

TOWNSHIP COMMITTEE MINUTES  
REGULAR MEETING  
OCTOBER 9, 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  
Deputy Township Clerk Cindy Dziura  
Attorney Eileen Fahey  
Armando Riccio, Esq., Labor Attorney-Personnel Matters

ABSENT: Township Clerk Colleen Eckert  
Chief Financial Officer Jeffrey Elsasser

Mayor Benowitz called the meeting to order at approximately 6:33 p.m. and led a salute to the flag and a moment of silence.

Deputy Township Clerk Dziura 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, Committeeman Holliday 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:

--Environmental Litigation.  
--Municipal Court Contract Matter.  
--Professional Services Contract Matter: Public Works Expansion Project  
--Public Works Expansion Contract Matter: Paving Contract  
--Affordable Housing Contract Matter: Team Campus, Phase II  
--Personnel Matter

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 Deputy Mayor Fuzy.

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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 7:30 pm.

Mayor Benowitz read a statement into the record regarding the recent newspaper reporting about the two former and one current township employee. The Township has placed Township Clerk, Colleen Eckert on paid administrative leave while investigating the matter. He stated that the first time the Township was made aware of comments made and published from the FBI investigation interview was October 5, 2018 from the news media. This is a personnel matter that involves a current legal case and the Township has no further statement about this at this time. Mayor Benowitz then gave a timeframe of what has transpired and what has been accomplished to rectify this situation as it pertains to former Police Chief/Administrator Nucera. When the initial charges were filed, the U.S. Attorney's office made it clear that the charges were limited to one individual, and not the Bordentown Township Police Department, and it clearly did not note any other departments or individuals outside the Police Department as having any involvement in the accusations. The Township has commenced a full internal evaluation of all current departments and staff.

At this time, Deputy Mayor Fuzy made a motion to open to the public on the Mayor's comments; seconded by Committeeman Holliday.

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

NAY: None

SUSAN INMAN POTTS, 2 Cemetary Lane: Ms. Inman stated that her husband, Edward Potts, was a former public works employee for 25 years and retired 5 years early because of (former) Police Chief Nucera. He was harassed by (former) Police Chief Frank Nucera, and he mistreated people. She said he would have lost his pension and job if he said or did anything about it. She said he was known as, "Mr. Untouchable" and (former) Police Chief Nucera bragged about it. She said that Mayor Benowitz told them he didn't like (former) Police Chief Nucera wearing two hats: Police Chief and Township Administrator.

EDWARD POTTS, 2 Cemetary Lane: Mr. Potts said he had asked Mayor Benowitz if he could get help with (former) Police Chief Nucera. Mayor Benowitz asked if Mr. Potts filed charges. He responded that he couldn't file against him. He added there was an incident where (former) Police Chief Nucera threatened him for talking to (former) Mayor Popko about a situation at a park; it got back to him and he told Mr. Potts, "if I hear you going back to any committee members for anything, there's going to be complications." He said he was powerless.

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SUSAN INMAN POTTS, 2 Cemetary Lane: Ms. Inman reminded Mayor Benowitz of all the lawsuits the Township paid out. She said everyone was afraid of (former) Police Chief Nucera, and he got away with everything.

EILEEN FRANCISCO CABUS, 108 Fernwood Avenue: Ms. Cabus said they have been residents since 2016. She said there is a cultural change that needs to happen because it is wide-spread. She said she fears for her child and understands that inherited staff can sometimes be painful. Ms. Cabus said that what is done from this point is up to and a reflection of the Township Committee. She said she challenges the Township Committee to keep diversity in public events, and to be welcoming and accepting.

ERIC DANIELS, Bordentown City: Mr. Daniels stated that in regard to the Town meeting in January, he thinks it was naive to think it was an isolated situation. He said he feels people say and do things with no accountability. (Former) Chief Nucera said things and he's retired with a pension. Mr. Daniels said he didn't know how extensive the investigation is or will be, but if there are people essentially in the same position, there are people who may need to cover their own behind. Mr. Daniels said the consequence will send a message about where the Township stands as opposed to anything said today; it's just a rehashing of a lot of what was discussed at the Town Meeting held in January.

MELANIE HANSFORD, 23 Alleghany Lane: Ms. Hansford asked if Ms. Eckert was going to be held accountable for her part in all this racism that is going on. Mayor Benowitz responded that there are due process rights.

ARMANDO RICCIO, Labor Attorney-Personnel Matters for Bordentown Township: Mr. Riccio responded to Ms. Hansford, that when the Township first learned of this new matter as a result of a news story, action could not be taken because of a news story. And the Township cannot take disciplinary action as an employer in the public sector. So the person is put on administrative leave and an investigation is performed. The employee will have due process and hearing rights. The Township is taking this seriously and moving as quickly and thoroughly as possible as they can on it. Ms. Eckert is currently on administrative leave.

MELANIE HANSFORD, 23 Alleghany Lane: Ms. Hansford said (former) Police Chief Nucera, he knew what was coming and he got out, and he got his pension. Mr. Riccio responded that we don't know that (former) Police Chief Nucera is ultimately going to keep that pension.

At this time, Committeeman Mason 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

**Mayor's Proclamation "Put the Brakes on Fatalities Day"**. At this time, Mayor Benowitz read the Proclamation into the record.

**ADMINISTRATIVE REVIEW**

Deputy Township Clerk Dziura said there was nothing to report.

**CONSENT AGENDA**

**Resolution #2018-282-8 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: PAYMENT OF BILLS.**

**Resolution #2018-282-9 entitled APPROVING THE TRANSACTION OF ITEMS OF ROUTINE BUSINESS: MINUTES OF MEETINGS.**

**Resolution #2018-282-10 entitled REFUND OF ESCROW BALANCES FOR DEVELOPMENT APPLICATIONS.**

**Resolution #2018-282-11 entitled AUTHORIZING DISPOSAL OF SURPLUS PROPERTY.**

**Resolution #2018-282-12 entitled RESOLUTION FOR GOVERNING BODY CERTIFICATION OF COMPLIANCE WITH THE UNITED STATES EQUAL EMPLOYMENT OPPORTUNITY COMMISSION'S "ENFORCEMENT GUIDANCE ON THE CONSIDERATION OF ARREST AND CONVICTION RECORDS IN EMPLOYMENT DECISIONS UNDER TITLE VII OF THE CIVIL RIGHTS ACT OF 1964".**

**Resolution #2018-282-13 entitled RESOLUTION APPROVING AMENDMENTS TO THE PERSONNEL MANUAL FOR THE TOWNSHIP OF BORDENTOWN, AS REQUIRED BY THE BURLINGTON COUNTY MUNICIPAL JOINT INSURANCE FUND.**

**Resolution #2018-282-14 entitled RESOLUTION AUTHORIZING THE MAYOR TO SIGN LETTER TO GOVERNOR MURPHY TO SUPPORT THE ELECTIFICATION OF NEW JERSEY'S TRANSPORTATION SECTOR.**

Township Committee review and discussion of Consent Agenda Items Resolutions #2018-282-8 through #2018-282-14. 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

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NAY: None

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

AYE: Committeeman Holliday, Committeeman Kostoplis, Committeeman Mason, Deputy Mayor Fuzy (with abstention to the minutes of September 24, 2018), Mayor Benowitz

NAY: None

**Motion to Defeat Ordinance #2018-25 AMENDING PERSONNEL POLICY MANUAL.** Mayor Benowitz explained that a resolution was needed, not an ordinance.

At this time, Deputy Mayor Fuzy made a motion to Defeat Ordinance #2018-25; seconded by Committeeman Holliday.

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

NAY: None

**Consideration of Introduction of Ordinance #2018-26 entitled ORDINANCE AMENDING CHAPTER 25 “LAND DEVELOPMENT ORDINANCE”, Section 25:519 “LARGE-SCALE REMOVAL OF TOP SOIL”.**

At this time, Deputy Mayor Fuzy made a motion to introduce Ordinance #2018-26: 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 said the Township’s new website has launched. The new firm we are working with is upgrading our social media posts, Facebook, Twitter, etc. to get information to the public.

**TOWNSHIP COMMITTEE & STAFF REPORTS**

Committeeman Kostoplis, Committeeman Holliday, Committeeman Mason, Deputy Mayor Fuzy, and Mayor Benowitz each gave their report.

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

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

NAY: None

ANEKA MILLER, 98 Meadow Run Road: Ms. Miller said she sees the effort the Township is taking to recognize and be involved in the community. She spoke about being complicit and told a story about Dr. Martin Luther King: It's one thing to say you're a good person, but it is more when you make the effort. Neutral is not truly neutral—you are allowing bad to prevail. She asked the Township continue and not be complicit. When the opportunity presents itself, if it should, that the Township takes action.

EILEEN FRANCISCO CABUS, 108 Fernwood Avenue: Ms. Cabus stated the website is much more user friendly. She said she doesn't know what many of the acronyms stand for.

She said the meeting is advertised for 6:30 pm, but would like to see it advertised opened to the public at 7:30 pm.

Ms. Cabus said she is very worried about the water issue. She said she'd like to see some clarity in what the residents should be doing.

She referred to our ethics and said it is hard to say people are who they are, but it is a reflection of our town. It hurts our local business and value of our homes. We need to make sure whoever our current employees are, we are aware of how it reflects on our government and our community. If issues like this keep happening, people will not solicit our businesses. She asked that the Township consider the ethics policy and that the staff and elected official are upheld to the standards of being good examples of citizenship. Administrator Theokas responded that we do have an ethics policies and procedures, and elected officials and department heads take annual ethics training through our Joint Insurance Fund. There are disciplinary procedures, and we also follow the guidelines and statues of Civil Service. We also have several unions that have procedures.

Seeing no further comments, Committeeman Kostoplis made a motion to close the meeting to the public; seconded by Committeeman Mason.

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

NAY: None

**ADDITIONAL MATTERS:**

None

At this time, Committeeman Mason 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 the regular meeting to return closed session. Upon return to open session, action may be taken; seconded by Committeeman Kostoplis.

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 8:30 pm and reconvened the regular meeting at 8:57 pm.

As a result of Closed Session, the following resolutions and ordinances were added:

**Resolution #2018-282-14A entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR ENGINEERING SERVICES FOR THE PUBLIC WORKS EXPANSION PROJECT, 262 CROSSWICKS ROAD, BLOCK 92, LOT 9.02, GROUND WATER SAMPLING AND INDOOR AIR TESTING, NOVEMBER 2018.**

**Resolution #2018-282-14B entitled RESOLUTION ACCEPTING THE PROPOSAL FROM TUREK CONSULTING, LLC, FOR ENGINEERING SERVICES FOR THE PUBLIC WORKS EXPANSION PROJECT, 266 CROSSWICKS ROAD, BLOCK 92, LOT 9.03, REMEDIATION TASKS FOR RESPONSE ACTION OUTCOME, PCBs.**

**Resolution #2018-282-14C entitled RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT OF SALE WITH THE TOWNSHIP OF CHESTERFIELD FOR THE CONVEYANCE OF AN INTEREST IN 24 BORDENTOWN-CHESTERFIELD ROAD, BLOCK 204, LOT 3.02.**

**Resolution #2018-282-14D entitled RESOLUTION AUTHORIZING AN INTERLOCAL-SERVICES AGREEMENT WITH THE TOWNSHIP OF CHESTERFIELD REGARDING THE USAGE OF THE MUNICIPAL COURTS.**

At this time, Committeeman Holliday made a motion to adopt the Consent Agenda Resolutions #2018-282-14A through #2018-282-14D; seconded by Committeeman Kostoplis.

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

NAY: None

**Consideration of Introduction of Ordinance #2018-27 entitled AN ORDINANCE AUTHORIZING THE CONVEYANCE OF AN INTEREST IN REAL PROPERTY LOCATED AT 24 BORDENTOWN-CHESTERFIELD ROAD, BLOCK 204, LOT 3.02.**

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At this time, Committeeman Holliday made a motion to introduce Ordinance #2018-27: seconded by Committeeman Mason.

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

NAY: None

**Consideration of Introduction of Ordinance #2018-28 entitled AN ORDINANCE TO AMEND CHAPTER 25, LAND DEVELOPMENT ORDINANCE, OF THE BORDENTOWN TOWNSHIP CODE, TO ESTABLISH A NEW ZONING DISTRICT, ENTITLED “AR-AH AGE-RESTRICTED AFFORDABLE HOUSING.”**

At this time, Deputy Mayor Fuzy made a motion to introduce Ordinance #2018-28: seconded by Committeeman Holliday.

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

NAY: None

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 Deputy Mayor Fuzy.

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

NAY: None

The Regular meeting of the Township Committee of the Township of Bordentown was adjourned at approximately 9:02 p.m.

Respectfully Submitted,

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CYNTHIA DZIURA, RMC, DEPUTY TWP. CLERK



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**Resolution #2018-282-14E entitled RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE THE SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF BORDENTOWN, THE POINT AT BORDENTOWN, L.L.C., AND TEAM CAMPUS PHASE II, LLC, REGARDING CONSTRUCTION OF AFFORDABLE UNITS.**

Email poll vote conducted on October 11, 2018 by Eileen Fahey:

Benowitz	Yes
Fuzy	Yes
Holliday	Yes
Kostoplis	Yes
Mason	No response