

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JUNE 10, 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.
Public Works Director Dean Buhner
Chief of Police Frank M. Nucera, Jr.

ABSENT: Chief Financial Officer David Kocian

Mayor Cann called the meeting to order at approximately 7:32 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.

APPOINTMENT OF PLANNING BOARD MEMBERS

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, James Cann, as Mayor, do hereby make the following appointment to the Planning Board:

Class IV Member – 2 Year Unexpired Term Expiring 12/31/14 (Alt. #1): Timothy Fairlie

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated there is an Addendum to the Agenda adding Resolutions #2013-161-19A and there is an additional discussion item of draft Ordinance pertaining to REO District. Attorney Kearns noted that the date of the event needs to be changed to July 5, 2013 in both the resolution and agreement. Township Clerk Eckert will make the changes.

CONSENT AGENDA

Resolution #2013-161-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-161-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2013-161-9 entitled RESOLUTION TO APPOINT COMMUNITY DEVELOPMENT DIRECTOR/ENGINEER.

Resolution #2013-161-10 entitled AMENDING RESOLUTION ESTABLISHING SALARIES AND OTHER RATES OF COMPENSATION FOR CERTAIN OFFICIALS AND EMPLOYEES OF THE TOWNSHIP OF BORDENTOWN.

Resolution #2013-161-11 entitled RESOLUTION APPOINTING MEMBER TO THE ECONOMIC ADVISORY COMMITTEE.

Resolution #2013-161-12 entitled AMEND NORTHERN COMMUNITY PARK LANDSCAPE BUFFER IMPROVEMENTS CONTRACT WITH GOWER'S, INC., AND APPROVE CHANGE ORDER NO. 1.

Resolution #2013-161-13 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.

Resolution #2013-161-14 entitled APPOINTMENT OF MEMBERS TO ZONING BOARD OF ADJUSTMENT.

Resolution #2013-161-15 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL COMSUMPTION LICENSE.

Resolution #2013-161-16 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.

Resolution #2013-161-17 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES WITH SPECIAL CONDITIONS.

Resolution #2013-161-18 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY DISTRIBUTION LICENSE.

Resolution #2013-161-19 entitled RENEWING ALCOHOLIC BEVERAGE CLUB LICENSE.

Resolution #2013-161-19A entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE EXECUTION OF A LEASE WITH THE FOUNDATION FOR BORDENTOWN TRADITIONS.

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Township Committee review and discussion of Consent Agenda Items Resolutions #2013-161-7 through #2013-161-19A.

Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan, and Mayor Cann commented/asked questions about the Consent Agenda.

Resolution #2013-161-8. Committeeman Moynihan noted two changes to the Minutes of April 22, 2013.

Resolution #2013-161-12. Committeeman Benowitz explained that the buffer trees removed were damaged due to Hurricane Sandy. Mayor Cann suggested discussing with Emergency Management Coordinator, Andy Law to see if it could be compensable by amending our original submission to FEMA. Deputy Mayor Popko will follow-up.

Committeeman Moynihan said that burlap and twine were still around the trunks and roots of the existing plantings. Engineer Fred Turek had told him that this would be removed in the spring. Police Chief Nucera said that they would be removed. Deputy Mayor Popko said the trees in the tot lot area have a 2-year warranty and are hitting 2 years. The rest of the trees have a 1-year warranty. Public Works Director Buhner added that Engineer Fred Turek has already done a walk through with Gower's and when he does the new plantings, he will replace the dead trees. Mr. Moynihan said he'd like to see completion of the existing contract before a change order is done. Committeeman Moynihan added that a letter was sent to the Turnpike regarding additional trees which could be used at Northern Community Park.

The Township Committee discussed the trees located at K. Johnson/Team Campus property.

Deputy Mayor Popko inquired about the shade trees that were to be planted between the baseball fields at Northern Community Park. P.W. Director said there are numerous trenches between the fields for the lighting and irrigations systems; planting there would be an issue.

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

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

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At this time, Deputy Mayor Popko made a motion to adopt the consent agenda with amendments to the April 22, 2013 Minutes and the date being changed from the July 4th to July 5th in Resolution #2013-161-19A; seconded by Committeeman Benowitz.

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan except Resolution #2013-161-12, Deputy Mayor Popko, Mayor Cann

NAY: None

Public Hearing on Ordinance #2013-10 entitled AN ORDINANCE TO AMEND ORDINANCE #2013-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Committeeman Benowitz made a motion to open the public hearing on Ordinance #2013-10; seconded by Committeeman Feltes.

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

NAY: None

WALT KOSUL, 539 Route 206: Mr. Kosul asked what the purpose of this ordinance is. Chief Nucera responded that the amount of the stipend did not change and it will go to two people instead of one.

Seeing no further public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2013-10; seconded by Committeeman Benowitz.

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

NAY: None

Consideration of Adoption of Ordinance #2013-10 entitled AN ORDINANCE TO AMEND ORDINANCE #2013-7 ENTITLED AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR PERMANENT AND PROVISIONAL EMPLOYEES.

At this time, Committeeman Benowitz made a motion to adopt Ordinance #2013-10; seconded by Deputy Mayor Popko.

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

NAY: None

Township Committee discussion of Professional Fees for Review of the 2013 Environmental Resource Inventory, DVRPC.

Mayor Cann stated that the Planning Board requested that the Environmental Resource Inventory (ERI) Grant be reviewed by the Planning Board Engineer and Planner. Mayor Cann said they agreed to review it for \$880, and will present it to the Planning Board on Thursday, June 13, 2013. The Township Committee authorized the professional fees as proposed.

Township Committee discussion with Attorney Kearns regarding Music Licensing for Municipal Events.

Attorney Kearns explained that some attorneys think that municipalities do not require licenses. Licensing costs are low, and violations under copyright laws can amount to 10,000 per song. Deputy Mayor Popko will contact other municipalities to survey whether or not they pay the licensing costs. Police Chief Nucera will check on the funds. Discussion will be relisted for the next meeting.

Township Committee discussion regarding School Board Shared Services.

Mayor Cann said Committeeman Moynihan advised that there have been comments at the School Board Meetings regarding lawn cutting services. There have been discussions with the Superintendent regarding a shared services agreement. A meeting took place and it was revealed that a 5-10 year window would be required, the Township would have to hire an additional employee, and new equipment would be needed or updated. They looked at the bid amount which was to be awarded on June 5, 2013. John Deere could not get the equipment repair estimate back to the Township before June 5, 2013, so the School had to accept the bid proposal. The Township will pursue a local services agreement with them next year. Committeeman Feltes suggested looking into a local services agreement for snow removal, and contact Bordentown City, Fieldsboro, and the Sewerage Authority.

Township Committee discussion regarding Smoking in Public Parks.

Police Chief Nucera responded to the question on enforcement. Smoking in cars was discussed among the Township Committee. Attorney Kearns will provide a draft ordinance to include the public parks that will be presented at the next meeting.

Township Committee discussion regarding Bordentown Township Business and Commercial Directory Questionnaire.

Committeeman Benowitz, on behalf of the Economic Development Advisory Committee, provided a business directory questionnaire application. The Township Committee discussed placing the application on the website so that a listing of Bordentown Township businesses could be accumulated and placed on the website. Committeeman Moynihan stated that West Orange Township has a good website that promotes their businesses.

Township Committee discussion of draft ordinance pertaining to REO District

Committeeman Benowitz said he was contacted about a company interested in a warehouse currently owned by Rockefeller Group on Bordentown-Hedding Road. A preliminary meeting was

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held with them. The ordinance to allow for parking with a deed restriction is being set up to show the Township is trying to accommodate their needs. Attorney Kearns gave further explanation of the ordinance.

Consideration of Introduction of Ordinance #2013-12 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BORDENTOWN PROVIDING FOR THE PERMITTED USES WITHIN THE REO DISTRICT TO ALLOW PARKING ON A SUBSERVIENT LOT UNDER CERTAIN CIRCUMSTANCES, PROVIDING FOR A DEED RESTRICTION ON THE SUBSERVIENT LOT AND PROVIDING A PROCEDURE FOR THE RELEASE OF ANY SUCH DEED RESTRICTION.

At this time, Committeeman Benowitz made a motion to introduce Ordinance #2013-12; seconded by Committeeman Feltes.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be June 24th.

Township Clerk Eckert will forward this ordinance to the Planning Board for review at their meeting June 13, 2013 to see if it is consistent with the Master Plan, and report back their recommendations.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said the Economic Development Advisory Committee is meeting June 11, 2013. He discussed membership.

Committeeman Benowitz will be addressing the Northern Burlington County Chamber of Commerce on June 11, 2013.

Committeeman Benowitz said he attended the Senior Citizen Anniversary dinner on May 24, 2013. He cited various activities that the Senior Citizens were doing.

On May 22, 2013, he attended a Northern Burlington County Chamber of Commerce networking session to promote the business/commercial friendly.

In regard to Public Works, they hired a new employee. The drain system televising for FEMA has been completed. The Township is awaiting the Alternate Township Engineer's CME for further input. Park maintenance is ongoing.

COMMITTEEMAN FELTES: Committeeman Feltes inquired if a new policewoman was going to start. Police Chief Nucera responded they will know at the next meeting.

The Construction Department is requiring additional hours because more is going on in the Township.

The Senior Freeze deadline has been extended to September 16, 2013, and it is advertised on the Township Website.

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ATTORNEY KEARNS: Attorney Kearns discussed the latest update on Affordable Housing.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said that the Sewerage Authority and the Veteran's Advisory Committee have not met yet since the last meeting.

The School Board met on May 22, 2013. The School Board acknowledged receipt of the letter from the Township, City, and Fieldsboro Mayor's regarding the solar bond. It is being reviewed by the school board solar sub-committee.

He attended a shared services presentation with Deputy Mayor Popko at Burlington County on May 23, 2013. They discussed a potential offering from the County of an energy aggregation electricity purchasing plan where individual homeowners/townships and businesses could participate as a group to purchase their electric supply at a discounted rate. He did not think it was a good idea.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said she met with Angel Sauro and the Township Webmaster. She asked if she could be the Website Liaison between the Township Committee and Angel to make sure things are getting updated/posted. Mayor Cann agreed that this was a good idea.

The Green Team of the Environmental Commission has created a new page on Facebook. She asked the Township Committee if they could make it official and be linked to the Township webpage. The Township Committee agreed to this.

She said she spoke with Emergency Management Coordinator, Andrew Law, and he will be putting emergency preparation sheets on the website. Along with P.W. Director Buhner, Police Chief Nucera, and the webmaster, they will be setting up a twitter feed at emergency times. People can sign up for this.

In regard to the Fire Department/EMS, they requested a copy of the ordinance that was recently passed on false calls. The restoration of Derby Firehouse is on track and the fines have been removed.

Saturday was the Green Fair which went well. Many people signed up for the Green Team. The Community Garden is doing good.

Sustainable Jersey is offering a Grant through Walmart. She needs the approval of the Environmental Commission prior to presenting it at the next Township Committee Meeting.

Northern Community Park is having a clean-up June 29, 2013 at 9:00 a.m. to get ready for the Fishing Derby scheduled for July 4th.

Starting Thursday, July 11, 2013 from 7:00-9:00 pm at Joseph Lawrence Park there will be Music in the Park with more shows to follow.

Americorp is sponsoring a stream monitoring workshop on June 23, 2013 at Fernbrook Farms in Chesterfield. She will put the information on the website.

Deputy Mayor Popko received another letter regarding 76 Charles Bossert Drive. There will be further discussion on the property maintenance ordinance.

She attended the shared services meeting at the County with Committeeman Moynihan. She feels that a lot more information needs to be obtained before entertaining this pilot program.

MAYOR CANN: Mayor Cann said the Burlington County Park Grant application has been extended to June 28, 2013. Alternate Township Engineer, Fred Turek, will prepare the application for the Grant.

A letter of rejection was received for the NJ DOT Bike Path Phase III Grant Application. The Township will reapply next year.

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In regard to the letter sent to the School Board regarding the solar bond, the School Board reached out to the solar project committee and they would like to arrange a meeting with all the Mayors.

There was a meeting today regarding Borden's Crossing in regard to a previous meeting with the residents where some of the outstanding improvements were discussed. It is expected that D.R. Horton will be addressing these items. Attorney Kearns suggested this subject be discussed further in a Closed Session.

In regard to the properties owned by banks which need property maintenance, the Township has to contact the banks every year which costs the Township money. There was an ordinance adopted in Palmyra which would require the banks to register these properties with a fee that escalates each year. Attorney Kearns suggested this subject be discussed further in a Closed Session.

On June 4, 2013, there was a meeting with the Assistant Commissioner of the NJ DOT regarding the by-pass diversionary road for Rising Sun Road. The results of the meeting went well with every section of DOT there and, essentially, received their verbal endorsement of the project. The County will take the lead on this project.

In regard to the detention basin at Holloway Meadows, a plan was not yet received from the Turnpike. Police Chief Nucera will contact John Keller.

Mayor Cann received science grants which will be forwarded to the school.

He received a request from the Mid-Jersey Chamber of Commerce to meet with the Township's Economic Development Advisory Committee which was given to Committeeman Benowitz.

A Recycling Sustainability was received from Shop-Rite. He will forward to the Environmental Commission.

PUBLIC PARTICIPATION: At this time, Deputy Mayor Popko 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

MICHAEL DAUBER, 23 Yorktown Road: In regard to the grass cutting shared services, Mr. Dauber stated that the Township has a responsibility to cut the grass at Joseph Lawrence Park according to the lease. Mayor Cann responded that he would look into this.

Mr. Dauber asked what the amount was for the Bike Path Phase III. Mayor Cann responded \$350,000.

Mr. Dauber inquired about what is being posted on the Township's website. He also inquired about the potential do not solicit list.

Mr. Dauber asked if the new EDAC members had to be current on their taxes. Committeeman Benowitz said this would have to be applicable to all committees. Township Clerk Eckert will forward the licensing ordinance to Attorney Kearns for review.

Mr. Dauber asked if there was a response from the State or the County School Board regarding the resolution done on the solar bond. Committeeman Moynihan is awaiting a reply from the Office of the State Comptroller. Mayor Cann added that the County, according to Dr. Bauer, has been working with her on the issue.

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WALT KOSUL, 539 Route 206: Mr. Kosul asked when the next Township Committee Meeting was scheduled. Mayor Cann responded that a meeting was added for June 19, 2013 in addition to June 24, 2013.

Mr. Kosul asked if redevelopment plans, redevelopment agreements, and project finance were applicable to OPRA. Township Clerk Eckert responded that agreements that have been adopted are subject to OPRA.

Mr. Kosul asked further questions regarding redevelopment (indiscernible). Attorney Kearns responded that ordinances are introduced and adopted by the Township Committee and the Redevelopment Committee cannot adopt ordinances.

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

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 adjourn the regular meeting; seconded by Committeeman Benowitz.

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 9:39 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK