

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
DECEMBER 4, 2017

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 Stephen Benowitz
Deputy Mayor Eugene Fuzy
Committeeman James Cann
Committeeman Eric Holliday
Committeewoman Jill Popko (entered at 6:35 pm)
Committeeman-elect Kostoplis
Administrator Michael Theokas
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer Jeffrey Elsasser

ABSENT: Committeeman-elect Mason

Mayor Benowitz called the meeting to order at approximately 6:30 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 November 3, 2017, 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 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.

At this time, Deputy Mayor Fuzy 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:

--Affordable Housing Contract Matters.

--Environmental Litigation Matters.

--Bordentown Township Police Sergeants Association Contract Matter.

--Kevin Johnson Litigation Matter.

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It is anticipated that the deliberations conducted in closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:32 pm and reconvened the regular meeting at 7:30 pm.

ADMINISTRATIVE REVIEW

Township Clerk Eckert announced that a revised Resolution #2017-338-14 was given to each member of the Committee. And as a result of Closed Session, Resolution #2017-338-18A and Consideration of Introduction of Ordinance #2017-30 are being added.

CONSENT AGENDA

Resolution #2017-338-7 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2017-338-8 entitled RESOLUTION AUTHORIZING SUBMISSION OF MUNICIPAL ALLIANCE GRANT.

Resolution #2017-338-9 entitled RESOLUTION APPROVING FINAL CHANGE ORDER NO. BT-2 FOR ARAWAK PAVING COMPANY FOR THE 2014 ROAD PROGRAM.

Resolution #2017-338-10 entitled A RESOLUTION TO APPROVE THE SUBMITTAL OF A GRANT APPLICATION AND EXECUTE A GRANT CONTRACT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DUNNS MILL ROAD – RISING SUN ROAD CONNECTOR PROJECT.

Resolution #2017-338-11 entitled RELEASE OF PERFORMANCE GUARANTEE FOR BORDEN’S CROSSING PHASE IV, BLOCK 58 & 58.01, LOTS VARIOUS.

Resolution #2017-338-12 entitled RELEASE OF PERFORMANCE GUARANTEE FOR LONGWELL CROSS HOMES, LLC (EAST HAVEN WOODS – THORNTOWN LANE), BLOCK 66, LOTS 19 & 22.

Resolution #2017-338-13 entitled RELEASE OF PERFORMANCE GUARANTEE FOR CENTRAL CROSSING BUSINESS PARK – HEDDING ROAD IMPROVEMENTS BLOCK 137.01 & 138.12.

Resolution #2017-338-14 entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE GRANT AGREEMENTS WITH THE BURLINGTON

COUNTY BOARD OF CHOSEN FREEHOLDERS FOR THE BURLINGTON COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM.

Resolution #2017-338-15 entitled RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE AMENDED RECREATION AND OPEN SPACE INVENTORY (ROSI).

Resolution #2017-338-16 entitled AUTHORIZE SETTLEMENT OF 2015, 2016 AND 2017 TAX APPEALS FILED BY RIVERGATE URBAN RENEWAL COMPANY, LLC, AND BORDENTOWN WATERFRONT COMMUNITY, LLC, FOR THE PROPERTY IDENTIFIED AS BLOCK 140, LOT 5.01.

Resolution #2017-338-17 entitled ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM R.J. WALSH ASSOCIATES, INC., TO SUPPLY AND INSTALL FUEL TANKS FOR THE PUBLIC WORKS EXPANSION PROJECT (FINAL).

Resolution #2017-338-18 entitled RESOLUTION ACCEPTING THE SUPPLEMENTAL PROPOSAL FROM TUREK CONSULTING, LLC, FOR THE PUBLIC WORKS FACILITY EXPANSION PROJECT – ARCHITECTURAL & SITE PLAN PREPARATION.

Resolution #2017-338-18A entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN APPROVING THE MEMORANDUM OF AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN AND THE BORDENTOWN TOWNSHIP POLICE SERGEANT'S ASSOCIATION.

Township Committee review and discussion of Consent Agenda Items Resolutions #2017-338-7 through #2017-338-18A. Committeeman Cann and Mayor Benowitz commented/asked questions on the Consent Agenda.

Resolution #2017-338-17. Committeeman Cann asked if Township Engineer Fred Turek received the up to date certified payrolls and project manning reports for this project. After discussion, it was decided the resolution would be adopted upon submission of required documentation.

At this time, Committeeman Holliday made a motion to open to the public the consent agenda items; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no comments, Deputy Mayor Fuzy made a motion to close to the public; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

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At this time, Committeeman Cann made a motion to adopt the Consent Agenda with submission of required documentation for Resolution #2017-338-17; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Public Hearing on Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.

At this time, Committeeman Cann made a motion to open the public hearing on Ordinance #2017-26; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no public comment, Deputy Mayor Fuzy made a motion to close the public hearing on Ordinance #2017-26; seconded by Committeeman Cann.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2017-26 entitled AN ORDINANCE REGARDING WIRELESS FACILITIES, AMENDING CHAPTER 25, THE LAND DEVELOPMENT ORDINANCE OF THE TOWNSHIP OF BORDENTOWN.

COMMITTEEWOMAN POPKO: Committeewoman Popko asked if the Planning Board's inability to recommend at this time, would it be problematic if Verizon came in now. Attorney Fahey responded that based on Verizon's submissions, they are not impacted by the Planning Board comments. Verizon's installation is at the top of the pole and a small cabinet. The ordinance does provide for heights and measures. This also establishes a review procedure.

At this time, Deputy Mayor Fuzy made a motion to adopt Ordinance #2017-26; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Public Hearing on Ordinance #2017-28 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED “PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES”.

MAYOR BENOWITZ: Mayor Benowitz announced that this ordinance will probably be open for amendment and possibly re-introduced next year.

At this time, Deputy Mayor Fuzy made a motion to open the public hearing on Ordinance #2017-28; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Seeing no public comment, Committeeman Cann made a motion to close the public hearing on Ordinance #2017-28; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Adoption of Ordinance #2017-28 entitled AN ORDINANCE TO AMEND CHAPTER 10, VEHICLES AND TRAFFIC, TO ADD A NEW SUBCHAPTER 10.05, ENTITLED “PARKING OF VEHICLES AT SERVICE STATIONS AND SERVICE-ORIENTED FACILITIES”.

At this time, Committeeman Cann made a motion to withdraw Ordinance #2017-28. The additional information requested was not received; seconded by Committeewoman Popko.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Consideration of Introduction of Ordinance #2017-30 entitled AN ORDINANCE TO ESTABLISH TITLES AND SALARY RANGES FOR EMPLOYEES IN THE BORDENTOWN TOWNSHIP POLICE DEPARTMENT AND AMENDING ORDINANCE #2013-21.

At this time, Committeeman Cann made a motion to introduce Ordinance #2017-30: seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

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TOWNSHIP CLERK ECKERT: The public hearing will be December 18th.

ADMINISTRATOR AND STAFF REPORTS

Administrator Theokas said the next and last Regular Meeting should be December 18, 2017, and he hopes all the end of the year financial clean-ups will be done. There may be the need for a final meeting at the end of the year.

He asked for consideration to re-enter Executive Session to re-open and re-discuss the Kevin Johnson Litigation Matter which was discussed in tonight's Executive Session. Action may be taken after the Executive Session.

TOWNSHIP COMMITTEE REPORTS

COMMITTEEMAN CANN: Committeeman Cann said he attended the Tree Lighting Event, and it was very well done. He extended kudos to Angel Sauro, Sam Vail, EMS, Police, and Public Works.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said that District #1 Mission Fire Company will hold their meeting on Thursday, December 7, 2017. District #2 Derby Fire Company will hold their meeting on Tuesday, December 5, 2017.

The Planning Board's meeting is Thursday, December 14, 2017.

The Veteran's Advisory Committee will hold their meeting Tuesday, December 5, 2017 at Jester's.

In regard to the Office of Emergency Management, the specifications for the culvert are about 90% complete. It will hopefully go out to bid in the next couple of weeks, be awarded in January, and construction to begin in April 2018.

Emergency Management Coordinator Andy Law met with Township representatives regarding the Transco Transfer Station. There is a meeting scheduled for December 6, 2017 with Chesterfield Township to review emergency planning and operations of the facility.

Committeeman Holliday described some events and training that the Police Department participated in. The 3 new Police Officers will be sworn-in at the December 18, 2017 Township Committee Meeting. They will graduate from the Camden County Police Academy on December 21, 2017. He cited some recent police activities.

Committeeman Holliday said there were 46 Animal Control calls from November 20, 2017 to December 4, 2017.

Rick Carson selected Committeeman Holliday to be an Honorary Commander for one year at the Joint Base/McGuire-Dix-Lakehurst. It will give him, as a civic leader, the opportunity to see what goes on at the base, and then the Base can see what is going on in the Township.

COMMITTEEWOMAN POPKO: Committeewoman Popko said the Board of Education doesn't meet until December 15, 2017. She is waiting to hear back about the separation of elementary school classes.

She said the Public Works Department is performing necessary general maintenance.

Committeewoman Popko gave a description of the Terra-cycle recycling program.

DEPUTY MAYOR FUZY: Deputy Mayor Fuzy said he attended the Environmental Commission meeting on November 21, 2017. They discussed Sustainable Jersey and want to obtain silver status. The Green Fair is scheduled for April 28, 2018.

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He attended the tree lighting on December 1, 2017, and 51 awards were granted that evening. Garbage pick-up scheduled on the holidays will occur on the next day.

MAYOR BENOWITZ: Administrator Theokas and he met with Bordentown City Mayor James Lynch, Township Clerk Grace Archer, and CFO Margaret Peak on November 22, 2017. These Shared Services meetings will be ongoing in 2018 in both Bordentown City and Chesterfield Township.

He attended the Senior Social Meeting on November 20, 2017.

On November 28, 2017, he toured the Grainger Distribution Center with Administrator Theokas and performed and spoke at a ribbon cutting ceremony. Mayor Benowitz thanked Committeeman Cann for his efforts in seeing this project through from the beginning.

He attended the Tree Lighting Event and thanked Angel Sauro for putting it together. The State Champions, the Bordentown Jaguars Soccer Club, attended the tree lighting and the Rising Star Studio performed the singing presentation.

At this time, Mayor Benowitz gave a statement in response to an article written in the December Current regarding former employee Frank Nucera, Jr., Chief of Police and Acting Township Administrator.

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

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

AMENA ANDERSON, 4 Sagamore Lane: Ms. Anderson requested a Town Hall forum regarding the recent matters concerning former employee Frank Nucera, Jr. She asked for open dialog from the Township leaders. Mayor Benowitz responded that the Township is currently planning something for mid-January. Committeeman Cann reminded everyone that this is a criminal action by a single individual--not department spread, and action was taken by the Township Committee. Ms. Anderson said she hopes that we come together as a community and are able to move forward. Administrator Theokas said he is working with the School to set up a date for the meeting.

ANIKA MILLER, 98 Meadow Run Road: Ms. Miller thanked the Township Committee for moving forward with this matter and said she wants the Township to focus on how to heal as a community.

Seeing no further comments from the public, Committeeman Cann made a motion to close the meeting for public participation; seconded by Committeeman Holliday.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ADDITIONAL MATTERS:

At this time, Committeeman Holliday 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 enter into Closed Session; seconded by Deputy Mayor Fuzy.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 8:34 pm and reconvened the regular meeting at 8:44 pm.

Resolution #2017-338-18B entitled RESOLUTION TO APPROVE SETTLEMENT OF THE MATTER CAPTIONED K. JOHNSON URBAN RENEWAL, LLC. V. TOWNSHIP OF BORDENTOWN, ET. ALS. AND FILED UNDER DOCKET NUMBER BUR-L-1876-16.

At this time, Deputy Mayor Fuzy made a motion to adopt Resolution #2017-338-18B; seconded by Committeeman Holliday.

AYE: Committeeman Holliday, Deputy Mayor Fuzy, Mayor Benowitz

NAY: Committeeman Cann, Committeewoman Popko

At this time, Committeeman Holliday 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 Cann.

AYE: Committeeman Cann, Committeeman Holliday, Committeewoman Popko, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 8:46 p.m.

STEPHEN BENOWITZ, MAYOR

COLLEEN M. ECKERT, TOWNSHIP CLERK