

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
JULY 22, 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 7:35 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.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated there is an Addendum to the Agenda adding Resolutions #2013-203-16A. She added that in regard to Resolution #2013-203-16 the CFO did provide her with Certification of Availability of Funds.

CONSENT AGENDA

Resolution #2013-203-6 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-203-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: FILING OF REPORTS.

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Resolution #2013-203-8 entitled RESOLUTION TO APPOINT POLICE OFFICER FOR THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT.

Resolution #2013-203-9 entitled ACKNOWLEDGING RECEIPT OF REPORT OF AUDIT FOR THE YEAR 2012.

Resolution #2013-203-10 entitled RESOLUTION ACCEPTING PROPOSAL FROM HORNER BROTHERS, LLC, FOR FENCING AT JOSEPH LAWRENCE PARK.

Resolution #2013-203-11 entitled RESOLUTION TO REFER APPLICATION OF QUICK CHECK TO THE TOWNSHIP PLANNING BOARD FOR REVIEW AND RECOMMENDATION.

Resolution #2013-203-12 entitled RESOLUTION ADOPTING THE AMENDED CASH MANAGEMENT PLAN FOR THE YEAR 2013.

Resolution #2013-203-13 entitled AMEND JOSEPH LAWRENCE PARK PEDESTRIAN/BIKE PATH CONTRACT WITH PARAMOUNT ENTERPRISES, INC. AND APPROVE CHANGE ORDER NO. 2 FINAL AND APPROVE FINAL PAYMENT.

Resolution #2013-203-14 entitled RESOLUTION SUPPORTING PLANNING BOARD'S CONSIDERATION OF AN AMENDMENT TO THE MASTER PLAN CIRCULATION ELEMENT.

Resolution #2013-203-15 entitled RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO ROOF DIAGNOSTICS SOLAR.

Resolution #2013-203-16 entitled AWARDING A CONTRACT TO UNIVERSAL CONSTRUCTORS, INC. FOR THE INTERSECTION OF GLEN ROAD AND ORCHARD AVENUE EMERGENCY REPAIR IN ACCORDANCE WITH N.J.S.A. 40A:11-6.

Resolution #2013-203-16A entitled A RESOLUTION TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE AN AGREEMENT OF SALE WHEREBY THE TOWNSHIP OF BORDENTOWN WILL PURCHASE THE PROPERTY KNOWN AS 266 CROSSWICKS ROAD IN THE TOWNSHIP OF BORDENTOWN.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-203-6 through #2013-203-16A.

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

At this time, Deputy Mayor Popko 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

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NAY: None

MICHAEL DAUBER, 23 Yorktown Road: Mr. Dauber asked where the fencing was being installed at Joseph Lawrence Park (Resolution #2013-203-10). Mayor Cann responded they are replacing and increasing the height of the wire fencing in the rear of the residents' properties along Willow Road.

Mr. Dauber asked for the purchase price of 266 Crosswicks Road (Resolution #2013-203-16A). Mayor Cann responded, \$550,000.

WALT KOSUL, 539 Route 206: Mr. Kosul asked about Resolution #2013-203-11. Mayor Cann responded that this is Waterfront property and it's being referred to the Planning Board for their review and comments back to the Township Committee.

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked for more information on Resolution #2013-203-14. Mayor Cann responded that the Circulation Plan on the Master Plan has been amended to accommodate a by-pass road from Rising Sun to Dunns Mill Road, which will solve traffic problems on three roadways. He reviewed the status of the project.

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

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan excluding Resolution #2013-203-16A, Deputy Mayor Popko, Mayor Cann

NAY: None

Public Hearing on Ordinance #2013-14 entitled AN ORDINANCE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND ON PUBLIC PROPERTY, INCLUDING PARKS AND RECREATION AREAS OF THE TOWNSHIP OF BORDENTOWN.

At this time, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2013-14 seconded by Committeeman Benowitz.

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

NAY: None

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SID MORGINSTIN, 849 East Drive: Mr. Morginstin said many cigarette butts were found at the Northern Community park clean-up, and he is pleased with this ordinance.

KIM BURNS, from Tobacco-Free for a Health New Jersey: Ms. Burns thanked the Township Committee for proposing the ordinance. She said it protects the environment and the kids. She presented a grant from the Office of Tobacco Control of the N.J. Department of Health for free signage for the Township parks.

MICHAEL DAUBER, 23 Yorktown Road: Mr. Dauber inquired about the section of the ordinance referring to smoking on motorcycles and in the parking area.

Seeing no further public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2013-14; seconded by Committeeman Benowitz.

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

NAY: None

Consideration of Adoption of Ordinance #2013-14 entitled AN ORDINANCE REGULATING SMOKING IN AND UPON PUBLIC BUILDINGS AND ON PUBLIC PROPERTY, INCLUDING PARKS AND RECREATION AREAS OF THE TOWNSHIP OF BORDENTOWN.

At this time, Deputy Mayor Popko made a motion to adopt Ordinance #2013-14; seconded by Committeeman Benowitz.

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

NAY: None

Public Hearing on Ordinance #2013-15 entitled AN ORDINANCE ESTABLISHING A CODE OF CONDUCT FOR SOLICITORS AND CANVASSERS AND PROVIDING FOR A REGISTRY FOR RESIDENTS WHO WISH TO BE PLACED ON A "DO NOT SOLICIT" LIST.

MAYOR CANN: Mayor Cann said that this ordinance be pulled so additional language can be added from the material received from Attorney Kearns. He said he would like to limit the hours of solicitation from 9:00 am to 6:00 pm excluding anything protected by free speech; i.e. religious, political, non-profit organizations, etc. He also asked that the list of permitted solicitors be placed on the Township's website and on the bulletin board. The ordinance should state who the residents should contact if the solicitor does not have proper identification. Committeeman Moynihan suggested limiting the days of the week for commercial businesses, and he would like the hours to be 9:00 am to 5:00 pm. Deputy Mayor Popko asked that notification be made to the Senior Center. It was agreed to have the public hearing, but it would re-introduced at the next meeting with changes.

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At this time, Deputy Mayor Popko made a motion to open the public hearing on Ordinance #2013-15 seconded by Committeeman Feltes.

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

NAY: None

MICHAEL DAUBER, 23 Yorktown Road: Mr. Dauber commented about the section regarding code of conduct: if a resident puts up sign, "do not solicit", the solicitor could ignore it. He gave suggestions for a do not solicit registry that could be maintained at the Township. He added that the way the ordinance is written, they would be exempt. Attorney Kearns stated the ordinance will be revisited.

SID MORGINSTIN, 849 East Drive: Mr. Morginstin gave suggestions making the ordinance more specific. He questioned the 9 am to 5 pm hours. Mayor Cann responded that this is a little more restrictive.

JIM MCGUIRE, 16 Pine Avenue: Mr. McGuire asked that the 9:00 pm hour be reduced.

Seeing no further public comment, Deputy Mayor Popko made a motion to close the public hearing on Ordinance #2013-15; 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 a motion to pull the adoption of Ordinance #2013-15 for further review and re-introduction in order to revise the proposed ordinance to re-introduce with changes; seconded by Committeeman Feltes.

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

NAY: None

COMMITTEEMAN FELTES: Committeeman Feltes inquired how this would affect the Village Grande at Crosswicks Creek. Attorney Kearns responded that they have their own regulations, and they can block the commercial solicitations.

The Township Committee agreed to the following: limit solicitation Monday through Saturday from 9 am to 6 pm, a registry would be created, maintain a list of organizations on the website and social media sites, posting in the Township's public places, and instruction on who to call if a resident receives an unlicensed solicitor.

Township Committee discussion of Bordentown City Water Department Fire Hydrant Flushing.

Mayor Cann stated that a resident from Williamsburg Village had said there was a recent fire and when the fire hydrant was recently opened, mud was released for about 5-7 minutes before clear water came out. He spoke to one of the fire department officials who said it was only about 1 minute. Police Chief Nucera explained that he met with the Water Department and it was determined that the Williamsburg Village fire hydrants are being paid by the Homeowner's Association. Williamsburg Village is the only private development that is not covered; the Fire District will be including this in this coming year's budget. Arrangements have been made to correct this. Flushing of the hydrants has been scheduled starting with Williamsburg Village. A copy will be forwarded to the Municipal Clerk's Office.

Committeeman Moynihan inquired if they do any general system maintenance. He also asked about a discount for low income senior citizens. Mayor Lynch of Bordentown City was supposed to look into this last year.

MAYOR CANN: In regard to Resolution #2013-203-16 for emergency repair, Mayor Cann said there was a sink hole that occurred at Glen Road and Orchard Avenue. He said the engineer's estimate was approximately \$300,000-\$500,000 for the entire repair, and it is included in the FEMA application on Jumble Gut Run submitted by Emergency Management Coordinator, Andy Law. Mayor Cann described the progress at that location.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said the Economic Development Advisory Committee met on July 9, 2013. A mission statement has been completed. The Master Plan revisited 2008 list of commercial properties and businesses were discussed. A list of businesses for the website was discussed, and a form will be sent out requesting information. A breakfast meeting at Town and Country will tentatively occur the end of September.

In regard to Public Works, the nets at Northern Community Park will be installed this week. Park maintenance is ongoing. There are plumbing concerns at the Senior Center.

COMMITTEEMAN FELTES: In regard to the Animal Control Officer where there is a Shared Service Agreement, Committeeman Feltes said that it is continuing to be monitored for determination of the time dedicated to that task. There may be a need for an additional public works employee to pick up the loss of work productivity because of Animal Control.

The Parks and Recreations Committee changed their meeting date so they could attend the Music in the Park. They discussed Wellness Day which is scheduled for October 12, 2013. Research is being done on the prospective dog park at Northern Community Park. He is forwarding information to a resident who is interested in pursuing the feral cat problem.

He asked the Public Works Department if they could repair the Municipal sign located on Municipal Drive and Route 206.

Committeeman Feltes said he has received complaints about the former World Class Motors building on Groveville Road and Route 130. It is in disrepair and people are using it as a dumpsite.

Committeeman Feltes gave an update on the hiring of the first female police officer. Chief Nucera said that they received a grant and are purchasing license plate readers.

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COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said that the Veteran's Advisory Committee did not have a meeting this month.

The Sewerage Authority had a meeting July 15, 2013. There was a discussion of the Ocean Spray shut-down timeline. Last production line will be closed May 2014. There was discussion and a report from the Sewer Authority Engineer regarding development pressure in the Township. There was notice of a follow-up meeting the next day with Rockefeller Warehouse Group. The Sewer Authority is doing a vender demo of manhole product on August 8, 2013.

The School Board met on July 17, 2013. They discussed transfer of principals between the elementary school and the intermediate school and the hiring of the staffing services company to provide teacher's aides. Regarding the resolution in May to request an investigation into the solar bond issue, Mr. Jim Donnelly, Investigator in the Office of the State Comptroller, has referred the matter to the Department of Community Affairs, Local Government Services Division. Mayor Cann added that he had an informal conversation with Lisa Hartmann, School Board Chairperson, and she wants to set up a meeting on this subject.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said there was a problem with garbage pick-up this week.

Music in the Park was successful, and there are two more bands playing for this week. There is an added show scheduled on August 1, 2013.

The Environmental Commission met. The community garden has been on-going with a lot of participation. They are working on the fleet inventory with Public Works Department and a green purchasing policy. There are two new campaigns: a No idling Campaign and a Grass Cut It and Leave it Campaign. There is a problem with grass dumping in the parks and waterways.

She met with Andy Law, Emergency Management Coordinator, and she is setting up a table to distribute information on July 27, 2013 at Home Depot. They are partnering with them for a hurricane preparedness program.

MAYOR CANN: Mayor Cann said the Christ Church is having a ceremony on September 14, 2013 to honor Lt. McCall who was in the War of 1812 and received the Congressional Medal of Honor and is buried in their Church Yard. They are soliciting personal donations for a plaque to honor him.

The Burlington County Chamber of Commerce has offered a discount for the Township to join the Commerce.

The Senior Olympics is being held in Woodbridge on September 6, 7, & 8. They want the Township to sponsor some of our local seniors. The notice will be posted.

The Planning Board is amending the Master Plan Circulation. There will be a Public Hearing at their next meeting.

The Township budgeted for codification of the ordinances, which hasn't been done in 11 years. Three companies have been contacted for bids, since there is a limited amount of companies who do this.

The Health and Wellness Fair is scheduled for October 12, 2013. Several events are scheduled. This fair will benefit the health and wellness of the community, as well as two families.

In regard to the unkept property at 67 Charles Bossert Drive, Police Chief Nucera contacted the new mortgage company and they will be reimbursing our Public Works Department for cleaning the site.

In regard to the Sewerage Authority, Mayor Cann stated that it is their intention to still have any new business coming into the Township pay heavily for infrastructure improvements. He said it is

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problematic and not the way to bring business into the Township and it will benefit the City as opposed to the Township.

In regard to Orchard and Glen Road, Emergency Management Coordinator, Andy Law, went out to the sinkhole, and there are local aide grants that may be available and applicable to this project.

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

JEFF ALBERTSON, FULTON BANK, NJ, (K. Johnson Redevelopment Area): Mr. Albertson stated that an application for sign approval was presented to the Township Committee which was forwarded and heard at the July 11, 2013 Planning Board Meeting. Mr. Albertson said that some of the application a resolution was passed by the Planning Board recommending that the Governing Body adopt the sign application as modified. Township Clerk said she did not receive a resolution from the Planning Board. The bank wants to open for business in a few weeks. Mayor Cann responded that the signage that was approved at the Planning Board meeting is consistent with the previously allowed signage at other buildings. A Special Meeting will be scheduled for Thursday, July 25, 2013 at 5:00 pm, and a resolution from the Planning Board should be received prior to that. Mr. Albertson said that Community Development Director, Marty Sander, should have the approved plans. Township Clerk Eckert asked Mr. Albertson to e-mail them directly to her.

At this time, Committeeman Feltes made a motion to schedule a Special Meeting for Thursday, July 25, 2013 at 5:00 pm; 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 thanked the Township Committee for getting the Agenda onto Facebook.

Mr. Dauber inquired about the codification of ordinances. Mayor Cann replied that the approved codification will include getting it on-line with an annual fee that updates it every 90 days.

He asked if there were other areas in the Township that needed to be deemed redevelopment areas. Mayor Cann replied that it would be premature to start a redevelopment when purchasers are in place for current properties. In addition, the (proposed) by-pass will change the character of the property on Route 130.

In regard to the Do-Not-Solicit ordinance, Mr. Dauber asked if the violation could also apply to residents who have a "do-not-solicitor" or "do-not-trespass" sign hanging up. Attorney Kearns responded that he thought this could be done.

WALT KOSUL, 539 Route 206: Mr. Kosul asked why the applicants for Quick Check showed up. Mayor Cann responded they were not advised to show up, were told it was not going to be on the

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Agenda, and if they stayed he would have allowed them to do an informal presentation. In order to streamline the process, they were advised to go directly to the Planning Board to make a full formal presentation, and then the Township Committee as the Redevelopment Authority would get the recommendations back from the Planning Board.

Mr. Kosul asked if the Township had any Bicycle or Heritage Trail Maps. Committeeman Feltes responded that Alaimo Engineers had them. Deputy Mayor Popko said she gave Police Chief Nucera one of the two books of the bike path maps. Township Clerk Eckert said these maps were to be kept in the Community Development Office for inspection.

DEAN BUHRER, 1021 Route 206: Mr. Buhner said that Fernbrook Farms does a lot to help out the Township. They take leaves free of charge and have donated 2 wagons that are used for the Haunted Hayride. They are an organic farm, a bed and breakfast, and run a day camp/school. In order to fund the camp/school, they are having their first annual 5K run which will be held Sunday, September 22, 2013. Mr. Buhner gave details of the run and said there was additional information on their website. He added that Fernbrook Farms is constantly asking for donations for supplies, and thought the Environmental Commission may be able to help.

Seeing no further comments, Deputy Mayor Popko 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

COMMITTEEMAN BENOWITZ: Committeeman Benowitz asked if it was practice to have incoming businesses or warehouses pay for all the infrastructure. Mayor Cann responded that the subject needs to be explored further with Attorney Kearns before having a public discussion.

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 Barbara Woolley-Dillon v. The Township of Bordentown litigation; seconded by Committeeman Feltes.

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 9:39 pm and reconvened the regular meeting at 10:00 pm.

At this time, Mayor Cann recused himself from this matter.

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Resolution #2013-203-16B entitled A RESOLUTION TO APPOINT ARBITRATOR FOR THE BARBARA WOOLLEY-DILLON V. TOWNSHIP OF BORDENTOWN LITIGATION MATTER.

At this time, Committeeman Moynihan made a motion to appoint an arbitrator, Mr. Francis Orlando, for the Barbara Woolley-Dillon v. Township of Bordentown Litigation Matter at the hourly rate of \$400 with a minimum fee of \$1,600 a session with terms as set forth in letter dated May 28, 2013; seconded by Committeeman Feltes.

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

NAY: None

RECUSED: Mayor Cann

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 Committeeman Feltes.

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 10:03 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK