

HAINESPORT TOWNSHIP COMMITTEE MINUTES

July 11, 2017

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of July 11, 2017 was included in a meeting notice sent to the Burlington County Times and Courier Post On January 10, 2017 and advertised in said newspapers on January 12, 2017, respectively posted on the bulletin board in the municipal building on January 10, 2017 and has remained continuously posted as required under the Statute. In addition, a copy of this notice is and has been available to the public and is on file in the Office of the Municipal Clerk.

1. **CALL TO ORDER by Mayor Porto at 7:00 p.m.**
2. **FLAG SALUTE**
3. **ROLL CALL** – present were Committeewoman Gilmore, Committeeman Fitzpatrick, Committeeman Dickinson, Committeeman Masciocchi and Mayor Porto. Also present were Township Administrator/Acting Clerk Paula Kosko and Solicitor John Gillespie.
4. **MINUTES**
 - A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JUNE 13, 2017**
 - B. **APPROVAL OF EXECUTIVE SESSION MINUTES OF JUNE 13, 2017**

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore. Committeeman Dickinson abstained. All others yes.
5. **REPORTS**
 - A. **Tax Collector** – June 2017, 2nd Quarter Ending June 2017
 - B. **Code Enforcement** – June 2017
 - C. **Fire Official** – June 2017
 - D. **Construction** – June 2017

Motion to approve the reports and spread the Tax Collector's report across the minutes: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.
6. **DISCUSSION/PRESENTATION**
 - A. **Abandoned Properties**

Solicitor John Gillespie said some time ago they had sent over to the township a draft ordinance concerning various abandoned properties and recently Ms. Kosko sent back a draft with her comments which were very good. He will incorporate those comments in the ordinance that will be introduced in August. Mr. Gillespie's question was whether or not the committee had any other comments regarding the abandoned property ordinance and was answered in the negative. He said that they would have an ordinance introduced in August.

7. ORDINANCES

- A. ORDINANCE 2017-4** – Provide for and Determine the Rate of Compensation of Officials and Employees of the Township of Hainesport (**Public Hearing and Final Adoption**)

There were no public comments.

Motion: Committeeman Masciocchi. Second: Committeeman Dickinson. All yes.

- B. ORDINANCE 2017-5** – Repeal Chapter 46 of the Code of the Township of Hainesport Entitled: "Alarm Systems" (**First Reading and Introduction**) (**Public Hearing and Final Adoption August 8, 2017**)

Mayor Porto said this is an outdated ordinance that is no longer utilized by the New Jersey State Police or the township employees and this is a matter of cleaning up the code book.

Motion: Committeeman Masciocchi. Second: Committeeman Dickinson. All yes.

8. RESOLUTIONS

- A. RESOLUTION 2017-104-6** – Award a Contract for Lawncare and Field Maintenance of Hainesport Recreation Complex, Hainesport Chase Park, Hainesport Township Public Park and Rancocas Heights/Samuel H. Robins Park

Motion: Committeewoman Gilmore. Second: Committeeman Masciocchi. All yes.

- B. RESOLUTION 2017-114-7** – Authorizing Change Order #2 in Contract for Construction of Municipal Park Pickleball Courts

Mayor Porto requested the Administrator explain the change order. Ms. Kosko explained that it was a \$5,320 reduction change order due to a shorter fence being installed on the Pickleball Courts.

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

- C. **RESOLUTION 2017-115-7** – Authorizing the Final Payment to Command Company and Acknowledging Completion of the Pickleball Court Project

Motion: Committeeman Dickinson. Second: Committeeman Fitzpatrick. All yes.

- D. **RESOLUTION 2017-116-7** – Authorizing Release of Performance Guarantee T-Mobile

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

- E. **RESOLUTION 2017-117-7** – Authorize Renewal of Liquor License in Hainesport Township

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

- F. **RESOLUTION 2017-118-7**- Appointing a Petty Cash Custodian – Donna Kilburn

Motion: Committeeman Fitzpatrick. Second: Committeeman Masciocchi. All yes.

- G. **RESOLUTION 2017-119-7** – Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

Ms. Kosko explained this is accepting the 2017 Clean Communities Grant of \$14,396 which will be added to the budget.

Motion: Committeeman Dickinson. Second: Committeeman Fitzpatrick. All yes.

- H. **RESOLUTION 2017-120-7** – Revising Contract for Submission of Grant Application from the Hazardous Discharge Site Remediation Fund/Public Entity Program, for the “HITCO” Redevelopment Site at Creek Road and Route 38 East

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

- I. **RESOLUTION 2017-121-7** – Burlington County Recycling & Solid Waste Services Agreement 2017-2021

Motion: Committeeman Fitzpatrick. Second: Committeeman Masciocchi. All yes.

- J. **RESOLUTION 2017-122-7** – Authorizing Lien for Property Maintenance Expenses for Property Located at 601 Lumberton Road

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

K. **RESOLUTION 2017-123-7** – Request for Over \$2,000 – R & R Radar Inc.
Speed Monitor Trailer, State Contract #A82101

L. Mr. Dickinson asked Ms. Kosko if we would be able to give the data to the State Police and she answered in the affirmative.

Motion: Committeeman Dickinson. Second: Committeewoman Gilmore. All yes.

M. **RESOLUTION 2017-124-7** – Request for Over \$2,000 – Leaf Truck
Replacement Parts – Clean Communities Grant

Motion: Committeeman Fitzpatrick. Second: Committeeman Dickinson. All yes.

9. BUSINESS

A. 2017-2018 Business Registrations - See List Attached

Motion: Committeeman Dickinson. Second: Committeeman Masciocchi. All yes.

10. CORRESPONDENCE

A. Letter from Residents Charles & Sally Gray RE: American Water & MUA charges

Motion to receive and file: Committeeman Masciocchi. Second: Committeewoman Gilmore. All yes.

11. COMMENTS FROM THE PUBLIC (Comments are limited to 5 minutes)

Kathy Parker, 1819 Creek Road – asked if she could hear what the letter from the Grays contained. Mayor Porto told her he could give her a copy of the letter but it simply stated that they were concerned about the rates rising for their MUA and American Water bills. Mrs. Parker stated that she would like to see something from the committee be sent to the MUA. Mr. Dickinson said there was a letter written to them and as of this date we have not heard back from them. There will be a meeting this Thursday for the rate increases and it should be well attended. Mrs. Parker said she hopes the committee goes and stands up for the Hainesport residents. Mr. Masciocchi said we need better representation in the Authority itself.

Anna Evans, 63 Parry Drive – said she just wanted to follow up on Mrs. Parker's comments about the MUA. She said she thinks it's the most important bi-partisan issue currently facing our community. She also stated that if the township committee is going to form any kind of committee for this matter, she volunteers to be a representative of the Democrats on the committee.

Dennis Phile, 8 Melody Court – said he was here tonight to try and resolve a situation concerning the maintenance of the storm water basin that he co-owns with his neighbors Diane and Carl Beharry of 7 Melody Court. Mr. Phile talked about the various changes that have been made about who is supposed to maintain the basin.

As of this date, Mr. Phile stated, the township is in violation of the DEP ruling from 2004. He stated that he is a combat veteran and a resident. He said the township needs to resolve this matter by agreeing to maintain all aspects of the storm water basin.

Catherine McNelis, 407 Bischoff Avenue – said she thinks the tax payers of Hainesport have given their opinions about the medical benefits by the way the primary went. She said \$33,000 is a lot of money for each person. Ms. McNelis said if the committee wanted to do the right thing they should make a new ordinance and take all medical benefits away from the committee people as of December, 2017, including Mr. Fitzpatrick. He had no problem taking away Mr. Boettcher's benefits if he hadn't retired and likes to tell everyone in his comments how hard he works to save money for the township and the taxpayers; how about giving back to the taxpayers by doing away with medical benefits at the end of the year.

Diane Beharry, 7 Melody Court – said the reason she was here was because of the same thing that Mr. Phile got up and spoke about. She spoke to the township's new solicitor and the DEP. She spoke to the DEP today and they told her that it is the township's responsibility to maintain the storm water basin. Mrs. Beharry reiterated what Mr. Phile said when he commented on the subject. She said she doesn't need a landscape company but she would like the township to do the same thing they do for the other storm water basins in the township.

12. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko said she had met with Lt. Flaherty and Trooper Storm and discussed the traffic concerns along the various roadways and their selective enforcement. They did recommend that the township purchase the portable radar system which the committee approved previously. It will be more beneficial to them when we can spread it about the town. They also discussed some of the issues that have been raised by the residents during the meetings as well as directly to her. Ms. Kosko requested that when there is a major incident that goes on in Hainesport that they would provide her a briefing so that she could report it to the committee. As reported previously, she has not received a response from the MUA to her June 21st email or the committee's letter to them. There will be a public hearing for the MUA at 6 PM this Thursday on their proposed rate adjustment. Ms. Kosko met with the Director of Local Government Assistance for the Department of Environmental Protection and discussed with the director the foaming material and film that Mr. Black has been presenting to the township. The director is going to request an investigation and have someone come out and take samples and see if they can be studied. The various grant funds that are available through the DEP were discussed and the director will provide to Ms. Kosko a list of grant opportunities. There is a FEMA presentation on available grants for both the EMS and the Fire Department on July 25th at the Burlington Township Fire Department. There is a Wellness Fair scheduled on October 18th here at the township building for employees through the JIF Wellness Fund. Senior groups will be invited to participate. Concerts in the Park have begun and will be held at the gazebo at 7 PM on Sundays

13. COMMENTS FROM THE SOLICITOR

Mr. Gillespie talked about the storm water basin that had been discussed at length tonight and said that the confidentiality aspect should not have been brought up. He commented that the basin is entirely on private property and for the township to go out there and basically become the lawn mowing service for a large portion of the basin, keeping in mind that the entire basin is on private property, just didn't seem to him to be fair to the taxpayers and certainly isn't fair to the purpose of the basin. It seems to be a fair compromise between maintenance required to insure that the basin functions for all of those homes in that subdivision that are serviced by the basin and not having the taxpayers pay for mowing somebody's lawn. Mr. Gillespie said they consulted with DEP and his associate, Stephen Luttrell, is here tonight. They have basically been following the DEP's suggestion to what would be an appropriate means of compromising an issue that you don't want the public to bear the burden. Think about what it would cost the Public Works Department to mow a quarter of a football field every other week that is on private property. It's really not related to the functionality of the basin. And that is what they have tried to achieve. We didn't succeed because the property owners don't agree. That is their advice; the advice is that you have a huge basin that Paparone built and it is entirely within the boundaries of two privately owned properties. The reason the easement was needed in the first place was to gain access to maintain the basin. And the release was for the purpose of saying that the grantor releases the township of any claims to liability that might arise from the maintenance of the basin. That is an appropriate release, it is an appropriate clause, the confidentiality clause wasn't appropriate and Mr. Gillespie absolutely agrees with that. In terms of the DEP discussion he thinks there is a difference of opinion; the DEP believes that the balance that the township has attempted to strike here is fair and equitable and appropriate; it represents the interest of the property owner and the interest of the taxpayers in not having to fund the grounds keeping and lawn maintenance on private property, but insuring that the basin operates in the way it was intended. And that is where it is at. Mr. Masciocchi asked if the township is in violation with the DEP. Mayor Porto interjected that Public Works has been out to the basin and has taken some action to make sure that the functionality of the basin continues. Ms. Kosko said she authorized Public Works to go out there two weeks ago. There were some swamp trees that were growing out of the inlet and they removed them. The engineer did go out there and certify that it is functioning properly. Mr. Gillespie said that Ms. Kosko sent the engineer out to attach to the drainage basin easement an actual exhibit that shows what is necessary to have the basin functional. The engineer drew a red line around the area and it is quite a significant area to be maintained. The township has that document showing it and it is not acceptable to at least one resident. Mr. Gillespie thinks it is a fair way of saying this is what the township needs to take responsibility for in order to maintain the basin. Mr. Masciocchi again asked if we were in violation and was answered by Mr. Gillespie's associate, Steve Luttrell. Mr. Luttrell stated that the statute and any other guidelines from the DEP puts responsibility for designating maintenance from the applicant to the Planning Board for the main development so the statute and all of DEP's interpretation of it states that the township may elect to take on maintenance responsibility but it is not required to do so. So in that sense, the township storm water management ordinances tracks directly with DEP regulations. They are perfectly in line with what they should say. They have been reviewed at the county

level which is required by the DEP. This is a discreet issue that needs to be settled by the township and the landowners. As far as Mr. Luttrell can tell there is no issue of a violation either with the ordinance in general or with the storm water management plan.

14. COMMENTS FROM THE COMMITTEE

Mrs. Gilmore said she went to the concert Sunday evening and it was great. She said Paula Tiver and Donna Casey both do a great job. Mrs. Gilmore asked if the Wellness Fair being held on October 18th will be advertised on the website and Ms. Kosko said it would be by direct invitation. Mrs. Gilmore said she wanted to thank everyone in the building along with Public Works for the good job they are doing.

Mr. Masciocchi said he agreed that this should be a bipartisan issue with the MUA. This is something that benefits the entire town. The township should be going to some of the proactive movements that are afoot now, particularly the one from Lumberton and start confronting the MUA and get more say so that we our own interest with regard to our sewer bills and the quality of the service we expect to be provided.

Mr. Dickinson agreed with Mr. Masciocchi. He hopes to see a lot of people at the meeting on Thursday. He has met with a few of the representatives of other towns last year to sit down and talk about the issue. Mr. Dickinson said he thinks everyone would agree that we get great service from the Mt. Holly MUA, we just want to make sure we are paying the right amount of money. He went on to compliment Public Works for their work; Ms. Kosko is doing a fantastic job working with Jay as well as the other girls in the office.

Mr. Fitzpatrick had no comments this evening.

Mayor Porto wanted to thank all of the sponsors, including Mr. Fitzpatrick, for the Concerts in the Park. He said he is deeply disappointed with the actions of the MUA administration for not answering the township's correspondence. Several attempts were made to contact them with our concerns. Mayor Porto said he will be asking that it be sent along to the Mount Holly Township Committee as well since they oversee appointments to that board. He said in the past the township has had a good relationship with Mr. Dunn and he was very open and fair with Hainesport Township. He hopes we can restore that for the residents. He encouraged all the residents to go to the meeting Thursday night and voice their concerns. Mayor Porto also encouraged everyone to go to the Burlington County Farm Fair coming up next week out on Route 206 in Springfield Township.

15. BILL LIST

Motion: Committeeman Dickinson. Second: Committeeman Masciocchi.
Committeeman Fitzpatrick abstained from voting on 17-00514 and 17-00568.
All others yes.

Mr. Gillespie asked Mayor Porto to add to the Executive Session a matter of Attorney-Client Privilege. He said it would take about half an hour in closed session. The subject matter of that can be disclosed once those matters are concluded.

16. EXECUTIVE SESSION

A. RESOLUTION 2017-125-7 – Resolution to Enter into Executive Session

1. Personnel
2. Real Estate Acquisition
3. Attorney-Client Privilege

Motion: Committeeman Dickinson. Second: Committeeman Masciocchi. All yes.

17. ADJOURNMENT @ 8:45 P. M.

Respectfully submitted,

Paula L. Kosko,

Acting Township Clerk