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HAINESPORT TOWNSHIP COMMITTEE MINUTES

February 8, 2022

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of February 8, 2022 with instructions for internet access was included in a meeting notice sent to the Burlington County Times and Courier Post On January 6, 2022 and advertised in said newspapers on January 9, 2022, and January 12, 2022 respectively posted on the website and the bulletin board in the municipal building on January 6, 2022 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. **FLAG SALUTE**

2. **ROLL CALL** - present were Mayor MacLachlan, Committeeman Clauss, Committeeman Levinson, Committeewoman Gilmore and Committeeman Montgomery. Also present were Township Clerk/Administrator Paula Kosko, Attorneys John Gillespie and Scott Miccio and Township Planner Scott Taylor.

3. **MINUTES**

- A. **APPROVAL OF REGULAR MEETING MINUTES OF DECEMBER 14, 2021**
- B. **APPROVAL OF EXECUTIVE SESSION MINUTES OF DECEMBER 14, 2021**
- C. **APPROVAL OF SPECIAL MEETING MINUTES OF DECEMBER 28, 2021**
- D. **APPROVAL OF REORGANIZATION COMMITTEE MINUTES OF JANUARY 4, 2022**
- E. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JANUARY 4, 2022**

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

4. **REPORTS**

- A. **Tax Collector** – January 2022
- B. **Code Enforcement** – January 2022
- C. **Fire Official** – January 2022
- D. **Construction** – January 2022
- E. **Emergency Services Reports** – January 2022

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

At this time, Mayor MacLachlan requested SSgt. Antenucci to give his report.

SSgt. Antenucci, NJSP – said unfortunately, businesses are still getting hit with catalytic converter thefts. There was also theft of copper from a vacant house.

The person from last summer that was talking to girls in the neighborhoods is back out there. He wears dark clothing and a hoodie covering his face. He has been arrested before. Please call the State Police if you see any suspicious activity.

Please continue to lock your cars and secure valuables.

5. DISCUSSION/PRESENTATION

A. Cannabis Ordinance Review

Mr. Clauss started the review by saying we decided not to do retail business for now because of the risks of a cash business and the security concerns. **Mr. Montgomery** added that we can wait and see how retail does elsewhere. The cultivator and manufacturer businesses have issues with smell and environmental impact. We will move forward with the wholesale and distribution businesses, as they will have a low impact on our town. We will receive 1% tax revenue for wholesalers. Delivery is allowed in town regardless of Township policy. **Mr. Miccio** clarified that if delivery licenses are granted, the delivery companies can set up shop in town. **Mr. Montgomery** said we are not allowing that type of license at this time.

B. Sidewalk Repair Project

Mayor MacLachlan said he was happy to move forward with the repairs for Craig Drive, Sandra Lane and Laurel Ridge Road. Planning the large trees by the neighborhood sidewalks caused the problem. He feels the town has a moral responsibility to fix these. **Mr. Montgomery** added that the sidewalk repairs in the Laurel Ridge neighborhood were part of the platform that he and Mr. Levinson ran on. The sidewalk assessment was done all over town to determine the worst problems.

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

Anna Evans, 63 Parry Drive (online) – said she approved of the ordinance to fix the sidewalks. She thanked Bruce Levinson & Ken Montgomery for fulfilling their promises. She asked if those were the only sidewalks that will be fixed. **Mayor MacLachlan** answered that there were others being considered. **Ms. Kosko** said the ordinance appropriates funds from the General Capital. This is money from cancelled projects. The \$80,000 will help with other areas in need. Some areas in Clermont will be next. The three streets in Laurel Ridge will be done first since they are the worst. The intent is to have funds available to do sidewalk repairs as needed. Our assessment showed that 85% of our sidewalks are in good condition. Mayor MacLachlan added that these funds are for major issues, primarily for root lifted sidewalks not little cracks.

7. ORDINANCES

- A. **ORDINANCE 2022-1** – Permitting the Operation of and Taxing Class 3 Wholesaler and Class 4 Distributor Cannabis Businesses in Certain Zones, with Conditions, and Amending Chapter 77 of the Code of the Township of Hainesport (**First Reading and Introduction**) (**Public Hearing and Final Adoption March 8, 2022**)

Mayor MacLachlan asked Attorney Scott Miccio to explain the ordinance. **Mr. Miccio** gave a brief history of the types of cannabis licenses, how we opted out of the State’s initial offering of being open to all types of cannabis licenses and how we formed a subcommittee to further investigate our options. Our Ordinance allows wholesaling (warehouse) and distribution licenses only. This will allow the storage and transport cannabis to retail facilities.

The Ordinance has two sections – licensure and taxation. The licensure section lays out the process and requirements for obtaining a license. Once the Economic Development Committee recommends an applicant to the Township Committee, a Resolution would need to pass approving the applicant to be considered for the State and land use approvals. A \$5,000 application fee and annual registration fee would be collected for the Township. The taxation section would authorize the Township to collect 1% of sales from the warehouses. The distribution licenses do not provide for a local tax benefit. **Mr. Taylor** added that there would be no impact to the community from these types of licenses. Trash would be secured and no odors would be emitted. The Ordinance is written to take the specificity of cannabis out of land use and site plan issues in the licensing section.

The Committee members asked many questions to Mr. Miccio and Mr. Taylor. They asked about whether this Ordinance would be part of the re-examination of the Master Plan. The answer was yes. They clarified that the fees we want to charge are reasonable. The application fee would be paid when the candidate asks for the recommendation of the Committee. The State has not given a date yet for when the wholesaler and distribution licenses will be available. There was concern about accepting the Economic Development Committee’s recommendations without further investigation or knowledge of the candidates. **Ms. Kosko** said we could implement score cards to review applicants. She can get examples of them from other towns. She also pointed out that we do not mandate or investigate applicants for liquor licenses. We rely on the State’s mandate and State Police to conduct the background checks. **Mr. Gillespie** recommended that the Committee revise section 77-8 C of the Ordinance. As currently written, it states that the license “*shall be granted*” by the Committee if the Site Plan is approved, it complies with the concept plan and our Ordinance and the fees have been paid. We would retain more control if we change it to read “the license *shall be considered for approval*” if these conditions are met. The applicant could be asked to come before the Committee if they feel it is necessary. The Committee members agreed to vote on the Ordinance with the suggested change in section 77-8 C.

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

- B. **ORDINANCE 2022-2** – Appropriating the Sum of \$80,000 in Funding from the General Capital Fund Balance for Sidewalks, Curbs, Warning Surfaces and Striping on Various Areas throughout the Township (**First Reading and Introduction**) (**Public Hearing and Final Adoption March 8, 2022**)

Mayor MacLachlan said he was pleased that we could work through the challenge of getting the sidewalks fixed. The bid for the work was below the bid threshold of \$44,000, so Ms. Kosko (as our QPA) is authorized to award a contract for the work. It should get done relatively quickly. **Ms. Kosko** added that the majority of townships have ordinances that define the responsibility for sidewalk repair as the homeowners. **Mrs. Gilmore** asked if we had an answer about the Grant we applied for to pay for the repairs. Ms. Kosko responded that we have not heard anything yet.

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

8. **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 2022-35-2** – Governing Body Certification of Compliance with the United States Equal Employment Opportunity Commission
- B. **RESOLUTION 2022-36-2** – Authorizing Contract for Computer Services
- C. **RESOLUTION 2022-37-2** – Authorizing Aerial Larvicide Application
- D. **RESOLUTION 2022-38-2** – Authorizing Issuance of Raffle Licenses to the Hainesport PTO
- E. **RESOLUTION 2022-39-2** – Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020 – June 2025 Municipal Alliance Grant
- F. **RESOLUTION 2022-40-2** – Authorizing a Shared Services Agreement with Lumberton Township for Vehicle Fueling Services
- G. **RESOLUTION 2022-41-2** – Authorizing a Shared Services Agreement with Lumberton Township for Vehicle Maintenance

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

9. **RESOLUTIONS**

- A. **RESOLUTION 2022-42-2** – Authorizing a Five-Year Recycling and Solid Waste Services Agreement with Burlington County

Mayor MacLachlan said we will pull this resolution from the Agenda due to the ambiguity of the contract. It has no ceiling. **Mr. Clauss** added that this is their way of raising taxes through charging more for recycling to the municipalities.

Ms. Kosko agreed. She said for the past two 5 year agreements, they have maintained a 2% service charge. This was intended to stay in line with the 2% municipal spending cap. Now they are dealing with inflation and volatility of foreign markets. They are raising the cap to 2.5% service charge with no guarantee of a future cap. It is an open ended COLA for them. She is reaching out to other municipalities to see how they are dealing with it. How can we budget for it when there is no cap? **Mr. Gillespie** said they could at least tie it to the Consumer Price Index for some accountability.

VOTE TO TABLE

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

10. BUSINESS

A. Approval of Business Licenses (See Attached)

B. Approval of Mobile Home Park License

2022-01 – Russlyn Mobile Home Park

2022-02 – Goss

C. Approval of Charitable Clothing Bin License

2022-01 – Ameritex Industries

2022-02 – Planet Aid

2022-03 – Turnkey

Mr. Clauss clarified who paid for the fees associated with these licenses. **Ms. Kosko** told him it was the for-profit companies that provide and manage the bins.

D. Approval of Video/Pinball License

2022-01 – Tavern & Table

2022-02 – Dunleavy's

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

11. CORRESPONDENCE

A. Joint Land Use Board 2021 Annual Report

Mayor MacLachlan asked for an explanation of the report for the public. **Mr. Gillespie** replied that the Statute requires the Planning Board to report its activities of the prior year. This is a summation of the applications received, what they involved and the outcomes. Mayor MacLachlan asked about the repetitiveness of some of the applications. Do they need to keep bringing some of these to the Land

Use Board for approval? **Mr. Taylor** responded that we can address that in the Master Plan review. Zoning issues have been discussed with Kathy Newcomb and recommendations will be made to clean up some of the requirements.

Motion to Accept Report.

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

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

Anna Evans, 63 Parry Drive (online) – suggested Mayor MacLachlan ask Ms. Kosko if there is an online audience before he starts disparaging that there is no audience.

13. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko reported that we were invited by the Administrator of Lumberton Township to collaborate in a water quality restoration Grant. NJDEP will be giving \$9.4 million dollars to develop a watershed protection plan for impaired waterways including the Rancocas Creek and to help identify and eliminate pollutants. She is seeking Governing Body approval for the collaboration. Rutgers will be writing and submitting the Grant. They would also administer the Grant. The Grant also extends to stormwater management. If we receive the Grant, we will need a representative. **Mr. Montgomery** suggested Bruce Levinson because he has so much knowledge about the Rancocas. The Committee agreed that he would be a great choice. **Mr. Levinson** agreed to be the representative if needed.

The construction on the new playground will start this month.

14. COMMENTS FROM THE SOLICITOR

No comments.

15. COMMENTS FROM THE COMMITTEE

Mrs. Gilmore – thanked everyone for coming. Saturday is the drop off day for the Heart to Give shoeboxes for the homeless at the Street Center from 10 am – 12 pm. The Senior Citizens Club meets the 2nd and 4th Thursday at 12 pm each month at the Street Center. Storytime (also at the Street Center) is on February 18th for ages 2 ½ to 5 years olds from 10 – 11 am. She thanked Dr. Elizabeth Forbes for helping with the Mayor's Wellness Campaign events for Community Day on June 4th.

Mr. Levinson – no comments.

Mr. Montgomery – said he was happy to be moving forward with cannabis and the sidewalk repairs.

Mr. Clauss – agreed with Mr. Montgomery and added that the Fire Department is selling roses on the 12th and the 13th as a fundraiser. The groundhog was wrong we are in for an early spring.

Mayor MacLachlan – said he is getting the hang of being in the Mayor’s seat again. He wants to make sure the public knows what is going on. He thanked Ken Montgomery and Gerry Clauss for working on the Cannabis Subcommittee. It is a complex issue and he was glad the Subcommittee worked together to make it a good fit for our town.

16. BILL LIST

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

17. EXECUTIVE SESSION

A. RESOLUTION 2022-43-2 – Resolution to Enter into Executive Session

1. Personnel
2. Potential & Pending Litigation

Mayor MacLachlan said we will not have any formal action from Executive Session.

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

Motion to re-enter Regular Meeting

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

18. ADJOURNMENT @ 9:57 P. M.

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

Respectfully Submitted,
Paula L. Kosko
Administrator/Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

Township Committee Meeting
February 8, 2021
7 pm

The public may electronically submit questions or comments to pkosko@hainestownship.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.

Should a member of the public that is using the GoToMeeting platform become disruptive, that person will be kept on mute and warned that continued disruption may result in being prevented from speaking or removed from the remote meeting. If time permits, the disruptive individual shall be allowed to speak after all other members of the public have been given the opportunity to speak.

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United States: [+1 \(872\) 240-3311](tel:+18722403311)

Access Code: 616-486-877

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2. YouTube Live

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Search on YouTube – Township of Hainesport Live Stream

*Public questions or comments *will not* be responded to on YouTube Live. Please use the GoToMeeting platform for all remote communication.

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.