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## HAINESPORT TOWNSHIP COMMITTEE MINUTES

October 12, 2021

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of October 12, 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. **FLAG SALUTE**

2. **ROLL CALL** - present were Mayor Gilmore, Committeeman MacLachlan, Committeeman Levinson, Committeeman Clauss and Committeeman Montgomery. Also present were Township Clerk/Administrator Paula Kosko and Attorney John Gillespie.

### 3. **MINUTES**

#### A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF SEPTEMBER 14, 2021**

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

#### B. **APPROVAL OF SPECIAL MEETING COMMITTEE MINUTES OF SEPTEMBER 22, 2021**

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

### 4. **REPORTS**

A. **Tax Collector** – September 2021, 3<sup>rd</sup> Quarter Ending September 2021

B. **Code Enforcement** – September 2021

C. **Fire Official** – September 2021

D. **Construction** – September 2021

E. **Emergency Services Reports** – September 2021

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

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

No comments.

## 6. ORDINANCES

### A. **ORDINANCE 2021-11**– Providing for the Construction, Repair and/or Replacement of Sidewalks and Curbing Abutting Property Owners and Authorizing the Placement of Liens on Non-Compliant Properties (**Public Hearing and Final Adoption**)

**Thomas Kennedy**, 6 S. Hunterdon Ave. – asked if the sidewalk was not on his deed did he have to pay the town to fix it. **Mr. Gillespie** responded that if it is not on your deed, but it abuts your property under the law it is your responsibility if it needs to be fixed. Mr. Kennedy asked if it was right to make the homeowner pay the township a fee. Mr. Gillespie responded that they only pay a fee if the owner does not fix it and the township has to. Mr. Kennedy said at the end of the day, the Township would be caging people for not fixing their property. There was discussion about owner responsibility for example, shoveling snow. Mr. Gillespie added that the property owner would be benefitting from the repair of the sidewalk. **Mr. MacLachlan** said when he was Mayor, he noticed the bad sidewalks and wanted to do something about it. He asked Mr. Gillespie to explain the shared liability of the homeowner and the Township. **Mr. Gillespie** said both can be sued if someone is injured and the sidewalk is in the Township's Right of Way. Mr. MacLachlan explained how the Township identified the worst sidewalks in town and pointed out that in Section VI of the Ordinance it says that there may be money in the budget and/or Grants we are applying for to reduce costs. **Ms. Kosko** described the Safe Routes to School Grant. It can be used for sidewalk repair within a 2-mile radius of the school and we are applying for a \$1.1 million dollar grant. The sidewalks targeted are those along both sides of Marne Highway (in Hainesport), S. Hunterdon, S. Cumberland, Craig, Sandra and Laurel Ridge. Mr. Kennedy pointed out that we may not get the grant. Some Committee members stated they were trying to be as fair as possible, but thought the property was completely owned by the homeowner. **Mr. Clauss** suggested tabling the Ordinance for now. Mr. Kennedy criticized the Committee for not knowing the contents of the Ordinance. **Mr. Montgomery** said he did not appreciate that comment, it is not true and reiterated that we are looking for grants to help with the cost.

**Paul Colella**, 2203 Craig Drive – said the Ordinance was rolled out quickly. He and his neighbors on Craig Drive have asked the Township to fix the sidewalks for years, but maybe have not been vocal enough. The trees planted there have damaged the sidewalks for years, but the Township says it is not responsible for trees being planted. It costs \$10 thousand dollars to remove a tree. He asked that before the Committee votes, they should come out and take a look. He has maintained his property and paid his taxes. This has not been thought through enough. He urged them to talk to the homeowners before they vote and communicate with the people it will affect. Fix the costly problem and then turn it over to the residents to maintain thereafter. **Mr. MacLachlan** said the ordinance was a little heavy. He asked Mr. Gillespie whose responsibility are the sidewalks if they are in the Right of Way. **Mr. Gillespie** said if they are in the Right of Way and there is no Ordinance, they generally the responsibility of the County or Municipality. He pointed out that the Ordinance was not rushed out. A slide show on the condition of the sidewalks was presented at the August

meeting. The Ordinance was introduced in September and advertised accordingly like all other ordinances. The benefit of a repaired sidewalk is to the homeowner. Realtors will tell you curb appeal is huge when selling a house. The Committee is challenged with balancing the interests of the entire town. Why should taxpayers that do not use that sidewalk have to pay for it? It is debatable. We can Table the Ordinance and continue to investigate ways to pay for the repairs. Mr. Colella said it is his understanding that State law says sidewalks are Township property unless an ordinance is passed.

**Debra Harris**, 7 Elsinore Drive – asked the Committee to stop and reconsider. She said this measure is draconian at best. Just because you can do something does not mean you should. The issue of liability is separate. We are talking about cost shifting your burden for repairs to your constituents. This would add another financial burden after all they have been through over the last 18 months of the Pandemic. Please Table the ordinance. Look at the Rutgers study of 2009 on cost shifting. The sidewalks increase the value of the entire Township. **Mr. Levinson** asked her what would be fair. She responded she has seen different percentage splits of cost sharing – 30/70, 50/50. She has seen a cap of \$2,000 for every \$10,000 and she has also seen developers help out.

**Ted Urbanski**, 2407 Craig Drive – said he was disappointed that the Committee would put this on the property owners in the middle of a Pandemic when people have lost their jobs. Before 1990, it was typical to put shade trees between the sidewalk and the curb. When Hainesport Chase was built, they changed the location of trees to front lawns. If there are no Grants to pay for this, talk to residents. Remember the Mission Statement of the town. The Township let the developer put the trees there.

**Anthony Savino**, 2302 Craig Drive – said the sidewalks have always been bad. He spoke with Jay in Public Works about his tree/sidewalk issue a while back. He discussed Mr. Montgomery recording his sidewalks back when he was running for office. **Mr. Montgomery** added that he felt the sidewalks should be fixed. When the sidewalk issue came up, he was asked why taxes should go up for residents that do not have sidewalks. We need to determine whose property the sidewalk is on. The intent of the Committee is to do right by everyone. **Mr. MacLachlan** said some residents have gone around the trees, into their yards to fix the sidewalk. Some people want to keep the trees, some do not. The Ordinance is a little too strong. There is a lot of legalese that comes off as mean spirited. We are looking for the money to fix this. He asked who is legally responsible to fix the sidewalks. **Mr. Gillespie** answered that if there is no ordinance to say otherwise and it is in a County or Township Right of Way, it is theirs. Mr. Savino thanked Anna Evans for letting the residents know about the sidewalk ordinance.

**Christopher Mark Antonio**, 2211 Craig Drive – said we need to know whose property the sidewalk and tree is on. He took out a tree that was causing his sidewalk a problem because he did not want to have to do the concrete work. The trees have lifted up the sidewalk and the cost should be looked at on a case by case basis. If the problem is on a lawn it is the property owner's responsibility. **Mr. Gillespie** asked why the comments were so adverse. This Public Hearing is an opportunity to have a conversation about the issue. There is no evil intent. Mr. Antonio asked why Parry Drive and Bancroft Lane got new paving and handicap sidewalk ramps. **Mr. Clauss** answered that when a road is repaired, it is mandatory

that the sidewalk be made ADA compliant. **Ms. Kosko** responded that those streets were part of a road maintenance program which we received NJDOT funding for. Phillips Road, Bancroft, Ark Road, Parry, one of the courts in the rear and a couple streets in the Glen. The roads were chosen for repair by the Street Scan assessment ranking that has been available on the website for the past three years. Bancroft Lane also had a major storm drain problem that had to be repaired.

**The Committee voted to Terminate the Ordinance at this time**

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

**Mr. Clauss** provided letters of support for the Grant for the residents to sign. The letters would be added to the Grant submission paperwork. He also plans to walk around the affected neighborhoods and get more signatures. **Mayor Gilmore** urged the residents of the affected streets to sign the letters.

**Mayor Gilmore suggested a Motion for a brief Recess.**

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

**Motion to Re-Open Meeting**

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

**Mayor Gilmore invited SSgt. Antenucci to give his report.**

**SSgt. Antenucci**, NJSP – said there were no major problems. They are investigating a few vehicle break-ins. He reminded everyone to lock the cars and secure the valuables. If anyone sees suspicious people or cars, please call the State Police.

There have been no new issues at Tavern & Table since they have added patrols.

In June, a suspicious male was reported talking to kids. He was arrested, but now he is back out. Please be aware and give the police a call if you have a problem with him.

Trooper Morris has been assigned as a School Resource Trooper to Hainesport School to teach safety lessons to the students and make sure the school is safe and secure. He will also assist with the State Police community policing initiative.

The State Police will continue to be present at Hainesport events, including the Trunk or Treat and the First Responders dinner. If you have a concern, please contact Paula Kosko or call our non-emergency number 609-298-1171. For emergencies, call 911.

## **7. 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 2021-122-10** – Authorizing Advertisement Request for Qualifications for Professional Services

- B. **RESOLUTION 2021-123-10** – Authorizing Submission of Grant Application to NJDEP for Hazardous Discharge Site Remediation Fund/Public Entity Program for the Kleiner Property/Creek Turn Park Site at Block 99, Lot 9 and Block 100, Lots 9-13 and Awarding Contract for Services as Outlined in the Grant Submission
- C. **RESOLUTION 2021-124-10** – Authorizing the Appointment of a Full Time Employee in the Public Works Department
- D. **RESOLUTION 2021-125-10** – Approve Firefighters into the NJ State Firemen's Association

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

## **8. RESOLUTIONS**

- A. **RESOLUTION 2021-126A-10** - Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

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

- B. **RESOLUTION 2021-126-10** – Awarding Grant Support Services for FY21 EPA Brownfields Cleanup Grant for Property Formerly Knowns as Paul's Tank Cleaning Service Block 96 Lot 1.07 to BRS, Inc.

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

- C. **RESOLUTION 2021-127-10** – Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

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

- D. **RESOLUTION 2021-128-10** – Authorization to Purchase Multi-Channel Audio Video Recording System as Needed to Support Multiple Remote Communication Platforms

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

**Ms. Kosko** asked Mayor Gilmore to amend the Agenda to include a Resolution allocating the funds for the 2021 CDBG Grant Award.

**Motion to Amend the Agenda to include Resolution 2021-129A-10**

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

- E. **RESOLUTION 2021-129A-10** – Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

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

- F. **RESOLUTION 2021-129-10** – Awarding Contract for the Municipal Park Phase VII Playground Replacement and Improvement Project

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

## 9. BUSINESS

- A. **Approval of Business Licenses** (See Attached)

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

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

**Anna Evans**, 63 Parry Drive – thanked the residents for coming out about the sidewalk issue. She commented on the process of how we arrived at what happened tonight. It has been said that this issue has been under consideration for a long time. This is true, but misleading. She does not believe the Ordinance was discussed before August. That is just two meetings ago. Then instantly, the Ordinance was introduced in September. The September meeting was not well attended. When the residents say they feel it was rushed, they have a point. She posted about the ordinance on social media and gave residents a heads up for the Public Hearing. That's why people are here. The Township is not communicating effectively enough to get the residents out. **Mr. MacLachlan** responded that the ordinance process is dictated by the State. We do not control it. People were excited because they did not understand if the sidewalk is their responsibility or not. We will revisit the Right of Way/property owner issue, but we do not appreciate you saying this Ordinance was "snuck in". He reminded her that he brought up the sidewalks on his first day as Mayor. **Ms. Evans** said there should be time taken to talk about the ordinance and create it after speaking to residents. **Mr. Montgomery** added that it was terminated.

**Catherine McNelis**, 407 Bischoff Ave. – said for years she asked for sidewalk or bike path along Route 38. It was on the plan when Creekview was built. Ron Corn decided we did not need one, so it was taken off the plan. When they put Lakeside in, they were going to put a sidewalk in from Bancroft to Lumberton. She asked them to put one from Bancroft to Rt. 38 (along Creek Road) because there is no shoulder there. Nothing was done. She would like it to be considered again. It is not safe to walk or ride a bike there. As President of the Senior Citizens Club, she would like the sidewalk fixed by the Street Center. A resident tripped there a few years ago and got hurt. She said she would not mind adding a penny tax over the years to pay for sidewalk repairs. She asked why the Grant money was for Hainesport Proper only. Why could it not pay for sidewalks by the Street Center? **Ms. Kosko** responded that the specific CDBG Grant uses census tract data to determine which areas qualify.

The Proper was the only area in town that met the qualifications. Ms. McNelis added that she hopes the Planning Board makes the Stevens property warehouses have access to Route 38. There is too much traffic on Mt. Laurel Road.

**Thomas Kennedy**, 6 S. Hunterdon Ave. – said people do not come out to the meetings much because they are mostly happy with the town. **Mayor Gilmore** reminded all to check our website and soon the new phone app for information.

#### 11. **COMMENTS FROM THE ADMINISTRATOR**

**Ms. Kosko** explained that she is working on the Safe Streets to School Grant and it is due Thursday. There are six roads' of sidewalks we are targeting. The cost estimate as of now is \$1.1 million dollars requested to fix sidewalks, make them ADA compliant with ramps and added pedestrian signage.

The Agenda is posted on the Township website each Friday before the meeting. The Ordinances are posted on our bulletin board, on the website and in the newspaper. OPRA is available for anyone to request documents. Our meetings are online, on our website and also on YouTube Live. We are an extremely transparent town and prefer to not govern on social media.

#### 12. **COMMENTS FROM THE SOLICITOR**

No comments.

#### 13. **COMMENTS FROM THE COMMITTEE**

**Committeeman Levinson** – thanked everyone for coming to the meeting.

**Committeeman MacLachlan** – said he was surprised by the price of the sidewalk repairs. He was hoping the Committee could put \$20,000 in the budget to get it started, but will take too long. It is vague whose responsibility it is. He asked Mr. Gillespie if the Ordinance was needed for the Grant. **Mr. Gillespie** responded that it was not. The Ordinance is needed to establish responsibility. The assessment was completed. We discussed bonds or special assessments. We want the fairest resolution. If the Township does the repair, we would have to pay prevailing wage which is 20% more than the homeowner would pay. Ordinance 2021-11 followed the same procedure that all ordinances follow. The conversation does not need to be adversarial. We have terminated the Ordinance. There was nothing misleading.

**Committeeman Montgomery** - reported on the Cannabis Committee Meeting. Paula Kosko, Gerry Clauss, Township Planner Scott Taylor and Chris Murphy from the Joint Land Use Board participated. Class III wholesale and IV distributor licenses were discussed. We do not want to limit the licenses for these classes. We will have another meeting and talk with more neighbors.

**Committeeman Clauss** – added that they decided that the distributors will use plain boxes so as not to advertise the businesses. There would be no manufacturing, or repackaging. We do not want to limit the number because we want many businesses to apply for the opportunities in town. He also spoke of the 100-year anniversary coming up for Hainesport Township on September 14<sup>th</sup>, 2024. He wants lots of

people to get involved and put together a Committee to plan events and have sponsors. Bob Shinn was Mayor at the 50-year anniversary and has some great artifacts. Concerning the sidewalks, he does not have them, but he has learned a lot about them. As an electrician, he would want to take out the trees to prevent more problems. If a resident does not want a tree by the sidewalk and curb, it should be removed.

**Mayor Gilmore** – reminded everyone the October is Fire Prevention Month and to change their batteries in the smoke detectors. She also listed the following upcoming events:

10/15 Storytime for preschoolers at the Street Center 10 am – 11 am with a special guest

10/16 Clean Up Day from 7 am – 12 pm at the Street Center, Shredding 8 am – 11 am

Senior Citizens Meetings the 2<sup>nd</sup> & 4<sup>th</sup> Thursdays at the Street Center

10/20 Shot Clinic at the Street Center provided by Acme. Flu, senior flu, shingles, pneumonia, tetanus, hepatitis and COVID booster shots will be available from 1 pm – 4 pm. Sign up on the Township website with the QR code.

10/28 First Responders Appreciation Dinner

11/11 Veterans Day Lunch – see details on website, free for Veterans

Last Friday was the last Movie in the Park for the year and Trunk or Treat. She thanked Donna Casey, the EMTs, Fire Department, State Police, Paula Tiver, Donna Kilburn and Gerry Clauss for participating. The Food Truck Festival and Antique Car Show were also a big success. She congratulated Bruce MacLachlan for winning a national award for his antique car in Hershey PA and wished everyone a Happy Halloween.

#### 14. **BILL LIST**

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

#### 15. **EXECUTIVE SESSION**

**A. RESOLUTION 2021-130-10 – Entering into Executive Session**

1. Attorney Client Privilege
2. Litigation

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

**Motion to Re-Enter Open Session**

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



**Motion to Authorize Solicitor to Proceed on Both Matters Discussed in Closed Session**

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

**16. ADJOURNMENT @ 10:21 P. M.**

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

Respectfully Submitted,

*Paula L. Kosko*

Administrator/Municipal Clerk

**OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA**

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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.

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