

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JANUARY 14, 2013

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 James Cann
Deputy Mayor Jill Popko
Committeeman Stephen Benowitz
Committeeman Karl Feltes
Committeeman John Moynihan
Township Clerk Colleen Eckert
Attorney William J. Kearns, Jr.
Chief Financial Officer David Kocian
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Construction Official Pete Carbone

Mayor Cann called the meeting to order at approximately 7:33 p.m. and led a salute to the flag and a moment of silence.

Township Clerk Eckert read the following Open Public Meeting Announcement:

In compliance with the Open Public Meetings Act, adequate notice of this meeting was provided in the following manner:

On January 7, 2012, 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 REGISTER NEWS, 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.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated there was nothing to report.

CONSENT AGENDA

Resolution #2013-014-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2013-014-7 entitled RESOLUTION TO APPOINT HEARING OFFICER FOR POLICE DEPARTMENT PERSONNEL MATTER.

Resolution #2013-014-8 entitled RESOLUTION APPOINTING MODEL CONSULTING AS THE BROKER-OF-RECORD REGARDING SOUTHERN NEW JERSEY REGIONAL EMPLOYEE BENEFITS FUND.

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Resolution #2013-014-9 entitled RESOLUTION AUTHORIZING THE EXTENSION OF PROFESSIONAL SERVICES CONTRACT WITH CAPEHART SCATCHARD.

Resolution #2013-014-10 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2013-014-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-014-6 through #2013-014-11.

Resolution #2013-014-6. Committeeman Benowitz abstained to the Closed Session Minutes of December 27, 2012.

Resolution #2013-014-7. Committeeman Moynihan asked if the hourly rate was the same as previous. Police Chief Nucera responded yes.

Resolution #2013-014-9. Committeeman Moynihan asked if all the payments and billings were cleared up with Capehart Scatchard. Police Chief Nucera responded yes, except for outstanding issues with escrow. Mayor Cann asked if there was an amendment to this resolution. Township Clerk Eckert will add a third item to encompass any other outstanding matters. This will cover the IRS issue.

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

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

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

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

At this time, Deputy Mayor Popko made a motion to adopt the consent agenda with the amendment to Resolution #2013-014-9; seconded by Committeeman Benowitz.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

Consideration of Introduction of Ordinance #2013-1 entitled AN ORDINANCE TO AMEND ORDINANCE #2012-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2013-1; seconded by Committeewoman Popko.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be January 28th.

Township Committee review and discussion of the Economic Development Advisory Committee Ordinance.

Mayor Cann asked the Township Committee members to review the ordinance and asked them to submit their ideas. He said he felt that the EDAC's focus needed to be narrowed and should also have direction/goals where the Township wants them to go. Membership and terms should be reviewed. Mayor Cann and Committeeman Benowitz will meet with Brian Johnson, as Community Development Director, for his recommendations to tighten up the ordinance.

Township Committee review and discussion of Solar Panel Fields Ordinance.

(To be discussed later in the meeting upon the arrival of Roger Plew to the meeting.)

Township Committee discussion of the Expansion of the Public Works Facility and Establishing Date and Time for Public Hearing.

Mayor Cann said portions of the appraisal report for the property adjacent to the Public Works building were received. He said Police Chief Nucera has been negotiating with the property owner through the real estate agent to acquire the property for over 8 months. He was able to get the owner to agree to a purchase price of \$550,000. Mayor Cann said the appraisal report only supports \$500,000. He said the Committee has to decide if the land and building is worth more to the Township than the actual market value, and that a public hearing is necessary. Present would be: representatives from the County, displays and cost analysis from Township Engineer Turek, Public Works Director Buhrer to talk about the generation of income and increased services it would provide, etc. Information and plans will be put on the website and a handout will be made to the surrounding homes. The Township Committee agreed to have the special public hearing, first item on the Agenda, at the next meeting on January 28, 2013 with introduction of the ordinance. Committeeman Moynihan stated that the property tax is \$15,000 on that location. Mayor Cann responded that with the two appraisals that amount will not be lasting much longer. CFO Kocian commented on the budget process concerning this project.

Township Committee discussion of Composition of Development for Lutheran Social Ministries within the Bordentown Waterfront Community Project.

Mayor Cann stated that Jason Koenig of Lutheran Social Ministries met with Police Chief Nucera, Mayor Cann, and Brian Johnson to discuss the potential of increasing the number of disabled units within the current 62 units that are already approved. There will be no change to the number of units, but there will be modification to 2 or 3 of the units so that they have 2 to 3 bedrooms. This is for COAH purposes and for purposes of funding. Lutheran Social Ministries is asking the Township's approval so they can move forward. The Township will request that they come in and make a presentation.

Township Committee review and discussion of Solar Panel Fields Ordinance.

The Environmental Commission submitted a draft of a Solar Panel Ordinance for the Township Committee for comment/recommendations. Deputy Mayor Popko said that Committeeman Moynihan suggested the ordinance include that there be access to a fire escape if the solar panels are on roofs, due to the recent fire at the Ramada Inn in which the firemen had no access during the fire. There was discussion with several recommendations. It was suggested the Township also review Hamilton and Mansfield Township's ordinances. It was requested to Roger Plew, Chairman of the Environmental Commission, that the ordinance be amended into a more succinct form that better addresses Bordentown Township. The Township Committee will then review and give their recommendations. Attorney Kearns stated he had a file of materials from solar panel ordinances and recently adopted legislation that he will e-mail to Deputy Mayor Popko for Roger Plew.

Township Committee discussion with Roger Plew, Environmental Commission Chairman, regarding Bordentown Township Behavioral Policy.

Roger Plew, Chairman of the Environmental Commission, submitted the Bordentown Township Behavioral Policy which was created by the Environmental Commission. He said one of the Green Team actions to obtain points is to create and adopt this policy that concerns waste, energy usage, and recycling. The Township Clerk then issues a memorandum to all employees to review the policy annually. The Township Committee asked Mr. Plew if the title of the document could be changed. Suggestion: Bordentown Township Employee Environmental Behavioral Policy. Mayor Cann said the name change and adoption will be done at the next meeting

MAYOR CANN: Mayor Cann announced that the American Legion Auxiliary has sent their annual request to sponsor a girl for N.J. Girl's State for a \$215 donation. The Township agreed to this donation and will be placed on the next bill list for approval.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said he attended the N.J. League of Municipalities meeting on Saturday. Deputy mayor Popko will comment on this.

Committeeman Benowitz said he attended the Planning Board meeting, and Mayor Cann will report about it.

The Senior Citizens just re-organized. Their ice maker is being repaired. Committeeman Benowitz asked if he could attend all their meetings. Mayor Cann said he could as their liaison.

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In regard to Public Works, the Christmas Tree pick-up is underway, and they go to the County at no cost to the Township. There was concern about the Hedding Road project, and there are now weight limit signs erected. An extension of the debris pile created because of Hurricane Sandy has been given to the Township. Additional testing has occurred with reference to the diesel tank leak to extend beyond phase I wells, and money is available in the capital portion of the budget. The down trees at Northern Community Park, Highbridge Road, and Wilson Avenue have been cut. Limb trimming in areas designated as impeding Public Works have been delineated.

COMMITTEEMAN FELTES: Committeeman Feltes as liaison to Parks and Recreation said there will be a reorganization meeting on January 16, 2013.

He said he attended the Veteran's Advisory Committee Reorganization meeting on Committeeman Moynihan's behalf. They are scheduling their Veteran's Ceremony which will be held at the Bordentown Cemetery on Saturday, November 9, 2013 at 2:00 pm. Committeeman Feltes asked if the Veteran's Advisory Committee could get a key to get into the meeting room. Police Chief Nucera said he would get a key to Chairman Harry Havens.

Development of Veteran's Memorial Park on Hogback Road started in 2004 with not much progress. The sketch cannot be located. They would like to form an action plan to move forward, and schedule some fundraising.

Committeeman Feltes asked if Central Jersey Waste picked up the Christmas Trees. P.W. Director Buhner stated that they were instructed not to pick them up.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan stated that he attended the Board of Education Reorganization Meeting on January 2, 2013.

He will be attending the Sewer Authority Meeting scheduled for January 22, 2013.

He said he will be sending letters of introduction to Comcast, N.J. Turnpike Authority, and the City of Bordentown. Mayor Cann will give him John Keller's telephone number.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said the Environmental Commission meets tomorrow night. Amy Miller from DVRPC will be attending to discuss the environmental resource inventory.

She also attended the seminar for the League of Municipalities. The restoration to municipalities of funding diverted by the state from energy taxes was discussed. Last year it was vetoed by the Governor, and the League is once again looking to restore those monies to the municipalities. She suggested getting a resolution together to support the two bills; this was done last year.

MAYOR CANN: Mayor Cann stated that Police Chief Nucera and he met with Foundations for Bordentown Traditions. They are ready to move forward with fireworks this July. A tentative date would be July 5th at the Joseph Lawrence Park that has a larger parking area. It will be a 4-5 hour event ending with the fireworks at 9:00 pm. There will be a minimum \$15,000 aerial display which lasts 18 minutes. More fundraisers are being planned which may afford the \$20,000 proposal that lasts approximately 25 minutes. All the approvals are in place except for the gaming license for the fireworks. The Township will also have to apply for a public gathering permit.

Emergency Management Coordinator, Andy Law, is working on another project to try to get monies that potentially have come available for Jumble Gut Run. There are properties in the Glen that have serious erosion caused by flooding and the poor condition of the storm sewers.

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There is a seminar for Mayor and Committee people sponsored by the IPD Institute for Professional Development for updating for FEMA funding for storm clean-up and repairs and for alternatives to investor-owned utilities. The fee is \$25.

Bowman and Company is putting on a free budget seminar on January 22 or 31, 2013.

The 21st Annual Mayor's Legislative Day is scheduled for February 6, 2013 at the Statehouse Annex. The fee is \$25 and open to the Township Committee.

The CDBG Grant is taken care of, and the Mayor is the designated representative.

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

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

CAROL de GROOT, 8 Arlington Road: Mrs. de Groot approvingly commented on the Township's new website. The Township now has a Facebook and Twitter account. The new webmaster is working on the resident notifications. The website was only down for two days during the transition.

WALT KOSUL, 539 Route 206: Mr. Kosul said he was happy to see Mr. Kearns as attorney. Mr. Kosul commented/asked about the Lutheran Social Ministries part of the Waterfront project. Committeeman Feltes stated that COAH does not approve the people who get the units; they make the requirements/standards.

LEN de GROOT, 8 Arlington Road: Mr. de Groot asked why a disabled senior need 3 bedrooms. Mayor Cann responded one unit with 3 disabled seniors in it.

Seeing no further comments, Deputy Mayor Popko made a motion to close the public portion of the meeting; seconded by Committeeman Benowitz.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

At this time, Deputy Mayor Popko made the following motion:

BE IT RESOLVED by the Township Committee of the Township of Bordentown that it does hereby recess the regular meeting for purpose of discussing Woolston-Craft property contract matter and a professional services contract matter; seconded by Committeeman Moynihan.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

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The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 9:18 pm and reconvened the regular meeting at 9:59 pm.

At this time, Deputy Mayor Popko made a motion to adopt **Resolution #2013-014-11A entitled APPOINTING MEMBERS OF THE TOWNSHIP PROFESSIONAL STAFF: BOND COUNSEL** amended removing "Financial Advisor", as per their revised contract proposal; seconded by Committeeman Feltes.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

At this time, Committeeman Moynihan 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 Popko.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:05 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK