

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
SEPTEMBER 16, 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 7:37 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 August 29, 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.

Presentation by Bordentown Waterfront Community, LLC, regarding Requested Amendments to Redevelopment Plan.

Robert Dale and Jeffrey Albert of Bordentown Waterfront Community, LLC, Redeveloper of the Waterfront were present to ask for two (2) changes to the Redevelopment Plan: 1) To allow retail sales of gas as an ancillary use with a convenience store, and 2) to give the Planning Board the authority to grant 24/7 operations for that use. The gasoline/convenience store was never suggested or presented in prior plans. The Township Committee agreed to send the request to the Planning Board for their review of concept and give recommendations before acting upon it. They asked the applicant to provide the Township Committee and Planning Board the location of the proposed gasoline/convenience store.

PAGE 2
REGULAR MEETING
SEPTEMBER 16, 2013

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that the Township Committee discussion with Engineer Turek regarding Environmental Testing Results for the Bordentown Township Public Works Expansion Project (Agenda Item #19) has been moved from Open to Closed Session. Attorney Kearns requested this because it involves potential litigation.

Mayor Cann announced that since there were several residents present from the Borden's Crossing Development to discuss the performance bonds and the unfinished work by the developers, he would move the Public Portion of the Agenda for this discussion before the Consent Agenda for tonight's meeting.

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

JOHN (INDISCERNIBLE), 250 Crescent Drive, Estates at Borden's Crossing: This resident expressed his concern about the builders leaving and not completing repairs. He asked if they could send a representative from their community to attend the meeting with the township officials and builder.

Mayor Cann said a meeting was scheduled to find out who was accepting responsibility. A meeting was held with KOR, Amboy Bank, D.R. Horton and Township Officials and Professionals. A letter of agreement between KOR and Amboy Bank indicated that Amboy Bank took over the whole project; however, Amboy Bank did not want to accept responsibility for the project. The Township has performance bonds and the Alternate Township Engineer is communicating with the bond company to exercise the bonds which will cover the cost to make sure these items are completed. Alternate Township Engineer Turek stated that the bonding company wants a list of items, which includes an improved set of drawings. Attorney Kearns stated the attorney for Borden's Crossing may be able to attend the meetings, but since it concerns litigation, it would be up to the bonding company. Bonds are public record. Mayor Cann asked that the homeowner's association send a short letter to the Township stating the name of the attorney representing them.

ALLISON HAMILTON, 215 Eclipse Drive, Estates at Borden's Crossing: Ms. Hamilton asked what the value was of the performance bonds. Mayor Cann responded she could inquire about the amount at the Municipal Clerk's Office. Alternate Township Engineer Fred Turek gave additional information on the status and answered several questions from Ms. Hamilton regarding the bonds and the future meeting. Mayor Cann said the Township will pursue getting the work completed. Ms. Hamilton also inquired about the replacement of the dead trees and the debt the residents acquired from the solar panels installed at the High School. Mayor Cann responded to these questions.

SIDNEY MORGINSTIN, 849 East Drive: Mr. Morginstin said he thought there was supposed to be a shopping center in front of the Borden's Crossing Development. Mayor Cann stated that the

PAGE 3
REGULAR MEETING
SEPTEMBER 16, 2013

approval is still there, and this will be addressed once the residential development's issues were taken care of.

DAVID MURRELL, 329 Crescent Drive, Estates at Borden's Crossing: Mr. Murrell asked how the HOA could be eliminated. Mayor Cann and Attorney Kearns commented. Mr. Murrell also discussed the water basins and the buffer next to his home.

ALLISON HAMILTON, 215 Eclipse Drive, Estates at Borden's Crossing: Ms. Hamilton commented on the basins.

ROBIN ALBANY, 402 Harvest Way: Ms. Albany also commented on the non-functioning, unmaintained basins in their development. Mayor Cann said the basins will be part of the punchlist. It was determined that the HOA is responsible for the basins. Alternate Township Engineer Turek stated that the basins are functioning, but the inlets that go to the basin are not functioning.

MAYOR CANN: Mayor Cann stated that he thought D.R. Horton is in the process of their contractual obligations; Amboy Bank and KOR are not. The only thing the Township can legally do is go after the bonds to make sure the work is done.

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

CONSENT AGENDA

Resolution #2013-259-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-259-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.

Resolution #2013-259-9 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

Resolution #2013-259-10 entitled RESOLUTION AUTHORIZING MAYOR AND TOWNSHIP CLERK TO EXECUTE EXTENSION OF TRANSPORT AGREEMENT FOR BORDENTOWN TOWNSHIP EMS.

Resolution #2013-259-11 entitled AUTHORIZING FUNDING OF THE MACCS CONTRACT WITH AVR RESOURCE GROUP, INC.

Resolution #2013-259-12 entitled AUTHORIZING ISSUANCE OF A PUBLIC GATHERING PERMIT TO THE FOUNDATION FOR BORDENTOWN TRADITIONS.

PAGE 4
REGULAR MEETING
SEPTEMBER 16, 2013

Resolution #2013-259-13 entitled RESOLUTION AUTHORIZING A REFUND OF A CONSTRUCTION PERMIT FEE TO PALERMO'S RESTAURANT.

Resolution #2013-259-14 entitled RESOLUTION AUTHORIZING THE REFUND FOR CERTIFIED COPIES OF MARRIAGE LICENSE.

Resolution #2013-259-15 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT, PHASE II – SOIL SAMPLING.

Resolution #2013-259-16 entitled RESOLUTION AUTHORIZING APPROVAL FOR TUREK CONSULTING TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN TOWNSHIP BIKEWAY, PHASE 3 PROJECT - #BIKE2014-00041.

Resolution #2013-259-17 entitled RESOLUTION AUTHORIZING APPROVAL FOR TUREK CONSULTING TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN TOWNSHIP CHARLES BOSSERT DRIVE RECONSTRUCTION PROJECT #MA2014-00370.

Resolution #2013-259-18 entitled RESOLUTION AUTHORIZING APPROVAL FOR TUREK CONSULTING TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE BORDENTOWN TOWNSHIP EAST DRIVE RECONSTRUCTION PROJECT #MA2014-00466.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-259-7 through #2013-259-18.

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

Resolution #2013-259-7. Committeeman Feltes asked that more detail be placed on the bill list. Liaison Deputy Mayor Popko will follow-up with CFO Kocian.

Resolution #2013-259-8. There were typographical changes in the minutes of June 10, 2013 and June 24, 2013; Township Clerk Eckert will amend these minutes. Mayor Cann said he would be abstaining from the Regular and Closed Session minutes of August 26, 2013.

Resolution #2013-259-16. Alternate Engineer Fred Turek described the location of the Bicycle Path in Phase III.

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

PAGE 5
REGULAR MEETING
SEPTEMBER 16, 2013

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

NAY: None

SID MORGINSTIN, 849 East Drive: Mr. Morginstin asked if he could get a copy of the plan for the bike path as it pertains to Resolution #2013-259-16. He also commented on Resolution #2013-259-18 and said there are not enough storm drains on East Drive.

WALT KOSUL, 539 Route 206: Mr. Kosul asked if the bike path was part of the Heritage Trail. Mayor Cann responded that it is separate but connects to the Heritage Trail which is along the Delaware.

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

AYE: Committeeman Benowitz, Committeeman Feltes, Committeeman Moynihan with abstention to minutes of July 25, 2013 and No on Resolution #2013-259-15, Deputy Mayor Popko, Mayor Cann with abstention to Open and Closed minutes of August 26, 2013

NAY: None

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz said he attended the Senior Citizen Meetings on September 3, 2013 and September 16, 2013. Community Day, Halloween Luncheon, Christmas Luncheon, and the Food Bank Collection were discussed.

The Economic Development Advisory Committee met on September 10, 2013. The Mission Statement and meeting minutes will be placed on the website. The Business Breakfast will be held on September 30, 2013 at Town and Country. He has been contacting businesses to encourage them to attend and to get onto the Township's website.

On September 10, 2013, he attended the Northern Burlington County Chamber of Commerce meeting.

Community Day is Saturday, September 21, 2013 from 11:00-4:00. He thanked Angel Sauro and the Senior Citizen volunteers.

In regard to Public Works, park maintenance continues. They have been setting up for the Community Day event. Preparation is being made for the 4th Annual Wailing Woods Hayride which is scheduled for Friday, October 18, 2013 from 6:00-11:00.

There is an ADHOC Sign Committee meeting scheduled for October 4, 2013 with Township Planner Carman with possible changes to the sign ordinance.

PAGE 6
REGULAR MEETING
SEPTEMBER 16, 2013

COMMITTEEMAN FELTES: Staffing in the Police Department is moving forward. In regard to the Animal Control Officer, there are a lot of calls from Florence Township. Police Chief Nucera is examining the issue to renegotiate the terms of the agreement.

COMMITTEEMAN MOYNIHAN: Committeeman Moynihan said that the Veteran's Advisory Committee met on September 3, 2013 and they will be manning a booth at Community Day. They are also planning a car show tentatively scheduled for October 27, 2013. He acknowledged a generous contribution from Committeeman Benowitz towards the Veteran's Memorial.

The School Board met on September 11, 2013. They will display the Honor and Remember Flag at a Memorial Center at the high school. Superintendent Bauer thanked the Township Police Department for their execution of an active shooter drill that was held during the summer. The meeting was attended by many BREA members in anticipation to getting their contract.

In regard to the City Water Department, Mayor Malone is following up on potentially getting a discount for low income seniors on their water bill.

The Sewerage Authority met tonight prior to this meeting. They have a contingency plan in place in case the foundation for the bridge in Bossert Park collapses and takes the sewer main with it. There was discussion about the connection fee calculation for the Central Crossing project.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said the Environmental Commission will be meeting September 17, 2013. The Girl Scouts will be involved with the Green Team. The ERI is complete. The community garden is continuing to be harvest and deliveries are being made.

In regard to Emergency Management, the Sandy grant is complete and has been submitted. They are currently working on completing an ordinance on Emergency Planning.

She attended the Fire District #1 meeting. They will be having an election and want to bond for a new fire engine and repair of the station and rolling over the existing debt service and with no increase to taxpayers.

She submitted two grants for dog parks.

She has been meeting with the Bordentown Arts Commission to discuss combining our Music in the Park with their Winter Music Program.

MAYOR CANN: Mayor Cann said the Township Committee forwarded to the Planning Board the Dunkin Donuts application. Although the Bottom Dollar application was originally heard by the Planning Board and it is in a redevelopment area, it will be heard by the Zoning Board.

Mayor Cann was contacted by the liaison to the Mayor's Office in the Intergovernmental Agency (IGA) advising him that the Township was awarded \$71,500 for the Rising Sun and Dunns Mill Road traffic light.

There was a meeting with the Sewerage Authority regarding the Bossert Bridge. Part of the responsibility for the deteriorating culvert is due to their pipe and they should be responsible for partial payment. The Alternate Township Engineer is looking into what needs to be done to repair the bridge. Committeeman Benowitz said this subject came up at the Sewerage Authority meeting and they were taking no responsibility for it.

In regard to the Rock-IDI warehouse project, the sewage connection fees and infrastructure requests are causing a lot of consternation but the Township is still moving forward, and he has been told that they are moving towards finalizing the contract. Mayor Cann and Police Chief Nucera have been lining up the appropriate state and county officials in case assistance is needed. Committeeman Benowitz said he attended the Sewerage Authority meeting where they said that the Township should be giving concessions by giving tax breaks like on other projects.

PAGE 7
REGULAR MEETING
SEPTEMBER 16, 2013

The Hedding Road repaving project was completed before the opening of school. Palmer Avenue was also paved.

There is a meeting scheduled with Kevin Johnson regarding the Team Campus project on Wednesday, September 18, 2013 to resolve outstanding issues.

The Township met with the County Engineer, Marty Livingston to discuss the proposed by-pass road. The DVRPC study should be complete by the end of September. The video of how it will eventually look will be done in November. Installing a round-about may be an option.

Mayor Cann said that there is business potential at the old Maguire property.

There was a presentation about the Township's bond rating. Mayor Cann will distribute copies of the presentation to the Township Committee.

There is a letter of appreciation from resident, Chris Carty thanking the Township for helping to get debris and brush cleaned up adjacent to her property.

There is a N.J. Complete Streets Summit on October 21, 2013 in New Brunswick.

There is a 22nd Mayor's Annual Luncheon on November 20, 2013.

On September 23rd, there is the State of the County. The Keynote speaker is Kim Guagno.

The N.J. Shade Tree Federation is having their 80th Annual Conference October 25 & 26, 2013 in Philadelphia and Cherry Hill. Fernbrook Nurseries is involved with it.

The Sunoco Pipeline are operating high pressure in our area and have information for the public.

Mayor Cann received a letter dated August 30, 2013 regarding overdue 2011 statistical reports. Municipal receiving Clean Communities Grants Funds are required by Clean Communities Act to submit statistical reports to the Clean Communities Councils.

The Board of Chosen Freeholders is moving ahead with single-stream recycling. Information is on their website, and it will be placed on the Township's website.

A letter was received from Superintendent Constance Bauer thanking the Senior Citizen's for the book bag and school supplies donations for students in need.

The 8th Annual Women's Business Forum will be held October 3, 2013, 8:00-3:00 at Burlington County College.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said she has been communicating with N.J. Transit to work on a quiet zone for the railroad tracks at the Waterfront Community.

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

ROGER PLEW, 117 Philmont Avenue: Mr. Plew asked if the Township Committee could be appointed as Township representatives at the Sewerage Authority. Attorney Kearns responded, yes and would not be a violation of the Sunshine Law because it is a separate body. The Sewerage Authority statute allows the appointment of governing body members. The Water Authority is a Department in the City, not an authority. Bordentown City currently has three council members on the Sewerage Authority, and the Township can appoint Committee members once the appointments are up.

PAGE 8
REGULAR MEETING
SEPTEMBER 16, 2013

DEPUTY MAYOR POPKO: Deputy Mayor Popko thanked Roger Plew for his work not only for the Environmental Commission, but also for getting the Environmental Resource Inventory (ERI) organized.

WALT KOSUL, 539 Route 206: Mr. Kosul asked Alternate Township Engineer Fred Turek if he could review his plans; particularly the soil and foundation permits. Mr. Turek responded that the plans in his office are not public documents and are not subject to OPRA. Mr. Kosul was advised that the permits are kept in the Construction Office.

Mr. Kosul asked if there was a conflict between the Redevelopment Plan and the Master Plan. Mayor Cann responded that it was the old REO Zone and the uses have changed because of the Plan. Attorney Kearns responded that the Redevelopment Plan, once it is adopted, serves as an amendment to the Master Plan.

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

- Presentation by Deputy Mayor Popko of the Environmental Resource Inventory Final Report.
(refreshments to follow presentation)

Roger Plew distributed copies of the Environmental Resource Inventory (ERI) Final Report. It will be placed on the Township website.

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 this Regular Meeting to meet in Closed Session for the purpose of discussing Public Works Expansion Contract Matter; Community Development Personnel Matter; Solid Waste Collection Services Contract Matter; Police Department Contract Matter; Professional Services Contract Matter; Ordinance Codification Contract Matter; Meadow Run, Phase 1 Settlement Agreement (Potential Litigation); seconded by Committeeman Benowitz.

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 10:07 pm and reconvened the regular meeting at 11:54 pm.

Regarding the Public Works Expansion, a consensus was made to have a letter sent once the report from Arecon is received.

PAGE 9
REGULAR MEETING
SEPTEMBER 16, 2013

At this time, Committeeman Benowitz made a motion to hire Brian Johnson as Community Development Director and Engineer at a salary of \$90,000 effective September 17, 2013 or as soon as he can start; seconded by Committeeman Feltes.

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

NAY: Deputy Mayor Popko

Resolution #2013-259-18A entitled AUTHORIZING THE SETTLEMENT OF THE BONDING CLAIM FOR MEADOW RUN PHASE I.

At this time, Committeeman Feltes made a motion to approve Resolution #2013-259-18A; 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 authorize for the Clerk Administrator to advise General Code that they will receive the contract for \$17,500 for ordinance codification which will be formally awarded at the next meeting by resolution. There will also be attorney review fee of \$3,500; seconded Committeeman Benowitz.

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

NAY: None

At this time, Committeeman Benowitz 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

NAY: None

The regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 11:57 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK