

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JANUARY 28, 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 Buhrer
Chief of Police Frank M. Nucera, Jr.

ABSENT: Construction Official Pete Carbone

Mayor Cann called the meeting to order at approximately 7:35 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, 2013, 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.

Public Hearing regarding the Proposed Expansion of the Bordentown Township Public Works Facility.

Alt. Township Engineer Fred Turek and P.W. Director Buhrer gave a presentation regarding the Proposed Expansion of the Bordentown Township Public Works Facility.

Consideration of Introduction of Ordinance #2013-3 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN, IN THE COUNTY OF BURLINGTON, NEW JERSEY, PROVIDING FOR THE ACQUISITION OF LAND AND BUILDINGS AND RELATED EXPENSES IN AND FOR THE TOWNSHIP, APPROPRIATING \$600,000 THEREFOR, AND AUTHORIZING THE ISSUANCE OF \$570,000 IN GENERAL IMPROVEMENT BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE SAME.

At this time, Deputy Mayor Popko made a motion to introduce Ordinance #2013-3; seconded by Committeeman Benowitz.

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

NAY: None

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

Presentation with Jason Konek of Lutheran Social Ministries regarding Amendment to Proposed Plans within the Bordentown Waterfront Community Redevelopment Project.

No representatives from the Lutheran Social Ministries were in attendance to make the presentation.

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 9:50 pm and reconvened the regular meeting at 10:02 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that Resolutions #2013-028-22 & #2013-028-23 which were listed on the Agenda are being provided tonight. Resolution #2013-028-24A is an addendum to the Consent Agenda.

CONSENT AGENDA

Resolution #2013-028-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-028-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2013-028-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2013-028-12 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2013-028-13 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2013-028-14 entitled RELEASE OF PERFORMANCE GUARANTEE FOR 130 BORDENTOWN ASSOCIATES, LLC (BOTTOM DOLLAR FOOD STORE), 262 ROUTE 130, BLOCK 127, LOT 3.

Resolution #2013-028-15 entitled REFUND OF ESCROW BALANCE FOR DEVELOPMENT APPLICATION (THE STORAGE DEPOT).

Resolution #2013-028-16 entitled RESOLUTION AUTHORIZING THE TOWNSHIP OF BORDENTOWN TO ENTER INTO AN INTERLOCAL SERVICE AGREEMENT FOR THE "BURLINGTON COUNTY RIVERLINE TASK FORCE" PROGRAM.

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Resolution #2013-028-17 entitled RESOLUTION APPROVING STIPEND TO CYNTHIA DZIURA FOR CERTAIN ASSIGNED DUTIES WITHIN THE COMMUNITY DEVELOPMENT OFFICE.

Resolution #2013-028-18 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN APPOINTING BRIAN JOHNSON AS MUNICIPAL-HOUSING LIAISON.

Resolution #2013-028-19 entitled RESOLUTION ADOPTING BORDENTOWN TOWNSHIP EMPLOYEE ENVIRONMENTAL PERFORMANCE POLICY.

Resolution #2013-028-20 entitled RESOLUTION AUTHORIZING EXTENSION OF AGRICULTURAL LEASE AGREEMENTS BETWEEN THE TOWNSHIP OF BORDENTOWN AND STEPHEN TURGYAN.

Resolution #2013-028-21 entitled AUTHORIZING 2013 BUDGET APPROPRIATION RESERVE TRANSFERS (N.J.S.A. 40A:4-59).

Resolution #2013-028-22 entitled RESOLUTION TO ESTABLISH HOURLY RATE CHARGES FOR MUNICIPAL EMPLOYEE PROFESSIONALS FOR BILLING TO LAND DEVELOPMENT ESCROW ACCOUNTS DURING CALENDAR YEAR 2013, PURSUANT TO THE NJ MUNICIPAL LAND USE LAW.

Resolution #2013-028-23 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE CLOSING DOCUMENTS WITH REGARDS TO THE NJ TURNPIKE AUTHORITY LAND DIVERSION.

Resolution #2013-028-24 entitled RESOLUTION CALLING FOR THE RESTORATION OF ENERGY TAXES TO MUNICIPALITIES.

Resolution #2013-028-24A entitled RESOLUTION OPPOSING ANY DETERMINATION THAT THERE IS EFFECTIVE COMPETITION FOR CABLE TELEVISION, INTERNET AND PHONE SERVICES IN THE TOWNSHIP OF BORDENTOWN.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-028-9 through #2013-028-24A.

Resolution #2013-028-9. Committeeman Benowitz, Committeeman Feltes, Deputy Mayor Popko, and Mayor Cann commented/asked questions about the bill list. Mayor Cann asked P.W. Director Buhner to spend half as much on poinsettias for next year's reorganization meeting. Mayor Cann said the Township has someone who is watching to get the lowest rates on utilities.

Resolution #2013-028-10. Committeeman Benowitz abstained to and Deputy Mayor Popko made an amendment to the Regular Minutes of December 27, 2012.

Resolution #2013-028-17. Deputy Mayor Popko asked that the word "Certain" in the title be replaced with "clerical."

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Resolution #2013-028-23. Committeeman Moynihan stated that property taxes received on this property (the former Dix Drive-In) is \$25,000/year. He asked that the closing documents not yet be executed and the timing of the transfer be re-negotiated. He added that while the turnpike is still using the property that the Township receive rent, other than the \$1/year as stated in the agreement, or the property tax continue to be collected. Attorney Kearns said the resolution could be held until the next meeting; they are looking at a February 19, 2013 closing.

Resolution #2013-028-24. Committeeman Feltes asked that in the 10th paragraph of the resolution the words "that urge" be changed to "request".

At this time, Committeeman Feltes made a motion to open to the public for consent agenda items; seconded by Committeeman Moynihan.

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

NAY: None

WALTER ANDREW, 5 Woodland Road: Mr. Andrew commented on the cat licensing in the Township. Committeeman Benowitz said that dog licensing is required by the State, cat licensing is not. It is a local ordinance to have both dogs and cats licensed. Mr. Andrew said that the ordinance for cats has not been in effect and has had no ill-effect; he does not understand why an Animal Control Officer is necessary. Mayor Cann responded that this will be discussed.

Seeing no further 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, Committeeman Feltes made a motion to adopt the consent agenda excluding Resolution #2013-028-23 and amending Resolutions #2013-028-10, #2013-028-17, and #2013-028-24 as discussed (noted above); seconded by Deputy Mayor Popko.

AYE: Committeeman Benowitz with abstention to December 27, 2012 Meeting Minutes, Committeeman Feltes, Committeeman Moynihan, Deputy Mayor Popko, Mayor Cann

NAY: None

Public Hearing on 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, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2013-1; seconded by Committeeman Benowitz.

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

NAY: None

AL BERNOTAS, 76 Groveville Road: Mr. Bernotas inquired about the ordinance. Mayor Cann responded that any time there is a change in salary or compensation, the Township has to amend the ordinance for title and salary ranges. Township Clerk Eckert added there is a resolution on the Consent Agenda with more specific information.

Seeing no further public comment, Committeeman Benowitz made a motion to close the public hearing on Ordinance #2013-1; seconded by Deputy Mayor Popko.

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

NAY: None

Consideration of Adoption 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, Deputy Mayor Popko made a motion to adopt Ordinance #2013-1; seconded by Committeeman Moynihan.

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

NAY: None

Consideration of Introduction of Ordinance #2013-2 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN TO ESTABLISH A RESTRICTED-PARKING ZONE IN FRONT OF A RESIDENCE OCCUPIED BY A HANDICAPPED PERSON.

At this time, Committeeman Feltes made a motion to introduce Ordinance #2013-2; seconded by Deputy Mayor Popko.

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

NAY: None

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

Township Committee discussion of Public Safety Signs along Municipal Streets.

Committeeman Benowitz stated that residents requested “children at play” and “speed strictly enforced” type of safety signs on their streets. He said he would volunteer to survey the Township to see where they are needed. Police Chief Nucera said that unless there is a specific issue, upgrading signs is not done by the local police department. He added that sign placement throughout the Township as far as traffic control is consistent with the requirements outlined by the MUTCD. Mayor Cann added that certain signs have lost their color. Meadow Run and other areas of the Township were discussed. Mayor Cann said once a survey is completed, it should be reviewed by the Township Committee before action is taken. Deputy Mayor Popko stated that the bike path sign off of Hogback Road is hidden behind a tree.

Township Committee discussion of Notification Procedures regarding Municipal Projects of Direct Impact to Residents.

Committeeman Benowitz stated that anytime there is a municipal project the residents should be notified and put on the website. Mayor Cann said this is the purpose of a public hearing. Police Chief Nucera said with the new website there will be on-site personnel that will be able to add or change information right to the website. Township Clerk Eckert said that tonight’s public hearing was advertised in the Burlington County Times and the surrounding residents of the property were mailed a copy of the notice.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz gave information about the road salting by the Public Works’ Department during the last two storms.

The Senior Citizen Center has a new ice maker and some floor tiles need replacing.

There is a 4-ton weight limit sign and line striping was placed in response to the truck traffic on Hedding Road. Police Chief Nucera stated that he contacted various truck companies and as they continue to update their GPSs, Dunns Mill Road will now come up as a 4-ton restricted roadway.

The new leaf vacuum for Public Works has arrived. He said there will be a cost savings in labor requiring only 1 person vs. 4 people to operate.

He asked if maps; i.e. the bike path, could be included on the website.

COMMITTEEMAN FELTES: Committeeman Feltes asked P.W. Director Buhner if there was a GPS unit for sighting. He responded he did not, but he thought (former) C.D. Director Nitschmann had one. Committeeman Feltes suggested the Township obtain one to do all the signs, the storm drains, and other mapping items. This could be project for the Environmental Commission, and he thought there might be grant funds available.

Committeeman Feltes said Mr. Dauber was working on updating the maps of the Township parks, bike path, and zoning. Mayor Cann said that he thought the zoning map was complete, but the parks and bike path were not.

He attended the Zoning Board’s first meeting for reorganization, and the officers remained the same.

He attended the Parks and Recreation Committee first meeting, and appointments were made. They reviewed items they want to accomplish this year. Some of the funding will be with one of the grants to upgrade the facilities. They are looking to provide parking and upgrades to Terry Field.

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The Rabies Clinic was held on January 19, 2013. It was suggested to him that Northern Community Park be a better location in the future.

There was notification from the League of Municipalities regarding insurance agreements with other parties. Police Chief Nucera responded to Committeeman Feltes' questions.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan stated that he attended the Board of Education Meeting on January 23, 2013. There was a presentation by the N.J. School Board Association regarding ethics. Bordentown City Mayor Lynch made some announcements.

The Sewer Authority Meeting was January 22, 2013. They announced that the K. Johnson/Team Campus is on track with their payment plan for hook-up fees.

A resolution was created by Attorney Kearns regarding cable television which will benefit the Township residents who have basic cable service.

There is a meeting scheduled for Friday, February 1, 2013 with he, Community Development Director, Brian Johnson and N.J. Turnpike Engineer Keller of the N.J. Turnpike Authority to discuss residents' concern over sound barriers in the Holloway Lane/Alfred Drive area. Mayor Cann said he will also be there.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said she and Committeeman Feltes attended the Bowman Budget Seminar and were informed of all the new budget rules. She also attended the Governor's Winter Summit where he said that aid to the municipalities would not be redistributed to coastline communities that were hit by Hurricane Sandy.

She attended an ANJEC seminar regarding low-impact and non-structural storm water strategies. The seminar addressed increased hardscapes that will cause more flooding, and ways to remediate. She asked one of the speakers to give a presentation to the Township.

She attended the recent Board of Education Meeting and asked about future updates on the solar panel issue. She also requested they look into adding onto the AP programs; they currently only have four programs. Deputy Mayor Popko commented on the recent athletic award recipients.

MAYOR CANN: Mayor Cann said he had an informal discussion with Bordentown City Mayor Jim Lynch regarding the School District's solar panel investigation. They will possibly be sending a joint letter to the Superintendent of the Board of Education reflecting their concerns about the progress of the investigation to determine what the future impact on township taxes will be and why did this happen. It was supposed to be tax-neutral and the electric production was supposed to cover the cost of the solar and athletic fields. He will draft a list of concerns with Committeeman Moynihan, and then prepare a letter for he and Mayor Lynch to sign. The Township Committee was in agreement. Attorney Kearns will review the letter first.

Mayor Cann attended a pre-construction meeting with N.J. Transit for the proposed transit station at the Waterfront with CFO Kocian, Police Chief Nucera, and two representatives from N.J. Transit. The meeting was about how the financing of the project would work. N.J. Transit will not accept money directly from the developer; it will have to come from the municipality.

Mayor Cann and Police Chief Nucera attended a meeting on Route 130 and Pedestrian Traffic Hazards at the N.J. DOT headquarters. They spoke to Senator Diane Allen about instituting something for the hot spots on Route 130 which is similar to the DWI Task Force spot check by cooperative municipalities that gets grant money from the State. This will be a follow-up at the next meeting on February 21, 2013. Also discussed at the meeting was a potential by-pass on Rising Sun Road from the Turnpike onto Route 130 to alleviate the truck traffic on Farnsworth Avenue and Hedding Road. They approached Senator Allen to help the Township secure the funding for this project. In addition, they are

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looking at the N.J. Turnpike which is diverting 95 onto Exit 6 and relabeling the northern end by the Scudder's Falls Bridge to 195. Route 95 traffic will direct you across the bridge onto Exit 6, which means the Bordentown Truck Stop and Rising Sun Road will receive more traffic.

The budget presentation which was scheduled for February 2 has been moved to Saturday, February 9, 2013 at 10:00 a.m.

Beginning in March, the Veteran's Advisory Committee is changing their meeting from the 2nd Tuesday to the 1st Tuesday of each month.

Mayor Cann attended the CBDG Block Grant Program Budget Meeting at the County. The Township will be receiving \$65,000. He stated that the Township consider the Home Grant Program for any qualified residents which will provide down payment and closing cost for low-income home purchases.

Mayor Cann said he received a letter from the Board of Chosen Freeholders regarding the State Law deregulating energy consumption which has given rise to the community energy aggregation or the ability for towns/counties to do bulk purchasing of electricity and natural gas. They are authorizing the Bridge Commission to provide technical assistance to all towns as well as to evaluate any of these services. Before entering into a contract, they would like to review the information first so they can provide alternatives. He suggested establishing an energy task force.

The Senior Wetlands Specialist, Division of Mosquito Control, Burlington County Health Department wants to spray for mosquitos. Deputy Mayor Popko would like to check this out before the Township signs off on this at the next meeting.

He announced that there is a 17th Annual N.J. Land Conservation Rally if anyone is interested in attending.

There is a Go Red for Women Program to save women's lives from heart disease and stroke where employees wear red on February 1, 2013. Township Clerk Eckert will send out a notification e-mail to the employees and where they can donate. Hopefully, this notification will be sent out earlier next year.

Mayor Cann spoke with Emergency Management Coordinator, Andy Law, who said he has completed the second of the three grant applications for FEMA in the amount of \$119,769.

In regard to the request for bonding for the Waterfront, he will discuss with the Township Committee at a later time after getting legal opinion.

DEPUTY MAYOR POPKO: Deputy Mayor Popko thanked Walt Kosul and Attorney William Kearns for nominating her for the League of Municipalities Land Use and Environmental Legislative Committee. She has accepted this nomination.

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

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

NAY: None

WALTER ANDREW, 5 Woodland Road: Mr. Andrew inquired about the road blocks. Police Chief Nucera said it is done once a month with N.J. Division of Motor Vehicle as part of a routine check for vehicle compliance since the inspection stations now only check for emissions. The Police Department stops the car and the N.J. Division of Motor Vehicle does the inspection.

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ALEAH HOSSZU, 32 Valley Forge Road: Ms. Hosszu asked if the Employee Environmental Performance Policy was being adopted. Mayor Cann responded that it was in the Consent Agenda.

WALT KOSUL, 539 Route 206: Mr. Kosul commented about the openness and transparency in the discussions of the meetings and it's appreciated. He also had questions about the FEMA maps. Mayor Cann told him to go to: njgeoweb; they have the most up-to-date maps. Attorney Kearns said the FEMA maps are tentative and are expected to be adopted by the State in 2014. Mayor Cann will follow-up with Community Development Director, Brian Johnson, to see if a map can be obtained for Bordentown Township.

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 Tax Assessor Department Personnel Matter and Financial Advisor Professional Contract Matter; seconded by Committeeman Moynihan.

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

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 11:29 pm and reconvened the regular meeting at 11:44 pm.

At this time, Deputy Mayor Popko made a motion to adopt **Resolution #2013-028-24B entitled APPOINTING MEMBERS OF THE TOWNSHIP PROFESSIONAL STAFF: FINANCIAL ADVISOR** appointing Phoenix Advisors; seconded by Committeeman Feltes.

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

NAY: Committeeman Moynihan

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

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NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 11:46 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK