

TOWNSHIP COMMITTEE MINUTES
REGULAR MEETING
SEPTEMBER 10, 2018

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 Eric Holliday
Committeeman James Kostoplis
Committeeman Ken Mason
Administrator Michael Theokas
Township Clerk Colleen Eckert
Attorney Eileen Fahey
Chief Financial Officer Jeffrey Elsasser

ABSENT: None

Mayor Benowitz called the meeting to order at approximately 6:32 p.m. and led a salute to the flag and a moment of silence. The moment of silence is being dedicated to the loss of Senator John McCain and Aretha Franklin. Dedication is also given to the 17th anniversary of 9/11, and today is Rosh Hashanah.

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 11, 2018, 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:

- Community Development Personnel Matter.
- Municipal Court Contract Matter.
- EMS Contract Matter.
- Contract Negotiations/Matters: Affordable Housing
Redevelopment
- Professional Service Contract Matter: 2017 Road Program
- Tax Appeal Litigation – Petro Truck Stop
- Tax Lien Assignments.
- Environmental Litigation.

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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 Kostoplis.

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

The Township Committee of the Township of Bordentown recessed their regular meeting at approximately 6:36 pm and reconvened the regular meeting at approximately 7:37 pm.

Public Hearing on New Hotel Liquor License for Sean Enterprises, LLC, T/A Days Inn.

Mayor Benowitz cited items that were to be discussed with the Township Committee. Sean Patel, 59 White Pine Road, representing Sean Enterprises, LLC, T/A Days Inn, discussed these items. He said that the liquor license would be used by a new Mexican Bar & Grill at the hotel.

Resolution #2018-253-7 entitled AWARDING A NEW PLENARY RETAIL CONSUMPTION HOTEL LIQUOR LICENSE TO SEAN ENTERPRISES, LLC, T/A DAYS INN.

At this time, Committeeman Kostoplis made a motion to approve the new liquor license; seconded by Committeeman Holliday.

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

Mayor's Proclamation Recognizing Achievements of the Bordentown's 10U Girls Softball Team of 2018.

Mayor Benowitz announced that this item is tabled for a later Township Committee Meeting.

ADMINISTRATIVE REVIEW

Township Clerk Eckert stated that in regard to the Bill List, the payment to A-Team Concrete in the amount of \$72,660.50 is being pulled and a payment to VOA I for \$250,000 is being added. Resolution #2018-253-20 was originally written to appoint an Interim Zoning Officer; it has been changed Interim Community Development Director. She also announced that as a result of Closed Session, Resolutions #2018-253-21A through #2018-253-21D are being added to the Consent Agenda. Resolution #2018-253-21B is being amended to include that the Tax Collector is hereby authorized to credit future taxes as a result of the settlement of this tax appeal.

CONSENT AGENDA

Resolution #2018-253-10 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.

Resolution #2018-253-11 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS AND FILING OF REPORTS.

Resolution #2018-253-12 entitled AUTHORIZING REFUND OF OVERPAYMENT OF TAXES.

Resolution #2018-253-13 entitled A RESOLUTION TO CANCEL TAXES.

Resolution #2018-253-14 entitled A RESOLUTION TO CANCEL TAXES.

Resolution #2018-253-15 entitled RESOLUTION ACCEPTING THE PROPOSAL FROM GARDEN STATE BOBCAT FOR A WACKER NEUSON RB28 TANDEM ROLLER.

Resolution #2018-253-16 entitled NOTICE OF INTENT TO AWARD CONTRACT UNDER A NATIONAL COOPERATIVE PURCHASING AGREEMENT FOR PURCHASE OF TWO (2) JOHN DEERE Z970R ZTRAK MOWERS PURSUANT TO N.J.S.A. 52:34-6.2.

Resolution #2018-253-17 entitled RESOLUTION AUTHORIZING ADDITIONAL PAYMENT (BALANCE) TO J. McHALE AND ASSOCIATES, LLC, FOR APPRAISAL SERVICES FOR BLOCK 134.01, LOT 12.02.

Resolution #2018-253-18 entitled RESOLUTION OF THE TOWNSHIP OF BORDENTOWN OPPOSING THE APPLICATION OF ELCON RECYCLING SERVICES, LLC, RESUBMITTED TO THE PENNSYLVANIA DEPARTMENT OF ENVIRONMENTAL PROTECTION AGENCY FOR A PROPOSED HAZARDOUS WASTE FACILITY TO BE LOCATED IN FALLS TOWNSHIP, PENNSYLVANIA.

Resolution #2018-253-19 entitled RESOLUTION SUPPORTING LETTER TO ATTORNEY GENERAL GREWEL REGARDING PIPELINE AND AUTHORIZING THE MAYOR TO SIGN LETTER.

Resolution #2018-253-20 entitled RESOLUTION TO APPOINT INTERIM ZONING OFFICER.

Resolution #2018-253-21 entitled AUTHORIZING EXECUTION OF REDEVELOPMENT AGREEMENT WITH NISSIM REALTY CO., LLC, FOR THE NISSIM REDEVELOPMENT PROJECT.

Resolution #2018-253-21A entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR ENGINEERING SERVICES (INSPECTION SERVICES AND CONTRACT ADMINISTRATION) FOR THE 2017 ROAD IMPROVEMENT PROGRAM.

Resolution #2018-253-21B entitled AUTHORIZE SETTLE OF 2014, 2015, 2016 AND 2018 TAX APPEALS FILED BY HPT TRUST (PETRO TRUCK STOP) FOR THE PROPERTY IDENTIFIED AS BLOCK 134.01, LOT 12.02.

Resolution #2018-253-21C entitled RELEASE PERFORMANCE GUARANTEE OF KEVIN JOHNSON URBAN RENEWAL FOR BLOC K57, LOT 6.01.

Resolution #2018-253-21D entitled A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF BORDENTOWN AUTHORIZING THE BORDENTOWN TOWNSHIP PLANNING BOARD TO UNDERTAKE A PRELIMINARY INVESTIGATION TO MAKE A DETERMINATION REGARDING "AREAS IN NEED OF REHABILITATION".

Township Committee review and discussion of Consent Agenda Items Resolutions #2018-253-10 through #2018-253-21D. There were no questions/comments on the Consent Agenda.

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

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

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

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

At this time, Deputy Mayor Fuzy made a motion to adopt the Consent Agenda; seconded by Committeeman Holliday.

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ADMINISTRATOR & STAFF REPORTS

ADMINISTRATOR THEOKAS: Administrator Theokas stated that on August 15, 2018, he attended a JIF Finance Committee Meeting. The JIF Budget for the upcoming year was discussed. This directly effects our insurance rates, and it looks they will stay flat.

On August 27, 2018, he attended the HIF Meeting where the health insurance was discussed, and it looks like our health insurance costs will be relatively stable. There weren't many cases this year.

The Tax Sale was held on August 29, 2018. There were some unsold municipal tax liens.

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The contract for our Public Relations Company, Suasion, began September 1, 2018. Administrator Theokas has met with them and they are working on press releases, public announcements, and email newsletter.

On September 5, 2018, he attended the ICSC (Developers) Convention in Philadelphia. The Burlington County Bridge Commission allowed several municipalities to have tables there. He met with a number of developers and distributed information about the Township.

Our 2017 Road Program will begin very soon, weather permitting, and will be completed by the end of the year. Our 2018 Road Program is out to bid. We anticipate the Township Committee will vote on awarding a contract at the next meeting.

Our CDBG handicap ramp program is complete. We will be receiving reimbursement from the Federal Grant.

The paving of the Public Works yard is going out to bid soon, and will tentatively be completed in October.

Community Day is scheduled for September 15, 2018. Angel Sauro and the Public Works Department are making preparations. It is a rain or shine event.

The Township was awarded a \$2.1 million Transportation Trust Fund Grant to construct a new connector road between Dunns Mill and Rising Sun Roads. Hopefully construction will begin next year. He acknowledged our Township Engineer, Fred Turek for the work he did on this.

TOWNSHIP COMMITTEE & STAFF REPORTS

COMMITTEEMAN KOSTOPLIS: On August 20, 2018, Committeeman Kostoplis attended the Sewerage Authority Meeting. He discussed the price increases.

On September 4, 2018, he attended Fire District #2 meeting. He cited their statistics.

On September 6, 2018, he attended Fire District #1 meeting. He also cited their statistics.

He met with the Township's OEM Director. He's working on getting some reimbursement for the last snow storm.

COMMITTEEMAN HOLLIDAY: Committeeman Holliday said the Veteran's Advisory Committee meeting was held on September 4, 2018. The Veteran's Outreach was held on September 8, 2018 at the Armory. It was very successful. The Veteran's Advisory Committee still want to get a monument for the Hometown Hero. They will participate in Community Day and are making preparations for Veteran's Day on November 10, 2018.

Bids went out for the Orchard Avenue Culvert project, and completion should be by January 2019.

The September 13, 2018 Planning Board meeting was cancelled.

On August 15, 2018, he attended Music in the Park.

He reported that the debris at the Dollar General was cleaned up.

He cited several Police activities/community events.

COMMITTEEMAN MASON: Committeeman Mason said he attended the School Board Meeting on August 15, 2018. He gave a summary of what was discussed.

He has been working with Mayor Benowitz to recognize the Little League and Softball Teams at a future meeting.

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DEPUTY MAYOR FUZY: On August 15, 2018, Deputy Mayor Fuzy attended Music in the Park. He thanked Mayor Benowitz and Committeeman Holliday for assisting at the concert on August 22, 2018 while he was on vacation. The last Music in the Park concert was August 29, 2018.

On August 28, 2018, he attended the Environmental Commission meeting. They are participating in the Wailing Woods Hayride, they still have free trees available to give away, and they are submitting enough points for Silver Recognition for Sustainable New Jersey this year.

On September 8, 2018, he attended the Veteran's Outreach event.

Deputy Mayor Fuzy reported on the ongoing maintenance in the Township being performed by the Public Works Department. We are now back to once a week trash pick-up. He thanked Sam Vail for his help with the summer concert series.

The Township is close to having our new website released.

In regard to the Environmental Litigation, we won our appeal to the 3rd Circuit Court that stated Bordentown Township should have been included in the process of discussion for the compressor station. This allows the Township to finally get its position heard directly by the N.J. DEP.

On September 27, 2018, Deputy Mayor Fuzy stated he is being inducted as an Honorary Commander serving under the Air Force.

MAYOR BENOWITZ: Mayor Benowitz said with reference to the ruling by the 3rd Circuit Court of Appeals (the Compressor Station), Federal Court takes a long time to rule. This is slow moving, but to our advantage. N.J. DEP must listen to the Township's case because the permits issued to Transco, including freshwater wetlands, water quality certificate, and the dewatering permit were issued improperly. This was the ruling. The Township did not receive an in judicatory hearing. The Compressor Station is built, not operational, and the pipeline is not yet built.

He said the grant received for the connector road between Dunns Mill and Rising Sun Roads will relieve some of the circulation problems in the Township; particularly relieve some of the truck traffic.

On August 20, 2018, he attended the Senior Social Meeting.

He attended the EDAC (Economic Development Advisory Committee) meeting on August 14, 2018. The marketing of vacant and under-utilized commercial properties were discussed. A letter is being developed by Administrator Theokas to send to the property owners.

He attended the last two Music in the Park concerts.

On August 23, 2018, he attended a meeting with the N.J. DOT. It was arranged by Assemblywoman Carol Murphy. Administrator Theokas, Police Chief Pesce, Bordentown City Deputy Mayor John Brodowski, Bordentown City resident Mike Jones, and he attended. Public safety on our state highways route 130 & 206 was discussed, along with ways to make the highways safer for our residents.

The Affordable Housing Sub-committee met on August 27, 2018 in order to update our path to fulfilling our Affordable Housing requirements for the settlement reached with the Fair Share Housing Center and discussions in preparation for a compliance hearing.

On August 28, 2018, he attended a meeting with the Township professionals and representatives of a developer involving commercial development. This may lead to the building of another warehouse in the warehouse district (Bordentown-Hedding Road area).

On September 4, 2018, he attended the Senior Business Meeting.

On September 5, 2018, Mayor Benowitz met with Chesterfield Township Mayor Rita Romeu, Chesterfield Attorney John Gillespie, North Hanover Mayor Ronald DeBaecke, Jr., and Committeeman John Kocubinski regarding the necessity of the N.J. Natural Gas Pipeline going through the Joint Base McGuire-Dix-Lakehurst. They then met with Colonel Neil Richardson of the U.S. Air Force, the Installation Commander of the Joint Base and his staff. The conclusion given by the representatives of

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the JBMDL was that “there was a need for the NJNG pipeline to pass through the base with reference to resiliency and redundancy for this pipeline to service the base.”

Mayor Benowitz and Administrator Theokas met Township professionals, Attorney Fahey and Engineer Turek on September 7, 2018 to discuss goals, objectives, concerns and plans for the future.

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

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

DIANE HEINZ, 3 Hattaras Court: Ms. Heinz inquired about the status of the repainting of the bike lanes in Williamsburg Village. Administrator Theokas said it was added to the 2018 Road Paving Program bid process. She also inquired about the sewerage authority bills. It was reported that the senior citizen bills would not increase.

LEN deGROOT, 8 Arlington Road: Mr. deGroot responded to Ms. Heinz that the Sewerage Authority does not have a special rate for senior citizens. Committeeman Kostoplis stated that the rate increases begin January 2019. Administrator Theokas will follow-up with the Sewerage Authority.

AMINA ANDERSON, 4 Sagamore Lane: Ms. Anderson asked if the N.J. DOT meeting would focus on pedestrian safety in the entire township. Mayor Benowitz responded yes. Ms. Anderson also inquired about the turn lane coming out of the Grande at Crystal Lake. Mayor Benowitz responded that several letters have been sent to the N.J. DOT about the intersection, and the Township will keep sending them.

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

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

ADDITIONAL MATTERS: None

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 adjourn the regular meeting; seconded by Committeeman Holliday.

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy, Mayor Benowitz

NAY: None

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The Regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 8:38 p.m.

Respectfully Submitted,

COLLEEN M. ECKERT, RMC, TWP. CLERK