

HAINESPORT TOWNSHIP COMMITTEE MINUTES

**August 8, 2017
7:00 P.M.**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of August 8, 2017 was included in a meeting notice sent to the Burlington County Times and Courier Post On January 10, 2017 and advertised in said newspapers on January 12, 2017, respectively posted on the bulletin board in the municipal building on January 10, 2017 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. CALL TO ORDER by Mayor Porto at 7:00 P.M.

2. FLAG SALUTE

There was a moment of silence for the passing of former mayor Sheldon Evans.

3. ROLL CALL - present were Committeewoman Gilmore, Committeeman Fitzpatrick, Committeeman Masciocchi and Mayor Porto. Also present were Township Administrator/Acting Clerk Paula Kosko and Solicitor John Gillespie. Committeeman Dickinson was absent.

4. MINUTES

A. APPROVAL OF REGULAR COMMITTEE MINUTES OF JULY 11, 2017

B. APPROVAL OF EXECUTIVE SESSION MINUTES OF JULY 11, 2017

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

5. REPORTS

A. Tax Collector – July 2017

B. Code Enforcement – July 2017

C. Fire Official – July 2017

D. Construction – July 2017

Motion to approve the minutes and spread the Tax Collector's report across the minutes: Committeewoman Gilmore. Second: Committeeman Masciocchi. All yes.

6. DISCUSSION/PRESENTATION

A. BURLCO JIF Presentation

Paul Florenza, from the BURLCO JIF, was here for a presentation to the committee regarding renewing the contract with JIF. He stated that Hainesport was one of the founding members and has been with them for 26 years. Mr. Florenza stated that the JIF has saved taxpayers over a billion dollars since their beginning. He gave a synopsis of what the BURLCO JIF has done for the various townships in the past 26 years. Mr. Florenza said he hopes Hainesport Township looks favorably upon the renewal with JIF.

B. Verizon Wireless Nodes

Bill Flanagan came tonight to give a presentation on a project that has been in the process for about 2 years. Verizon is asking to install small network nodes on the top of utility poles in various areas of the township. He brought sample pictures of what they would look like. He explained what they would improve band width for the large number of people that are using wireless devices these days. The existing infrastructure cannot support the increasing need for data. This is designed to improve that capacity. State statute requires that Verizon obtain consent from any municipality where they wish to operate. Mr. Flanagan said that they do not know how many would be placed in the township but it would possibly be 6 to 12. They would prefer to place them on existing poles, and would be in the vicinity of Route 38, Route 537 and Creek Road. Mr. Fitzpatrick asked if there would be any cost to the township and was told no. There could be general liability coverage with the JIF program in case anything happens. Mr. Flanagan left pictures of various nodes with the solicitor.

C. Community Cat Ordinance/Discussion

Theresa Kopasz gave a presentation to recommend a program for the feral cats in the community. She wanted to propose a partnership with the township to help to reduce the population of the feral cats in Hainesport. The Friends of the Burlington County Animal Shelter is a non-profit group that partners with People for Animals to give low cost spay/neuter surgery to Burlington County cats and dogs. Ms. Kopasz talked about the program of TNVR which is trapping, neutering, vaccinating and releasing of feral cats. The cats are released back into the community where they were trapped and hopefully live out their lives there. The benefit is that they do not multiply any more. There was more discussion on the fact that these cats were released back into the community. The goal is to reduce the community cat population.

During the meeting and much after the discussion, the Animal Control Officer of Hainesport came up to the podium and gave his opinion of the TNVR program. Officer Garrity of Animal Control said he does a third of the county now and this

is the only township that is up for proposal for the TNVR Program. He stated that the amount of animals that come to the colonies is preposterous; it is non-stop raccoons, opossums and foxes. In all of his other townships, the feral cat problem is under control. There are no calls or complaints. As an example, Medford Lakes would never put up with the TNVR Program. Who would want a colony of cats in their yard? That is why they are calling the Control Officer, to stop the problem. Mr. Garrity said the feral cats kill just for the sake of killing and there is a multitude of problems with diseases. He cited several more examples of problems that feral cats cause the townships. Mr. Fitzpatrick asked what could be done to control the situation. Mr. Garrity said to trap and remove them; they have 7 days to be adopted at the shelter. The businesses that have this problem should be responsible for the removal. He has proposed this to the Hainesport Clerk. Mr. Fitzpatrick asked if there was a sample ordinance to look at and was told that Moorestown has one. There was more discussion concerning the matter.

7. ORDINANCES

- A. ORDINANCE 2017-5** – Repeal Chapter 46 of the Code of the Township of Hainesport Entitled: “Alarm Systems” (**Public Hearing and Final Adoption**)

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

- B. ORDINANCE 2017-6**– Cancelling Certain Appropriation Balances Heretofore Provided for Various Capital Projects (**First Reading and Introduction**) (**Public Hearing and Final Adoption September 12, 2017**)

Motion: Committeewoman Gilmore. Second: Committeeman Masciocchi.

All yes.

- C. ORDINANCE 2017-7**– Appropriating the Sum of \$105,000 in Funding from the Capital Improvement Fund for Various Improvements and Equipment (**First Reading and Introduction**) (**Public Hearing and Final Adoption September 12, 2017**)

Motion: Committeeman Fitzpatrick. Second: Committeewoman Gilmore.

All yes.

- D. ORDINANCE 2017-8**– Establishment of Abandoned Property List and Procedures for Addressing Abandoned Properties within the Township of Hainesport (**First Reading and Introduction**) (**Public Hearing and Final Adoption September 12, 2017**)

Mr. Gillespie researched and prepared an ordinance for the committee to adopt tonight.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

- E. ORDINANCE 2017-9** – Bond Ordinance Providing an Appropriation of \$630,000 for Acquisition of Real Property Known as 1404 Route 38 Hainesport, New Jersey and Shown on the Hainesport Township Tax Maps as Block 100, Lots 9, 10, 11, 12 and 13, Consisting of Approximately 24.56 Acres and Authorizing the Issuance of \$598,500 of Bonds or Notes of the Township for Financing Part of the Cost Thereof **(First Reading and Introduction) (Public Hearing and Final Adoption September 12, 2017)**

Mayor Porto said this is something the committee has been working on to ensure that we keep the quality of life in Hainesport. He suggested some thoughts as to how the property could be utilized in the future. Mr. Gillespie interjected to Mayor Porto that it is not only 1404 Route 38; it is also 1411 Route 38 which is Block 99, Lot 9. Mr. Fitzpatrick asked if that wouldn't be the next ordinance and Mr. Gillespie said one is for the funding under the Local Bond Law and the next is for the acquisition itself.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

- F. ORDINANCE 2017-10** – An Ordinance Authorizing the Acquisition of Certain Properties Known as 1411 Route 38, Block 99, Lot 9; and 1404 Route 38, Block 100, Lot 9, 10, 11, 12 and 13 in the Township of Hainesport **(First Reading and Introduction) (Public Hearing and Final Adoption September 12, 2017)**

Mr. Gillespie interjected that this matter will now go to the Planning Board for capital review and then back to the committee for recommendation as to whether it is consistent with the Master Plan.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

- G. ORDINANCE 2017-11**– Amending the Local Zoning Ordinances to Require an Attachment Permit for the Installation of Microcell Antenna Equipment on Existing Infrastructure or New Infrastructure **(First Reading and Introduction) (Public Hearing and Final Adoption September 12, 2017)**

Mayor Porto said this was touched on earlier by a representative from Verizon. He said he believes it is on the agenda for the Joint Land Use Board this Thursday. Mr. Gillespie asked Ms. Kosko if she could get the previous ordinance on the agenda for the Joint Land Use Board also and she said she would try. Mr. Gillespie asked if there could be some corrections on the ordinance that would clarify things.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

H. ORDINANCE 2017-12 – Amending Ordinance 2017-4, Establishing Salaries, Wages, and Compensation for Employees of the Township of Hainesport (**First Reading and Introduction**) (**Public Hearing and Final Adoption September 12, 2017**)

Ms. Kosko explained that the Clean Communities Coordinator has been managing the grant program and recently has been required to maintain CEUs for the certification. She is one of the very few that is not receiving a stipend for the work. Ms. Kosko said the grant is 100% grant and there is no economic impact on the township. It cannot exceed 5% of the grant awarded and she thinks last year's grant was \$17,000 so we are looking at, on average, between \$600 and \$900. Mayor Porto summarized that the employee is doing the work and their cost is reimbursed through the grant.

Motion: Committeeman Fitzpatrick. Second: Committeeman Masciocchi.

All yes.

8. RESOLUTIONS

A. RESOLUTION 2017-126-8 – Authorizing Lien for Property Maintenance Expenses for Property Located at 1203 Washington Street

Motion: Committeewoman Gilmore. Second: Committeeman Masciocchi.

All yes.

B. RESOLUTION 2017-127-8 – Authoring Lien for Property Maintenance Expenses for Property Located at 104 N. Cumberland Avenue

Motion: Committeewoman Gilmore. Second: Committeeman Masciocchi.

All yes.

C. RESOLUTION 2017-128-8 – Appointing a Public Agency Compliance Officer

The name of the officer is Paula Kosko.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

D. RESOLUTION 2017-129-8 – Authorizing Execution of Agreement of Sale for Real Estate

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

- E. RESOLUTION 2017-130-8-** Authorizing a Salary Establishment for the Acting Municipal Clerk

Mayor Porto said we had established the salary by ordinance and now we have to follow through with the resolution.

Motion: Committeeman Fitzpatrick. Second: Committeeman Masciocchi.

All yes.

Ms. Kosko asked Mayor Porto to add a resolution for the Municipal Alliance Grant. In February the committee passed 2017-62-2 which acknowledges the terms and conditions of the grant administration. She was reading the resolution itself and there is not a provision in there that authorizes the committee to sign the actual grant agreement. Nor is there a provision in there stating what our cash match is. This amount is \$2,200 which is split evenly amongst the municipalities. Ms. Kosko is requesting that the committee would consider amending resolution 2017-62-2 which would include those provisions.

Motion: Committeewoman Gilmore. Second: Committeeman Masciocchi.

All yes.

- F. RESOLUTION TO AMEND RESOLUTION 2016-62-2**

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

9. BUSINESS

- A. 2017-2018 Business Registrations – See List Attached**

Motion: Committeewoman. Second: Committeeman Masciocchi. All yes.

- B. Approval of Junk Yard License**

2017-001 – AmeriCycle, Inc.

Motion: Committeeman Masciocchi. Second: Committeewoman Gilmore.

All yes.

10. CORRESPONDENCE

- A. Thank You Letters from Residents - Public Works**

B. Mount Holly MUA Letter

Mayor Porto said the letter from the MUA was in response to the letter the township committee had sent them back in March. The letter will be made public after the Executive Session tonight.

Motion: Committeeman Fitzpatrick. Second: Committeewoman Gilmore.

All yes.

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

Lee Schneider, 611 Broad Street – wanted to run something by the committee. She reached out and touched base with Mike Haverland who is a storm drain specialist as well as the Associate Professor at the Rutgers Co-op Extension in regard to the basin located on Melodie and Jennie Courts. She said she was hoping to find a reasonable basin management solution that would benefit the township as well as the residents. He suggested that it would be feasible to use a meadow seed mix; something like Black Eyed Susans for the floor of the basin. In the long run, this would cut down on the township's time it would take to mow the area. Ms. Schneider thought that would be beneficial to the township. As far as the top of the basin, that would still need something, possibly other than grass. That would need more fact finding specs which she offered to do. She went on to say that she had been to the meeting for the MUA and she asked Mr. Mayberry why the correspondence from Hainesport was ignored and she is glad to see that he finally responded. As a resident of Hainesport and a part of Costa and Schneider that they will diligently work to represent the residents concerning the unfair MUA rates being charged.

Anna Evans, 63 Parry Drive – agreed with Ms. Schneider in calling on the committee to address the problem with the MHMUA. Both Lumberton Township Committee and Westampton Township Committee have filed ethics complaints the MHMUA and she would like to call on our committee to do the same. Mrs. Evans believes it is a bi-partisan problem and we should all work together as a community. A resident reached out to her and said she had attempted to rent a property in Hainesport at 412 Rancocas Avenue and she believes the landlord refused to rent to her because she is African American. Mrs. Evans is not sure if this is something the committee can get involved with but she wanted to bring it to their attention. Mayor Porto asked if she had reported and Mrs. Evans said would let the committee know and would find out what procedure should be followed. Mayor Porto asked her to provide the information to the administrator and she said she would look into it. The final comment Mrs. Evans had was to thank Ms. Kosko and Public Works for listening to the concerns of the residents of Sage Run regarding the road surfaces and for, hopefully, addressing those concerns in the near future.

Deborah Plaia, 50 Bancroft Lane – wanted to address the comments by the gentleman from animal control. He made a lot of assertions but did not produce any data. He asserted that we are the only town that has a feral cat problem, he says that Moorestown and Medford don't have a problem and she doesn't know that; she hasn't seen any reports or data to back that up. It's his own personal opinion and to

be quite honest, she doesn't know if it is accurate. Ms. Plaia brought several points up that pertained to the problem. If you impose this requirement of taking care of feral cats on property owners what about residential property owners? Are they going to be able to take care of this feral cat problem? We could, potentially, have animal activists knocking on our doorsteps opposing what we are doing. Ms. Plaia said we should proceed with caution if we are going to put that responsibility on home owners. She also commented on the Verizon presentation about the nodes to bring better reception to the township; Moorestown has recently adopted a resolution for that matter and she thought the committee might want to reach out and talk to them concerning this.

Catherine McNelis, 407 Bischoff Avenue – said she does not agree with the animal control officer about the cat ordinance. She has been asking for one for the past 10-15 years and was asked how it would be enforced. She said it would be enforced just like the dog ordinance. There are people all over New Jersey that obey the law just because it is the law and she feels if we had a cat ordinance there would be no questions asked. Ms. McNelis happens to have six feral cats in her yard. She talked about the fact that for many years she took feral cats to the animal shelter and finally realized that they were being put down and decided not to take them anymore. She then started having the cats spayed and neutered. Ms. McNelis then talked about the land the township is considering buying on route 38. She asked why we would want to buy property to keep it commercial. Why didn't we buy the land where the townhouses were built and keep it commercial? What is so important about the lump of sand? And that is all it is. The other property she saw on the tax map is all wet land and she questioned why we would buy wet land. Ms. McNelis reminded Mr. Fitzpatrick of how much he makes in Mansfield and it seems a shame that he should still be taking medical benefits from Hainesport.

Louis Lopez, 98 Levis Drive, Mt. Holly – said he would like the opinion of the committee about the Mount Holly MUA increase in the rates. Mayor Porto said the committee members would comment on the MUA if they wish to do so during their comments at the end of the meeting. Mr. Lopez asked if the sewer in the township goes to any other place than the Mount Holly MUA and was answered in the negative. He also asked if the abandoned property ordinance would be the same as Mount Holly's ordinance. Mayor Porto said he is not versed in the ordinances for Mount Holly. He went on to say that Hainesport went for years without an abandoned property ordinance and we recognize the need to have one implemented so we had our professionals look into it and prepare one. Mr. Gillespie said that most of these ordinances are similar in substance; each town has its own issues and tries to address them in a tailor-made fashion. He doesn't think Hainesport's ordinance would be dramatically different than other towns. Mr. Lopez said he had the video of this meeting on Facebook, You tube and his phone and he wanted to know what the next event was going to be for Hainesport. Mayor Porto told him the next event was Concerts in the Park right out at the gazebo.

Virginia Cliver, 118 Mt. Laurel Road – suggested the committee take the two ordinances off and add them to the ballot next September because this should be put on a ballot for the public if they want to spend this type of money. She said this is not "chicken feed" to her and she knows it's going to increase the taxes. Some of the people have lived in this town a long time and understand where this area is but we

have more recreation than we have time to spend with it. Mrs. Cliver said this is mainly swamp land and it sounds to her that someone is trying to help out the seller to maybe get the land moving in Hainesport. She thinks it should be looked into but she mainly thinks it should be put on the ballot. This is too much money to spend on something that the town does not need.

12. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko said the township had sent out the RFPs for affordable housing administrative agent services. They were due back July 27th and unfortunately we only received one so we have put it back out for proposal, returnable by September 5th at noon. It was sent to nine different agencies in the state and hopefully this time we will get a better response and will be able to move forward. Ms. Kosko received a letter from the county notifying us that the HUD portion of the Community Development Block Grant was approved and we should be given the nod to proceed sometime in October. The engineer is going to start working on the bid specifications since the project has already been earmarked. The Department of Transportation has announced municipal aid grant is now available. It is her understanding that a grant was submitted but we did not receive it. It was for two tenths of a mile on Washington Street. It had something to do with Paparone's development being finished with a section of sidewalk that wasn't completed. Prior to that, she believes, there was a grant submitted for Phillips Road so the governing body will have to make some considerations about what they want to apply for. We will make an application this year for the Municipal Aid Program. The Municipal Park Development Grant has had some inquiries from the public and what the status is for it. The county has been announcing the awards usually in October so hopefully we will find out about it then. Ms. Kosko said we should be looking for projects for the next grant. We are eligible for up to \$250,000 in grant money.

13. COMMENTS FROM THE SOLICITOR

Mr. Gillespie had no comments this evening.

14. COMMENTS FROM THE COMMITTEE

Mrs. Gilmore thanked everyone for coming out tonight and also for the special presentations that we had this evening, especially for the help for feral cats. She said she thinks the Animal Control Officer did not really have a grasp on this. She went on to say that she thought he was leaving some things out of his statement. When he says he is eliminating the animals she thinks he really eliminates them. She really does not think that is the way to go. Mrs. Gilmore hopes we move forward with the volunteers in the community and put something in place in regard to controlling the animals and having it be a win/win situation. She thanked Ms. Schneider for her suggestion to some alternate suggestions and in taking the initiative to find alternate environmentally friendly way to handle the basin, she thinks it is a very unique idea and we should look into it. She is glad that the grant is finally in place for the

Hainesport Proper further redevelopment. Mrs. Gilmore said she hopes they will be able to get more responses for the affordable housing agent.

Mr. Masciocchi said we finally got a response from Chairman Thieson of the Mount Holly MUA to the letter we sent in March. Had it not been for Lee Schneider pressing him at the last MUA meeting, he is not sure if we would have gotten a return letter. There was a bi-partisan effort to challenge what the authority is doing. People appeared from both parties. Hainesport was well represented because the response that we did get in the form of the letter was more like a pat on the head, go away response. He thinks we should look into what kind of action we can take; maybe we want to follow the presence sent by Lumberton who filed a complaint with the local finance board. Mr. Masciocchi said he thinks that is the way to go. With the arrangement we have now, we pay one and a half times more than the residents of Mt. Holly which dates back, he believes, to 1978. That contract was good for a thirty year period and it is long past due to be changed. It may be time to negotiate from a stronger position to change that rate. It is his hope that we can put something together to address that problem. Mr. Masciocchi thanked everyone that went out and showed a force to the MUA.

Mr. Fitzpatrick had no comments this evening.

Mayor Porto said to piggy back on Mr. Masciocchi's comments, he did have Ms. Kosko take a look at the contract and we have a forty year contract that locks us in to the 1.5 rate that was signed in 1989. We will explore all of our options for our residents and the primary concern is making sure we get the best possible terms that we can, legally. We do not want to incur unsuccessful efforts for the sake of appearing to take action but we will take all action necessary that are available to us. That was carefully worded but he doesn't want to stop any progress that we may achieve on some of our efforts with the MUA. At the same time, making sure that the MUA sticks to their promise and keeps their rates under control. They did note there are no scheduled increases now for standard sewer fees. Mayor Porto said there was a comment about not buying wet lands. This parcel of land is being donated as part of the acquisition. He thinks we got a fair price, it is an open space purchase and he thinks Route 38 corridor could see development. It would be complimentary to the rest of the zoning in the area. Since we already have zoning for senior citizen's housing and an existing community through Creekview/Lakeside, we want to make sure that we have that area maintained for quality of life. On top of that, the voters have voted multiple times to approve Open Space taxes. One of the primary functions of that tax is to maintain open space. Mayor Porto strongly believes in this purchase and thinks it is a sound decision; it was a fair price and was below what it was originally listed. There are no conflicts here among the committee. The municipality is going to, if they so choose, sub-divide the front to recoup some of the cost. The voters pay for an open space tax. He talked to the CFO and some of the towns current bonding is expiring this year. We have paid off old debt and some of this cost will be absorbed out of the Open Space Tax to pay for some of this debt payment. The people have told the mayor that they do not want to see unnecessary development in the town; we certainly want to see commercial and retail office growth which would bring jobs and tax ratables along Route 38. At the same time we want to preserve the environment. On the matter of the TNVR program, it is a very personal matter for Mayor Porto. He and his wife work very hard in getting animals

trapped, neutered and released. Without a doubt, there is a problem with the animals in the town. That is why they had the TNVR program presented this evening. He strongly encourages residents to spay or neuter their animals.

15. **BILL LIST**

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

Bills that Committeeman Fitzpatrick abstained from: 17-00598 and 17-00655

16. **EXECUTIVE SESSION**

Motion: Committeeman Masciocchi. Second: Committeeman Fitzpatrick. All yes.

A. **RESOLUTION 2017-131-8** – Resolution to Enter into Executive Session

Solicitor Gillespie told Mayor Porto that they could strike number two from the list.

1. Attorney Client Privilege
2. Personnel
3. Potential Litigation

Motion to re-enter into Open Session: Committeeman Masciocchi. Second: Committeewoman Gilmore. All yes.

Solicitor offered to the committee that authorization is needed to begin Landlord/Tenant action on foreclosed property discussed in closed session.

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

17. **ADJOURNMENT @ 9:41P. M.**

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

Respectfully Submitted,

Paula L. Kosko

Paula L Kosko,
Acting Township Clerk