



Assisted Listening
Available

HAINESPORT TOWNSHIP COMMITTEE AGENDA

July 12, 2022

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of July 12, 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**
3. **MINUTES**
 - A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JUNE 14, 2022**
4. **REPORTS**
 - A. **Tax Collector** – June 2022, 2nd Quarter Ending June 2022 (Delayed until next month)
 - B. **Code Enforcement** – June 2022
 - C. **Fire Official** – June 2022
 - D. **Construction** – June 2022
 - E. **Emergency Services Reports** – June 2022
 - F. **NJSP In-Person Report** – June 2022
5. **DISCUSSION/PRESENTATION**
 - A. **Hainesport Hero Presentation**
6. **COMMENTS FROM THE PUBLIC – Agenda items only**
(Comments are limited to 5 minutes)

7. **ORDINANCES**

- A. **ORDINANCE 2022-6** – Providing for the Construction, Repair and/or Replacement of Sidewalks and Curbing as well as Unimproved Areas by Abutting Property Owners and Authorizing the Placement of Liens on Non-Compliant Properties (**First Reading and Introduction**) (**Public Hearing and Final Adoption August 9, 2022**)
- B. **ORDINANCE 2022-7** – Appropriating Funds From the General Capital Fund for Various Projects (**First Reading and Introduction**) (**Public Hearing and Final Adoption August 9, 2022**)

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 2022-101-7** – Authorizing Issuance of Raffle License to Our Lady Queen of Peace Church
- B. **RESOLUTION 2022-102-7** – Establishing Hainesport Township as a Stigma-Free Zone for Mental Health Awareness
- C. **RESOLUTION 2022-103-7** – Designating July as Parks and Recreation Month
- D. **RESOLUTION 2022-104-7** – Authorizing Signers of Checks for Hainesport Checking Accounts

9. **RESOLUTIONS**

- A. **RESOLUTION 2022-105-7** – Consenting to Filing of Land Use Application Involving Municipal Property for Stormwater Discharge Through Block 100, Lots 9 & 10
- B. **RESOLUTION 2022-106-7** – Certification of Governing Body Review of 2021 Report of Audit
- C. **RESOLUTION 2022-107-7** – Authorizing Payment No. 2 to Whirl Corporation, Inc. for the Municipal Park Complex Phase VII Park Playground
- D. **RESOLUTION 2022-108-7** – Authorizing Submission of Grant Application and Execution of Grant Contract with NJDOT for Pulaski Avenue (Iowa to Lumberton Road), Laurel Ridge Road (Craig Drive to Route 38E) and Fenimore Road (Ark Road to Townline) Resurfacing Project
- E. **RESOLUTION 2022-109-7** – Awarding Contract for Engineering Services for FY22 NJDOT Municipal Aid Program Grant Award Pulaski Avenue, Laurel Ridge and Fenimore Roads

F. **RESOLUTION 2022-110-7** – Authorizing Amendment to Employee Handbook to Add Secondary Employment Policy

G. **RESOLUTION 2022-111-7** – Authorizing Renewal of a Liquor License in Hainesport Township

10. BUSINESS

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

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

12. COMMENTS FROM THE ADMINISTRATOR

13. COMMENTS FROM THE SOLICITOR

14. COMMENTS FROM THE COMMITTEE

15. BILL LIST

16. EXECUTIVE SESSION

A. **RESOLUTION 2022-112-7** – Resolution to Enter into Executive Session

1. Anticipated Litigation

2. Personnel

17. ADJOURNMENT @ _____ P. M.

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA



Assisted Listening
Available

HAINESPORT TOWNSHIP COMMITTEE MINUTES

July 12, 2022

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of July 12, 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 (by phone), Committeewoman Gilmore and Committeeman Montgomery. Also present were Township Clerk/Administrator Paula Kosko and Attorney John Gillespie.

3. **MINUTES**

A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JUNE 14, 2022**

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

4. **REPORTS**

- A. **Tax Collector** – June 2022, 2nd Quarter Ending June 2022 (Delayed until next month)
- B. **Code Enforcement** – June 2022
- C. **Fire Official** – June 2022
- D. **Construction** – June 2022
- E. **Emergency Services Reports** – June 2022

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

F. **NJSP In-Person Report** – June 2022

SSgt. Antenucci, NJSP – reported that they are seeing car thefts and burglaries. Please continue to lock your cars and secure valuables. Criminals know with the high end vehicles if the mirrors are out, the car is unlocked. Please call the State Police if you see any suspicious activity. For emergencies, call 911. Unfortunately, businesses are still experiencing catalytic converter thefts. There have been two arrests, but it is still happening. Be aware of door-to-door

solicitors and make sure they have credentials and a solicitor permit from the Township. Criminals like to pose as solicitors to get access to houses, or draw the homeowner outside while someone goes in the house and steals from them while they are distracted. We continue to attend many Township events, including Community Day and the concerts.

5. DISCUSSION/PRESENTATION

A. Hainesport Hero Presentation

Mayor MacLachlan read the Proclamation honoring Melissa Keys for saving Mrs. Prescavage and the family dog from their house fire. While the fire was a tragedy, he thanked Melissa for her actions, which avoided a much larger tragedy. The Prescavage family joined them for the presentation of the plaque.

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

Anna Evans, 63 Parry Drive – asked about Ordinance 2022-6. She requested a summary of the ordinance and wanted to know the rationale for bringing it back on the Agenda.

7. ORDINANCES

A. **ORDINANCE 2022-6** – Providing for the Construction, Repair and/or Replacement of Sidewalks and Curbing as well as Unimproved Areas by Abutting Property Owners and Authorizing the Placement of Liens on Non-Compliant Properties (**First Reading and Introduction**) (**Public Hearing and Final Adoption August 9, 2022**)

Mayor MacLachlan asked our Solicitor, Mr. Gillespie to explain the ordinance. **Mr. Gillespie** explained that the issue arose due to some faulty sidewalks throughout the town. The Public Works Department did a survey of all the town's sidewalks and recommended to the Township Committee which ones needed improvement or replacement. There is no ordinance in place that places responsibility for the repairs on the abutting property owner. Last year, after much public discussion, the Township took responsibility and paid for the sidewalk repairs in situations where the trees planted by the Township had roots that had caused the problems. Now we wish to clarify by ordinance that the homeowner/adjacent property owner is to be held responsible for sidewalk conditions as well as trees and any other unimproved areas such as overgrown brush in the right of way that are impediments to drivers and pedestrians. This takes the burden off the taxpayers. Property owners would be served notice of a problem. If the situation is not remedied, the Township will fix the problem and assign a lien to the property owner. This is a very common ordinance across townships. **Mr. Montgomery** commented it is a homeowner responsibility, just like shoveling your sidewalks when it snows. **Mr. Gillespie** added that this would supplement the property maintenance code. **Mr. Clauss**

clarified that this also pertains to living and non-living vegetation that could potentially fall, or cause problems for drivers or pedestrians. **Mr. Levinson** asked if we have a current ordinance in place. Mr. Gillespie answered that it does not address sidewalks and liens.

Mayor MacLachlan confirmed with Ms. Kosko that the areas previously identified as being in need of repair due to the tree lifting issue would be handled by the Township. **Ms. Kosko** said the Laurel Oaks neighborhood was addressed and Cumberland Avenue in Clermont will also be fixed by the Township. She also read part of Hainesport Township Code Ch. 132-6, which addresses property maintenance. She highlighted some key components already in place.

“Natural growth: dead and dying trees and limbs or other natural growth which, by reason of rotting or deteriorating conditions or storm damage, constitute a hazard to persons in the vicinity thereof or operators of motor vehicles utilizing the public right-of-way. Trees shall be kept pruned and trimmed to prevent such conditions.

Overhangings: loose and overhanging objects and accumulations of ice and snow which, by reason of location above ground level, constitute a danger of falling on persons in the vicinity thereof.

Ground surface hazards or unsanitary conditions: holes, excavations, breaks, projections, obstructions and excretion of pets and other animals on paths, sidewalks, walkways, driveways, parking lots and parking areas and other parts of the premises which are accessible to and used by persons on the premises. All such holes and excavations shall be filled and repaired, walks and steps replaced and other conditions removed where necessary to eliminate hazards or unsanitary conditions with reasonable dispatch upon their discovery.”

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

- B. **ORDINANCE 2022-7** – Appropriating the Sum of \$292,500.00 in Funding from the General Capital Fund Balance for Various Projects Throughout the Township **(First Reading and Introduction) (Public Hearing and Final Adoption August 9, 2022)**

Mayor MacLachlan explained that this ordinance provided funding for sidewalks, curbing, warning surfaces and striping, computer hardware/software, fire equipment and Brownsfield cleanup for Paul’s Tank Farm.

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 2022-101-7** – Authorizing Issuance of Raffle License to Our Lady Queen of Peace Church
- B. **RESOLUTION 2022-102-7** – Establishing Hainesport Township as a Stigma-Free Zone for Mental Health Awareness
- C. **RESOLUTION 2022-103-7** – Designating July as Parks and Recreation Month
- D. **RESOLUTION 2022-104-7** – Authorizing Signers of Checks for Hainesport Checking Accounts

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

9. **RESOLUTIONS**

- A. **RESOLUTION 2022-105-7** – Consenting to Filing of Land Use Application Involving Municipal Property for Stormwater Discharge Through Block 100, Lots 9 & 10

David Frank, Attorney on behalf of the Developer of the property, said this resolution gives them authorization to go to the Land Use Board and amend their application to have an easement under Township property for stormwater pipe.

Mayor MacLachlan asked if this is a Use Variance. **Mr. Gillespie** said no. It is a Site Plan application. This eliminates them joining into the adjacent HOA's pipes/ponds for stormwater discharge. The Township would need to grant an easement for the pipes to run under Township property. We would need a detailed understanding of the project. If we allow it, they will still need DEP permission to discharge into the Rancocas Creek. We must give consent to the application for them to move forward.

Jack Gravlin, Civil Engineer representing the Developer, showed on a map where the pipe would be. The basin they currently have would store up to 100-year storm event. The pipe would provide protection against a 500-year storm event. The easement for the stormwater pipe is being sought because the Creekside HOA will not allow them to tie in to their existing stormwater system. He explained it would run underground, behind the houses to the park property and discharge in the Rancocas Creek. The pipe would be a 398' X 18" and placed 20 feet underground. **Mayor MacLachlan** asked who would maintain the pipe. Mr. Gravlin said that would be worked out with Mr. Gillespie. **Mrs. Gilmore** asked how much the pipe would be used versus how much water would soak into the grass. Mr. Gravlin said the soil is very permeable and would soak up quite a lot – up to 10 inches. **Mr. Montgomery** asked if the development would have to be built up for the pipe to work. Mr. Gravlin said there would be some grading involved. **Mr. Levinson** asked in a flood event, how high would the Rancocas have to rise before it would go into the pipe. Mr. Gravlin said the Rancocas is an elevation 5. During a 100-year storm event, it is tidal, so it could go up to elevation 10 or 15 at the most. The drain pipe will be at elevation 38 so it is considerably above the Rancocas.

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

- B. **RESOLUTION 2022-106-7** – Certification of Governing Body Review of 2021 Report of Audit

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

- C. **RESOLUTION 2022-107-7** – Authorizing Payment No. 2 to Whirl Corporation, Inc. for the Municipal Park Complex Phase VII Park Playground

Ms. Kosko added that we will retain \$14,000 until their punch list items get completed. The Committee expressed how happy everyone was with the new playground.

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

- D. **RESOLUTION 2022-108-7** – Authorizing Submission of Grant Application and Execution of Grant Contract with NJDOT for Pulaski Avenue (Iowa to Lumberton Road), Laurel Ridge Road (Craig Drive to Route 38E) and Fenimore Road (Ark Road to Townline) Resurfacing Project

Ms. Kosko said we had previously applied and received DOT funding of which we received \$185,000. We are resubmitting for the next round of funding to go toward the same project. This is what we did for Bancroft Lane. It would be great if we could get the full half a million dollars.

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

- E. **RESOLUTION 2022-109-7** – Awarding Contract for Engineering Services for FY22 NJDOT Municipal Aid Program Grant Award Pulaski Avenue, Laurel Ridge and Fenimore Roads

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

- F. **RESOLUTION 2022-110-7** – Authorizing Amendment to Employee Handbook to Add Secondary Employment Policy

Mr. Clauss asked if this was a condition of employment and if the Township is allowed to ask about another job. **Mr. Gillespie** responded yes. All current and new full time employees would be expected to adhere to the new policy. **Mayor MacLachlan** said it means employment with Hainesport is to be considered the first priority.

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

- G. **RESOLUTION 2022-111-7** – Authorizing Renewal of a Liquor License in Hainesport Township

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

10. BUSINESS

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

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

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

Thomas Kennedy, 6 South Hunterdon – said he agrees with the existing Property Maintenance Ordinance, but the new ordinance makes abutting property owners responsible for maintaining public property that they do not own. People from Ted's Liquor leave trash in his yard and now he could be held responsible for it. Just because other towns do these ordinances does not mean we have to do it. **Mayor MacLachlan** said this ordinance is resurfacing now because of the tragic incident on Ark Road. He asked Mr. Gillespie for some definition. **Mr. Gillespie** said the right of way provides a legal right for public access across private property. He said we could have this dialogue now, or save it for public hearing.

Debra Harris, 7 Elsinore Drive – said she and her daughter really enjoy the new Municipal Park. She asked if the park in Hainesport Chase is on the list for improvements. **Mayor MacLachlan** said absolutely. **Ms. Kosko** said the Municipal Park Development Grant is no longer available from the County, but we are looking for other ways to fund park improvements. She asked Ms. Harris what suggestions she had for the park. Ms. Harris responded the handball courts need resurfacing, as well as the basketball court. Also, the playground is showing some wear and tear. It was used so much more when the Municipal playground was shut down for construction. Mayor MacLachlan asked Ms. Kosko about the County American Rescue Plan funding. Ms. Kosko said there are specific guidelines that must be followed and is based on the threshold of money that is received. They have received \$85 million dollars and it is not clear how they are using those funds. We were allocated a little over \$600,000 of direct federal ARP money and will receive the 2nd half of it this year.

Ms. Harris also asked about the problems with garbage pickup. She wanted to know if a different method, using less people and the trucks with the mechanical arm could solve the staffing shortage. Mayor MacLachlan answered that we do not tell our trash company what kind of trucks to use. **Mr. Montgomery** responded that our trash was only delayed by a day and there are towns that are having pickups cancelled, or delayed for weeks. There is a shortage of drivers for all Burlington County. Ms. Kosko said compared to other towns, we are doing great. Solterra has been very open with us about their staffing challenges and the measures they are taking to try and alleviate them. We have had a few weeks where the pickup has been pushed back a day. Some towns have switched to in-house trash pickup and it has cost them millions of dollars in capital for trucks, more staff, more healthcare and fringe benefits, mechanic services for the trucks and buying all the cans. The haulers are not likely to spend money on new trucks right now, especially when they can barely get drivers. Another consideration is that many older or physically challenged residents have trouble moving the large, required cans to the curb.

Ms. Harris asked if the sidewalk ordinance is the same as the one from last year. **Mr. Gillespie** said it has been changed. She asked if it modeled any other municipalities. Mr. Gillespie said it is not modeled after any others, but it is similar to other municipalities. She asked if it has due process and hearing provisions in it like the other version. Mr. Gillespie responded yes, it follows statutory guidelines. Ms. Harris said she understands it places the duty of care, not necessarily a shift in liability and she is not sure that they understand that.

Anna Evans, 63 Parry Drive – confirmed that the sidewalk ordinance will be discussed next month. She said the problem is that we cannot have a one size fits all policy for the entire town. Not all situations are the same. Not all residents own the land the sidewalks are on.

Jamie Kennedy, 6 South Hunterdon – said she is ashamed to have voted for the Committee members. She asked if she could remove a sidewalk and not replace it. **Mr. Gillespie** answered that she could not.

12. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko reported that in March, the Committee passed Resolution 2022-51-3 Urging the Passage of S-330 to Restore Energy Tax Receipts to their Municipalities. To recap, taxes on gas and electric utility companies were originally collected by municipalities for local purposes. The State made itself the collector of these taxes on utility companies and promised to provide the taxes to the municipalities for municipal tax relief. However, the State diverted much of these funds and used them for their own purposes. The State diverted approximately \$986,713 from Hainesport tax receipts since 2001. The Senate Bill passed and some of the taxes will be returned to the municipalities this year. \$75 million tax relief funds will be returned across the State. Hainesport will be receiving a staggering \$19,810 of its municipal relief fund aid that is owed to it by the state. Unfortunately, we did not get the Safe Route to School Grant that we had hoped to use for more sidewalk repairs. We will continue to fund the previously identified sidewalk repairs through the Capital Fund.

She reported that PMI met with the Fire Company and will meet with EMS next week. **Mayor MacLachlan** asked George Myers, Fire Official, if he had anything to add. **Mr. Myers** said he had seen the forensics report on the 51 Easton Way fire. They listed the cause as “Undetermined”. He received notice that New Jersey American Water will consider converting the hydrants in Hainesport Chase to the National Standard thread, which will eliminate the need for adapters. **Mr. Montgomery** asked if we pay NJ American Water to maintain the hydrants. Ms. Kosko responded yes, we pay \$120,000 a year for hydrants and repair.

13. COMMENTS FROM THE SOLICITOR

No comments.

14. COMMENTS FROM THE COMMITTEE

Committeewoman Gilmore - would like to get an Ad Hoc Committee together to work on the preparation for the 100-year anniversary. She would like 5 residents, Ms. Kosko, Donna Casey and another Committee member to help plan the months long celebration and get the school and churches involved.

Motion to form Committee

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

She also encouraged everyone to download the Township app for the latest information about what is going on around town. The concert last Sunday was attended by over 300 people. The next concert this Sunday will feature ice cream sales with surprise scoopers.

Committeeman Levinson – thanked Melissa Keys for her bravery.

Committeeman Montgomery – wished Leila Gilmore a Happy Birthday.

Committeeman Clauss – said he enjoyed the concert in the park and said the staff was doing a great job. He also wished Leila Gilmore a Happy Birthday.

Mayor MacLachlan - wished Leila Gilmore a Happy Birthday.

15. BILL LIST

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

16. EXECUTIVE SESSION

A. RESOLUTION 2022-112-7 – Resolution to Enter into Executive Session

1. Anticipated Litigation
2. Personnel

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

Motion to re-enter regular meeting

All in favor – yes.

Motion to Authorize Mr. Gillespie to file Declaratory Judgement Action for Affordable Housing

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

17. ADJOURNMENT @ 9:50 P. M.

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

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

Township Committee Meeting

July 12, 2022

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.

Remote Access Instructions

1. GoToMeeting

Please join my meeting from your computer, tablet or smartphone.

<https://www.gotomeet.me/Hainesport/july-12-2022-township-committee-meeting>

You can also dial in using your phone.

United States: [+1 \(646\) 749-3122](tel:+16467493122)

Access Code: 115-250-429

New to GoToMeeting? Get the app now and be ready when your first meeting starts:

<https://global.gotomeeting.com/install/115250429>

2. YouTube Live

Tonight's meeting will also be available for live viewing on Hainesport Township's **YouTube Live** channel:

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.