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HAINESPORT TOWNSHIP COMMITTEE MINUTES

August 9, 2022
7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of August 9, 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 JULY 12, 2022**
 - B. **APPROVAL OF EXECUTIVE SESSION MINUTES OF JULY 12, 2022**

VOTE TO TABLE

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

4. **REPORTS**
 - A. **Tax Collector** – June, 1st Quarter and July 2022
 - B. **Code Enforcement** – July 2022
 - C. **Fire Official** – July 2022
 - D. **Construction** – July 2022
 - E. **Emergency Services Reports** – June & July 2022

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

- F. **NJSP In-Person Report** – July 2022
SSgt. Antenucci, NJSP – reported that they are still seeing car thefts and burglaries. **Mr. Montgomery** clarified that there were actual car thefts as well as break-ins. SSgt. Antenucci encouraged residents to continue to lock their cars and secure valuables. Call the State Police if you see any suspicious activity. Businesses are still experiencing catalytic converter thefts. Be aware of distraction burglaries. Make sure solicitors have credentials and a permit from the Township. Criminals 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. NJSP will be attending the Light the Night tennis event this Saturday.

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

No comments.

6. ORDINANCES

A. ORDINANCE 2022-7 – Appropriating Funds From the General Capital Fund for Various Projects (Public Hearing and Final Adoption)

Mayor MacLachlan asked Ms. Kosko to explain what is covered in the ordinance. **Ms. Kosko** listed many addresses in the Clermont neighborhood that will be getting sidewalks fixed. Mayor MacLachlan clarified that these sections of sidewalk were determined to be some of the worst in town according to the sidewalk evaluation. She said they are from that list and she will be checking them along with Public Works before the work is done. **Mr. Montgomery** clarified that these sidewalks were damaged somehow years ago. Ms. Kosko answered that most of them are original sidewalks. Some were damaged from tree roots but most are just very old. Mayor MacLachlan said the intent is to mitigate long-standing sidewalk issues and bring them up to standard. Ms. Kosko added that the other funds in the capital fund ordinance will go to fire equipment, computer hardware and the towns required cost share toward the Brownfields Cleanup with the half a million dollar grant - \$70,000 is our share.

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

B. 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 (Public Hearing and Final Adoption)

Mr. Gillespie summarized that this ordinance was introduced last year to delegate responsibility to abutting property owners to maintain sidewalks. The ordinance means to ensure public safety through maintenance, whether sidewalks or natural areas in front of the property. It provides for notice to property owners if there is a hazard, gives them time to fix the problem and includes standards for the repair that meet ADA requirements. It also provides that Hainesport may each year include in its budget appropriations for curbing and sidewalk construction, maintenance and repair which is what was done this evening in the prior ordinance.

Debra Harris, 7 Elsinore Drive– presented many comments about the ordinance. She does not think 30 days is enough time for a property owner to find contractors, get permits and repair a sidewalk. She suggested the Committee add the word “initiate” to the 30-day time frame on the ordinance. She pointed out a couple of typo and a spelling errors. She said the “Violations” section should be removed. The Township can already impose liens. She said the Township does not have the authority to include aprons in the ordinance.

Robert MacLachlan, 1314 Woodford Lane– said he has good and bad feelings about this ordinance. The concrete in his neighborhood is probably 47 years old. There are two

disabled veterans on his street and many children. The resident at 1310 Woodford has called about her sidewalk being lifted by a street tree. Two ADA walkways are cracked and not walkable. Now it is being put on us. Insurance companies do not offer insurance on the sidewalks. The ordinance should be reviewed to make it fair for the people. If you are going to appropriate money by bond or grant, include that in the ordinance. He agrees with the upkeep portion, but either separate them or appropriate funds to help.

Jaimie Kennedy, 6 S. Hunterdon Avenue— said this is a money grab to make people get permits to fix Township property. It will be remembered at election time.

Mr. Gillespie responded to Ms. Harris' comments. We will fix the typo. The spelling error in question is not an error. It is spelled correctly in its context. Regarding the 30 days not being enough time to make a repair, the goal is to get the problem fixed not to punish people. If the property owner has to wait to get a contractor and they are communicating with the Township they will not be fined or punished. The Township does not want to create unnecessary liens. As for the Violations section, it is the same language as every other ordinance in the Code Book that has an enforcement component. It is general language. He understands the position that we do not need to do it because we already have the ability to have the work done and impose a lien. Maybe that year's budget does not permit putting out \$30,000 for a sidewalk repairs and liens. We would rather work with the property owners to get it done. The Governing Body should have options beyond spending public money and imposing liens.

Robert MacLachlan, 1314 Woodford Lane— asked about having the ordinance split the cost of repairs between the property owner and the Township. **Mayor MacLachlan** said he and the Committee had not walked every block checking the sidewalks, but Public Works has done this while conducting the survey. He asked Ms. Kosko if there were plans to address Woodford Lane and other streets. **Ms. Kosko** responded that every sidewalk had been checked. We are focusing on the worst ones. We need delineation to determine what we are fixing with taxpayer funds. The rating system is the same one used all throughout the country by engineers and DOT with specific criteria for the sidewalk survey. It is guiding our decisions about using taxpayer funds – vertical cracks, horizontal cracks, separation between slabs and tree root lifting. The public is welcome to see the report. She said the Contractor we are working with was surprised that the Township was paying for any of the repairs. **Mayor MacLachlan** pointed out that we are mitigating poor planning. If we have a historical responsibility, we are correcting it.

Mr. Gillespie said the Township and the property owner both have liability for the sidewalks. The ordinance addresses the responsibility of maintaining them. He would like to see the ordinances from the towns that split responsibility with the owners. He disagreed with Ms. Harris' position that the aprons cannot be included.

Mr. Montgomery said that when he ran for Committee, he and Mr. Levinson said they would address the sidewalk problems that occurred from poor planning. We did something a lot of towns do not do – we took control and handled it. However, it needs to stop somewhere. Funds are not unlimited. We are really trying to be reasonable and fair to the taxpayers. The intent of the ordinance is not to create a “gotcha” situation, but to add value and safety to the properties and the abutting property.

Mr. Levinson agreed that this is not a “gotcha” situation. We all want the neighborhoods to look nice and be safe. The Township will work with responsible property owners. The Township does not want to have liens against properties for 20 years resulting in non-payment

from that property owner for that duration of time. We just want to motivate the owners to do the right thing – a “carrot and stick” approach.

Mr. Clauss said he does not have sidewalks, but he must maintain his yard, debris and asphalt on the side damaged by road traffic. We will keep fixing the old problems as we see them, but we want the homeowners to maintain their property. They are the ones that see the yards every day and know when something needs to be done.

Mrs. Gilmore said she had always known it to be the homeowner’s responsibility.

Mayor MacLachlan said he understands we have an audience, but we also have over six thousand residents we need to think about. We are trying to keep our taxes low. We are trying to keep the Township the “Gem” of Burlington County. He asked Mr. Gillespie if liability for the municipality was addressed in the ordinance for the sidewalks and trees. **Mr. Gillespie** said no, it does not change liability. It only addresses responsibility. Both the Township and the property owner could be sued if there were an injury due to the sidewalk. There could be exceptions if the property owner created the problem, for example by planting a tree themselves the area or putting in drains that could collapse the sidewalk. If the Township has not been notified about the problem, the Tort Claims Act provides some immunities for the town.

Debra Harris, 7 Elsinore Drive – reported that Freehold has a 50/50 cost share with six months to complete, Ridgewood gives 45 days to complete with extensions for financial hardship, Lawrence Township can make repairs over time at 100% of the repair. She listed a few other towns’ sidewalk ordinance details. She said our ordinance had no carrot for incentive, just the stick. She, again, challenged whether the apron could be included in our ordinance. In regards to liability, she would send a FOYA request because the Township has an inventory of all the sidewalks and a rating system. The Township is “on notice”.

Mayor MacLachlan responded that we did better than that. We fixed Craig drive for free. We are also looking at other fixes for free. We can look into those types of programs though. His son’s street has issues that he was unaware of. He has not walked every inch of the sidewalk on that block. He knows of no one in the last 20 years that has gone to jail for a property offense. He asked Mr. Gillespie if the violations part of the ordinance is in all ordinances.

Mr. Gillespie said the violations code is in all ordinances with enforcement issues.

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

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 2022-113-8** – Authorizing Change Order No. 1 in Contract for FY2019 & 2020 NJDOT Trust Fund Improvements of Bancroft Lane
- B. **RESOLUTION 2022-114-8** – Releasing Retainage and Final Payment Certificate #3 for FY2019 & 2020 NJDOT Trust Fund Improvements for Bancroft Lane
- C. **RESOLUTION 2022-115-8** – Authorizing Release of a Performance Guarantee and Acceptance of Maintenance Bond for Arawak Paving Company, Inc. for FY2019 & 2020 NJDOT Trust Fund Improvements for Bancroft Lane

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

8. RESOLUTIONS

- A. **RESOLUTION 2022-116-8** – Authorizing Service Agreement with the Hainesport Volunteer Fire Company

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

- B. **RESOLUTION 2022-117-8** – Authorizing Shared Service Agreement with the Township of Pemberton for Administrative Employee Services

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

9. BUSINESS

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

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

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

Anna Evans, 63 Parry Drive – said she was entertained by the Mayor’s statement that he had not walked all the streets of Hainesport because she has during her campaigning. She said the sidewalk ordinance is a “one size fits all” solution for a town with a wide range of situations regarding the sidewalks. She said the Mayor should not say that no one has been sent to prison because a few years ago, a Mayor in Hainesport in 2016 tried to put her in prison. She added that New Jersey has issued a drought watch and wanted to know what the Township was doing to get the word out about conserving water.

11. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko said she had also just heard about the drought watch. We will get the information and message to conserve out on our mobile app and on our website and update it as we hear more from the State. She also addressed Ms. Harris’ comment about FOYA. We have OPRA in New Jersey. At any time, documents can be requested through the Open Public Records Act. She would not present anything as being in her office if it was not. The public is always welcome to come in and see the sidewalk study.

12. COMMENTS FROM THE SOLICITOR

No comments.

13. COMMENTS FROM THE COMMITTEE

Committeewoman Gilmore said the Concerts in the Park have been fabulous. The last one is this Sunday, Charlie Zahm & Tad. The Ladies Auxiliary will be selling refreshments. August the 10th starts Workout Wednesdays with Tenacity Fitness and Edge Dance Center at the municipal pavilion at 6:30 pm. It is free to participate and open to all. The Senior Citizens will meet on the 11th and the 25th at 12 pm at the Street Center. Saturday night is the

Light the Night tennis event. Our first Movie in the Park will be August 26th showing Jungle Cruise. The Senior Prom will be held September 16th. Please check the app for the latest information on events. Happy birthday to the Mayor.

Committeeman Levinson - no comments.

Committeeman Montgomery wished the Mayor a happy birthday. He asked Ms. Kosko if we had the tax rate from the County and when the bills will go out. **Ms. Kosko** answered that we have received the rate. The bills will go out by August 22nd with a payment extension until September 16th. He reported that he and Leila attended a flood meeting in Lumberton to learn more about the recent 100-year storm and how it affected the area. He asked SSgt. Antenucci if he was aware of the graffiti painted at 1477 Route 38, the old Exxon station. It looks like some repair work is being done there.

Committeeman Clauss commented on the extreme heat. He encouraged everyone to stay hydrated and thanked everyone for coming to the meeting.

Mayor MacLachlan responded to Ms. Evans' comment about walking the town. He does not walk around with a ruler to measure lifted sidewalks. He has walked the whole town in his many years of running for elections in the Township and her comment was meant to draw attention to herself. It was inappropriate and she should know better.

He gave an update to the Prescavage's fire situation. At the time of the fire, the firefighters were having trouble getting the hoses connected to the hydrants because it was misthreaded. These hydrants had the Mt. Holly threads. One of the firefighters was able to bang it on with a hammer, but it cost them time. Thanks to our Fire Official George Myers, NJ American Water will be changing all 22 fire hydrants in Hainesport Chase to the National Standard thread hydrants at their cost. He thanked George and Paula for their work with our consultant to improve our Fire and EMS services. We are working to make it better and making a lot of progress.

He said we are fortunate with our budget to be debt free. He wants to assure the public that we will look at any and all situations and either partner, or correct things as we go.

14. BILL LIST

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

15. EXECUTIVE SESSION

A. **RESOLUTION 2022-118-8** – Resolution to Enter into Executive Session

1. Personnel Matters
2. Potential Litigation

Mr. Gillespie added we may potentially adopt the Closed Session Minutes when we reconvene.

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

Motion to re-enter regular meeting

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

Mayor MacLachlan asked Mr. Montgomery if he would like to discuss his issue with the Regular Minutes.

Mr. Montgomery explained that in most cases the minutes are good and to the point. This was in response to a comment one of the citizens made about the trash pickup. It was only delayed a day and there are towns that are cancelled, or delayed for weeks. He said the problems with the trash pickup is everywhere, in fact there is a shortage of drivers all over Burlington County. He wanted that in the minutes because he was annoyed at that person for making the comment because she did not know what she was talking about. Later on, the same person said “I know this, but I don’t think the other citizens do” and it bothered him. In his opinion, either the rest of the citizens, or the people here did not understand it, but she did. **Mr. Gillespie** said she was talking about the Committee by saying “...I don’t think they do”, not the citizens. **Mayor MacLachlan** said she is running against us, not the citizens. Mr. Montgomery said that is even worse. **Mrs. Gilmore** asked what difference does it make? Mr. Montgomery clarified that the person was inferring the Committee did not understand.

Mr. Gillespie suggested the Committee move to adopt the Closed Session Minutes with the modification as discussed.

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

Mr. Gillespie suggested the Committee move to adopt the Regular Session Minutes with the modification Mr. Montgomery wanted to add to his comments for trash collection. “... there is a shortage of drivers for all Burlington County.”

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

Mayor MacLachlan made a comment to Mr. Montgomery and Mr. Clauss. You are not the only guys to ever question the minutes. It is only the committee members that really pay attention that do it - Tony Porto, Kenny Street, and Bill Boettcher used to do it. Questioning the minutes is your right and it has been done ad nauseum over the years. He hopes Paula does not take it personally. **Mr. Gillespie** added that the Committee has the right to have the minutes say what they want them to say. They are the Officers of the Corporation. However, he has had people tell him “That is not what I meant to say” and want the minutes changed. The minutes reflect what was said, not what you should have said.

Motion to pursue the issues discussed in Closed Session. We are authorizing the Administrator to proceed along the lines of the subject matter discussed.

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

16. ADJOURNMENT @ 9:18 P. M.

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

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA