

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
AUGUST 21, 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 Eric Holliday
Committeewoman Jill Popko
Administrator Michael Theokas
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer Jeffrey Elsasser

ABSENT: Committeeman James Cann

Mayor Benowitz called the meeting to order at approximately 6:38 p.m. and led a salute to the flag and a moment of silence. He announced that the moment of silence is being dedicated to Ralph Hepner who recently passed away. He was a long-time resident of Bordentown Township, member of the Senior Citizen Club, and a Veteran of World War II and Korea. He also asked that Heather Heyer be kept in everyone's thoughts and prayers. The incident took her life and showed the ugly side of hate, intolerance, and racism in Charlottesville, VA.

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, Committeeman Holliday 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. Community Development Personnel Matter.
2. Kevin Johnson Tax Appeal Matter Potential Litigation.
3. Affordable Housing Contract Matters.
4. VOA Contract Matters.
5. Municipal Clerk Personnel Matter.

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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 Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:41 pm and reconvened the regular meeting at 7:38 pm.

At this time, Mayor Benowitz read the following into the record:

In accordance with N.J.S.A. 40:55D-23 and Section 25:704 of the Revised General Ordinances of the Township of Bordentown as adopted by Ordinance #1990-15, commonly known as the Land Development Ordinance of the Township of Bordentown establishing a Planning Board, I, Stephen Benowitz, as Mayor, do hereby make the following appointment to the Planning Board:

Class II Member – 3 Year Unexpired Term Expiring 12/31/18: Kelly Lozito

ADMINISTRATIVE REVIEW

Township Clerk Eckert said that as a result of Closed Session, Resolutions #2017-233-27A, #2017-233-27B, #2017-233-27C, 2017-233-27D and #2017-233-27E are being added to the Consent Agenda. There is an addendum to the Consent Agenda adding Ordinance #2017-21 which is being introduced by title only with the ordinance being provided in time for the public hearing. And Consideration of Introduction of Ordinances #2017-22 and #2017-23 are also being added.

CONSENT AGENDA

Resolution #2017-233-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2017-233-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2017-233-10 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-233-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-233-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2017-233-13 entitled RELEASE OF PERFROMANCE GUARANTEE, CHEYENNE MOUNTAIN OUTFITTERS, LLC, 244 ROUTE 130, BLOCK 120, LOT 6.

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Resolution #2017-233-14 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION.

Resolution #2017-233-15 entitled RESOLUTION APPOINTING CHAIRMAN TO THE VETERANS ADVISORY COMMITTEE.

Resolution #2017-233-16 entitled AMENDING RESOLUTION #2017-198-23 ENTITLED ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.

Resolution #2017-233-17 entitled RESOLUTION SUPPORTING THE DRIVE SOBER OR GET PULLED OVER 2017 STATEWIDE CRACKDOWN.

Resolution #2017-233-18 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.

Resolution #2017-233-19 entitled RESOLUTION TO APPOINT TYLER MCBRIDE TO THE POSITION OF PUBLIC WORKS LABORER IN THE DEPARTMENT OF PUBLIC WORKS.

Resolution #2017-233-20 entitled RESOLUTION IN SUPPORT OF THE NEW JERSEY DEPARTMENT OF TRANSPORTATION PROJECT FOR THE RECONSTRUCTION OF ROUTE 130 BRIDGE OVER DOCTORS CREEK & CROSSWICKS CREEK.

Resolution #2017-233-21 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF PAMELA KEINTZ, KEYBOARD CLERK 1.

Resolution #2017-233-22 entitled RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN TO MEMORIALIZE ACCEPTANCE OF THE RESIGNATION OF CAROL GAYNOR, VIOLATIONS CLERK TYPIST.

Resolution #2017-233-23 entitled RESOLUTION TO APPOINT KITTINA WALLRATH AS ACCOUNT CLERK/CASHIER IN THE BORDENTOWN TOWNSHIP FINANCE DEPARTMENT.

Resolution #2017-233-24 entitled A RESOLUTION IN SUPPORT OF THE PARIS AGREEMENT.

Resolution #2017-233-25 entitled AUTHORIZING EXECUTION OF THE FY 2018 BURLINGTON COUNTY ANNUAL ALLIANCE PLAN AGREEMENT.

Resolution #2017-233-26 entitled AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH CALKINS MEDIA INCORPORATED AND DAVID LEVINSKY.

Resolution #2017-233-27 entitled AUTHORIZE SETTLEMENT AGREEMENT AND MUTUAL RELEASE WITH DIGITAL FIRST MEDIA D/B/A/ THE TRENTONIAN.

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Resolution #2017-233-27A entitled RESOLUTION APPROVING STIPEND TO CYNTHIA DZIURA FOR RECORDING SECRETARY TO THE PLANNING AND ZONING BOARDS AND CERTAIN ASSIGNED CLERICAL DUTIES WITHIN THE COMMUNITY DEVELOPMENT OFFICE.

Resolution #2017-233-27B entitled RESOLUTION TO APPOINT CYNTHIA DZIURA AS DEPUTY MUNICIPAL CLERK FOR THE TOWNSHIP OF BORDENTOWN MUNICIPAL CLERK'S OFFICE.

Resolution #2017-233-27C entitled RESOLUTION AUTHORIZING A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWNSHIP OF BORDENTOWN AND NISSIM FAMILY INVESTMENTS, LLC AND NISSIM FAMILY, LLC, D/B/A NISSIM REALTY RELATING TO BORDENTOWN TOWNSHIP'S AFFORDABLE HOUSING PLAN.

Resolution #2017-233-27D entitled A RESOLUTION OF THE COMMITTEE OF THE TOWNSHIP OF BORDENTOWN EXPRESSING ITS INTENT TO SATISFY ANY GAPS IN FUNDING NECESSARY TO VOLUNTARILY SATISFY THE TOWNSHIP'S AFFORDABLE HOUSING OBLIGATIONS.

Resolution #2017-233-27E entitled RESOLUTION AUTHORIZING PARTIAL RELEASE OF CERTAIN PROPERTY FROM THE FINANCIAL AGREEMENT BETWEEN BWC URBAN RENEWAL PHASE 1 LLC AND BORDENTOWN TOWNSHIP.

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-233-8 through #2017-233-27E. Committeewoman Popko commented/asked questions on the Consent Agenda.

Resolution #2017-233-22. Committeewoman Popko inquired about monies owed for education expenses. Administrator Theokas said he is taking the steps to determine if the Township can legally reclaim the amount.

Resolution #2017-233-24. Committeewoman Popko said she hoped that the resolution be pulled so that it can be personalized to the Township's standards. Mayor Benowitz agreed to pull the resolution and Committeewoman Popko's comments be considered/included before adopting it. Administrator Theokas said he would send it to the Environmental Commission for their input.

At this time, Committeeman Holliday made a motion to open to the public the consent agenda items, excluding Resolution #2017-233-24; seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

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

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

NAY: None

ABSENT: Committeeman Cann

At this time, Deputy Mayor Fuzy made a motion to adopt the Consent Agenda, excluding Resolution #2017-233-24; seconded by Committeeman Holliday.

AYE: Committeeman Holliday, Committeewoman Popko with abstention to the minutes of July 17, 2017, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ABSENT: Committeeman Cann

Consideration of Introduction of Ordinance #2017-15 entitled AN ORDINANCE TO AMEND ORDINANCE #2017-11 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 #2017-15: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-16 entitled AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-23.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-16: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

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TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-17 entitled FLOOD DAMAGE PREVENTION ORDINANCE.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-17: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 25th.

Consideration of Introduction of Ordinance #2017-18 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25, THE LAND DEVELOPMENT CODE OF THE TOWNSHIP OF BORDENTOWN, TO MODIFY THE STANDARDS FOR FENCES, SWIMMING POOLS, AND RESIDENTIAL GARAGES AND SHEDS.

COMMITTEEWOMAN POPKO: Committeewoman Popko stated that she thought a 200 sq. ft. shed was too large for some of the lots in the township. C.D. Director Brian Johnson said that the sub-committee and everyone agreed that 200 sq. ft. was appropriate. Administrator Theokas added that, if adopted, this ordinance will be referred back to the Planning Board for their reconsideration. Attorney Fahey said that the sheds will also be dictated by side and rear yard setbacks. The Zoning Officer will also have to approve the zoning permit.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-18: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 25th.

Consideration of Introduction of Ordinance #2017-19 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP AND APPROPRIATING \$1,450,000 FOR SAID PURPOSES; AUTHORIZING THE ISSUANCE OF \$1,380,000 PRINCIPAL AMOUNT OF OBLIGATIONS

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OF THE TOWNSHIP TO FINANCE SAID PURPOSES; AND PROVIDING FOR OTHER MATTERS RELATING THERETO.

At this time, Deputy Mayor Fuzy made a motion to introduce Ordinance #2017-19: seconded by Committeeman Holliday.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-20 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, CANCELLING CERTAIN FUNDED APPROPRIATION BALANCES IN THE TOTAL AMOUNT OF \$102,058.77 AND RE-APPROPRIATING SAID FUNDS FOR THE PAYMENT OF TAX APPEALS FOR 2015 AND 2016.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-20: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-21 entitled AN ORDINANCE TO AMEND CHAPTER 10 OF THE BORDENTOWN TOWNSHIP CODE TO ADD NEW SUBCHAPTER 10/04.070 ENTITLED "FIRE LANES".

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-21: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

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TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-22 entitled AN ORDINANCE AUTHORIZING A SHARED SERVICE AGREEMENT BY AND BETWEEN THE BOARD OF CHOSEN FREEHOLDERS OF THE COUNTY OF BURLINGTON, WATERFRONT VILLAGE URBAN RENEWAL L.P., AND BORDENTOWN TOWNSHIP FOR THE INSTALLATION AND MAINTENANCE OF A CROSSWALK.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-22: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Consideration of Introduction of Ordinance #2017-23 entitled AN ORDINANCE AUTHORIZING A STORMWATER MANAGEMENT EASEMENT AGREEMENT AND ACCEPTING EASEMENT FROM WATERFRONT VILLAGE URBAN RENEWAL, L.P. FOR BLOCK 140, LOT 3.02.

At this time, Committeeman Holliday made a motion to introduce Ordinance #2017-23: seconded by Deputy Mayor Fuzy.

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

NAY: None

ABSENT: Committeeman Cann

TOWNSHIP CLERK ECKERT: The public hearing will be September 11th.

Township Committee discussion regarding 2017 Road Program and NJDOT FY2018 State Aid Program.

Mayor Benowitz announced the names of the roads that are being considered for mill and overlay. Administrator Theokas stated that the Township Committee will be receiving from CME Associates the design, specifications, and permission to go to bid for those roads if this it is approved tonight. The discussion commenced among the Township Committee members, C.D. Director Brian Johnson, and Administrator Theokas. Committeewoman Popko inquired about speed bumps and the bike lanes. The Township Committee agreed to move ahead with creating a Resolution to proceed with the State grant.

ADMINISTRATOR AND STAFF REPORTS

Administrator Theokas said that Dunns Mill Road is currently being paved. This will complete the project that was delayed due to weather. The project should be completed this week.

He also stated that bond ordinance #2017-19 that was introduced tonight included funds to handle a very serious drainage problem on Bonnie Lane.

Administrator Theokas said the language of Ordinance #2017-21 is being worked on and it will be provided to the Township Committee Members prior to the next meeting.

Due to CFO/Tax Collector Elsasser not being present at the Monday, November 20, 2017 Regular Meeting, Administrator Theokas asked that a Special Township Committee meeting be added for Monday, November 13, 2017 at 6:00 pm. Township Clerk Eckert will send a notice to all the Committee Members to make sure there is a quorum.

TOWNSHIP COMMITTEE REPORTS

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said the Veteran's Advisory Committee (VAC) meeting was held on August 15, 2017 with a breakfast for Michael Huntanar who is being deployed to Iraq. He will be stepping down from his Chairman position. The Veteran's Day Ceremony will be held on November 11, 2017 at 11:00 a.m. Their next meeting is scheduled for Tuesday, September 5, 2017 at 7:00 pm at Town and Country Diner.

He attended the Planning Board meeting on August 10, 2017. The Wawa application is being heard. The next meeting is scheduled for Thursday, September 14, 2017.

Emergency Management Coordinator Andy Law has updated the 2017 Atlantic Hurricane Season Outlook and family preparedness is critical.

Mission Fire Company District #1 had one career firefighter and one volunteer firefighter complete the EMT course.

On July 23, 2017, the Police Officers helped give out 120 backpacks filled with school supplies to local youth. National Night Out was held on August 1, 2017 and it was a huge success. Acting Police Chief Pesce was able to get a National Guard Helicopter to attend the event. From August 1-11, 2017, the canine officers attended Hero's Day at the Community District Alliance (CDA) Summer Camp held at Peter Muschal School and on August 3, 2017, they visited the students at Youngster's University. The Police Department received a \$5,500 Grant from the N.J. Division of Highway Traffic Safety for the Drive Sober or get pulled over campaign; the grant will run from August 18, 2017 to September 4, 2017. The Bordentown Police Department will also be taking part in the Township's Community Day on September 16, 2017. The Department has been attending various training programs and three officers are currently in the Camden County Police Academy with graduation set for December 21, 2017. A detail was recently set-up on Crosswicks Road to see if drivers would stop for a pedestrian at the crosswalk. Committeeman Holliday cited some recent police activities.

COMMITTEEWOMAN POPKO: Committeewoman Popko attended National Night Out. It was a very nice, well organized evening.

There are trees coming down on Klein Drive due to the Ash Borer, and this needs to be addressed because it is causing erosion. The Public Works Department is performing necessary on-going maintenance. She spoke about the Township's Recycling Program and the Bonnie Lane drainage project. Committeewoman Popko will be working with Public Works Supervisor Dietrich creating signs for the Northern Community Park Trails Grant.

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Committeewoman Popko said that Real Estate Agents are complaining about the 3-page application for C.O.'s for inspections of homes and 40% are failing the inspection. Administrator Theokas said he has spoken to Construction Official LaRocca, but he will look into it again and get a more detailed report for the Township Committee.

DEPUTY MAYOR FUZY: Environmental Commission Meetings were held on July 18, 2017 and August 15, 2017. The role with the Planning Board and the overview of Environmental Impact Statements were discussed. C.D. Director Johnson and Administrator Theokas attended the August 15, 2017 meeting to answer their questions. In the future, they will be receiving plans. The Community Garden meets on Saturday mornings at 9:00 a.m. and can use some extra hands. The Environmental Commission still has trees to give away. They would like the Township to join Tree City U.S.A.

He has attended each Music in the Park Concert event, and gave an overview of each.

On September 9, 2017 he will be giving his 3rd annual insect-based talk for the Township. It is sponsored by the Friends of the Marsh and the Environmental Commission.

MAYOR BENOWITZ: On August 7, 2017, Mayor Benowitz attended the Senior Citizen Club business meeting and on August 21, 2017 he attended their Social Meeting.

Administrator Theokas and he are looking forward to their next meeting with the Mayors of Bordentown City and Chesterfield in the near future.

On July 20, 2017, he attended an Affordable Housing meeting regarding Hillcrest Apartments. Administrator Theokas, Township Engineer Turek, and he met with Crystal Lake HOA on July 31, 2017; they are in the process of addressing the concerns brought up at the meeting.

Also on July 20, 2017, there was a meeting to discuss the Nissim project with the Developers including Affordable Housing issues.

He attended the Pep Boys ribbon cutting ceremony on July 28, 2017.

On August 8, 2017, Administrator Theokas, Township Engineer Turek, and he met with the County Engineers in order to discuss the traffic issues related to the approved Matrix Warehouse located at Georgetown and Old York Roads.

On August 10, 2017, he attended another meeting regarding Affordable Housing at Hillcrest Apartments.

He attended the ribbon cutting ceremony for the Verizon Store in the Acme Shopping Center on August 18, 2017.

On August 23, 2017, Township representatives will be meeting with Alt. Engineer CME Associates regarding the micro-surfacing of the seven roads that were done as part of the 2016 Road Program.

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

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

NAY: None

ABSENT: Committeeman Cann

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

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

NAY: None

ABSENT: Committeeman Cann

ADDITIONAL MATTERS:

None

At this time, Committeewoman Popko 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 Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ABSENT: Committeeman Cann

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 8:54 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK