

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
SEPTEMBER 30, 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
Chief Financial Officer David Kocian
Chief of Police Frank M. Nucera, Jr.

ABSENT: Attorney William J. Kearns, Jr.
Public Works Director Dean Buhner

Mayor Cann called the meeting to order at approximately 7:34 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.

Administration of Oath of Office to Jessica Meyer, Police Officer. At this time, Township Clerk Eckert administered the Oath of the Office to Jessica Meyer, the Township's first woman police officer.

MAYOR CANN: Mayor Cann announced that notification was just received that the Township's bond rating had been upgraded. The bond rating had been AA negative with a negative outlook and is now a AA rating with a stable outlook.

Presentation by Fred Turek, Alternate Township Engineer, regarding various Improvements to Bossert Park.

Alternate Township Engineer, Fred Turek, gave a presentation on the Bossert Park Improvements. The tot-lot will be removed from its existing location and a new one installed near Thorntown Lane and a couple of picnic stations will be placed. A fitness station will be on the other side of the bridge next to Charles Bossert Drive. The basketball half-courts will be towards the pump station, with the existing half-court near the homes being removed.

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WILLIAM HARTMAN, 28 Vine Way: Mr. Hartman expressed his concern about security. Police Chief Nucera replied that he hoped these improvements would eliminate a large percentage of kids loitering and enhance security in the area. Mayor Cann added this will separate the older and younger aged kids.

JOHN SMITH, 8 Vine Way: Mr. Smith asked about the status of the bridge and the stream. Mayor Cann responded that Deputy Mayor Popko and others planted 75 trees to assist with the erosion. This area was formerly mowed by the Public Works Department. In regard to the bridge, the abutment that is deteriorating carries a sewer main. The Township has been awaiting a response from the Sewer Authority, and there are different options for repair. Police Chief Nucera said that the Sewer Authority is making arrangements so that if the sewer line were to rupture, it would be plugged and the pumping station would continue to be used, which does not solve the problem. The Sewer Authority Engineer, the Township, and the Alternate Township Engineer will be working together to see if it could be fixed correctly with both entities sharing the cost.

BILL SYLVESTER, 26 Vine Way: Mr. Sylvester asked if there was a rendering to look at. It will be placed on the Township's website.

EVE ZIEGLER, 72 Eaton Road: Mayor Cann responded to Ms. Ziegler stating that a majority of the old blacktop is being removed. Police Chief Nucera said that it is a dusk to dawn park and will check that the lights behind her property are going out at night. Mr. Ziegler (and others) said that no one uses the basketball courts.

DOROTHY ROMANO, 23 Thorntown Lane: Ms. Romano said that it is not safe for her boys to play basketball where the courts are now located. Mayor Cann responded that due to the uneven pitch of the land and wetlands, everything cannot be in one spot. Ms. Romano also inquired if anything would be done about speeding cars down Thorntown Lane. She suggested installing speed bumps. Currently, there are radar speed traps all over the Township. Police Chief Nucera said they are trying to come up with a plan for the intersection, including making it a three-way stop.

MIKE DAUBER, 23 Yorktown Road: Mr. Dauber asked if there was any ADA accessible playground equipment. Alternate Township Engineer responded the seesaw was ADA compliant. Mr. Dauber asked what the cost was for park improvements. Alternate Township Engineer responded, approximately \$70,000. Mr. Dauber asked about intention for the leftover grant money and the \$60,000 received this year. Mayor Cann said that it may be used for the repair of the bridge.

CATHERINE GUTTERSON, 46 Eaton Road: Ms. Gutterson said there is nothing being done with the existing condition of the park. There are a lot of dangerous trees that can fall on the kids, and she said more should be done about the Eaton Road side of the creek. Deputy Mayor Popko said she would bring Ms. Gutterson's photos of the park to the Public Works Department to put on their agenda of things to do. There are many downed trees from Hurricane Sandy. Ms. Gutterson asked if a bridge on the other side could be put in to make it a round, continuous park.

NANCY WILLIS, 5 Bayberry Drive: Ms. Willis said she walks her dog on the wood-chip walking path and it is full of breeding mosquitoes. She said it looks bad and was a bad idea. Ms. Willis said the creek also needs to be cleaned up. Mayor Cann said that the path is not complete, and pulverized chips needs to be placed on top of the larger wood chips.

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JOSEPH NASATKA, 32 Vine Way: Mr. Nasatka asked how far off his property it would be. Alternate Township Engineer Turek said it is 75-100 feet from the property line.

DEBBIE HARTMAN, 28 Vine Way: Ms. Hartman said there are people walking their dogs in the park that do not pick up after them. There will be a doggie station installed (not a dog park). Deputy Mayor Popko said the station does improve and people do start picking up after their dogs.

UNIDENTIFIED SPEAKER: (Unidentified Speaker) asked if this has been approved. Mayor Cann responded that this is what the Township plans to do with the park money and comments will be taken into consideration by the Township Committee. Deputy Mayor Popko said that the residents were concerned with the upkeep of the park, and the Township will be proactive in the future. The plan will be reviewed and presented again at the October 28, 2013 Township Committee Meeting.

Seeing no further comments, Deputy Mayor Popko made a motion to close the public portion of the meeting regarding the proposed Charles Bossert Park improvements; seconded by Committeeman Benowitz.

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

NAY: None

Mayor's Proclamation proclaiming October 10, 2013, as "Put the Brakes on Fatalities Day". At this time, Mayor Cann read the Proclamation into the record.

Appointment of Planning Board Member. At this time, Mayor Cann made the following appointment to the Planning Board:

Class IV Member – 4 Year Unexpired Term Expiring 12/31/13: Timothy Fairlie
(Previously serving in Alternate #1 position.)

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that there was nothing to report.

CONSENT AGENDA

Resolution #2013-273-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2013-273-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2013-273-11 entitled AUTHORIZING REFUND OF TAX SALE PREMIUM.

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Resolution #2013-273-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2013-273-13 entitled RESOLUTION TO APPOINT COMMUNITY DEVELOPMENT DIRECTOR/ENGINEER.

Resolution #2013-273-14 entitled RESOLUTION ACCEPTING PROPOSAL FROM GENERAL CODE FOR THE RECODIFICATION OF BORDENTOWN TOWNSHIP ORDINANCES.

Resolution #2013-273-15 entitled RESOLUTION TO ACCEPT PROPOSAL FROM WILLIAM J. KEARNS, JR., ESQ., FOR THE SUPERVISION OF THE ORDINANCE CODIFICATION PROJECT FOR THE TOWNSHIP OF BORDENTOWN.

Resolution #2013-273-16 entitled RESOLUTION AUTHORIZING THE TOWNSHIP CLERK TO ACCEPT FORMAL BIDS FOR SOLID WASTE COLLECTION.

Resolution #2013-273-17 entitled APPOINTMENT OF MEMBER TO ZONING BOARD OF ADJUSTMENT.

Resolution #2013-273-18 entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY AND TOWNSHIP OF BORDENTOWN FOR A SUB-GRANT OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS FOR FISCAL YEAR 2013 IN THE AMOUNT OF \$65,000 TO ACCOMPLISH IMPROVEMENTS TO NORTHERN COMMUNITY PARK.

Township Committee review and discussion of Consent Agenda Items Resolutions #2013-273-9 through #2013-273-18.

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

Resolution #2013-259-8. There were typographical changes in the minutes of September 16, 2013; Township Clerk Eckert will amend the minutes.

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

MIKE DAUBER, 23 Yorktown Road: Mr. Dauber stated that the grant for \$99,600 was in 2012. Regarding Resolution #2013-273-13, Mr. Dauber asked what has been charged back to reduce the

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Community Development Director/Engineer's salary to reduce costs. Mayor Cann responded that the former Community Development Director, Marty Sander, was first familiarized with his job and had not gotten to that point before the end of his employment; the current Community Development Director will be billing for engineering services on projects.

WALT KOSUL, 539 Route 206: Mr. Kosul asked if the bids on solid waste collection were for once or twice a week pick-up. He'd like to see twice a week pick-up. Mayor Cann responded that twice a week will be considered in the summer months only.

JOE NASATKA, 32 Vine Way: Mr. Nasatka asked how the Township knows that the solid waste collector is not picking up private businesses and putting on the Township account. Police Chief Nucera said this is checked on a regular basis and that a company had been caught bringing trash in from East Windsor.

CFO KOCIAN: CFO Kocian stated that a Bond Ordinance is required for the Park Grant with two readings.

Seeing no further 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

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, Deputy Mayor Popko, Mayor Cann

NAY: None

Township Committee discussion regarding Request to Bordentown City Water Department for Low-Income Senior Citizen Discounts on Water Rates

Committeeman Moynihan suggested that a formal letter be sent to Bordentown City Water Department requesting discount on water rates for low-income senior citizens. This discount is similar to the discount that low-income seniors presently receive with the Sewer Authority. The Township Committee supported this. Township Clerk Eckert will forward a copy to Mayor Cann of the letter previously drafted by Committeeman Moynihan.

Township Committee discussion of Best Practices Checklist

Police Chief Nucera said that he and CFO Kocian reviewed the Best Practices Worksheet. This is the Checklist required by the State so that the Township does not get docked 5% of aide. He reviewed the

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“no” answers and said they will work on these for the next round of questions. The Township Committee accepted the Checklist, it will be certified, and be submitted to the State.

TOWNSHIP COMMITTEE AND STAFF REPORTS

COMMITTEEMAN BENOWITZ: Committeeman Benowitz announced that Public Works has been working on the trail for the Wailing Woods Haunted Hayride to be held at Joseph Lawrence Park. Bordentown Foundation for Traditions is assisting in the front area.

Inlet drains in the Township are being regularly maintained with the rebuilding of one on Groveville Road. Palmer Avenue and Bordentown-Hedding Road repairs have been made. There are two Public Works employees back to work restricted to light duty only.

Community Day held September 21, 2013 was successful.

Committeeman Benowitz said that the first Bordentown Township Economic Development Committee Business Breakfast was held at Town and Country Diner today. There were approximately 60 attendees. This will be continued quarterly.

COMMITTEEMAN FELTES: Committeeman Feltes said he distributed notices regarding the single-stream recycling throughout Village Grande so residents could up-size their recycling containers.

In regard to the Animal Control Officer, Police Chief Nucera said the daily calls were interfering with the Public Works Department's tasks; these calls are now subsiding. Police Chief Nucera said that calls are now being verified before calling the Animal Control Officer.

The Construction Office is working on a solar ordinance that will be presented to the Township Committee for consideration.

The first female police officer was sworn in tonight, and the Public Works Department is working to upgrade the facility to accommodate her.

Committeeman Feltes said he read a newspaper article that said a developer was proposing to build a bridge to Burlington Island with a bridge into Newbold Island. Mayor Cann added that DEP is restricting it to passive/preservation. It would have to be entered through Mansfield Township because PSE&G owns that. The front half which is owned by Waterfront, DEP required it to be preserved because of evidence of a bald eagle. There is a free standing basin there filled with water creating a health hazard that needs to be addressed by PSE&G.

The Village Grande at Crosswicks Creek Homeowners Association has been paying for the fire hydrants there. Police Chief Nucera said he brought that to the attention of District #1. This will be addressed for next year's budget.

There is \$78.6 million in the Transportation Trust Fund. Committeeman Feltes suggested making some phone calls to see how much could be obtained for the proposed Rising Sun by-pass road.

COMMITTEEMAN MOYNIHAN: The School Board met on September 25, 2013. The president reported that there was a tentative agreement with the BREA, but could not give details because it was not finalized. The School District has been designated as a high performance district by the State Department of Education. A Budget Committee has been appointed which consists of three school board members.

The Sewer Authority and Veteran's Advisory Committee has not met since the last meeting. The Veteran's Advisory Committee has a car show planned for October 27, 2013 at Veteran's Memorial Park/Joseph Lawrence Recreation Area.

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The tree planting by the N.J. Turnpike Authority will begin in the spring (February/March) for the landscape buffer between expansion and the properties off Holloway Lane.

In regard to the Sewer Authority Meeting, Committeeman Feltes asked about the recalculation of the 2011-2013 connection fee. Committeeman Moynihan said it went down, he believed, by 15%.

DEPUTY MAYOR POPKO: Deputy Mayor Popko said the Environmental Commission scheduled a Shredding Day event for November 2, 2013 at 10:00 a.m. They are working on updating the water conservation ordinance. They are meeting with the boy scouts and Township Planner, Jack Carman (they met previously with the girl scouts) about plantings around the Northern Community Park gazebo. The girl scouts want to do a poster contest for keeping it green.

In regard to Emergency Management, they are currently updating a flood-plain ordinance and continuing to work on the Emergency Management Plan ordinance.

They are working on the solar ordinance which the Environmental Commission initiated. It has been reviewed by the Construction Official, will be reviewed by the Community Development Director, and then returned to the Environmental Commission for presentation to the Township Committee.

Deputy Mayor Popko said she has been responding to complaints regarding the storm drains on Reichert Avenue in the By-water section. Police Chief Nucera said one of the trash guards on the storm drains was missing and the Public Works Department addressed the problem.

There were citations issued at the Delta Gas Station on Route 206 regarding various ordinance and zoning violations.

She is also working with a resident on Henry Marshall who has requested a fence for the side of their yard and is having trouble with the \$1,200 various fee deposit. Her daughter is autistic. Community Development Director will review the ordinance and possibly grant an administrative decision. Mayor Cann asked that counsel review this so it is not precedent setting.

Mission Firehouse is going to referendum with a \$1.5 million bond for infrastructure, roofing, and front and rear parking lots and driveways. Their bond counsel has not yet been appointed. Mayor Cann said the Township would like to set up a meeting with each of the Fire Districts regarding the possibility of merging the districts.

MAYOR CANN: Mayor Cann said he received a memo from Fred Turek regarding the 3 Grants from N.J. DOT local aide: Bikeway Phase III, the Charles Bossert Drive reconstruction, and the East Drive resurfacing have all been submitted and accepted.

The Township received a park award this year. Ms. Robbie commented that if you put in for multiple parks, they selected the lowest one to fund.

He received a letter from the Governor's Administration encouraging state workers, school, police and spouses to participate in new wellness initiatives. Rewards go to participants, and the Township is involved through the JIF.

Comcast announced they are continuing providing high speed internet services to local schools and libraries in New Jersey free of charge.

On Monday at the Rutgers student center in New Brunswick, there is a Complete Streets Summit. The Township has already met with N.J. DOT to discuss various traffic problems in the Township.

DEPUTY MAYOR POPKO: Deputy Mayor Popko added that Police Chief Nucera set up a meeting with the webmaster and Patrolman Pavlov who will be starting in-house internet and special media.

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

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

NAY: None

JOE NASATKA, 32 Vine Way: Mr. Nasatka inquired about the status of the solicitation ordinance. He said a religious group came to his home at 8:45 pm and made his dog bark which woke his two children up. Mayor Cann responded that the Township can't do anything about religious groups from 9:00 am to 9:00 pm; they are defended by the Supreme Court. The solicitation ordinance is in the process of being modified.

MIKE DAUBER, 23 Yorktown Road: Mr. Dauber said that a recent Supreme Court ruling that gave residents the right to have a do-not-disturb registry which cited what kind of solicitations they preferred. Mayor Cann said this would be referred to counsel for review. The Committee was concerned that this registry would be a lot of work.

In regard to Committeeman Moynihan's School Board Meeting report, Mr. Dauber said that the majority of New Jersey schools were high performance.

Regarding the zoning ordinance for the fence (Deputy Mayor Popko's report), he asked if an exception could be made for ADA.

Mr. Dauber asked what the cost was for paving Palmer Avenue. Police Chief Nucera responded that there was no payment yet but it would be minimum because it was the same company who did Hedding Road.

Mr. Dauber said that on September 16, 2013, Alternate Township Engineer Turek said he would bring an environmental report on the new Public Works property. Mr. Dauber said he filed an OPRA request with the Township Clerk but hasn't received it. Mayor Cann responded that the Township has not received the formal report. Arecon was discussing the results of the Environmental test at the Township Committee meeting, but there was no report. The discussion item was pulled at the request of the attorney because it was a contractual issue that is subject to litigation (and discussed in closed session).

WALT KOSUL, 539 Route 206: Mr. Kosul asked about the bald eagle's nest on Newbold Island. Mayor Cann responded that the eagle hunts and perches on Newbold Island but lives in Crystal Lake.

Mr. Kosul asked if there are candidates running and why they aren't at the Township Committee Meetings. Mayor Cann said he couldn't comment.

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

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

NAY: None

At this time, Deputy Mayor Popko made the following motion:

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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 Project Contract Matter and Solid Waste Collection Contract Matter; 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 9:48 pm and reconvened the regular meeting at 10:15 pm.

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 10:16 p.m.

JAMES CANN, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK