

TOWNSHIP COMMITTEE MINUTES
SPECIAL MEETING
MARCH 4, 2013

The SPECIAL 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: None

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 February 28, 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.

MAYOR'S PROCLAMATION HONORING BRANDON HUDIK FOR ACADEMIC AND SCHOLASTIC ACHIEVEMENT. At this time, Mayor Cann introduced the members of the Township Committee, read the Proclamation into the record and presented the Proclamation to Mr. Hudik.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that discussion item #22 is being pulled from the Agenda. In addition, a memorandum from Community Development Director Brian Johnson dated March 4, 2013 regarding the turnpike widening noise wall and overpass buffering was submitted today for informational purposes. Mayor Cann said this is concerning the turnpike widening and the need for some additional plantings by the turnpike at Holloway Meadows on Township property.

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CONSENT AGENDA

Resolution #2013-063-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-063-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS, FILING OF REPORTS AND CORRESPONDENCE.

Resolution #2013-063-8 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2013-063-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2013-063-10 entitled RESOLUTION OPPOSING A-1196.

Resolution #2013-063-11 entitled RESOLUTION TO REFER APPLICATION OF SAAJ, LLC, TO THE TOWNSHIP PLANNING BOARD FOR REVIEW AND RECOMMENDATION.

Resolution #2013-063-12 entitled RESOLUTION TO APPOINT PART-TIME (PER DIEM) EMT.

Resolution #2013-063-13 entitled APPROVING RAFFLE LICENSE #RL:379.

Resolution #2013-063-14 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE CLOSING DOCUMENTS WITH REGARDS TO THE NJ TURNPIKE AUTHORITY LAND DIVERSION.

Resolution #2013-063-15 entitled AUTHORIZING YEAR 2013 TEMPORARY EMERGENCY APPROPRIATIONS (N.J.S.A. 40A:4-20).

Resolution #2013-063-16 entitled RELEASE OF PERFORMANCE GUARANTEE FOR HARVEY PRIMOST (BARRACKS TRADING POST) ROUTE 130 AT ELIZABETH STREET, BLOCK 62, LOT 1, 2.01, AND 2.02.

Resolution #2013-063-17 entitled RELEASE OF PERFORMANCE GUARANTEES FOR D.R. HORTON – THE GRANDE AT CRYSTAL LAKE, PHASE 1, BLOCK 138, LOT 1; PHASE 2, BLOCK 138, LOT 2; AND PHASE 3, BLOCK 138, LOT 3.

Resolution #2013-063-18 entitled RESOLUTION AUTHORIZING THE EXTENSION OF PROFESSIONAL SERVICES CONTRACT WITH HARTSOUGH, KENNY, CHASE AND SULLIVAN.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-063-6 through #2013-063-18.

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Resolution #2013-063-6. Committeeman Benowitz, Committeeman Feltes, Deputy Mayor Popko, and Mayor Cann commented/asked questions about the bill list and Consent Agenda.

Resolution #2013-063-7. Committeeman Feltes, Deputy Mayor Popko, and Mayor Cann made corrections to the regular minutes of January 14, 2013 and January 28, 2013.

Resolution #2013-063-14. Committeeman Moynihan inquired what the change was on this resolution. Attorney Kearns responded to his questions and said it will be discussed further in Closed Session.

Resolution #2013-063-17. Committeeman Benowitz asked if this satisfies all items on the punch list. Police Chief Nucera responded, yes.

Resolution #2013-063-18. Committeeman Moynihan inquired about this resolution. Mayor Cann responded that the only four matters remaining are all filed with the State Tax Court which takes 1-2 years to settle and are going to be turned over to Tax Appeal Counsel.

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

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

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 amendments to the regular minutes of January 14, 2013 and January 28, 2013 as discussed; seconded by Committeeman Feltes.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan with nay to Resolution #2013-063-14, Deputy Mayor Popko, Mayor Cann

NAY: None

Consideration of Introduction of Ordinance #2013-4 entitled CALENDAR YEAR 2013 "CAP" ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK (N.J.S.A. 40A:4-45.14).

At this time, Committeeman Feltes made a motion to introduce Ordinance #2013-4; seconded by Deputy Mayor Popko.

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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 March 25th.

Township Committee discussion regarding the Peddlers and Solicitors Ordinance.

Mayor Cann stated that a letter was received from a resident regarding Peddlers and Solicitors. He asked the Township Clerk to obtain copies of ordinances from other municipalities for the Township Committee to review with the intention of tightening up the current ordinance. He discussed our current hours of solicitation, the extensiveness of the applications, and the amount of the fines. Attorney Kearns will review the ordinance and look into the matter and report back.

Township Committee discussion regarding the Economic Development Advisory Committee Ordinance.

Committeeman Benowitz researched and said the current resolution needs to be more concise and membership more flexible. He presented a new draft of the ordinance. Mayor Cann and the Township Committee gave comments. Chris Nunn of the EDAC gave some background information on the committee. The revised/blended ordinance will be reviewed again at the April 8, 2013 Township Committee Meeting.

Township Committee discussion regarding Authorization to Conduct Aerial Larval/Adult Mosquito Control Activities with the Burlington County Health Department.

(Discussion item pulled from the agenda and will be revisited at the March 11, 2013 Township Committee Meeting.)

Township Committee discussion regarding Dog/Cat Licensing Ordinance.

Ms. Ronnie Bradbury, 17 Wyndham Court, requested that the Township revise the Dog/Cat Licensing Ordinance to allow beyond the 4 animal limit for service dogs. She presented the Township Committee with paperwork. Mayor Cann stated that the paperwork did not include that these were certified trained dogs or that she had a contract to train any dogs for any specific use. Committeeman Feltes also requested she submit a letter from her homeowner's association. Deputy Mayor Popko asked if these dogs are checked on by the New Hampshire organization. Attorney Kearns said it might be a good idea to follow-up with the SPCA. Before the ordinance is amended, Mayor Cann requested that she submit documentation that states that she is contracted to do the training and what certification she has to do the training.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said he attended the Senior Citizen's meeting on February 1, 2013 and today. He described some of their recent events and said that he met with their Executive Board.

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The Public Works Department clean-up by the water tower continues. The new leaf vacuum is ready to go. The safety contract for JIF is to be signed. Committeeman Benowitz asked P.W. Director Buhner to submit a Parks Clean Up Plan with timelines; they are currently working on Northern Community Park. Parks are being seeded and pot hole repairs are being done throughout the Township. He commended the Public Works Department on their work.

He met with Chris Nunn of the EDAC and Friday, July 5, 2013 is scheduled for the community fireworks; rain date is Sunday, July 7, 2013. Pending funding, the Township will enter into a contract with Pyrotechnic Company for \$20,000. The Township will handle the fireworks and the Bordentown Traditions Foundation will handle promotion, vendors, and entertainment.

He stated that Angel Sauro is doing a great job updating the township's website.

COMMITTEEMAN FELTES: Committeeman Feltes and Deputy Mayor Popko attended the Parks and Recreation Committee Meeting on February 20, 2013. He reported that they are looking into Thursday night cultural events including hosting music in the parks, and are also looking into sponsorships for funding.

He attended an unveiling of the new Assistance Office for Veterans and Service Members at the Old Bordentown Amory on February 20, 2013. They are there on Wednesday evenings from 4:00 to 7:00 pm.

Committeeman Feltes said he received a telephone call from a writer from the Wall Street Journal inquiring about Amazon going into Robbinsville. Even though Bordentown was not successful bringing Amazon in, he gave him information marketing the Township.

He read a thank you letter from a Bordentown-Hedding Road resident thanking the Police Department for getting the no-truck traffic signs and enforcing them.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan and Deputy Mayor Popko attended the Veteran's Advisory Committee meeting on February 12, 2013. The November Veteran's Day Ceremony preparations are progressing.

The Bordentown Sewer Authority Reorganization Meeting was February 19, 2013. They reported that Team Campus payments, per the agreement, are on track.

He stated that he attended the Board of Education Meeting on February 20, 2013. They talked about their proposed budget, which assumes \$49,000 in SREC (Solar Renewable Energy Credits) Revenues. It corresponds to an energy savings value of about \$56,000, which compares to the bond debt service for this year for the solar ball fields bond of \$447,000.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said the Environmental Commission and the Green Team met last week. They are pursuing the N.J. certification and updating the Environmental Resource Inventory. She reported on several events that have been scheduled: Open House at the Warming Room at Northern Community Park March 16, 2013; Photo Contest March 1-April 1, 2013 with a Gallery Reception of Photos on April 6, 2013; Community Clean-up and Tree Planting April 20, 2013; and the Annual Paper Shredder Day May 4, 2013.

An Emergency Management Meeting is scheduled for April 17, 2013.

MAYOR CANN: The Planning Board appointed Lou Garty as the Planning Board Attorney and Mark Roselli as the Alternate Planning Board Attorney. He said that all Planning Board and Zoning Board Notices of Decision/Resolutions will be placed on the website.

The Parks and Recreation Committee is looking into a Police and Firemen's Benefit Softball game, possibly after the Fishing Derby, for Luke Appleby who has a rare disease.

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He attended the Executive Leadership Conference on February 23, 2013. He described some future updates on insurance.

The Township of Holmdel sent a letter to all municipalities stating that they are attempting to put together a benefit for the Borough of Keansburg who was devastated by Hurricane Sandy. Holmdel is looking for \$1,000 donations to help rebuild Keansburg. Mayor Cann asked that this be put on the March 11, 2013 Meeting Agenda.

Burlington County has asked for public involvement for a proposed county-wide bike path. This information will be put on the Township's website.

The Township received a Safety Incentive Award from the Burlington County JIF for \$1,625.

Andy Law has submitted another Grant to Burlington County. It is for the N.J. Hazard Mitigation Grant Program for the low-lying areas near Old Amboy Road and Jumble Gut Run for \$1,125,000.

Burlington County is accepting nominations for historic preservation award honoring residents, organizations, and municipalities that have contributed to the County's rich history.

Police Chief Nucera received a clean bill of health from the Department of Corrections on our detention facilities.

The Polling Institute of Monmouth University sent an e-government award for best practices for municipal websites. Bordentown Township has been recognized for using our website to inform and engage our residents. Presentation is scheduled for Thursday, March 21, 2013 at Monmouth University.

DEPUTY MAYOR POPKO: Deputy Mayor Popko asked if there was an announcement on the website notifying residents that the new website did not include their e-mail addresses and they had to re-signup for notifications and alerts. Police Chief Nucera was following-up on this with the new webmaster.

MAYOR CANN: Mayor Cann announced the N.J. League of Municipalities is holding a Crisis Communication Techniques Meeting with constituents, the media, and service providers scheduled for March 22, 2013 at the Mercer County Community College Conference Center.

PUBLIC PARTICIPATION: At this time, Committeeman Feltes 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

KEITH McWHIRK, 2 Arlington Road: Mr. McWhirk said he signed up three times for the webpage e-mail notification list. Police Chief Nucera responded that the webmaster is trying to make the sign-up very simple, and he will be following up on this.

In regard to the EDAC, Mr. McWhirk said he has served on the Committee for the last two years and said it was a difficult 2 years. He discussed marketing the businesses/marketing the town, events, and getting people to participate and defining the ordinance was a good idea. He also thought getting the Community Development office involved and having a liaison from the Planning and/or Zoning Board would be helpful. He said he is glad the Township Committee is still trying to make the EDAC work.

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WALT KOSUL, 539 Bordentown Road: Mr. Kosul inquired about the introduction of the budget. Mayor Cann responded it will be March 11, 2013 with public hearing and adoption on April 22, 2013. Mr. Kosul inquired/discussed the Redevelopment Committee and tax appeals. Mayor Cann and CFO Kocian responded to his questions. Township Clerk Eckert announced that a copy of the budget will be on the website, a copy in the library, and advertised in the Burlington County Times. And between introduction and adoption there is no charge for copies. Mr. Kosul inquired how many residents have the availability of accessing a website and how much information is actually on the website. Mayor Cann responded that in light of budget constraints, to publicize to all residents would be prohibitively expensive. Attorney Kearns added that all these documents are public record.

CHRIS NUNN, Bordentown Traditions: Mr. Nunn asked if Committeeman Benowitz should be the point of contact from this point on. Mayor Cann responded yes. Mr. Nunn said that on Thursday he will be turning over to the Township the fireworks funds that were collected. Mr. Nunn also expressed his concern that the fireworks events would not only be for 2013. He also said he'd like to see the Foundation partner with other events in the future.

WALT KOSUL, 539 Bordentown Road: Mr. Kosul asked if there is still a problem with zip codes in Bordentown Township when mailings are done. Mr. McWhirk responded, yes, and the post office is not entertaining changing all of Bordentown to be 08505.

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

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

NAY: None

COMMITTEEMAN FELTES: Committeeman Feltes stated that the N.J. League of Municipalities announcements can be obtained at the League's website by signing up your e-mail address. Once the Township Committee signs up, Township Clerk Eckert will no longer have to forward these announcements.

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 Professional Service Contract Matter: Capehard & Scatchard, Tax Assessor Personnel Matter, Public Works Department Personnel & Disciplinary Matter, Woolston Craft Property Contract Matter, Turnpike Land Diversion Contract Matter; seconded by Committeeman Feltes.

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 9:44 pm and reconvened the regular meeting at 10:27 pm.

Resolution #2013-063-18A entitled RESOLUTION AUTHORIZING THE EXTENSION OF PROFESSIONAL SERVICES CONTRACT WITH CAPEHART SCATCHARD.

At this time, Deputy Mayor Popko made a motion to adopt Resolution #2013-063-18A; seconded by Committeeman Feltes.

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

NAY: Deputy Mayor Popko

At this time, Committeeman Feltes 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 Moynihan.

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

NAY: None

The SPECIAL meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:29 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK