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HAINESPORT TOWNSHIP COMMITTEE MINUTES

July 11, 2023

6:30 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of July 11, 2023 with instructions for internet access was included in a meeting notice sent to the Burlington County Times and Courier Post on January 4, 2023 and advertised in said newspapers on January 6, 2023, and January 10, 2023 respectively posted on the website and the bulletin board in the municipal building on January 4, 2023 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 Clauss, Committeeman Montgomery, Committeewoman Gilmore and Committeewoman Evans. Also present were Township Clerk/Administrator Paula Kosko and Attorney John Gillespie. Committeeman Levinson was absent.

3. **MINUTES**

A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JUNE 13, 2023**

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

4. **REPORTS**

A. **Tax Collector** – June 2023, 2nd Quarter Ending June 2023

B. **Code Enforcement** – June 2023

C. **Fire Official** – June 2023

D. **Construction** – June 2023

E. **Emergency Services Reports** – June 2023

Mayor Clauss asked if we had the EMS Report. **Ms. Kosko** answered no. We have not received their report at all this year.

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

F. **NJSP In-Person Report** – June 2023

Trooper McNair had no comments.

5. **DISCUSSION/PRESENTATION**

A. Gwenne Baile – Backyard Chickens

Ms. Baile introduced herself as the Founder and Chair of Camden County Chickens and Therapy Hens. She has worked with 29 towns to allow backyard hens – no roosters. She reported that throughout the large and small towns her organization has worked with, they have had no complaints about the hens. Most towns require a class. She teaches a 3-hour training class which has proven very valuable in educating potential hen owners. They teach how to predator proof the coops, why not to get a rooster and the cost involved. Many towns do pilot programs for a few years to see how it goes before adopting an ordinance to allow. The average town allows between 4 and 12 hens. Most of it is based on where the coop and the run are located. The areas need to be 20 feet from windows and doors from contiguous neighbors. Site visits are made to ensure compliance. These guidelines keep noise and smell from being a problem. Otherwise, yard size is not an issue. Lumberton's ordinance does allow different numbers of hens based on yard size. She requested a Zoom meeting to discuss the issue further. **Mrs. Evans** asked how long ago the first town allowed the backyard hens and if she could get a copy of the law review article referenced. Mrs. Baile answered 2015 was the first one and she would get her a copy of the law review.

- B. Declaring Certain Property Along Route 38 at Block 72.01, Lot 1 and 75.01, Lot 1, an Existing Mobile Home Park, to be an Area in Need of Rehabilitation in Accordance with N.J.S.A. 40A:12A:1

Mr. Gillespie explained that this property listed in Resolution 2023-93-8 is an expansion of the Area in Need of Rehabilitation that the Committee considered, referred to the Planning Board a couple of months ago and then approved. The area is off of Greenwood Avenue and Route 38 and it is currently mobile homes. The owners of the property are buying the neighbor's property to add more mobile homes to the Haines Mobile Home Park. It does appear to qualify under the rehabilitation statute criteria. We are only voting to refer this resolution to the Planning Board for their review and comments. The Committee would vote on it in August after the review. **Mrs. Evans** asked if we could see the property. Mr. Gillespie said yes, using the data from the Resolution title and body, he looked at it on Google Maps and explained Greenwood Avenue is to the east, Route 38 is to the north and behind it is the warehouse. It is in an area that could benefit from a designation to enhance that area. **Mr. Montgomery** asked who owned the property. Mr. Gillespie did not know, but it is not owned by the municipality. The party that owns the 50-year old house on it is interested in selling that piece. Mrs. Evans said the last time this happened, we demolished 2 lovely farm houses on Marne Highway and put up a warehouse. She wants to see it for herself. Mr. Gillespie said she should. It is not being voted on tonight. We will have a month to look at it. He said rehabilitation would only move forward with cooperation of the owner. The property owner, not the Township would decide if they want to take out the house. This property would be used to add units to the mobile home park. It will also help clean up part of Greenwood Avenue. It is not being considered for a warehouse. He asked for a motion to refer Resolution 2023-93-8 to the Joint Land Use Board for review.

Motion: Committeeman Montgomery. Second: Committeewoman Gilmore.
Abstain: Committeewoman Evans. All others yes.

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

Steve Palek, 3 Bernwood Road – said he supports backyard hens with reasonable oversight. Lumberton allows them on a graduated scale by property size. He thinks the class is a good idea and maybe a licensing fee paid to the township would be good.

Louis Lopez, Mt. Holly NJ – asked where the property is located that was being discussed in Discussion point B. **Mayor Clauss** answered behind Allen’s Propane next to Hainesport Auto & Truck on Route 38. He also asked about Resolution 2023-91-7. Mayor Clauss explained that it is a fundraiser for the 100th anniversary celebrations.

7. ORDINANCES

- A. **ORDINANCE 2023-6** – Amending Chapter 140 of the Code of the Township of Hainesport Entitled “Rental Property” to Establish Requirements for Lead-Based Paint Hazards (**Public Hearing and Final Adoption**)

Motion to open public comment

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

No comments.

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

Mrs. Evans asked for Resolution 2023-91-7 to be pulled from the Consent Agenda

Motion: Committeewoman Evans. Second: Committeeman Montgomery. 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 2023-88-7**– Authorizing the Execution of Contract Renewing Membership in the Burlington County Municipal Joint Insurance Fund
- B. **RESOLUTION 2023-89-7**– Authorizing Issuance of Raffle License to the Ladies Fire/EMS Auxiliary
- C. **RESOLUTION 2023-90-7** – Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159) - NJ Clean Communities Grant

Motion: Committeewoman Evans. Second: Committeewoman Gilmore. All yes.

9. RESOLUTIONS

A. **RESOLUTION 2023-91-7** – Authorizing Contract for Fashion Show Fundraiser Benefitting the Hainesport 100 Year Anniversary Celebration

Mrs. Evans expressed concern that the fundraiser was not affordable for many residents of Hainesport. She said there is not enough diversity on the committees planning these events. **Mayor Clauss** explained there are only 125 tickets available and that the purpose of the fundraiser is to make money for the 100th Anniversary Celebrations. **Mrs. Gilmore** pointed out that this is only one of the events for the 100th year anniversary. We will have many more events that will be low or no cost that will be announced as they come up. This is the first one being presented because we need to sign a contract for the venue. Mrs. Evans wanted to make sure the community knew that there would be many other opportunities that would be free and for a younger demographic. She said we do not just consist of middle-aged, old rich people in District 2. **Mr. Montgomery** added that we do not need to alienate anyone. There are certain events that certain people will be more open to than others. There will be many events to choose from. **Ms. Kosko** suggested that organizations could sponsor people to attend the fundraiser.

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

Mr. Gillespie asked for Resolution 2023-94-7 to be added to the Agenda

Mr. Gillespie explained that this is a follow up to a resolution adopted last year. It is for the senior development behind Diamond Diner. The Committee had already done a resolution to consider an easement. Because the discharge ultimately goes into the creek, they need a Waterfront Development Permit. Approving this resolution does not grant them any rights in the property. It does not give them the easement. It just confirms that it is our property and gives consent to make application to the DEP. **Mrs. Evans** asked if this is for the stormwater the developer wanted to put to the lake at Lakeside and now they want it to go through Creek Turn Park if the DEP approves it. **Mr. Gillespie** said yes and explained that this resolution is only to allow them to make the application to the NJDEP.

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

B. **RESOLUTION 2023-94-7** – Consenting to Filing of Waterfront Development Permit Application by R & M Development LLC to Facilitate Stormwater Discharge through Municipally-Owned Property at Block 100, Parts of Lots 9 and 10

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

10. BUSINESS

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

B. **Approval of Charitable Clothing Bin License**

2023-06 – Ameritex Industries

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

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

Catherine McNelis, 407 Bischoff Ave. – read from the Mayor’s newsletter statement ... “we are here to serve you”. She said she has been appointed the Vice President of the Senior Citizens Club. She requested the Governing Body, Paula Kosko and Donna Casey come to their next meeting Thursday July 13th at 12 pm to work through their issues with the Street Center. **Ms. Kosko** reminded the Governing Body that only two of them could attend so to not violate the Sunshine Law. **Mrs. Evans** said she would attend. Ms. McNelis also asked about the Veteran collection box and said the handicap door in the front of the building is not working. Ms. Kosko addressed these issues.

Louis Lopez, Mt. Holly, NJ – said he saw Mayor Clauss out and he said hi to him. He asked about the status of the warehouse on Route 38 and the bypass. **Mayor Clauss** said he did not know if it was occupied yet. He asked if we could get a trail by the train tracks. Mayor Clauss said that area belongs to Conrail and we have no authority over it whatsoever. He asked if Hainesport would be putting up more warehouses. He would like to see more green space. Mayor Clauss said we would all like to see more green space, but we do not own the properties.

Debra Harris, 7 Elsinore Drive – announced a Hainesport Democrat meet and greet on August 31 at 7 pm at the Street Center. Details are available on their Facebook page. They are sponsoring a Movie in the Park – “Lyle, Lyle Crocodile” on September 29th at dusk. She asked Mr. Gillespie about the “Notice to Property Owners” sent out when an applicant has applied to the Joint Land Use Board for a variance. The notice states that the application can be seen during normal business hours in the office of the Secretary of the Board. She came in to see the documents and the primary person was not there. There was no backup person for documents and she had to schedule a time to come in and view them. She asked if the language or process needs to be changed. She also asked Mr. Gillespie about the case in Chesterfield regarding the statute definition of rehabilitation versus redevelopment.

Karen Tordy, 4 Easton Way – congratulated Ms. Kosko on her recent marriage. In serving our community and county, she will be volunteering at the Farm Fair next week. She and Ken Montgomery are sponsoring the July 30th Concert in the Park featuring the Tookany Creek Bluegrass Band. The Kootz Band concert that was rained out will be rescheduled in August.

Donna Casey, Recreation Director – gave an update on the programs she runs for the Township. Activities include Veteran’s Day lunch and hero banners, Earth Day, Easter Egg Hunt, Community Wellness Day, Concerts and Movies in the Park, Fall Food Truck Festival and Tree Lighting. Also, she has destination bus trips, story time for preschoolers, collects food items for the local food bank and items for the homeless and hosts a flu clinic. Specifically for the seniors, she has had Chefs for Seniors, Jag One physical therapy, Burlington County Library computer classes, Burlington County Sheriff’s Department and our Fire Marshall do presentations at the Community Center.

In addition, she is currently planning the 5th Adult Dinner Dance for September 22nd and working diligently on the 100th Anniversary Celebration. While still in the planning stages, the 100th anniversary will include a driving/walking tour of historical sites, the “100 Years of Fashions” fashion show and tea at the Bradford, a dance for teens and much more. The main event will be held at the Municipal Park on June 1st, 2024.

Leonard Ciccotello, 215 Devon Lane – commented on a statement that was made at the last meeting about health care benefits for past Committee members. Only partial information was presented. Health care benefits for elected officials in all New Jersey towns were once considered normal and customary. It was a practice implemented to encourage individuals to run for elected office. The policy was discontinued during the Christie administration. These benefits were offered all over the State, regardless of whether they were Republican or Democrats. This policy was considered acceptable until it was not.

Karen Tordy, 4 Easton Way – announced there will be a Republican Club fundraiser at the August 26th Trenton Thunder game starting at 6:30 pm with food and fireworks. Tickets are \$35. She is happy to say that people are stepping up and purchasing tickets that we will be able to donate to some children in the area.

Diane Beharry, 7 Melodie Court – (online) asked to have the Committee look at the deed of easement restriction on her property. She, along with one other homeowner, is responsible for maintaining the structure of the retention basin on her property. This basin supports 16 homes. She is responsible for excavation of the basin every 10 years, which would be quite costly. She will drop off the document from the County Clerk's office to the Township for review. The law in the State of New Jersey says a homeowner should not be responsible for a structure of a basin. This is more than a \$100,000 liability.

12. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko reported that the Thomas Dambo “Way of the Bird King” troll sculpture build was a huge success. The build took place June 19th – June 28th. Big Rusty is now a permanent resident of Hainesport and has put Hainesport on Thomas Dambo's world map of over 100 trolls. She thanked the Sylk family and the Bluewater Property Group for their contributions. She asked that everyone respect the gate. The park is not open to the public at this time. The Environmental Commission is organizing a park clean up event for this Friday for volunteers 16 and older. Please email creektun@jklfamily.com to volunteer. We have 7 entries so far in the 100th anniversary logo contest. The contest ends on July 16th. RFPs for engineering work for the municipal hockey rink went out on July 3rd. They are due back on July 28th and she will make a recommendation of award at the August meeting. **Mr. Montgomery** asked if the logo contest is for current residents only. **Mrs. Evans** answered yes.

13. COMMENTS FROM THE SOLICITOR

Mr. Gillespie addressed Ms. Beharry's concerns about the basin on her property. He questioned what documentation would be provided. He recalled many discussions with the DEP which determined that it was the homeowners' responsibility. They bought the property with the covenant in their title. It was not something they found out about later. He knows of no New Jersey law that says basins should not be the responsibility of the homeowners. The request, basically is for the tax payers to assume this responsibility. Previous Committees said if we do not have to do that, why would we. **Ms. Kosko** asked if an HOA could be developed now. Mr. Gillespie answered that it could be done if everyone in the development voluntarily agreed to join. Ms. Kosko said since the basin is servicing all 16 homes in the neighborhood, should there be consideration to form an HOA. He said some of the neighbors may say no thank you.

He also addressed Ms. Harris' comments about the Notice of a Hearing and being unable to come in and see documents because the office was not available. No, the notice should not be changed. The notice follows what the statute says. This happens a lot. Sometimes people are not in their offices. Sometimes people get sick, or the office is closed and you come back the next day, but you do not change the notice. As to her comments about rehabilitation vs. redevelopment designation, Ms. Harris has brought this up before - possibly about the warehouse on Marne Highway and Rt. 541. A term was used "warehouse sprawl" and the suggestion that calling it rehabilitation when it was going to be a redevelopment is a "bait & switch". The Chesterfield case she mentioned was pending at the time and he did handle it. He reviewed the facts of the case for the audience, which put into question the rehabilitation vs. redevelopment designation. On May 15th, the Superior Court upheld Chesterfield's position for the redevelopment plan. To clarify, redevelopment can include condemnation, rehabilitation cannot. Rehabilitation can allow a 5-year tax abatement, redevelopment can allow a long term PILOT financial agreement which is what has been done here with one of the two Bluewater projects and the Black Creek project. He respectfully disagrees that it is not settled law. It is settled law. Rehabilitation designation can give rise to a redevelopment plan that calls for something more than fixing windows or repairing a roof.

14. COMMENTS FROM THE COMMITTEE

Committeewoman Evans – loved volunteering on the Troll project. She thanked Public Works, especially Andrew Bunting, Paula Kosko, Tara Wicker for organizing the food, all those that donated food, and Guy Hessel for his photos. She will be at the clean up on Friday. She congratulated Paula Kosko on her nuptials. She reminded everyone that Farm Fair would be July 18th – 22nd. She said she will attend the senior citizens meeting Thursday. She thanked Gwen for the backyard hen presentation and would like to revisit the issue. She looks forward to seeing inclusive events for the 100th Anniversary Celebration.

Committeewoman Gilmore – thanked everyone for coming. She enjoyed the Troll being built. Concerts in the Park will be starting up July 16th. Save the date - September 22nd for the adult dinner dance from 5 pm – 9 pm. Download the app for updated information.

Committeeman Montgomery – welcomed Rusty the Troll to town. In this month's calendar we have a photo of our new municipal playground. A lot of work went into it and he is glad it was taken care of. He got another compliment on our newsletter. He thanked Paula, Tara and the staff for doing a great job on it. He thanked Paula for securing another grant. He recognized Irene Barry, our Code Enforcement Officer, for her report and work with the residents. Singling out Ms. Barry does not mean that he neglects other officers and what they have done. He thanked Donna Casey and the Recreation Department for all they do and again, by singling out Donna, he is not neglecting or excluding others. He is just offering compliments to her. He is happy to support the mobile home park improvements and is glad that it can count towards affordable housing requirements. He congratulated Paula on her wedding vows. In doing so, he is not excluding others who are having their wedding vows or people who are married. Where he is going with this is because we have a fashion show for 125 people that is a fundraiser and because it may be a little pricier than some other things it does not mean that we are excluding others that may not be able to attend. We will have many events that will include many free things, but in order to have free things, we need

to have fundraisers to raise money. We thank the people that are going to attend and will spend money to help fundraise to give us the ability to have free, inclusive events. The 100th Year Anniversary Celebration is for everyone and will include everyone. In his career with many organizations, he was required to go through ethics, safety and security training. In the NJLM magazine, he read about possible legislation requiring ethics training for elected officials. It is a good reminder for all. He asked Mr. Gillespie if he does ethics seminars. **Mr. Gillespie** answered yes, he does and would be willing to do so and include the JLUB. Mr. Montgomery suggested we start or continue these seminars without needing the state to mandate it.

Mayor Clauss – congratulated Paula on her marriage. Concerts and Movies in the Park are coming up. He loves living in this town. He was impressed with Big Rusty being built and now he follows Thomas Dambo which is really interesting. He thanked everyone for coming and thanked the staff for doing a great job.

15. **BILL LIST**

Mrs. Evans abstained from item #23-00380. She purchased the Thomas Dambo book for the Township and is being reimbursed.

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

16. **EXECUTIVE SESSION**

A. **RESOLUTION 2023-92-7**– Resolution to Enter into Executive Session

1. N.J.S.A. 10:4-12(b)(6) Protecting the Safety and Property of the Public and N.J.S.A. 10:4-6(b)(1) Attorney Client Privilege

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

Motion to re-enter regular meeting

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

17. **ADJOURNMENT @ 8:50 P. M.**

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

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

Township Committee Meeting
July 11, 2023
6:30 pm

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

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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.