BUDGET AMENDMENT.

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-128-12 through #2017-128-23. Committeeman Cann, Committeeman Holliday, Deputy Mayor Fuzy, and Mayor Benowitz commented/asked questions on the Consent Agenda.

Resolution #2017-128-12 (bill list). Committeeman Cann inquired about additional bills from Yardville Supply for Clearlane. He also wanted to know about the bills continually being received from Hagerty & Bland-Tull for the Woolley Dillon Litigation—what they are for, when they will end, and are they being reviewed before payment. Attorney Fahey said she could explain some of the bills, but in the next Closed Session Meeting or by email. The payment to Hagerty & Bland-Tull is being pulled.

Resolution #2017-128-13. Committeeman Cann and Committeeman Holliday stated they would be abstaining from the April 3, Closed Session Minutes. Deputy Mayor Fuzy noted an error on the April 24, 2017 minutes; Township Clerk Eckert will amend them.

At this time, Committeeman Holliday made a motion to open to the public the consent agenda items; seconded by Committeeman Cann.

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

NAY: None

ABSENT: Committeewoman Popko

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked what improvements were being made to Veterans Memorial Park and if it would impact Concerts in the Park during the summer. Mayor Benowitz responded that it will not affect Concerts in the Park. Committeeman Cann added that the bathrooms, kitchen, and pavilion will be improved, as well as making it ADA compliant and adding an addition.

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

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

PAGE 6
REGULAR MEETING
MAY 8, 2017

NAY: None

ABSENT: Committeewoman Popko

At this time, Committeeman Holliday made a motion to adopt the Consent Agenda with amendments to Resolution #2017-128-12 (bill list) and Resolution #2017-128-23, as noted; seconded by Committeeman Cann.

AYE: Committeeman Cann with abstention to Closed Minutes of April 3, 2017, Committeeman Holliday with abstention to Closed Minutes of April 3, 2017; Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ABSENT: Committeewoman Popko

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.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-8: seconded by Committeeman Cann.

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

NAY: None

ABSENT: Committeewoman Popko

TOWNSHIP CLERK ECKERT: The public hearing will be June 12TH.

Public Hearing on Ordinance #2017-9 entitled AN ORDINANCE AMENDING ORDINANCE #2009-3 ESTABLISHING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTIONS RETIREMENT PROGRAM.

At this time, Deputy Mayor Fuzy made a motion to open the public hearing on Ordinance #2017-9; seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeewoman Popko

Seeing no public comment, Committeeman Cann made a motion to close the public hearing on Ordinance #2017-9; seconded by Committeeman Holliday.

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

PAGE 7
REGULAR MEETING
MAY 8, 2017

NAY: None

ABSENT: Committeewoman Popko

Consideration of Adoption of Ordinance #2017-9 entitled AN ORDINANCE AMENDING ORDINANCE #2009-3 ESTABLISHING POSITIONS ELIGIBLE FOR THE DEFINED CONTRIBUTIONS RETIREMENT PROGRAM.

At this time, Committeeman Holliday made a motion to adopt Ordinance #2017-9; seconded by Committeeman Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeewoman Popko

Township Committee discussion of the BURLCO JIF 25th Anniversary Luncheon for Township Employees.

Mayor Benowitz said \$700 was originally allocated from the JIF for this function. Township Clerk Eckert said that since P.W. Director Buhner is the Plan Commissioner, they are doing the planning. If additional funds are needed, there is money (not in the general fund) provided to the municipality through the JIF each year for a safety award. There is no cost to tax payers for this. The luncheon will be held on Thursday, May 18, 2017. The Township Committee was in agreement to use the additional funds, if needed.

Township Committee discussion regarding Drones.

The Township Committee agreed to table the discussion for the next meeting on May 22, 2017 for when Committeewoman Popko was present, since she initiated the discussion item.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN CANN: Committeeman Cann said he has been attending a lot of closed meetings due to potential contractual obligations. At the Affordable Housing Sub-committee meeting, they discussed market units. The developer gets 5 markets for every 1 affordable housing that they build. There is intense interest in this, with only one active intervener at this point. There are at least 4 developers "hammering at the door" asking for projects, most of them 300 units or more. This would have a pretty big impact on the Township. They are actively exploring all the alternatives. Committeeman Cann gave an update on the court fight/decision.

There is a new prospective shopping center that may become an application and a previously approved 440,000 sq. ft. warehouse could be coming in for permits any day.

The Bonnie Lane drainage problem is still being looked at.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday gave a report on Derby Firehouse District #2. They are currently performing maintenance on the building.

PAGE 8
REGULAR MEETING
MAY 8, 2017

Committeeman Holliday attended the meeting at Mission Firehouse District #1 and gave a report on what was discussed at their meeting.

On May 2, 2017, Committeeman Holliday and Deputy Mayor Fuzy attended the Veteran's Advisory Committee (VAC) meeting. The VAC will have a table at the Bordentown Street Fair on May 20 & 21, 2017. The 30th Annual Parade of the Wreath-Laying Ceremony at Fort Dix in Infantry Park on May 22, 2017. The Memorial Day event in front of the Municipal Building is scheduled for Monday, May 29, 2017 from 11:00-12:00 noon; Mayor Benowitz will be the keynote speaker. The Bordentown City Memorial Day Event is scheduled for Saturday, May 27, 2017. The Veterans are asking for programs be printed.

At this time, Committeeman Holliday made a motion for the VAC to spend \$100 on programs for the Memorial Day event; seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeewoman Popko

COMMITTEEMAN HOLLIDAY (continued): Committeeman Holliday said the VAC is also looking to do a Flag Day event; they would like to do the Retirement of Flags on Saturday, June 10, 2017 from 3:00-6:00 pm. They would like to hold a fundraiser at the Texas Roadhouse on June 14, 2017 and will receive 10% back on purchases. Deputy Mayor Fuzy is handling their webpage. Their next meeting will be held at Town and County Diner.

On April 25, 2017, the Bordentown Township Police Department participated in a Town Hall Event presented by the Bordentown Residents Against Drugs (B.R.A.D.) to promote community awareness and Drug and Alcohol Epidemic. He added some additional Police activities.

He attended the Green Fair on April 29, 2017.

On May 6, 2017 he attended the laying of the American Flags held at the Bordentown Cemetary with the Boy Scouts.

He also attended the Shredder Event on May 6, 2017 from 9:00-12:00.

DEPUTY MAYOR FUZY: On April 25, 2017, Deputy Mayor Fuzy attended the B.R.A.D. event, along with Committeeman Cann and Mayor Benowitz.

On April 29, 2017, he attended the Green Fair. The Environmental Commission is still giving away trees on Saturdays. They are also educating people about the Compressor Station and where the Township currently stands.

On May 6, 2017, Committeeman Cann, Committeeman Holliday, Mayor Benowitz, some Environmental Commission members and he helped carry 8,100 pounds of paper to be shredded on Shredder Day.

He announced that in South Jersey Magazine it was noted that Bordentown Township was nominated as the 19th best place to live in South Jersey.

MAYOR BENOWITZ: Mayor Benowitz said he also attended the B.R.A.D. presentation on April 25, 2017 at Carlslake Community Center.

PAGE 9
REGULAR MEETING
MAY 8, 2017

He attended the Affordable Housing meeting on April 27, 2017. The results of the meeting were shared with the entire Township Committee during tonight's Closed Session meeting. Mayor Benowitz said that he has been receiving telephone calls from developers wanting to build affordable housing.

On April 29, 2017, he attended the Green Fair that was hosted by the Chesterfield Township Environmental Commission.

He attended the Sr. Citizens' Business Meeting on May 1, 2017.

On May 3, 2017, Deputy Mayor Fuzy, Attorney Fahey and he met with the environmental litigation attorney.

On May 4, 2017, he met with the Township's Financial Advisor regarding updates on Affordable Housing and to plan for the future.

Township Engineer Fred Turek, our Special Counsel on Affordable Housing, and he met with the Developer on May 4, 2017.

He attended the Shredder Day which was very successful.

The May 11, 2017 Planning Board was cancelled. The applicant chose to appear at a later meeting.

The next Economic Development Advisory Committee meeting is scheduled for May 23, 2017 at Mastoris Diner.

There is large event scheduled for Wednesday, May 10, 2017 at 1:00 pm at Bordentown Beach regarding ELCON. He said other communities need to be involved because Bordentown Township cannot financially take the lead and fight ELCON alone.

COMMITTEEMAN CANN: Committeeman Cann said he also attended the B.R.A.D. meeting. He said he was extremely impressed with our (acting) Police Chief Pesce. He made an excellent presentation and he was sought out by other experts. It was really good to see him step forward and take a leadership role in that position.

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

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

NAY: None

ABSENT: Committeewoman Popko

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked what the two motions at the beginning of the meeting were for. Committeeman Cann responded 1) to authorize Genova Burns to pursue stays with the DEP on construction. Mayor Benowitz responded 2) was to authorize the Township to be the permittee, the permits for the Volunteers of America, the 69 affordable apartments for seniors.

Mr. Morginstin asked if the event for ELCON at the Bordentown Beach was open to the public. Mayor Benowitz responded, yes at 1:00 pm, and it is a media event to attract attention and to get people on board.

TOM SEAMAN, 18 Arlington Road: Mr. Seaman commended the Public Works Department for the quality job they did putting the sod on his front lawn. He said it doesn't really match the rest of the lawn. Mayor Benowitz said he received a quality product. Township Engineer Turek said the new grass will lighten up in color.

PAGE 10
REGULAR MEETING
MAY 8, 2017

Mr. Seaman also asked when the Recycling Center will start taking motor oil. Mayor Benowitz responded that the building has not yet been cleared and he didn't know the exact date.

Mr. Seaman said he heard there will be two garbage pick-ups a week. The Township Committee confirmed yes, Monday and Thursday after Memorial Day.

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

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

NAY: None

ABSENT: Committeewoman Popko

ADDITIONAL MATTERS:

None

At this time, Committeeman Holliday 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 Cann.

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

NAY: None

ABSENT: Committeewoman Popko

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:11 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK