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HAINESPORT TOWNSHIP COMMITTEE MINUTES

February 16, 2021

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of February 16, 2021 with instructions for internet access was included in a meeting notice sent to the Burlington County Times and Courier Post On January 6, 2021 and advertised in said newspapers on January 8, 2021, and January 9, 2021 respectively posted on the website and the bulletin board in the municipal building on January 9, 2021 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. It is posted on main doors the Friday before the meeting and is on file in the Office of the Municipal Clerk.

1. CLERK'S ANNOUNCEMENT FOR REMOTE MEETINGS

2. FLAG SALUTE

- 3. ROLL CALL** – present were Mayor Gilmore, Committeeman MacLachlan, Committeeman Levinson, Committeeman Clauss. Also present were Township Clerk/Administrator Paula Kosko, Attorney John Gillespie and Township Planner Scott Taylor. Committeeman Montgomery arrived at 7:05 pm.

4. MINUTES

**A. APPROVAL OF REORGANIZATION COMMITTEE MINUTES OF
JANUARY 5, 2021**

B. APPROVAL OF REGULAR COMMITTEE MINUTES OF JANUARY 5, 2021

**C. APPROVAL OF SPECIAL MEETING COMMITTEE MINUTES OF
JANUARY 27, 2021**

Motion: Committeeman Clauss. Second: Committeeman MacLachlan. All yes.

5. REPORTS

A. Tax Collector – January 2021

B. Code Enforcement – January 2021

C. Fire Official – January 2021

D. Construction – January 2021

E. Emergency Services Reports – January 2021

**Motion: Committeeman MacLachlan. Second: Committeeman Levinson.
All yes.**

6. DISCUSSION/PRESENTATION

A. Letitia Kelley, Chairwoman of Environmental Commission – Arbor Day

Ms. Kelley gave a report of what took place at the January 28th meeting of the Environmental Commission. They welcomed Bruce Levinson, who is the Commission's Liaison with the Township Committee. They discussed an interest in participating in Arbor Day. They discussed planting a tree to honor first responders and those affected by COVID-19. It just needed to be decided where, when and what kind of tree. They would like to have a memorial plaque with the tree type listed. The Commission is considering the Red Oak, which is our state tree, in front of the Municipal Building by the walkway where we lost a tree last year due to a storm. They will discuss it more, as well as how to pay for it at their next meeting February 26th.

Ms. Kelley said she had heard someone in the town may be replacing the trees that had died along on Deacon Road. She would like to know where that stands, or if her Commission needs to replace them and who will be paying for them. They are also researching the idea of having a butterfly garden.

Committeeman Levinson thanked Ms. Kelley for her presentation. He said the tree would be a living thank you and memorial. He said the Red Oak could possibly be donated. The tree would grow to 60 or 70 feet tall and support 200 kinds of vertebrates and insects. He hopes whichever tree is selected would be a place to pause and reflect on everything we have been through this past year and be grateful for the people who have put themselves on the line fighting COVID. Ms. Kelley added that the tree roots should not affect the grass or road. **Mayor Gilmore** thanked Ms. Kelley for the information and she hopes we continue to celebrate Arbor Day going forward.

7. COMMENTS FROM THE PUBLIC – Agenda items only (Comments are limited to 5 minutes)

No comments.

8. ORDINANCES

A. **ORDINANCE 2021-1** - Adopting New Jersey Best Management Practices for Municipal Stormwater Control (**Public Hearing and Final Adoption**)

Administrator Kosko explained that this ordinance amends our stormwater management plan and is needed to meet new state DEP requirements by March 3rd, 2021. The rule aims to accomplish the following: reducing flood damage, minimize stormwater runoff from new and redevelopment areas, reduce soil erosion, assure adequacy of existing culverts and bridges, prevent/reduce pollution, maintain integrity of stream channels and protect public safety.

Motion: Committeeman Clauss. Second: Committeeman Montgomery. All yes.

B. ORDINANCE 2021-2 – Adopting Redevelopment Plan for Certain Properties Known as Block 42, Lots 1, 1.01, 1.03, 2 and 2.01 also known as 1499 Route 38, 1513 Route 38, 1517 Route 38 and 1521 Route 38 (Public Hearing and Final Adoption)

Township Planner Scott Taylor explained that this ordinance is the next step in what was started last May for the north side of Route 38, just west of the Mt. Holly By-Pass, to investigate these properties for revitalization. Back on May 12, 2020, the Township Committee asked the Joint Land Use Board to undertake a preliminary investigation as to whether or not those twelve parcels met the statutory criteria to be determined an Area of Redevelopment. The JLUB had a hearing on October 7, 2020 where they found that the statutory criteria had been met. On October 13, 2020 the Township Committee adopted a resolution determining that area the Rt. 38 - Mt. Holly By-Pass a Redevelopment Area without condemnation. That is important because any redevelopment in this area would be voluntary. The redevelopment **area** comprises of twelve parcels. The Redevelopment **Plan** involves *five* properties listed on the ordinance. The two largest properties are Atlantic Wood, where there are exceedances to NJDEP contamination standards and need to be cleaned up for the property to be redeveloped and the Hessert property located at the jughandle at Lawrence Boulevard. The jughandle frontage makes it nearly impractical for the property to be developed on its own. The other large property is the Nissan dealership. The JLUB had a hearing at their February 3, 2021 meeting to see if the Redevelopment Plan is consistent with the Master Plan. They found that it is consistent. Mr. Taylor showed conceptual drawings of the properties. We want to consolidate the Nissan properties and eliminate the dangerous stem driveway that exists from Route 38 to the Atlantic Wood site. We are also working with the NJDOT to change the jughandle on the Hessert property to a farside jughandle. This is about step eight of a ten plus step process. Once the plan is adopted, that modifies the zoning. Mr. Taylor said this could be a win-win situation. We improve a bad DOT jughandle, eliminate a bad access road that helps with traffic safety, the vacant Hessert property with Route 38 commercial frontage developed and we strengthen the economic viability of Classic Nissan by making their two properties contiguous. We also clean up the environmental exceedances on the Atlantic Wood property and make it into a modern industrial warehouse for distribution use. The JLUB will still need to approve the site plans and subdivision approval, but the properties will be DOT compliant, have sound walls and proper lighting.

Mr. Levinson commented that he looked forward to the completion of this plan, to bringing in some nice revenues to the town and offset our expenses. He thanked Mr. Taylor for his presentation.

Anna Evans, 63 Parry Drive – asked if the developer is the Black Creek group. **Mr. Gillespie** answered that it would be one of the entities.

Ms. Kosko said two items in the ordinance need to be adjusted for the record. The date in the third “whereas” should be February 3, 2021 and the resolution number in the fourth “whereas” for the resolution should be 2021-04 not 2020-12.

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

- C. **ORDINANCE 2021-3** - To Exceed the Municipal Budget Appropriation Limits and to Establish a CAP Bank (N.J.S.A. 40A:4-45.14) (**First Reading and Introduction**) (**Public Hearing and Final Adoption March 16, 2021**)

Motion: Committeeman Clauss. Second: Committeeman Levinson. All yes.

9. **CONSENT AGENDA RESOLUTIONS**

The items listed below are considered routine by the Township of Hainesport and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

- A. **RESOLUTION 2021-39-2** - Authorizing an Agreement with Electronic Recyclers International, Inc. for E-Waste Collection and Recycling

Mr. Montgomery asked how this worked and if the residents should remove their private information off their computers before they turn them over in case they are reused. **Ms. Kosko** said we take the old electronics at our recycling center and our Clean Up days from the public. This company takes it all at no charge. **Mr. Montgomery** said he feels especially for our seniors, that they need to know to destroy the hard drive. Identity theft is no joke. **Mr. Clauss** asked if we could put a sign up at the site to remind the residents to remove their hard drive before leaving their electronics. **Ms. Kosko** agreed.

- B. **RESOLUTION 2021-40-2** – Approve Firefighters into the NJ State Firemen’s Association
- C. **RESOLUTION 2021-41-2** – Acknowledge and Admit the Volunteer Members of the Hainesport Fire Company and Hainesport Emergency Squad
- D. **RESOLUTION 2021-42-2** – Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission
- E. **RESOLUTION 2021-43-2** – Authorizing Contract for Computer Services
- F. **RESOLUTION 2021-44-2** – Authorizing Aerial Larvacide Application
- G. **RESOLUTION 2021-45-2** – Acknowledging Budgetary Commitment for Hainesport Volunteer Fire Company
- H. **RESOLUTION 2021-46-2** – Approving Performance Guaranty Reduction and Inspection Escrow Reduction for Our Lady Queen of Peace
- I. **RESOLUTION 2021-47-2** – Designating a Master Redeveloper for Certain Property Known as “The Rt. 38 – Mt. Holly Bypass Redevelopment Area”, Block 42, Lots 1, 1.01, 1.03, 2 and 2.01

Motion: Committeeman MacLachlan. Second: Committeeman Clauss. All yes.

10. BUSINESS

A. Approval of Business Licenses (See Attached)

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

B. Approval of Mobile Home Park License

2021-01 – Goss LLC.

2021-02 – Russlyn Mobile Home Park

Motion: Committeeman Clauss. Second: Committeeman MacLachlan. All yes.

C. Approval of Charitable Clothing Bin License

2021-01 – Better World Books

2021-02 – Turnkey Enterprises, LLC

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

D. Approval of Video/Pinball License

2021-01 – Dunleavy's

Motion: Committeeman MacLachlan. Second: Committeeman Montgomery. All yes.

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

Jeff Shapiro, Real Estate Agent, Cinnaminson – brought a proposal to the Committee to purchase 1717 Ark Road, the Cinnaminson Nursery property. He said they should consider it for Open Space. The listing price is \$1.7 million for 42 acres. If it is deemed Open Space, there would be a cost share with property taxes, by the county and the state. It would be a great defensive measure to keep it from being developed. **Mr.**

Montgomery asked where the property was located. Mr. Shapiro said it was between Union Mill Road and the small airport on Ark Road. **Mr. MacLachlan** asked Mr. Gillespie about the county involvement. **Mr. Gillespie** said we would enlist their support, but the big number comes from Green Acres – 50%. 25% would be paid by the county and the Township would be responsible for 25%. It a very extensive effort. The Township would have to pay for appraisals. We would have to see how it fits in. **Mayor Gilmore** said they would take a look at his proposal.

Jim Murray, Managing Director of Black Creek – thanked the Committee for adopting the redevelopment area. He also thanked Mr. Gillespie and Ms. Kosko for their help and said Black Creek would be willing to donate the tree and the plaque for the Environmental Commission. The Committee thanked him.

12. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko said there are two legislative issues that she wanted to bring to the Committee's attention. **Mr. Gillespie** will review the second.

The first issue to discuss is about recreational use of marijuana. The Governor has not signed it into law yet, however six different licenses are being proposed: cultivation, manufacturing, wholesale, distribution, retail and delivery. The Governing Body will have 180 days to pass an ordinance on what type of licenses to permit in our municipality once the bill is signed. We can determine what kinds of licenses we will allow, but we cannot deny the delivery license. This license is similar to Uber. We will receive a 2% local tax on these licenses, 1% if wholesale. We can add things to the ordinance like security, hours, zoning. We will default to the state's rules if we do not pass our own ordinance for five years. **Mr. Montgomery** asked when the Governor will sign. **Mr. Gillespie** said it will probably be soon.

13. COMMENTS FROM THE SOLICITOR

Mr. Gillespie addressed the Assembly Bill 1571/1576. The League of Municipalities is strongly opposed to this Bill as it seeks to expand the Public Works projects prevailing wage to include PILOT projects, affordable housing projects and projects already under contract. This would be counterproductive to the incentives we have in place. NJLM would like Mayors to send a letter opposing this legislation. **Ms. Kosko** added that a lot of progressive towns are opposed to this. The sponsors of the Bill are unions. **Mr. Gillespie** asked if we want to do a letter. **Mr. MacLachlan** said this legislation would drive costs up and limit the amount of projects. The market should prevail for wages. **Mr. Gillespie** asked for a vote to write the letter.

Motion: Committeeman MacLachlan. Second: Committeeman Clauss. All yes. Committeeman Montgomery abstained.

Mr. Gillespie also addressed the ongoing situation at 104 North Cumberland. He recapped how we had joined with the bank in the lawsuit against the squatters. The case was heard on February 8th. He asked five of the neighbors to act as witnesses, but none of them participated. **Ms. Kosko** was able to be a witness based on the Township's involvement and our minutes were taken into evidence. An order was approved to eject the squatters from the property, the judge just needs to sign it. While Executive Order 106 stops evictions, there is no legal right for squatters under this order. **Mr. MacLachlan** mentioned that we were getting a fee from the bank since it was an unoccupied property, which covered part of our legal costs. **Ms. Kosko** said while it is normally not our business to get involved in something like this, luckily the vacant property fees owed by the bank are paying our legal fees for this endeavor. **Mr. Montgomery** thanked **Mr. Gillespie** for his great work on this case. **Mr. Clauss** asked if there was a way to be proactive so this situation does not happen again. **Mr. Gillespie** said the police cannot act if they say they have a lease. Luckily, this kind of thing does not happen too often, but it took longer to work through because the bank servicer of the property changed three times.

14. COMMENTS FROM THE COMMITTEE

Committeemen Levinson, MacLachlan and Montgomery had no comments.

Committeeman Clauss said he is hoping to see COVID and winter winding down and to stay well and safe.

Mayor Gilmore announced the Mayor's Wellness Campaign will kick off "Walk with the Mayor" on March 13th at 11 am at the Municipal Park. Saint Patrick's Day will be the theme and there will be prizes. The walk is for all ages – wear your green. Each week she will walk a different neighborhood. Information will be put up on the website.

Community Day will be June 5th at the Municipal Park. Health and wellness booths and professionals will be present. We are going to expand our website to include more health and wellness information. The Mayor met last week with Jefferson University Hospital professionals and community members. They are trying to plan something for each month. **Mr. Montgomery** asked what the hours were for Community Day. Mayor Gilmore answered noon to 4 pm and gave him a special invitation to the dunk tank.

15. BILL LIST

Motion: Committeeman MacLachlan. Second: Committeeman Montgomery. All yes.

16. EXECUTIVE SESSION

A. RESOLUTION 2021-48-2 – Resolution to Enter into Executive Session

1. Personnel

Motion: Committeeman MacLachlan. Second: Committeeman Montgomery. All yes.

Motion to re-enter Open Session: All in favor.

Motion to Authorize the Administrator to Advertise for the Position as Discussed

Motion: Committeeman Montgomery. Second: Committeeman Clauss. All yes.

17. ADJOURNMENT @ 8:55 P. M.

Motion: Committeeman Levinson. Second: Committeeman Clauss. All yes.

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk

Township Committee Meeting
February 16, 2021
7 pm

The public may electronically submit questions or comments to pkosko@hainesporttownship.com or in written letter form to the Clerk's Office at the Municipal Building (can drop in Tax Payment Drop Box as well) no later than 4pm the Monday prior to the Committee Meeting. Name, address and phone or email must be included. Previously submitted questions or public comment shall be read aloud and addressed during the public meeting. Duplicated written questions or comments may be summarized and shall be done consistently.

To eliminate background noise so that all meeting participants can hear, please mute your microphone and remain in listening mode only. The Clerk will place all remote attendees on this platform on mute as well. During public comment period(s), the Clerk will unmute all remote participants. If you do not have a question or comment, please manually re-mute your microphone. The Clerk will manage the remote users for public comments. All remote users must state their name and address at the beginning of his/her public comment.

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2. YouTube Live

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The governing body requests that **questions or comments on agenda items be directed to the Administrator/Municipal Clerk by 4pm on the Tuesday of the meeting**. All questions and comments will be considered by the Township Committee and entered into the official minutes of the meeting.

Individuals calling into the phone number or accessing from a computer will be able to fully participate in the meeting. However, all persons calling in will be asked to place their phones on mute unless speaking and being recognized to speak during a Public Hearing or Comments from the Public. A non-public dial in number will be used if executive session is required.