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HAINESPORT TOWNSHIP COMMITTEE MINUTES

September 13, 2022

7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of September 13, 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, Township Attorney John Gillespie and Township Planner Scott Taylor.

3. MINUTES

A. APPROVAL OF REGULAR COMMITTEE MINUTES OF AUGUST 9, 2022

B. APPROVAL OF EXECUTIVE SESSION MINUTES OF AUGUST 9, 2022

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

4. REPORTS

A. Tax Collector – August 2022

B. Code Enforcement – August 2022

C. Fire Official – August 2022

D. Construction – August 2022

E. Emergency Services Reports – August 2022

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

F. NJSP In-Person Report – August 2022

No comments.

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

Anna Evans, 62 Parry Drive – questioned Resolution 2022-127-9 as to where the property is located. She said it is confusing with the Longbridge Redevelopment Plan and Longbridge Farms, LLC. It would be great to have one map on the website with all the development projects so the residents could understand where they are. It would also be helpful to use the same names consistently. **Mayor MacLachlan** said he understands the confusion. He asked Planner Scott Taylor to explain. **Mr. Taylor** said Longbridge Farms, LLC is part of the Longbridge Redevelopment Plan. It is located at the corner opposite Easton Way and Route 38. The development is proposed for 45 townhomes. There is also a property off Bancroft Lane for senior homes with the proposed name of Longbridge Estates. Whoever gets to the Township Planning Board first for approvals can keep the name. Each Redevelopment Plan has a site map attached on the website if you click on it. Ms. Evans said that is difficult to do. It would be much easier if it was all on one map. Mayor MacLachlan said we would look into it.

Motion to Amend the Agenda to Include Resolution 2022-134-9 Appointing Municipal Alternate Fund Commissioner, Claims Coordinator, and Safety Coordinator

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

Motion to Add Resolution 2022-134-9 to the Consent Agenda

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

6. **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 2022-119-9** – Authorizing Execution of FY2023 Sub Grant Agreement with BC Commissioners for Governor’s Council on Alcoholism and Drug Abuse Fiscal Grant Cycle July 2020-June 2025
- B. **RESOLUTION 2022-120-9**– Authorizing the Specifications and Solicitation of Bids for Storm Sewer Replacement Adjacent to 22 Bancroft Lane Project
- C. **RESOLUTION 2022-121-9** – Authorizing Discharge of Mortgage for Affordable Housing Contribution
- D. **RESOLUTION 2022-122-9** – Approving Block Party for Iowa Avenue
- E. **RESOLUTION 2022-123-9** – Approving an Inspection Escrow for Hainesport Enterprises, Inc.
- F. **RESOLUTION 2022-124-9** – Ordering the Correction of the Township’s Tax Record and Authorizing the Refund of Excessive Payment to Richard & Bryana Adornetto

- G. **RESOLUTION 2022-134-9** – Appointing Municipal Alternate Fund Commissioner, Claims Coordinator, and Safety Coordinator

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

7. RESOLUTIONS

- A. **RESOLUTION 2022-125-9** – Awarding Contract for Licensed Site Remediation Professional (LSRP) Services for Paul's Tank Cleaning Site Block 96, Lot 1.07

Mayor MacLachlan commented that this cleanup has been going on for years and luckily we have been able to get Grants to help pay for it. There are some businesses that are interested in buying and developing this site if we can get it cleaned up.

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

- B. **RESOLUTION 2022-126-9** – Awarding Contract for Storm Sewer Replacement Project Adjacent to 22 Bancroft Lane

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

- C. **RESOLUTION 2022-127-9** – Determining Longbridge Farms, LLC and Ryan Homes' Drawing and Elevation Plans as Being Consistent with the Longbridge Redevelopment Plan and Agreement

Mr. Taylor explained that this is located on Hainesport-Mt. Laurel Road. Now that the developer has been selected, the conceptual plan architecture facade has been revised from the original. These get resubmitted to the Governing Body for a general consistency review with the Redevelopment Plan. The developer has also agreed to do additional facades. **Mr. Montgomery** said he appreciated Mr. Taylor suggesting the additional facades. **Mrs. Gilmore** asked if the plans will go to the Joint Land Use Board next. Mr. Taylor affirmed.

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

- D. **RESOLUTION 2022-128-9** – Opposing Proposed Increases to Municipal and Employee Cost Contribution to the State Health Benefits Program

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

- E. **RESOLUTION 2022-129-9** - Authorizing the Appointment of a Part Time Employee in the Tax/Finance Office

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

- F. **RESOLUTION 2022-130-9** - Authorizing the Appointment of Two Full Time Employees in the Public Works Department

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

- G. **RESOLUTION 2022-131-9** – Authorizing Contract with Decker’s Hardscaping & Landscaping for Sidewalk Repairs

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

- H. **RESOLUTION 2022-132-9** – Authorizing Agreement with Before You Hire, Inc. on an As-Requested Basis for the Purpose of Conducting Pre-Employment and Pre-Volunteer Background Checks

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

8. **BUSINESS**

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

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

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

Deborah Plaia, 50 Bancroft Lane – discussed Resolution 2022-105-7 from the July 12th meeting dealing with stormwater discharge consent. She wanted to comment on it as it relates to the Clean Water Act. The Committee may not be aware of it. It was used in the decision on a case she was involved in – the Shark River Cleanup Coalition vs. Wall Township. The bottom line is that soil erosion and/or sand, either from natural or man-made stormwater discharge can be considered a pollutant and reason for a lawsuit from a private citizen. She has written letters raising the possibility of the Township’s liability to Mr. Gillespie. His associate in environmental law does not feel the Township has liability. She disagrees and feels the legal fees could be heavy to defend the Township.

Debra Harris, 7 Elsinore Drive – said she attended the July meeting. She remembered someone on the Committee raised a concern about the water going into the Rancocas and if there were issues, or liability related to that. The case of the lawsuit that Ms. Plaia brings up is a really good caution. It involved an easement over town-owned land and over time it had eroded. Even if we have an easement and insurance and a contract it may not protect the Township. Any citizen can bring a lawsuit through the Clean Water Act in Federal Court. The Township would have liability for the lifetime of the pipe. The Township should hire an experienced environmental attorney for an opinion. Exceptional due diligence should be used if this goes forward to minimize the risk. All of these actions would have to be paid for by our taxes. It could be decided that this is too risky. But since we have already signaled the intent to continue to raise taxes year after year, she thinks it is important to be diligent about how we spend our money and to not invite a lawsuit.

Anna Evans, 63 Parry Drive – commented on the amount of the development in town. She said, in a spirit of great respect, that the top four donors to the Hainesport Republican Party over the last six years have been (in order) Alaimo Engineering, Taylor Design Group, Hainesport Industrial Park and the Diamond Diner. Who are the owners of the land which one of the developments will take place. She understands that the donations are legal. However, the perception is not good when decisions like this go through which may or may not put the Township at great liability to taxpayer funds and in addition to Hainesport residents perceptions that there is too much development going on. If she were the Committee, she would want to avoid generating that perception that there is linkage between people supporting the campaigns and the developments getting approved.

Nancy & Jack Findlay, 47 Phillips Road – reported their concerns with Burlington County's brush removal by the guardrails close to their house. The County used to weed wack the vegetation, but now they spray a chemical on it to kill it. They feel this is causing erosion that is running off into the creek. They provided pictures to the Committee. The County told them they changed procedures due to cost and safety of their workers. They are supposed to have a team come back to make sure no erosion takes place. They came back and put concrete down, but the next rain it was gone. They have since refilled it again. **Ms. Kosko** said she had talked to the supervisor at Burlington County. They are following federal and state guidelines for vegetation control. It is a dry base chemical. They told her the spray does not run off, it attaches to the plants. DEP is informed about the chemical they are using. The County has hundreds of miles to maintain, forty municipalities in the county. They made the change to chemicals due to cost efficiency and safety of the workers. They have four crews of approximately nine employees each. She said they will check on the erosion issue. The Findlays disagree about the spray not running off. There is seepage into the soil. **Mr. Montgomery** thanked the Findlays for bringing it to the Committee's attention. He asked Mr. Gillespie if we have any recourse. It is concerning, especially since it is so close to the Rancocas and residential neighborhoods. **Mr. Clauss** questioned why the County would want to kill vegetation and cause erosion. **Mayor MacLachlan** said they would look into it.

10. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko thanked the Governing Body for opposing the State Health Benefit Plan rate increase. It will affect the taxpayers as well as the employees. They are considering greater than a 20% increase for local governments. This matter may be considered at their meeting tomorrow. She reported that we did not receive the \$75,000 BPU Charging Station Grant for our municipal building. These Grants are determined based on a scoring method. Some of the criteria include equipment to be installed, tourism, infrastructure, location and bonus points. We will try again on the next round.

Through a Burlington County Shared Service program we are fixing a 30-year ongoing storm pipe issue at 1609 Edwin Street. They started today and hopefully will be done by the end of the week. Once repaired, she will be making the recommendation to have that pipe strip-lined.

Mayor MacLachlan asked the State Troopers again if they would like to give a report. They did not.

11. COMMENTS FROM THE SOLICITOR

Mr. Gillespie addressed the July resolution 2022-105-7 concerning the stormwater discharge pipe through Township property. The resolution only provides consent to the developer to be heard at the Joint Land Use Board. He appreciated Ms. Plaia sending him the information on the Shark River Cleanup Coalition vs. Wall Twp case. Addressing the concerns involving the Clean Water Act, he had his environmental attorney review it. He determined we would not be liable simply by providing an easement, as the pipe is not ours. The developer would need DEP permission to move forward. Mr. Gillespie does not feel it is a great liability risk to the Township if the easement is written the way it should be. As to the Third Circuit opinion, the Trial Court had dismissed the complaint on notice grounds. The issue of liability under the Clean Water Act had not been reached. The Third Circuit decision also did not reach the Clean Water Act issue. It says the District Court made a mistake in applying a certain standard to the notice requirements that it did not feel were violated, however it did conclude that the Cleanup Coalition's notice was deficient on another ground and dismissed it. The issue of liability was not decided in the case, it was simply a notice issue. Ms. Plaia is correct in saying that anyone can file a lawsuit. We saw it a few years ago on a frivolous OPRA case when a candidate who became a Township official was seen wondering the halls and they alleged an Open Public Meetings violation because he was back by the office. He appreciates Ms. Plaia's position, but disagrees on how liable we would be. Ms. Harris suggested we need to hire a professional environmental attorney. The attorney we had review the matter is a former DEP attorney. **Mayor MacLachlan** asked Mr. Taylor if he was correct that the basin accepting water for this property is sufficient for a 100 or 500-year storm event according to the testimony we have received from our engineer and the applicant's engineer. **Mr. Taylor** did not want to comment on the engineering. He affirmed that the basin is designed to meet the quality and quantity of DEP regulations. The drainage pipe is for emergency overflow only. Mayor MacLachlan said we are not hearing the case here. It is not the proper forum. However to put it in perspective, this pipe will not be draining water constantly into the Rancocas. It would have to be bigger than a 100-year storm event. Mr. Gillespie cautioned not to assume it would never discharge into the creek, however the risk to the taxpayers from a liability lawsuit is low. The Township would just be granting an easement, it is not your infrastructure. Responding to Ms. Harris' comment "since you have already signaled intent to raise taxes year after year, you need to approach this carefully so it does not cost even more", he does not know how that was signaled. He is not sure what that meant, except it cued up the next clause "approach this carefully so it does not cost even more". He said you cannot stop people from filing lawsuits, but you protect against the risk.

12. COMMENTS FROM THE COMMITTEE

Committeeman Levinson – said he enjoyed bagging groceries at the Hainesport Shoprite "Bagging for Hunger" event that raised money for the area food banks.

Committeewoman Gilmore – also enjoyed working at the "Bagging for Hunger" event. It helps raise awareness of hunger in our community. The customers "round up" their bill and the extra amount is donated to community food banks. She listed the following upcoming events:

9/16 – Adult Dinner Dance at the Firehouse

9/22 – Senior Citizen Meeting with a presentation by JAG-ONE on lower back health

9/30 – Movies in the Park – Ghostbusters

10/1 – Food Truck, Car Show and Scarecrow Contest at Municipal Park

10/1 – Fire Company Beef & Cheer comedy show benefit for Kaitlyn Steib

10/7 - Movies in the Park – Casper and Trunk or Treat event – wear your costume!

Please download the Township app for more information. On a more serious note, it is National Suicide Awareness Month. For people in crisis, family and friends the phone numbers to dial for help are 988 or 1-800-273-8255.

Committeeman Montgomery – enjoyed participating at the “Bagging for Hunger” event. He said people do not always think of Hainesport when it comes to food insecurity, but the issue is everywhere. He also addressed Ms. Harris’ comment, stating he never intends to raise taxes every year. We do our best to manage risk and that is what you have to do. Another thing regarding taxes, when we pay our bills we are paying quarterly taxes to Burlington County \$849,000, Hainesport Board of Education \$2,184,000, and Rancocas Valley Regional School \$966,000. We have very high bills we collect and must pay for the residents. The Hainesport municipal taxes are very small percentage of the overall tax bill that we are each responsible for.

Committeeman Clauss – said he is proud of the tax structure and our low municipal rate. People he talks to are very happy with that and we have zero debt. He had fun bagging at the Shoprite event. He recently joined the PTO at Hainesport School. He encouraged more residents to get involved, even if you do not have a student at the school. It is important to take an interest and be vested in the education of our children.

Mayor MacLachlan – recalled how the Committee used to have budget meetings and go through line by line. He never saw any political opposition at those meetings. Now it only seems to be an issue at election time. Our CFO’s have done a great job keeping us debt free. We do not bond for fire trucks, we do not bond for ambulances. We pay for them. We do not bond for our road repairs and vehicles for our Public Works Department. We pay for them. Our opposition wants us to privatize trash collection. We looked at it at the budget meeting. It would cost a couple million dollars a year. Not a good move. He is proud of our financial responsibility and the work of our team. He also wanted Mrs. Prescavage (in the audience) to know that the threads on the fire hydrants in Hainesport Chase were all being changed to the National standard.

13. BILL LIST

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

14. EXECUTIVE SESSION

A. RESOLUTION 2022-133-9 – Entering into Executive Session

1. Anticipated Litigation

Formal action may be taken after Closed Session.

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

Motion to re-enter regular meeting

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

Motion to add Resolution 2022-135-9 to Agenda

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

RESOLUTION 2022-135-9- Authorizing Stipends for Employees Under the Federal Government's American Rescue Plan, State and Local Recovery Funds Program

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

15. ADJOURNMENT @ 9:04 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

Township Committee Meeting
September 13, 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.

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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.