

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
JUNE 24, 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: None

Mayor Cann called the meeting to order at approximately 7:31 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.

**ADMINISTRATIVE REVIEW**

Township Clerk Eckert stated there was nothing to report. Mayor Cann stated the Annual Photo Inventory Report was received from the Environmental Commission.

**CONSENT AGENDA**

**Resolution #2013-175-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2013-175-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: FILING OF REPORTS.**

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**Resolution #2013-175-8 entitled RESOLUTION AUTHORIZING TUREK CONSULTING TO SUBMIT A GRANT APPLICATION UNDER THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.**

**Resolution #2013-175-9 entitled RELEASE OF PERFORMANCE GUARANTEE WITH RESPECT TO HOLY CROSS CHURCH (BLOCK 92.01, LOT 16).**

**Resolution #2013-175-10 entitled RESOLUTION APPROVING STIPENDS TO CYNTHIA DZUIRA AND THERESA EZZO FOR CERTAIN ASSIGNED CLERICAL DUTIES WITHIN THE COMMUNITY DEVELOPMENT OFFICE.**

**Resolution #2013-175-11 entitled RESOLUTION REQUESTING APPROVAL OF ITEMS OF REVENUE AND APPROPRIATION N.J.S.A. 40A:4-87.**

**Resolution #2013-175-12 entitled RESOLUTION AUTHORIZING THE CANCELLATION OF CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION PURCHASE ORDER ENCUMBRANCES.**

**Resolution #2013-175-13 entitled RESOLUTION APPOINTING MEMBER TO THE ECONOMIC ADVISORY COMMITTEE.**

**Resolution #2013-175-14 entitled RESOLUTION AUTHORIZING REFUND OF BUSINESS LICENSE FEE TO JOHNSON SPECIALIZED TRANSPORTATION, INC.**

**Resolution #2013-175-15 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES.**

**Resolution #2013-175-16 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSE.**

**Resolution #2013-175-17 entitled RENEWING ALCOHOLIC BEVERAGE PLENARY RETAIL CONSUMPTION LICENSES WITH SPECIAL CONDITIONS.**

**Resolution #2013-175-18 entitled RESOLUTION TO REFER APPLICATION OF FULTON BANK OF NEW JERSEY TO THE TOWNSHIP PLANNING BOARD FOR REVIEW AND RECOMMENDATION.**

**Resolution #2013-175-19 entitled RENEWING ALCOHOLIC BEVERAGE CLUB LICENSE.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-175-6 through #2013-175-19.

Committeeman Benowitz, Committeeman Moynihan, and Deputy Mayor Popko commented/asked questions about the Consent Agenda.

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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

MICHAEL DAUBER, 23 Yorktown Road: Mr. Dauber inquired about Resolution #2013-175-8. Mayor Cann responded that the resolution authorizes Alternate Township Engineer, Fred Turek, to prepare and submit the Grant. Mr. Turek will provide the total amount at a later date.

BILL MORELLI, 11 Woodland Road: Mr. Morelli thanked the Township Committee in advance for approving the alcoholic beverage club license for the Scottish Rite. He cited what the Scottish Rite does for the community including various charity work.

Seeing no further comments, Committeeman Feltes 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 Benowitz made a motion to adopt the consent agenda; seconded by Deputy Mayor Popko.

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

NAY: None

**Public Hearing on 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.**

Mayor Cann stated the intent of this ordinance and said the Planning Board has recommended it.

At this time, Committeeman Benowitz made a motion to open the public hearing on Ordinance #2013-12; seconded by Deputy Mayor Popko.

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

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NAY: None

Seeing no public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2013-12; seconded by Committeeman Benowitz.

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

NAY: None

**Consideration of Adoption 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, Deputy Mayor Popko made a motion to adopt Ordinance #2013-12; seconded by Committeeman Benowitz.

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

NAY: None

**Consideration of Introduction of Ordinance #2013-13 entitled AN ORDINANCE OF THE TOWNSHIP OF BORDENTOWN AMENDING CHAPTER 25 OF THE MUNICIPAL CODE TO INCLUDE THE ENVIRONMENTAL RESOURCE INVENTORY FOR THE TOWNSHIP OF BORDENTOWN.**

At this time, Deputy Mayor Popko made a motion to introduce Ordinance #2013-13; seconded by Committeeman Benowitz.

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

NAY: None

TOWNSHIP CLERK ECKERT: The public hearing will be July 8<sup>th</sup>.

**Township Committee discussion regarding Music Licensing for Municipal Events.**

Deputy Mayor Popko surveyed five municipalities on whether or not they possess a license and reported the results of her survey.

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At this time, Committeeman Benowitz made a motion for the Township Staff to move forward with getting the appropriate licensing for the music event in the park; seconded by Deputy Mayor Popko.

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

NAY: None

**Township Committee discussion regarding Amending Ordinance #2012-10 to Include Volunteer Members on Municipal Board and/or Committees.**

This discussion item was in regard to the requirement of taxes being current for residents serving on boards or committees. Attorney Kearns stated that Planning and Zoning Board members have statutory terms and can only be removed after a hearing. Committeeman Benowitz said it is difficult enough to attract residents to boards/committees. No action was taken.

**Township Committee discussion regarding Amending Soliciting Ordinance.**

Attorney Kearns answered several questions from the Township Committee regarding door-to-door solicitation. P.W. Director Buhner asked if the Public Works Department could create and sell “no soliciting” signs to the residents. Mayor Cann and Attorney Kearns responded, yes, and it can be offered on the Township’s website. Attorney Kearns will provide a revised draft ordinance which will be introduced at the next Township Committee Meeting.

**Township Committee discussion regarding Draft Ordinance Regulating Smoking in Public Buildings and on Public Property.**

The Township Committee reviewed and discussed the draft ordinance. It will be amended as discussed and introduced at the next meeting.

**Township Committee discussion regarding August Meeting Schedule.**

Mayor Cann stated that the August Special Election will be a conflict with the next scheduled meeting.

At this time, Committeeman Feltes made a motion to cancel the August 12, 2013 Township Committee Meeting; seconded by Deputy Mayor Popko.

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

NAY: None

**Township Committee discussion regarding Stanton Avenue and the Opening of D&R Park.**

Police Chief Nucera stated that he attended two meetings with the DEP Park Police. They provided him with a key to the gate, and are in agreement to open the State's park and beach to the public. The State agreed that they will be responsible for clean-up. Bordentown Township will assist the Park Police and monitor and advise them of any incidents or issues. Signage will be placed and the no parking prohibition on the Stanton Avenue Extension will be rescinded.

**TOWNSHIP COMMITTEE AND STAFF REPORTS**

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said that in regard to Public Works, maintenance continues at all the parks. There is a sink hole on Linden Road and Orchard Avenue. He announced that there will be a bill due for \$1,235 for the storm drain cleaner. The nets for the baseball fields at Northern Community Park are still being worked on.

Committeeman Benowitz said he attended the Sewerage Authority Meeting. He asked questions during the rate hearing. He also provided a brief description of the new warehouse project and asked the Sewerage Authority for their support.

The second Township safety tour is scheduled for 7/1/13 where they will be looking at signage. The next Ad-Hoc Sign committee will be scheduled during the week of 7/1/13.

The Economic Development Advisory Committee met on June 11, 2013. They discussed the website for Township businesses and letters to businesses scheduling an event. They are also developing a mission statement and tag line.

COMMITTEEMAN FELTES: In regard to the Veteran's Advisory Committee, Committeeman Feltes said that the issue of dedication of funds from the farming of the land was brought up again and he was asked to see if a contribution was made last year from that. CFO Kocian confirmed there was no formal action taken by the Township Committee to authorize that. Police Chief Nucera replied that when the farm lease was advertised, it excluded the portion for Veteran's Park so it is not part of the farming area even though it is being farmed. So there is no resolution authorizing it, and there are no funds being received for this portion. He discussed this with Mayor Cann and at the end of the year a \$1,000 donation can be transferred into the Veteran's Park line item with leftover funds. The Township Committee can discuss at a later time increasing their budget to \$1,000 for next year.

Erecting a dog park was discussed at the last Parks and Recreation meeting. Deputy Mayor Popko will investigate with P.W. Director Buhrer obtaining a grant. Committeeman Feltes will follow-up on a location, costs, etc. with Deputy Mayor Popko and P.W. Director Buhrer.

The Parks and Recreation Committee feels that there is a lack of communication between the Township Committee, the Environmental Commission, and Parks and Recreation Committee; i.e. clean-ups, etc. Committeeman Feltes said he will ensure better communication. He also said the Parks and Recreation Committee voiced concern that the Wellness Day 5K Run may be imposing on the Turkey Trot which is 6 weeks later on the same course. Mayor Cann said he contacted Chris Nunn of Bordentown Traditions and explained this is an unofficial fun run for Wellness Day. The Parks and Recreation Committee also thought a walk, Zumba classes, or a trike-a-thon would be a good idea. Their next meeting is July 19, 2013, and will be helping with the Fishing Derby and Fireworks.

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Committeeman Feltes distributed to the Township Committee information from the League of Municipalities on the Open Public Meetings Act and Open Public Records Act. He reviewed some of the concerns of the League and suggested that the Township Committee respond to this.

Committeeman Feltes asked if the list of changes in the Environmental Resource Inventory (ERI) is being forwarded. Mayor Cann responded, yes.

**COMMITTEEMAN MOYNIHAN:** Committeeman Moynihan said the Veteran's Advisory Committee met on June 11, 2013. Planning continues for the November Veteran's Day Ceremony, and they will be at the Fireworks selling challenge coins.

The School Board met on June 12, 2013. The August 14<sup>th</sup> meeting is cancelled and is being rescheduled for August 7<sup>th</sup> at 5:00 pm. The Bordentown Regional Education Association Contract expires June 30, 2013, and there is a mediation session set for August 20<sup>th</sup> to get the contract resolved.

The Sewerage Authority had an annual rate hearing on June 17, 2013. Starting July 1<sup>st</sup>, the connection fee for non-residential customers has decreased from \$45/gallon per day of usage to \$42/gallon per day of usage. It was asked why the Sewerage Authority charges for construction permit fees by the Township. The Construction Office responded that it has always been done this way and it is how non-agencies like the Sewerage Authority that has requirements for construction permits. He spoke with the Executive Director of the Sewer Authority who said that there are some limitations on development in the Truck Stop Area and Rising Sun Road because of the sewer system.

**DEPUTY MAYOR POPKO:** Deputy Mayor Popko said she met with Emergency Management Coordinator, Andy Law. They discussed the Hurricane Sandy monies that were received and the trees that came down at Northern Community Park. So far \$44,913 has been received, as well as another \$17,728 that has gone into the general fund which cannot be used until 2014 budget cycle.

Deputy Mayor Popko said that Emergency Management notifications are now available on the Township's website.

The Environmental Commission recently discussed a grant available for fleet inventory. June 29, 2013 is clean-up at Northern Community Park to prepare for the Fish Derby. They will be selling refreshments as a donation. They are currently working on a water conservation ordinance and a grant for health day which will give them Sustainable Jersey points.

She attended the Car Show. They are having Music in the Park on 7/11, 7/18, and 7/25 at Joseph Lawrence Park.

She has been working with Angel Sauro on township website changes and upgrades.

She commended CFO Kocian for the excellent report received from the auditors.

**MAYOR CANN:** Mayor Cann said there has been progress on the Rising Sun by-pass road project. There have been meetings with the County and the DVRPC. The next step is to put the proposed roadway into the Master Plan. Mayor Cann described the purpose of the roadway.

He attended the 108th Wings Hometown Heroes Salute this past weekend.

Mayor Cann stated that PSE&G has launched a site of searchable database of commercial buildings and sites available throughout New Jersey. He felt that if the Township does not fit into this, we should be notifying the local commercial realtors that this is another area that they can advertise the sites.

The League of Municipalities in conjunction with Rutgers is offering a seminar, The Reinventing New Jersey's Obsolete Suburban Office Campus, The Local and State Impacts, on July 12, 2013. He forwarded this information to Township Clerk Eckert to scan and e-mail to the Township Committee Members.

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Police Chief Nucera will forward The Safe Route to Schools information to Mr. Pina at the School District.

In regard to the Public Works Expansion Project, Mr. Kearns has forwarded the agreement of sale to the seller. A cost estimate by Alternate Engineer, Fred Turek, for a Phase II investigation is being worked on.

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

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

NAY: None

WALT KOSUL, 539 Route 206: Mr. Kosul asked if St. Francis was pulling out of the K. Johnson/Team 85 project. Mayor Cann responded, no, and they heard that they were taking the additional building in the back of the property. Mayor Cann said we will check into it.

MICHAEL DAUBER, 23 Yorktown Road: Mr. Dauber asked questions/discussed the financing of the Waterfront, the solicitation ordinance, and the smoking ban.

Mr. Dauber said the walkway between Joseph Lawrence Park and Willow Road needs to be cleaned up.

WALT KOSUL, 539 Route 206: Mr. Kosul asked about the infrastructure monies for the Waterfront.

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

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 to meet in closed session for the purpose of discussing Hedding Road Resurfacing Contract Matter, Registration Fees for Abandon Property Ordinance (Potential Litigation), Public Works Expansion Project Contract Matter, and Police Department Personnel 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 9:27 pm and reconvened the regular meeting at 10:05 pm.

**Resolution #2013-175-19A entitled A RESOLUTION TO AWARD A CONTRACT TO EARLE ASPHALT COMPANY FOR THE HEDDING ROAD RESURFACING PROJECT.**

**Resolution #2013-175-19B entitled A RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC., FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT, PHASE II – INVESTIGATION.**

**Resolution #2013-175-19C entitled A RESOLUTION TO APPOINT SEASONAL EMPLOYEE IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.**

At this time, Deputy Mayor Popko made a motion to move Resolutions #2013-175-19A through #2013-175-19C; seconded by Committeeman Moynihan.

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

NAY: None

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 regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 10:06 p.m.

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JAMES CANN, MAYOR

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COLLEEN M. ECKERT, TOWNSHIP CLERK