

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
JUNE 26, 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  
Township Clerk Colleen Eckert  
Attorney Eileen Fahey  
Chief Financial Officer Elsasser

ABSENT: Public Works Director Buhrer

Mayor Benowitz called the meeting to order at approximately 6:39 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. Robert O'Dwyer who was a Senior Citizen Member.

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. Bordentown Waterfront Community PILOT Contract Matters.
2. VOA Financial Agreement Contract Matter.
3. Affordable Housing Contract Matter.
4. Kevin Johnson Tax Appeal Matter Potential Litigation.
5. Public Works Expansion Contract Matter.

PAGE 2  
REGULAR MEETING  
JUNE 26, 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, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:41 pm and reconvened the regular meeting at 8:01 pm.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert said that prior to the Consent Agenda, there will be a motion to approve the Affordable Housing Agreement. Resolution #2017-177-19 has been revised. There is an addendum to add Resolution #2017-177-20A to the Consent Agenda. As a result of Closed Session, Ordinances #2017-13 and #2017-14 are being added and are already listed on the Agenda. And also as a result of Closed Session, Resolutions #2017-177-20B, #2017-177-20C, and #2017-177-20D are being added.

Motion stated by Attorney Fahey:

At this time, Committeeman Holliday made a motion to authorize an agreement to resolve issues between the Township of Bordentown and Fair Share Housing Center concerning the Township of Mount Laurel Fair Share obligations regarding the declaratory judgment action in the matter of the application of Township of Bordentown; seconded by Committeeman Cann.

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

NAY: None

**CONSENT AGENDA**

**Resolution #2017-177-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2017-177-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.**

**Resolution #2017-177-9 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.**

**Resolution #2017-177-10 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

PAGE 3  
REGULAR MEETING  
JUNE 26, 2017

**Resolution #2017-177-11 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

**Resolution #2017-177-12 entitled RESOLUTION TO ESTABLISH A PETTY CASH FUND FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.**

**Resolution #2017-177-13 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO AUTHORIZE EXECUTION OF A MUNICIPAL RECYCLING AND SOLID WASTE SERVICES AGREEMENT BY AND BETWEEN THE COUNTY OF BURLINGTON, NEW JERSEY AND THE TOWNSHIP OF BORDENTOWN.**

**Resolution #2017-177-14 entitled AUTHORIZING THE PARTICIPATION IN THE BURLINGTON COUNTY SAFE STREETS INITIATIVE COOPERATION AGREEMENT FOR MUTUAL AID.**

**Resolution #2017-177-15 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.**

**Resolution #2017-177-16 entitled RENEWAL ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE WITH SPECIAL CONDITIONS.**

**Resolution #2017-177-17 entitled RESOLUTION AUTHORIZING THE PROMOTION OF NORMAN HAND TO CODE ENFORCEMENT OFFICER.**

**Resolution #2017-177-18 entitled RESOLUTION AUTHORIZING A SALARY ADJUSTMENT TO PAMELA KEINTZ IN THE OFFICE OF COMMUNITY DEVELOPMENT.**

**Resolution #2017-177-19 entitled RESOLUTION AUTHORIZING CERTIFICATE OF COMPLETION FOR PHASE 1A OF THE REDEVELOPMENT PROJECT OF BORDENTOWN WATERFRONT COMMUNITY, LLC, BLOCK 140, LOTS 5, 6, 7, AND 8 (“RIVERGATE” AT BORDENTOWN).**

**Resolution #2017-177-20 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2016.**

**Resolution #2017-177-20A entitled AUTHORIZE EXECUTION OF A SUBORDINATION AGREEMENT FOR WATERFRONT VILLAGE URBAN RENEWAL L.P. FOR BLOCK 140, LOT 3.02.**

**Resolution #2017-177-20B entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE VAPOR INTRUSION SERVICES (PHASE 3), VAPOR CONCERN SERVICES AT 262 CROSSWICKS ROAD—FIRE DEPARTMENT.**

**Resolution #2017-177-20C entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE ENVIRONMENTAL SERVICES—266 CROSSWICKS ROAD PROJECT CLOSE-OUT (RAO) AND OUT-OF-SCOPE WORK.**

PAGE 4  
REGULAR MEETING  
JUNE 26, 2017

**Resolution #2017-177-20D entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE ENVIRONMENTAL SERVICES—262 CROSSWICKS ROAD PROJECT, UST CLOSURE/SI/RI/RA REPORT, SAMPLING AND SOIL DELINEATION PROGRAM.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-177-7 through #2017-177-20D. Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, and Mayor Benowitz commented/asked questions on the Consent Agenda.

Resolution #2017-177-7 (bill list). Committeeman Cann asked that the payment to CME Associates again be pulled from the bill list for the way they are handling the road program.

Resolution #2017-177-8. Mayor Benowitz cited a typographic error to the Minutes of June 12, 2017; Township Clerk Eckert will amend it. Committeewoman Popko commended and thanked CFO/Tax Collector Elsasser for the Financial Report submitted for this quarter.

Resolution #2017-177-20. Committeewoman Popko asked what is being done to remedy the audit recommendations. CFO/Tax Collector Elsasser responded that a corrective action plan is currently being prepared to address each finding individually. This will be placed on the next Township Committee Agenda. In addition, adjustments have already been made to the incorrect medical withdrawals for this year, and has been rectified moving forward.

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

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

NAY: None

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

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 excluding the payment to CME on the bill list; seconded by Committeeman Holliday.

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

NAY: None

**Public Hearing on 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 open the public hearing on Ordinance #2017-11; seconded by Committeewoman Popko.

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

NAY: None

Seeing no public comment, Committeeman Holliday made a motion to close the public hearing on Ordinance #2017-11; seconded by Deputy Mayor Fuzy.

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

NAY: None

**Consideration of Adoption 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 adopt Ordinance #2017-11; seconded by Deputy Mayor Fuzy.

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

NAY: None

**Public Hearing on 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.**

At this time, Committeeman Holliday made a motion to open the public hearing on Ordinance #2017-12; seconded by Deputy Mayor Fuzy.

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

NAY: None

PAGE 6  
REGULAR MEETING  
JUNE 26, 2017

Seeing no public comment, Committeeman Cann made a motion to close the public hearing on Ordinance #2017-12; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Adoption 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.**

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

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

NAY: Committeewoman Popko

**Consideration of Introduction of Ordinance #2017-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 APT URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.**

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-13; seconded by Deputy Mayor Fuzy.

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

NAY: Committeewoman Popko

TOWNSHIP CLERK ECKERT: The public hearing will be July 17th.

**Consideration of Introduction of Ordinance #2017-14 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY APPROVING AN APPLICATION FOR LONG TERM TAX EXEMPTION BY, AND AUTHORIZING A FINANCIAL AGREEMENT WITH, BWC2 TH URBAN RENEWAL, LLC, A NEW JERSEY LIMITED LIABILITY COMPANY, QUALIFIED AS AN URBAN RENEWAL ENTITY UNDER THE PROVISIONS OF THE NEW JERSEY LONG TERM TAX EXEMPTION LAW, N.J.S.A. 40A:20-1 ET SEQ.**

PAGE 7  
REGULAR MEETING  
JUNE 26, 2017

At this time, Committeeman Cann made a motion to introduce Ordinance #2017-14: seconded by Committeeman Holliday.

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

NAY: Committeewoman Popko

TOWNSHIP CLERK ECKERT: The public hearing will be July 17th.

**Township Committee discussion Regarding Drones.**

Administrator Theokas said he spoke to Acting Police Chief Pesce in regard to the drones. The Police Department has not received any official complaints regarding drone operation and there doesn't appear to be a large number of drone hobbyists in the Township. Acting Police Chief Pesce also mentioned to him that there are existing laws in place for matters of invasion of privacy (a felony charge), criminal trespass or harassment type situations, which misuse of drones would fall into that category. The FAA also has rules. The League of Municipalities is working on language for the State to consider, and it is anticipated that there will be State jurisdiction in the near future.

Committeewoman Popko responded that she thinks that people are not calling the police unless it is a violent situation, but that doesn't mean people aren't being antagonized or annoyed by the drones. And the price of drones is going down so they will be more prevalent. It will also assist the police to know who is registered with a drone in the area. Administrator Theokas stated that if there was an issue of harassment, he would recommend for them to go to the Police Department; the process starts with a citizen complaint.

Committeeman Cann added that at some point the Township will have to deal with the issue, but until the State and the FAA become much clearer on where they are going, he thinks it is something we should hold off on.

At this time, Committeewoman Popko made a motion to draft a drone ordinance; seconded by (none). Motion defeated.

**Township Committee discussion of Supporting Paris Agreement.**

Administrator Theokas obtained a sample resolution from the Township of Princeton. He said he would try to locate more samples from other municipalities and work on a resolution with Attorney Fahey.

**ADMINISTRATOR AND STAFF REPORTS**

Administrator Theokas announced that there is one meeting in July on the 17<sup>th</sup>, and one in August.

In regard to vacant and abandoned properties, he spoke with Code Enforcement Officer Norm Hand this afternoon. In April 2016, there were 154 closed properties; 51 were unoccupied. C.E. Officer Hand said we are trying to be more diligent in following up and the market has turned around. Currently there are just 28 properties that are unoccupied foreclosed homes. The link for residents to report and contact C.E. Officer Hand has been placed on the home page of our website.

PAGE 8  
REGULAR MEETING  
JUNE 26, 2017

CFO/Tax Collector Elsasser said that he provided a financial packet for the month of May and, in the future, a similar report will be provided at the second meeting of the month.

**TOWNSHIP COMMITTEE REPORTS**

**COMMITTEEMAN CANN:** Committeeman Cann said that in regard to Affordable Housing, we've gone from 3700 units being thrust upon us down to a little over 2200, down to about 550. There has been substantial progress made in that area.

**COMMITTEEMAN HOLLIDAY:** Mission Fire Company District #1 is working with Office of Emergency Management Coordinator Andy Law on an Incident Action Plan (IAP) for the Fireworks which are scheduled for June 30, 2017.

He attended the June 15, 2017 Planning Board Meeting on the Wawa application.

The Veteran's Advisory Committee held their fundraiser at the Texas Roadhouse in Hamilton on June 14, 2017.

Mayor Benowitz, Deputy Mayor Fuzy, and he attended the Retirement of the Flags Ceremony on Saturday, June 17, 2017 at Northern Community Park.

Committeeman Holliday cited some recent events and police department activities. The Police Department is in the process of hiring four police officers.

**COMMITTEEWOMAN POPKO:** Committeewoman Popko attended the high school graduation and said it was very nicely done.

She also attended the Board of Education meeting. There is a growing problem with bullying. There will be another test next month on the lead in the water supply. Awards were distributed to the athletes; she said she was disappointed that there were no academic awards given out at that meeting.

Committeewoman Popko gave an update on the Public Works Department and ongoing maintenance/recycling in the Township.

She said she received complaints regarding the tattered flag in front of Northern Community Park and said there are no lights on the flag in the rear.

Committeewoman Popko also received complaints about maintenance on some properties. Administrator Theokas told her notices will go out within the next 10 days. She also asked about the handicap ramp at the Kelly property; Administrator Theokas said CME was contacted, but he has not heard back from them. He will respond to the resident.

Committeewoman Popko asked why the Administrator was sitting at the dais. Mayor Benowitz told her the Administrator traditionally sat there.

**DEPUTY MAYOR FUZY:** On June 20, 2017, Deputy Mayor Fuzy said he attended the Environmental Commission meeting. He gave a summary of what was discussed. On June 14, 2017 he attended the Green Team Open House.

On June 16, 2017, he attended the High School graduation and on June 19, 2017 he attended the Middle School promotion ceremony.

On June 24, 2017, he helped plant the remaining vegetables at the Community Garden.

The Bordentown Events in the July edition of the Current will again be in color free-of-charge.

He booked another group with the additional monies provided for Music in the Park.

He is working with Acting Police Chief Pesce and the Webmaster to get some internal affairs information for our police department on the website.



PAGE 9  
REGULAR MEETING  
JUNE 26, 2017

The Pipeline and Compressor Station information on the website will be relocated to its own page. Committeewoman Popko asked if the letter and contact information opposing the pipeline was placed on the website. Deputy Mayor Fuzy responded that he made the request but it has not yet been posted .

**MAYOR BENOWITZ:** On June 14, 2017, he attended the audit exit conference with our auditors, Bowman and Company and Administrator Theokas and CFO/Tax Collector Elsasser.

Administrator Theokas, Township Engineer Turek, and he attended a meeting with representatives of our Alternate Engineer, CME Associates regarding the micro-surfacing portion of the 2016 Road Program. CME Associates will have to take pavement core samples in order to determine the problem. A letter to the residents outlining the circumstances of the micro-surfacing process, and Mayor Benowitz distributed them door-to-door on June 22 and 24, 2017.

He also attended the high school and the middle school graduation ceremonies.

On June 19, 2017, he attended the Senior Social meeting.

He attended the June 15, 2017 Planning Board Meeting where Wawa was seeking preliminary and final site plan approval with conditional use approvals. The hearing is continued to the next Planning Board meeting.

Matrix was heard at the June 8, 2017 Planning Board Meeting and was continued to the July 13, 2017 meeting. They are applying for preliminary and final site plan approval for a warehouse located at Old York and Georgetown Roads.

**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, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

**NAY:** None

**DIANCE HEINZ, 3 Hattaras Court:** Ms. Heinz inquired about the painting of the Williamsburg Village fire lanes. She presented some correspondence between Ellen of the HOA and Township Engineer Fred Turek. Mayor Benowitz asked Administrator Theokas to follow-up with her for completion of the project.

Ms. Heinz asked who they should contact regarding a skunk problem. She was advised that Animal Control does not handle skunk problems unless they are rabid or in someone's home.

She said there were many unlicensed dogs in Williamsburg Village. Township Clerk Eckert said a list had been provided to someone in Williamsburg Village.

Ms. Heinz stated that one of the Montpelier signs needs to be replaced. Administrator Theokas will follow-up.

**AGNES MARSALA, 68 Old York Road, Chesterfield Township:** Ms. Marsala asked if there was a plan for dealing with residents smelling mercaptan (what they put in methane to make it smell). Mayor Benowitz and Administrator Theokas responded that residents should call 911.

Ms. Marsala discussed and asked further questions about the Pipeline with the Township Committee. Administrator Theokas will check to see that the work that is currently being done is in compliance with their permits.

PAGE 10  
REGULAR MEETING  
JUNE 26, 2017

She asked if there was anything to reveal or share from past executive committee deliberations that no longer serve the public interest to be held confidential. Attorney Fahey responded that there is nothing in all the minutes; anything that is eligible to be released has been released.

Ms. Marsala reminded everyone that the Pipelands meeting is coming up. She said there is a vacancy with the Freeholders forthcoming and suggested getting someone more responsive to the County's needs in place on the Pinelands Commission. Mayor Benowitz responded that he and Administrator Theokas are trying to approach the County to see what they can do.

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

**ADDITIONAL MATTERS:**

TOWNSHIP CLERK ECKERT: Township Clerk Eckert announced that after the meeting adjourns, each committee member needs to sign the affidavit that they have reviewed the audit.

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 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 9:20 p.m.

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STEPHEN BENOWITZ, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK