

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
JUNE 12, 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 (entered at 7:04 pm)  
Administrator Michael Theokas  
Township Clerk Colleen Eckert  
Attorney Eileen Fahey  
Chief Financial Officer Elsasser

Mayor Benowitz called the meeting to order at approximately 7:00 p.m. and led a salute to the flag and a moment of silence. He asked that the moment of silence be dedicated to Mr. Walt Kosul who recently passed away. The flag was flown half-mast because he had been the Tax Assessor of the Township in the 1960-70s.

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:

1. Kevin Johnson Tax Appeal Matter Potential Litigation.
2. Community Development Department Personnel Matters.
3. Personnel Matter – Attorney/Client Privilege.

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

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NAY: None

ABSENT: Committeewoman Popko

7:04 pm – Committeewoman Popko entered the meeting.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 7:10 pm and reconvened the regular meeting at 7:37 pm.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert said there is an addendum to add Resolution #2017-163-25A to the Consent Agenda.

**CONSENT AGENDA**

**Resolution #2017-163-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2017-163-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.**

**Resolution #2017-163-9 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.**

**Resolution #2017-163-10 entitled A RESOLUTION TO CANCEL TAXES.**

**Resolution #2017-163-11 entitled A RESOLUTION TO CANCEL TAXES.**

**Resolution #2017-163-12 entitled RESOLUTION TO ESTABLISH A PETTY CASH FUND FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.**

**Resolution #2017-163-13 entitled RESOLUTION TO ESTABLISH A PETTY CASH FUND FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.**

**Resolution #2017-163-14 entitled RESOLUTION AMENDING THE 2017 MEETING SCHEDULE FOR THE BORDENTOWN TOWNSHIP COMMITTEE.**

**Resolution #2017-163-15 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

**Resolution #2017-163-16 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

**Resolution #2017-163-17 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

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**Resolution #2017-163-18 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

**Resolution #2017-163-19 entitled RESOLUTION APPOINTING FUND COMMISSIONER, MUNICIPAL JOINT INSURANCE FUND.**

**Resolution #2017-163-20 entitled RESOLUTION APPOINTING ALTERNATE FUND COMMISSIONER.**

**Resolution #2017-163-21 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.**

**Resolution #2017-163-22 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES WITH SPECIAL CONDITION.**

**Resolution #2017-163-23 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSE.**

**Resolution #2017-163-24 entitled RENEWING ALCOHOLIC BEVERAGE CLUB LICENSE.**

**Resolution #2017-163-25 entitled RESOLUTION AUTHORIZING THE TOWNSHIP TO BE DESIGNATED AS THE PERMITTEE FOR NEW JERSEY TRANSIT PERMIT FOR BLOCK 140, LOT 3.02.**

**Resolution #2017-163-25A entitled AUTHORIZE EXECUTION OF ESTOPPEL CERTIFICATE RIVERGATE URBAN RENEWAL COMPANY LLC FOR BLOCK 140, LOT 5.01.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-163-7 through #2017-163-25A. 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 asked about the reimbursement to Hope Hose for the bills from Comcast. (This was discussed at the last meeting.) Administrator Theokas responded that Hope Hose had not given us their bills for reimbursement for a few months. The bill was checked and it was accurate.

In regard to Open Space Trust Fund, Committeeman Cann said that \$3,590 was paid for Playground Mulch. He said there have been discussions about whether the Township should be using recycled rubber which may be cooler and have more cushion. He asked that it be looked into.

Resolution #2017-142-11. Committeewoman Popko cited a typographic error to the Minutes of May 22, 2017; 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 Deputy Mayor Fuzy.

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

NAY: None

Seeing no comments, Committeeman Cann 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, Committeeman Cann made a motion to adopt the Consent Agenda; seconded by Committeeman Holliday.

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

NAY: None

**Public Hearing on 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 open the public hearing on Ordinance #2017-8; seconded by Deputy Mayor Fuzy.

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

NAY: None

Seeing no public comment, Committeeman Cann made a motion to close the public hearing on Ordinance #2017-8; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Adoption 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 adopt Ordinance #2017-8; seconded by Deputy Mayor Fuzy.

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

NAY: None

**Public Hearing on 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 Holliday made a motion to open the public hearing on Ordinance #2017-10; seconded by Deputy Mayor Fuzy.

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

NAY: None

Seeing no public comment, Deputy Mayor Fuzy made a motion to close the public hearing on Ordinance #2017-10; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Adoption 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 adopt Ordinance #2017-10; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Introduction of Ordinance #2017-11 entitled AN ORDINANCE TO AMEND ORDINANCE #2016-8 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.**

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-11; seconded by Deputy Mayor Fuzy.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be June 26th.

**Consideration of Introduction of Ordinance #2017-12 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, COUNTY OF BURLINGTON, NEW JERSEY, APPROVING THE FINANCIAL AGREEMENT OF WATERFRONT VILLAGE URBAN RENEWAL, L.P. FOR THE CONSTRUCTION OF A SENIOR AFFORDABLE HOUSING PROJECT LOCATED ON PROPERTY DESIGNATED AS BLOCK 140, LOT. 3.02. (TITLE ONLY).**

At this time, Committeeman Cann made a motion to introduce Ordinance #2017-12: seconded by Committeeman Holliday.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be June 26<sup>th</sup> (tentative).

**Township Committee discussion Regarding Drones.**

Mayor Benowitz and Committeewoman Popko gave a background on this discussion item. Attorney Fahey said that other municipalities are not taking it on right now because of the changes in regulations that are going on. Attorney Fahey suggested that Acting Police Chief Pesce be consulted to see if it has been discussed within his police association on how invasion of privacy or trespassing complaints with respect to drones are being handled. The Township Committee decided to table the discussion to the next meeting and Administrator Theokas will get more information from Acting Police Chief Pesce.

**ADMINISTRATOR AND STAFF REPORTS**

Administrator Theokas said that Township Engineer, Fred Turek and he met with representatives from PSE&G last week. PSE&G wanted to make the Township aware that they are planning some upgrades to some of their towers that run through the Township. Additionally, they discussed the recent underground repairs PSE&G performed on roads that were recently paved by the Township. Normally, they would have to go through a road opening permit process and put up a bond or commit to repaving what was just paved. They did not apply for the road opening permits as they should, but they have committed to repairing and repaving the roads to leave them in the manner they were found. Administrator Theokas recommended to Fred Turek and our attorney, that once milling and paving is complete, the Township Committee formally adopt a resolution for a 5-year moratorium on road opening permits that requires everyone to come before the Township Committee to state their case as to what their situation is. And at that point, restrictions could be placed and/or ask them to make sure that they repave to a certain standard and level.

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There was also a meeting with the N.J. DOT who is giving the Township a “heads up” that in 2018, there will be some upgrades to the bridge on Route 130 near Hogback Road. The public will be kept up to date as well. Acting Police Chief Pesce, Emergency Management Coordinator Andy Law, Township Engineer, Fred Turek and he were in attendance. Committeewoman Popko asked if the flooding in the development at Honeyflower Drive would be addressed. Administrator Theokas responded that Township Engineer, Fred Turek has all the plans and Administrator Theokas would discuss it with her at their meeting tomorrow.

Administrator Theokas announced that Township Clerk Eckert and he are working to have the Township Committee Agenda prepared and distributed a day earlier. It has been discussed that Department Heads will be invited to the Township Committee meetings periodically.

He thanked everyone for working with him, and said it has been a busy but productive three weeks, but he is always available to everyone at any time.

### **TOWNSHIP COMMITTEE REPORTS**

**COMMITTEEMAN CANN:** Committeeman Cann said that the Sewerage Authority has not met.

Township Engineer Fred Turek and he have been talking about the building sub-committee, but have not set anything up. There are budgetary concerns, but they are moving forward with setting up a meeting.

There has been several Affordable Housing meetings. Discussion information will be brought to the Township Committee, most likely in Closed Session. They have met with several developers and some issues have tentatively been settled with VOA and the Sewerage Authority.

Committeeman Cann asked that a discussion item be placed on the next Township Committee Agenda: the Township supporting the Paris Climate Change Accords. He thinks that it is important for the Township to step forward and make a statement to say that we abide by it as much as we can. Bordentown Township has been impacted by unwarranted gas pipeline intrusions and compressor stations, and the U.S. is taking a wrong stand in that direction and we should be supporting those accords.

In regard to the Community Development office, the \$250,000 Bike Trail Grant has been received by the Township. Out of 565 municipalities, they gave out 8 Grants. This will allow the Township to complete the bridge by the high school and extend the bike trail.

The Township has also received \$193,000 for Phase 2 of Dunns Mills Road milling and paving repair.

**COMMITTEEMAN HOLLIDAY:** In regard to the Police Department, Committeeman Holliday announced the various training our police officers have been attending. This is part of the officers’ wellness program being implemented by Acting Police Chief Pesce. Committeeman Holliday also discussed the various community events the police department has been participating in. He also cited some recent police activities.

The Veteran’s Advisory Committee (VAC) held a Memorial Day Event on Monday, May 29, 2017. He said it went very well and he was very impressed. Afterward, he attended the ceremony of the Lone Buglar at the cemetery. The VAC is holding a fundraiser at the Texas Roadhouse in Hamilton on June 14, 2017 from 4:00-10:00 pm; and if you have a flyer, the VAC will receive a 10% donation back on purchases. The VAC will be doing a Retirement of the Flags Ceremony on Saturday, June 10, 2017 at 12:00 noon at Northern Community Park. The Township will be retiring about 2,000 flags. The Veteran’s Day Ceremony was discussed at their meeting. Mayor Benowitz and Administrator Theokas attended the meeting and urged them to establish an outreach to the Veterans in the Township. Administrator Theokas explained to them the process of accepting donations.

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Committeeman Holliday summarized what was discussed at the recent Mission Fire Company District #1 meeting.

COMMITTEEWOMAN POPKO: The Public Works Department has been holding inspection and mapping of all catch basins and inlets per storm water regulations. Committeewoman Popko gave an update on the Public Works Department and ongoing maintenance/recycling in the Township. She praised the Public Works Department on the improvement made to the landscaping around the Veteran's Memorial at the Township building in time for the Memorial Day Ceremony and said the Memorial Day Program was lovely.

Committeewoman Popko asked about the no parking signs on Thorntown Lane; Administrator Theokas explained that it is a narrow road. She also asked about the no parking signs on Stanton Road by the park; Administrator Theokas will follow-up on this.

Committeewoman Popko said the Public Works Department cleaned up Northern Community Park, but expressed concern over residents leaving fishing lines with hooks and sinkers all over the park. Administrator Theokas and CFO Elsasser said Bordentown City has designated boxes for the debris down by the river and we could do the same.

Committeewoman Popko stated she will be attending the Board of Education meeting on June 14, 2017. Districting of the school will be discussed, and said she will report back at the next meeting.

On June 14, 2017, she will be attending the League of Municipalities.

The Pinelands Commission is going to be looking at the SRL Pipeline and Compressor Station Project for approval. She said the Township needs to get comments and letters in right away. She would like information on the Township Website and a resolution that specifically asks them to say no to this project.

Committeewoman Popko expressed her sympathy in the recent passing of Walt Kosul.

DEPUTY MAYOR FUZY: Deputy Mayor Fuzy said the entire Township Committee attended the Memorial Day event, and it was very nice.

On June 6, 2017, he attended Derby Firehouse District #2 meeting. Since they changed the meeting dates, he will be attending the meetings instead of Committeeman Holliday who will be attending the Veteran's Advisory Committee meetings. Deputy Mayor Fuzy gave an update on what was discussed at the meeting.

On June 6, 2017, he also attended the Tip a Cop event at Chickie's & Pete's.

On June 10, 2017, he attended the Dollar General Ribbon cutting with Mayor Benowitz.

He has met with Administrator Theokas twice since the last Township Committee Meeting.

On June 14, 2017, he will be attending the Green Team Open House.

He reviewed the list of groups who will perform at Music in the Park. Deputy Mayor Fuzy asked the Township Committee to appropriate more money so that there could be 6 bands/6 dates.

At this time, Deputy Mayor Fuzy made a motion to appropriate an additional \$450 for the Summer in the Park Concert series; seconded by Committeeman Holliday.

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

NAY: None



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DEPUTY MAYOR FUZY (continued): Deputy Mayor Fuzy said that at the last Township Committee meeting there were comments about how much the signs cost for the Green Fair. He got an exact figure of \$9.25 for a single-sided sign and \$10.00 for a double-sided sign. Chesterfield Township had 25 signs ordered and the Bordentown Township ordered 15 signs. Administrator Theokas said he would find out why Committeewoman Popko was told by the Public Works Department that 75 signs were ordered.

Deputy Mayor Fuzy commented on the Emerald Ash Borer and the types of trees it attacks.

Deputy Mayor Fuzy said he went to Joseph Lawrence Park and a section was roped off because there was a duck with eggs. He suggested an announcement be placed on the website, but thought it might attract attention. Township Clerk Eckert said that Animal Control may have roped it off.

Committeeman Cann and he had a meeting about putting items on the website about certain items going on in the Township; i.e. repairs to the Glen and Joseph Lawrence Park, the bicycle path, etc.

MAYOR BENOWITZ: Mayor Benowitz said that a mediation conference was held on May 23, 2017 with an intervener regarding Affordable Housing. He said they are still negotiating the settlement, but it is very close to being done.

On May 23, 2017, he attended the Economic Development Advisory Committee meeting. Township Engineer Fred Turek was present. Business commercial activities, the impact of the Bordentown Sewerage Authority on business commercial activities in the Township, and the impact on the water supply were discussed.

The Memorial Day Ceremony went smoothly. He thanked the VAC for their efforts and the entire Township Committee's attendance.

Mayor Benowitz regularly meets with Administrator Theokas. On June 1, 2017, they discussed the future progress of the Township.

On June 5, 2017, he attended the Senior Citizen's Business Meeting.

On June 6, 2017, he attended the Veteran's Advisory Committee Meeting.

He attended the Affordable Housing Sub-committee meeting on June 8, 2017.

On June 8, 2017, he attended the Planning Board meeting. He gave a summary of what was discussed.

A ribbon cutting ceremony was held for the Dollar General Store, and there will be one for Pep Boys in about a week.

On June 10, 2017, he participated in the Hope Hose Humane Company #1's 250<sup>th</sup> anniversary parade.

Today, he attended the two meetings on Affordable Housing.

COMMITTEEWOMAN POPKO: Committeewoman Popko said an email was received from a Township resident, Gina Cermak regarding the micro-surfacing on Valley Forge Road. Mayor Benowitz discussed this with her, as well as with Township Engineer Turek and Administrator Theokas. These types of matters will be pursued and resolved with CME Associates as soon as possible.

**PUBLIC PARTICIPATION:** At this time, Deputy Mayor Fuzy 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

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ANGEL RAMOS, Carman Avenue: Mr. Ramos said that the roads paved in the Bywater section of the Township came out beautiful, but there are two spots that PSE&G opened up that need to be repaved.

Mr. Ramos asked about the Township's new Code Enforcement Officer.

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

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

NAY: None

**ADDITIONAL MATTERS:**

None

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 Committeeman Holliday.

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 8:59 p.m.

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STEPHEN BENOWITZ, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK