

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
MAY 22, 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  
Committeewoman Jill Popko  
Administrator Michael Theokas  
Interim Administrator George Haeuber  
Township Clerk Colleen Eckert  
Attorney Eileen Fahey  
Chief Financial Officer David Kocian

Mayor Benowitz called the meeting to order at approximately 6:30 p.m. and led a salute to the flag and a moment of silence. He asked that the moment of silence be dedicated to all veterans who've lost their lives while in the service of our country.

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, 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:

Environmental Litigation Matters: Transco Compressor Station  
SRL Pipeline  
NJNG  
Elcon Hazardous Waste Facility  
Kevin Johnson Tax Appeal Matter Potential Litigation.  
Bordentown Waterfront Redevelopment Contract Matter.  
Finance Department Personnel Matter/Payroll Service Contract Matter.  
VOA Contract Matter.  
Professional Service Contract Matter: Orchard Avenue/Glen Road Culvert  
Public Works Expansion Project (pulled)

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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, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:39 pm and reconvened the regular meeting at 8:21 pm.

**Mayor's Proclamation Recognizing and Honoring all Veterans on Memorial Day.**

At this time, Mayor Benowitz read the Proclamation into the record and said that the Proclamation will be read at the Celebration on May 29, 2017 at 11:00 a.m. in front of the municipal building at the Veterans Memorial.

**Resolution #2017-142-7 entitled RESOLUTION TO AMEND THE 2017 MUNICIPAL BUDGET.**

Mayor Benowitz stated that the public hearing for the 2017 Municipal Budget, as introduced occurred on May 8, 2017. The amended budget reflects a \$110,000 decrease, making the local municipal purpose tax flat.

At this time, Committeeman Cann made a motion to adopt resolution #2017-142-7; seconded by Committeeman Holliday.

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

NAY: None

**Resolution #2017-142-8 entitled ADOPTION OF 2017 MUNICIPAL BUDGET, AS AMENDED.**

At this time, Deputy Mayor Fuzy made a motion to adopt resolution #2017-142-8; seconded by Committeeman Holliday.

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

NAY: None

MAYOR BENOWITZ: Mayor Benowitz said he had two announcements. 1) The decision to seat the new Township Administrator, Michael Theokas, on the dais has been a custom in the past, and 2) Item #26 -- Township Committee and Staff Reports shall be no longer than 10 minutes.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert said there is an addendum to add Resolution #2017-142-22A to the Consent Agenda. And as a result of Closed Session, Resolution #2017-142-22B is also being added.

**CONSENT AGENDA**

**Resolution #2017-142-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2017-142-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.**

**Resolution #2017-142-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.**

**Resolution #2017-142-13 entitled A RESOLUTION AUTHORIZING THE PREPARATION OF ESTIMATED TAX BILLS FOR THE YEAR OF 2017.**

**Resolution #2017-142-14 entitled RESOLUTION ADOPTING THE AMENDED CASH MANAGEMENT PLAN EFFECTIVE JUNE 1, 2017.**

**Resolution #2017-142-15 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.**

**Resolution #2017-142-16 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO TEAM 85 FITNESS & WELLNESS.**

**Resolution #2017-142-17 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO 130 CRABCO NJ, LLC T/A CHICKIES & PETE'S.**

**Resolution #2017-142-18 entitled APPOINTING MEMBER TO THE BORDENTOWN SEWERAGE AUTHORITY.**

**Resolution #2017-142-19 entitled AUTHORIZING THE SUBMISSION OF RECYCLING TONNAGE GRANT APPLICATION FOR THE YEAR 2016.**

**Resolution #2017-142-20 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE EXECUTION OF A LEASE WITH THE FOUNDATION FOR BORDENTOWN TRADITIONS.**

**Resolution #2017-142-21 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE FINAL COMPENSATION TO DAVID KOCIAN UPON RETIREMENT.**

**Resolution #2017-142-22 entitled AUTHORIZING CANCELLATION OF MUNICIPAL CERTIFICATE OF SALE.**

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**Resolution #2017-142-22A entitled AUTHORIZE EXECUTION OF ESTOPPEL CERTIFICATE FOR EXETER FOR BLOCK 137.01, LOT 3.01.**

**Resolution #2017-142-22B entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE CULVERT REPLACEMENT—ORCHARD AVENUE & GLEN ROAD.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-142-10 through #2017-142-22B. Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, and Mayor Benowitz commented/asked questions on the Consent Agenda.

Resolution #2017-142-10 (bill list). Committeeman Cann inquired about the Hagerty & Bland-Tull LLC bills, Attorney Fahey said she emailed a memorandum to the Township Committee. She confirmed with the attorney that the billing was related to the actions taken by plaintiff's attorney, the multiple court appearance, and the motions filed to continue litigation, and she did not see anything out of line with the actions taken. She also provided a summary of what else can be expected in this matter. Committeeman Cann said he would be voting no on these items; they've been paid too much.

Committeeman Cann asked why the reimbursement for the Comcast bill for Hope Hose is \$901.49 when it has being paid each month. Township Clerk Eckert responded that the purchase order indicates that this is for several months. CFO Kocian will verify this amount, and this payment was pulled.

Committeeman Cann asked that the payment to CME Associates for the Road Program be pulled until the problems are repaired. Township Clerk Eckert said these were signed off by P.W. Director Buhner, not Acting Community Director Fred Turek. This item was pulled.

In regard to the parts for the leaf vac, Committeeman Holliday asked if it was now back in service. Township Clerk Eckert responded that the bill for the leaf vac is for parts dated back to the month of April.

Committeeman Cann asked why P.W. Director Buhner was not showing up at the meetings anymore. He told Administrator Theokas that P.W. Director Buhner attended the meetings and he thought it would be appropriate for him to be here because there are typically questions that are under his purview.

Committeeman Holliday confirmed with Emergency Management Coordinator Andy Law that the purchase of lanterns were for emergency lighting.

Committeewoman Popko said the leaf vac is not necessarily important right now since leaves aren't falling, so her concern is more about the street cleaning machinery. That has not been out yet, so the Township might want to switch up our view seasonally.

Committeewoman Popko commented on the high amount for the crossing guard uniforms. Township Clerk responded that the bill was for one crossing guard uniform but there are numerous items for the uniform: a long-sleeve shirts, a short-sleeve shirt, a rain jacket, a hat, badge, all the necessities.

In regard to the bill from Beacon Graphics, Committeewoman Popko said that she wanted to remind the Township Committee that yes, we do like to have lots of signs around town for announcing events and things and programs, but she thinks that maybe if we start looking back at the cost this new signage is amounting to, that we might want to be a little more restrictive. For instance with the Green Fair, requesting 75 signs (she confirmed the amount of 75 signs for the Green Fair with Public Works) was a lot, if you look back at the cost in our financial quarterly, you'll see that the vinyl and the color for that is starting to add up quite a bit. Put your quarterlies together and it's really heading sky-high. She asked if Chesterfield was sent a bill for the signs. Deputy Mayor Fuzy said the Green Fair cost has not

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been divided yet, but that will happen. Those signs were for Chesterfield, so Chesterfield should be paying for those; Bordentown Township had 15, they had the rest. Deputy Mayor Fuzy said that 75 sounded high, he thought it was 50 combined; he will double-check. Committeewoman Popko said that Dean Buhrer will have to price it out because when all is said and done, maybe \$10,000 for signs which is nuts, plus we did the paper and a lot of other things. So it's quite a bit of money.

Resolution #2017-142-11. In regard to the Closed Session Minutes of May 8, 2017, Committeeman Cann cited a typographical error. Township Clerk Eckert will make the revision. In regard to the Regular minutes of May 8, 2017, Committeeman Cann cited a typographical error on page 3.

Committeewoman Popko cited typographical/grammatical errors to the Minutes of May 8, 2017. Attorney Fahey said that the motion made regarding Transco matter should have read: "motion authorizing Genova Burns to impose a stay of construction pending appeals related to the Transco Compressor Station Litigation." Township Clerk Eckert will amend the Minutes.

Resolution #2017-142-13. Committeeman Cann commented that the estimated billing for the third quarter taxes is being estimated high because the state and county haven't fixed their tax rate.

COMMITTEEWOMAN POPKO: In regard to the May 8, 2017 presentation made by Larry Morgan regarding Verizon Wireless proposal for use of Public Rights-of-Way, Committeewoman Popko asked several questions. Attorney Fahey and Administrator Theokas responded to her questions.

Resolution #2017-142-14. Deputy Mayor Fuzy asked what the amendment was on the Cash Management Plan. Township Clerk Eckert responded the amendment is updating, effective June 1, 2017, to add Jeff Elsasser as CFO and to include new Administrator Mike Theokas as back up.

Resolution #2017-142-16. In regard to the Public Gathering Permit issued to Team 85, Committeeman Cann said that they are still operating under a TCO. He asked Attorney Fahey if the Township should get an indemnification from them before approval. Township Clerk Eckert said that the Police Department signs off on the application (for the safety aspect). Attorney Fahey said that she spoke with a representative from Team 85 and they cleared that they needed to address the handicap parking spaces to satisfy the Construction Official, and as far as the Construction Official was concerned that the event could move forward, that the handicap parking space were addressed because that was sufficient for him to continue the TCO. Committeeman Cann asked if the Township was relieved of liability because he knows they haven't complied with what the Township required them to do; we know this site isn't compliant. Attorney Fahey responded that the Construction Official is saying that it satisfactory to establish grounds to continue a TCO which would be sufficient for them to operate on their property; it relieves us from liability as far as someone being injured on the premises. She added the first person they would sue, they're always going to sue the Township, but she thinks the Township has a basis to say that they satisfied their requirements. And as far the Construction Official was concerned, there was nothing else of major concern that would cause exposure to the Township. Attorney Fahey recommended that resolution be amended to say that it is subject to their satisfaction of the Construction Official's requirements for issuance or extension of the TCO. The Township Committee agreed to this and the resolution will be amended.

Committeeman Holliday asked if the \$250 fee for the Public Gathering permit was waived. Township Clerk Eckert responded that the resolution she prepared was based on their request to consider waiving the \$250 fee, but the Township Committee could amend this.

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Resolution #2017-142-19. Committeewoman Popko said there was no reference to leaves or brush on the tonnage grant application. Township Clerk Eckert responded that the advertised timeline to submit is April 30, 2017; P.W. Director Buhner informed her that they do accept the applications either until June or through the month of June. So as not to lose the grant, she recommended that Township Committee approve the resolution and then submit the application to P.W. Director Buhner for any suggested revisions.

Resolution #2017-142-20. Mayor Benowitz made a comment about the executed lease with the Foundation for Bordentown Traditions since the Fireworks returned. The Foundation is responsible for the selection of vendors, and he said that he did not think the Township wanted to get into the business of doing that. Committeewoman Popko asked if Attorney Fahey has seen this. Attorney Fahey stated that under the lease, the vendors will be retained by the tenant and she didn't see any Township control over this; it's not a Township event.

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

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

NAY: None

RICHARD NAPPA, Owner, Nappa Dappa Dogs Food Truck, 28 Valley Forge Road: Mr. Nappa asked if the Fireworks is a private event or a township event, because the Township and City are paying. He expressed his dissatisfaction with the Foundation not letting him sell his product at the Fireworks event. Mayor Benowitz told him he will have to go through the Foundation for Bordentown Traditions because they are the people leasing the parking lot at the event. Mr. Nappa said it is unfair that only a certain set of businesses get to vend at a park event.

KEITH McWHIRK, 2 Arlington Road: Mr. McWhirk said he is a trustee on the Foundation for Bordentown Traditions, and they try to set up vendors who sell different items at the different events. Committeewoman Popko said it is a growing event, and asked if they can open it up to more vendors. Mr. McWhirk said that Mr. Nappa would be permitted to attend the Foundations meeting. Mayor Benowitz suggested that discussion may resolve the problem. Committeewoman Popko said she appreciated how much support the Foundation gives year after year.

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

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

NAY: None

At this time, Deputy Mayor Fuzy made a motion to adopt the Consent Agenda, as amended; seconded by Committeeman Holliday.

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AYE: Committeeman Cann, except no to payments of 2016 & 2017 bills from Hagerty & Bland-Tull, LLC and no to Resolution #2017-142-16; Committeeman Holliday; Committeewoman Popko with abstention to the minutes of May 8, 2017, no to payment of 2016 bill from Hagerty & Bland-Tull, and yes to Resolution #2017-142-16 with Attorney Fahey's amendments for the TCO, and no to Resolution #2017-142-20; Deputy Mayor Fuzy, Mayor Benowitz except no to payment of 2016 bill from Hagerty & Bland-Tull, LLC.

NAY: None

**Consideration of Introduction of Ordinance #2017-10 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CANCELLING A CERTAIN FUNDED APPROPRIATION BALANCE IN THE AMOUNT OF \$390,000 AND RE-APPROPRIATING SAID FUNDS FOR OTHER CAPITAL IMPROVEMENTS.**

At this time, Committeeman Cann made a motion to introduce Ordinance #2017-10: seconded by Committeewoman Popko.

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

NAY: None

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

**Township Committee discussion Regarding Summer Meeting Schedule.**

Township Clerk Eckert supplied the Township Committee members with some recommended summer meeting dates. There was discussion on payment of the Township's bills. The Township Committee agreed to have one meeting per month during the summer months. Township Clerk Eckert will create a resolution for the next meeting to amend the schedule.

**Township Committee discussion Regarding Drones.**

Committeewoman Popko said she received copies of ordinances from other towns, and she thought the Bordentown City ordinance was good. There is no fee required in their ordinance. Attorney Fahey said she had not received any samples. Committeewoman Popko said there are rules and regulations about the airspace. Attorney Fahey said there was a decision today knocking down the FAA's ability to register drones. She asked for time to look at that decision, and she did not know how much it impacts local regulation on use. Mayor Benowitz announced that the discussion will be tabled to the next meeting, until Attorney Fahey comes back with some type of other information.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN CANN: Committeeman Cann and Fred Turek attended the Sewerage Authority Meeting in support of the two taxpayers, Exeter and the VOA (Volunteers of America). The Sewerage Authority tabled the matter until the next meeting.

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There was an Affordable Housing meeting. The court-assigned unit numbers required for Bordentown Township is starting to come into focus. Those numbers appear to be slightly over 300 units to slightly over 400 units (down from 728 units). The Township is still exploring options to reduce the number, and exploring and acting on ways to reduce the impact of the developer option for affordable housing.

COMMITTEEMAN HOLLIDAY: The Veteran's Advisory Committee (VAC) had a table set up at the Bordentown Street Fair this past Saturday. The Memorial Day Event will be Monday, May 29, 2017 at 11:00 a.m. The VAC would like to do a retirement of the flags on Saturday, June 10, 2017 from 3:00-6:00 pm. They are holding a fundraiser at the Texas Roadhouse in Hamilton on June 14, 2017 from 4:00-10:00 pm., and will receive 10% donation back on purchases. Their next meeting will be held at Town and County Diner on June 6, 2017 at 7:00 pm.

The 35<sup>th</sup> Annual Parade of the Wreaths Ceremony will be held on May 25, 2017 at 10:00 a.m. at the McGuire Joint Base to remember our fallen service members and police officers.

He spoke with Emergency Management Coordinator Andy Law. Emergency lighting was purchased. In regard to the culvert at the Glen, the Engineer is in the process of cleaning the specifications on the project, with hopes that the project will begin in July. They are awaiting DEP approvals. It is a FEMA project and the Township will be reimbursed 90% of the cost.

On May 16, 2017, the School Resource Officer and a Traffic Officer participated in a distracted driving program at the high school. On May 18, 2017, the Bordentown Police Department announced it will partner with Bordentown Creamery for a bike helmet safety program. Children wearing a helmet will receive a ticket for a free ice cream or water ice. On May 19, 2017, ten members of the Bordentown Police Department were invited to play in a kickball tournament against the high school students. The Special Olympics Torch Run will be held on June 9, 2017 and will run through the Township about 2:00 pm. They are partnering with Chickie's and Pete's on June 6, 2017 from 5:00-10:00 pm for a "Tip a Cop Event." Proceeds will be donated to the Special Olympics. Acting Chief Pesce scheduled every officer in the Department to attend de-escalation techniques for individuals with special needs and mental health issues with training to occur on various dates throughout the year. Committeeman Holliday cited some recent Police Department purchases made with funds obtained with Drunk Driving Enforcement funds from 2016 with no cost to the residents.

COMMITTEEWOMAN POPKO: The Public Works Recycling center is now accepting oil filters, anti-freeze, and auto batteries; she asked that this be placed on the website. Committeewoman Popko gave an update on the Public Works Department and ongoing maintenance in the Township.

She said the Township is losing a tremendous amount of trees due to disease created by the Emerald Ash Borer, and the Township should contact companies that come in and take care of municipalities. To avoid erosion, the trees will eventually have to be replaced. There is a large amount of these trees on East Drive and Klein Drive.

She attended the Board of Education meeting. They passed their budget. She asked them for an update on the lead water situation.

DEPUTY MAYOR FUZY: Deputy Mayor Fuzy attended the Falls Township Supervisor meeting on May 15, 2017. He spoke to them about Bordentown Township's opposition to ELCON.

He attended the Environmental Commission meeting on May 16, 2017. They are having a Green Team Open House on June 14, 2017 at 7:00 pm at Northern Community Park. The Community Garden is ready for planting.



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Deputy Mayor Fuzy had three discussion items: 1) The People Papers would like to know if the Township would like to advertise the Fireworks in their June edition. The Township Committee agreed to advertise the other events, not the fireworks, since Bordentown Traditions will be advertising the fireworks.

2) The VAC raised \$452 in donations at the Street Fair and they are looking for direction to allow the Township to accept the funds. Township Clerk Eckert said they showed up with cash today and according to the Cash Management Plan, there should be a report with it. Deputy Mayor Fuzy said they were collecting for the monument. Administrator Theokas said the auditor stated that he agrees that in this circumstance given what has happened, we can't accept the money with some additional information, and moving forward in order to protect everybody, we need to be very clear about solicited donations under the name of the Township, how those donations are accepted, and what type of procedures need to be undertaken in order to comply with our Cash Management Plan. There needs to be clearer and stricter policies in place for donations in the future. Mayor Benowitz asked Administrator Theokas to have a meeting with them, and he would like to be included. Committeewoman Popko recommended the procedures be put in writing. Township Clerk Eckert said they have been advised in writing, they've received the Cash Management Plan, and the gentleman who came to her office today was provided the email that was sent out in January advising them of the Cash Management Plan.

3) Deputy Mayor Fuzy said he spoke with the Township Auditor, Kirk Applegate. Deputy Mayor Fuzy asked, "is it true that the Township Committee needs to express consent for anyone to do fundraising on the particular items that they're fundraising for?" Township Clerk Eckert said the Cash Management Plan defers to the Administrator and the Chief Financial Officer for that approval.

Township Clerk Eckert recommended to the Township Committee that they need to give a directive for the CFO to accept the money that was collected at the Street Fair this past weekend.

At this time, Committeeman Cann made a motion for the CFO to accept the \$452 collected at the Bordentown Street Fair by the VAC; seconded by Deputy Mayor Fuzy.

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

NAY: None

**MAYOR BENOWITZ:** Mayor Benowitz said he attended and spoke at the ELCON media event on May 10, 2017. Only Channel 10 news was in attendance, partly because there was a situation in Trenton and the local news did not cover our event.

He attended the May 17, 2017 Affordable Housing Sub-committee meeting.

On May 18, 2017, he attended the JIF Anniversary Party and thanked the staff on behalf of the Township Committee for all their efforts in providing all the residents the services that are expected during some unusual circumstances that occurred this year. He thanked Acting Administrator George Haeuber for the job he has performed in the interim and for supplying us with the new Administrator. He thanked CFO Dave Kocian for his 12 years of service and completing the 2017 budget; tonight is also his last meeting. He also thanked Township Clerk Eckert for taking over a lot of daily supervision.

He met with the Volunteers of America (VOA) today concerning the status of the project.

He could not attend the Sewer Authority meeting, but he sent in a letter that was not read into the record, but Fred Turek mentioned parts of it. He said the VOA project is very important to us, and part of our Affordable Housing Plan.

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

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

NAY: None

LEN DE GROOT, 8 Arlington Road, Member of the Sewerage Authority: Mr. De Groot said that since the Sewerage Authority meeting, the Township had done their diligence is getting the VOA passed. His understanding is that everything is in order. Committeeman Cann and Mayor Benowitz said this was not true. In regard to Matrix, the Sewerage Authority sent out a letter today giving Matrix significant concessions for them to be approved. Mr. De Groot said this is phase III and there is nothing that will interfere with phase IV (which is the last phase) once this is approved. He urged the Township to contact Matrix and tell them what they need to proceed (appear before the Planning Board).

Mr. De Groot thanked the Township Committee for getting a replacement for Mr. Stephen Munson, who recently resigned from the Sewerage Authority.

KEITH MCWHIRK, Constitution Drive: Mr. McWhirk said the Community Garden is located in a non-passive use zone of the Township. There is plowing there, a fence, a shed, a light, and water, and now spaces are rented. He did not know spaces would be rented and he thinks it is very active as opposed to non-passive. He wanted to know why the neighbors were not notified in writing. Committeewoman Popko said that the garden has been publicized and a regular in the newspaper for the past 4 years. She told Mr. McWhirk that she knows new things in the neighborhood can be frustrating but there has been well over 2,500 lbs. of fresh organic produce that has gone to our area food pantries for those in need, and the health and well-being of all of our community is a beautiful thing and it's something that we always encourage; the caring of those less fortunate. Mr. McWhirk responded that he was only talking about providing notice to people before doing things on unoccupied land. When he wanted to put up his fence, he had to notify everyone within 200 feet of his house, and he feels that he received no notification when the Township initiated the Community Garden and started renting out lots. Mayor Benowitz said the Township tries to notify people of what's going on. Attorney Fahey explained that the plots are not leased; there is a registration fee for use of the plot for each season on the public property. Committeewoman Popko said the words leasing and rental should not be placed in any ads, and she is sure Deputy Mayor Fuzy will change the ads to make sure they are correct. She added that the people who pay a fee for the plot are required to put in a number of hours to work in the rest of the garden throughout the season to help with the harvesting, weeding, and the watering.

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

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

NAY: None

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**ADDITIONAL MATTERS:**

DEPUTY MAYOR FUZY: Deputy Mayor Fuzy said this month's advertisement in The Current will be in color, free-of-charge.

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 Deputy Mayor Fuzy.

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

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:29 p.m.

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STEPHEN BENOWITZ, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK