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HAINESPORT TOWNSHIP COMMITTEE MINUTES

July 10, 2018
7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of July 10, 2018 was included in a meeting notice sent to the Burlington County Times and Courier Post On January 8, 2018 and advertised in said newspapers on January 11, 2018, respectively posted on the bulletin board in the municipal building on January 8, 2018 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 Masciocchi at 7:00 P. M.
2. **PROCLAMATION**
 - A. **Proclaiming July 10, 2018 as Student Government Day** – Nathan Shaffer as Honorary Mayor
3. **FLAG SALUTE** – led by Honorary Mayor Nathan Shaffer
4. **ROLL CALL** – present were Committeewoman Gilmore, Committeewoman Schneider, Committeeman Fitzpatrick, Committeeman Costa and Mayor Masciocchi and Honorary Mayor Shaffer. Also present were Township Administrator/Clerk Paula Kosko and Township Attorney John Gillespie.
5. **MINUTES**
 - A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF JUNE 12, 2018**

Motion: Committeeman Costa. Second: Committeewoman Gilmore.
Abstained: Committeeman Fitzpatrick. All others yes.
6. **REPORTS**
 - A. **Tax Collector** – June 2018, 2nd Quarter Ending June 2018
 - B. **Code Enforcement** – June 2018
 - C. **Fire Official** – June 2018
 - D. **Construction** – June 2018
 - E. **Emergency Services Reports** – June 2018

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

7. SPECIAL PRESENTATION TO HONORARY MAYOR NATHAN SHAFFER

Mayor Masciocchi presented Honorary Mayor Shaffer with a “Student Government Day” Proclamation and an engraved mini gavel. He also read the proclamation to the audience.

Sgt. Ray Lally of the Bordentown State Police gave a brief presentation for the month of June. He stated that June was very quiet and there was not much to report. Normally, the summer months are very busy but “no news is good news”. He also said that July has started off well and hopes it continues for the summer.

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

Anna Evans, 63 Parry Drive – wanted to address ordinance 2018-10 which is “Amending the Code of the Township of Hainesport to Address Political Contributions from Municipal Vendors”. She said she is really happy to see this on the agenda; as everyone knows, it is something the Democrats have been pushing to get for many years. She went on to say that she is confused because four of the five on the dais did take money from municipal vendors during the recent campaign and she is wondering what caused the change of heart. Was it the pressure from the Democrats that caused it? Mrs. Evans stated that the current Republican candidate, Gerry Clauss, who is not here this evening, was very vocal in defending Alaimo Engineering during the Costa and Schneider campaign. So, does he agree with it? Mayor Masciocchi interjected to address her comments. He told her that the committee is not involved in anyone’s campaign and what they say has nothing to do with the governing body. The ordinance that is being adopted is similar to the current state statute. It is his opinion, and his alone, that these statutes are helpful to bring to everyone’s attention what the law is. The law as it is currently reflected in that ordinance is exactly what it is statewide. He verified that with attorney Mr. Gillespie. Mrs. Evans’ second comment is that she would very much like to have the ordinance read in full to the audience. Her concern is that it is not going to go far enough in addressing the issue. She has mentioned several times that the money that Alaimo Engineering donated, both last year and she thinks the previous year, went through a PAC called Charter America Inc. Unless the ordinance expressly forbids municipal vendors from donating to PAC’s that then contribute to candidates committees. It is actually just going to be for optics, it’s not going to make any difference the way people are going to conduct their business. Mr. Fitzpatrick said her comment was very astute. Mrs. Evans said she just wanted to know that the ordinance will be read in full so she will know whether that is happening or not. Mr. Gillespie said he didn’t know why the entire ordinance would have to be read; the statute says you introduce it by title. It will then be published and the people will have an opportunity to read it and it will be on the website. Mrs. Evans said she just feels that the transparent communication would be useful to know it is being addressed. Mayor Masciocchi

and Mrs. Evans had a discussion concerning whether or not the ordinance should be read and it was decided that Ms. Kosko would give Mrs. Evans a copy of the ordinance after the meeting. They continued to discuss the “pay to play” issue for several more minutes. They eventually agreed to disagree.

Louis Lopez, 98 Levis Drive, Mt. Holly – said he thinks we have a future mayor. He is looking for information on two properties in Hainesport. He questioned what the status is on the two vacant homes on Maple Avenue. Ms. Kosko said she doesn’t know but will follow up with him on them. Mr. Lopez questioned whether or not there would be a conflict of interest if a vendor donated to both parties. Mr. Gillespie explained that anyone can donate to a political committee or campaign within the limitations set forth by state law. Doing so is not unethical or corrupt and it is not illegal. Whether the statute is incorrect, as just suggested, is up to the legislature. Mr. Lopez asked if Hainesport is going to have a fireworks display in 2019. Mayor Masciocchi asked Acting Mayor Schaffer if he would be interested in having fireworks next and was told he would. Mayor Masciocchi said the committee would look into it.

Before the meeting continued Mayor Masciocchi told the audience that a representative from CUC is here to answer questions about the electric cooperative.

Mario Nelson, 1420 Lark Lane – said he has been in Hainesport for about eight months now and asked the mayor if there was any place in the parks where someone could get in the water during the summer months. He said he noticed there were no public swimming pools but has the township ever considered a fountain where the children could get in and get wet. Mayor Masciocchi said in the past the township has looked at something like that but the biggest problem would be insurance issues. Mr. Nelson said the township has roller hockey and soccer which is physical stuff and it seems to him that the insurance would cover it. He said he has grandchildren and it is costing him about \$500 just to let them get wet this summer and he is paying enough in taxes that the township should consider it.

Ron Napoli, 120 Paisley Place – asked if this public comment period was for agenda items or whether or not it is for anything. Mayor Masciocchi said it is for agenda items only. Mr. Gillespie said the CUC energy program is part of the ordinance and the committee is creating a legislative record. He asked that any questions about it be brought up after the public hearing is opened. Mr. Napoli said he would do his best to stay on the agenda items. He said his question has to do with the ordinance authorizing Hainesport to become part of the energy aggregation program. He thanked the committee for taking it under consideration. It is a matter of choice and by passing it tonight they will give residents an opportunity to save money, yet not require that they do so. To not pass it takes the choice away from the residents, so he is glad to see it is on the agenda and he encourages the committee to approve it.

Irene Baggio, 177 Merion Court – said on the same issue of the energy aggregation program she would like clarification as to whether the residents would be given an opportunity to choose whether or not they want to be in the program. Or will they

have to opt out of it. Mayor Masciocchi said he believes everyone is in and can opt out of the program. Mrs. Baggio said that the committee has made the decision for the residents and then they have to engage in the process of getting out of the program if they don't think it will deliver what they expect it to deliver. Mayor Masciocchi said, in essence, yes that is correct. She asked if the ordinance is passed tonight when the residents are going to be given any information on the program. Mayor Masciocchi said when we get to the hearing section Ms. Kosko will be able to answer that question.

9. DISCUSSION/PRESENTATION

A. Quaker Group Redevelopment Plan

Mr. Jim Bailey, Mr. Nick Casey and Mr. Bruce Papparone were at the meeting to present to the committee information on a project at Route 38 and Bancroft Lane by Quaker Group. They got approval for a Use Variance in 2017 and there have been some discussions on what is going on between the township and developers. Mr. Casey gave an extended presentation concerning the land development. They are considering building 20 single family homes and build a landscaped berm about 20 feet high to shield the traffic and businesses along Route 38. They are also proposing to deed a certain amount of land protruding off the area to the township. That would give the township an opportunity to control what goes there. Mr. Costa had some questions for Mr. Casey and seemed satisfied with all the answers. He stated he thinks this is a good idea. Mr. Casey said the company is asking the township to give consideration, as part of putting together the redevelopment plan, an opportunity to dedicate land to the township for their future benefit. There was an extended comment from Mr. Gillespie concerning the project and also Scott Taylor of Taylor Design Group spoke about this. Mr. Costa had several comments about the project and reiterated his approval on it.

10. ORDINANCES

A. **ORDINANCE 2018-6** – Amend Chapter 144 of the Code of the Township of Hainesport Entitled: “Sales” (**Public Hearing and Final Adoption**)

There were no public comments on the ordinance.

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

This means that the ordinance was adopted.

B. **ORDINANCE 2018-7** – The Township Becomes a Member of the Burlington County Energy Aggregation Program (**Public Hearing and Final Adoption**)

There were no public comments on the ordinance.

Motion: Committeewoman Schneider. Second: Committeewoman Gilmore. Mr. Costa and Mr. Fitzpatrick: no. Mayor Masciocchi: yes.

This means that the ordinance was adopted.

- C. **ORDINANCE 2018-8** – Amending Chapter 180 of the Township Ordinances Entitled Vehicles and Traffic **(First Reading and Introduction) (Public Hearing and Final Adoption August 14, 2018)**

Motion: Committeeman Costa. Second: Committeewoman Schneider. All yes.

- D. **ORDINANCE 2018-9** – Appropriating the Sum of \$81,264.14 in Funding from the Capital Improvement Fund for Equipment **(First Reading and Introduction) (Public Hearing and Final Adoption August 14, 2018)**

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

- E. **ORDINANCE 2018-10** – “Amending the Code of the Township of Hainesport to Address Political Contributions From Municipal Vendors” **(First Reading and Introduction) (Public Hearing and Final Adoption August 14, 2018)**

Motion: Committeewoman Schneider. Second: Committeewoman Gilmore. No: Committeeman Fitzpatrick. There was a heated discussion between committee members Fitzpatrick, Masciocchi and Schneider concerning this vote. All others yes.

- F. **ORDINANCE 2018-11** – Expanding the List of Public Employees and Officials Authorized to Enforce the Municipal Code **(First Reading and Introduction) (Public Hearing and Final Adoption August 14, 2018)**

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

11. RESOLUTIONS

- A. **RESOLUTION 2018-104-7** - Authorizing Lien for Property Maintenance Expenses for Property Located at 1203 Washington Street

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

- B. **RESOLUTION 2018-105-7** – Authorizing Lien for Property Maintenance Expenses for Property Located at 412 Broad Street

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

- C. **RESOLUTION 2018-106-7** – Authorizing a Shared Services Agreement Between the Township of Lumberton and the Township of Hainesport for Vehicle Fueling Services

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

- D. **RESOLUTION 2018-107-7** – Amending Resolution 2018-93-6 to Hire Summer Recreation Help

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

- E. **RESOLUTION 2018-108-7** – Adopting the Form of the New Jersey Tort Claims Act Questionnaire Required to be Utilized by Claimants for the Filing of Notices of Tort Claim Against the Township of Hainesport in Accordance with the Provisions of the New Jersey Tort Claims Act, N.J.S.A. 59:8-6 and Designating Qual-Lynx as the Agent for the Township of Hainesport to Provide the Questionnaire to all of the Claimants and to Receive the Completed Questionnaire from the Claimants.

Mrs. Gilmore asked if the committee had a choice to vote on this. Mr. Gillespie explained to the committee that JIF has asked its members to adopt this particular resolution. The change, he thinks, is rather than having the tort claim notice run through the Municipal Clerk's office it immediately delegates the responsibility to Qual Links, which is the third party adjustor that has been retained by the JIF. The committee could say they don't want to go to Qual Links. Other than that he doesn't think there are too many changes. Mayor Masciocchi asked if it would change the township's participation in the JIF program and Mr. Gillespie said he did not think it would. They might ask the township to reconsider. His thought is why would you take the Clerk out of the role that the statute gives them and delegate it immediately to the insurance company? Mrs. Gilmore asked if there was a time frame involved and was answered no. After Mr. Costa motioned yes there was a discussion about the resolution. Mr. Gillespie noted that there were some problems with it. He explained his reasons and when all was said and done, the committee, along with Mr. Costa, decided to table the resolution until they get more answers as to why this is being done. Mr. Costa retracted his motion and the **resolution died**.

Motion: Committeeman Costa. Second:

RESOLUTION 2018-109-7 – Authorizing Administrator to Approve Cooper Health System to Land their Helicopter at the Municipal Complex for Training Purposes with Hainesport EMS

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

F. **RESOLUTION 2018-110-7** – Approve Firemen into the NJ State Firemen’s Association

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

G. **RESOLUTION 2018-111-7** – Authorizing Release of Performance Guarantee for Pep Boys/Diamantis

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

H. **RESOLUTION 2018-112-7** – Authorizing the Entry into a Cooperative Pricing Agreement for the Burlington County Energy Aggregation Program

Motion: Committeewoman Schneider. Second: Committeewoman Gilmore. Mr. Fitzpatrick abstained. All others yes.

12. BUSINESS

A. Approval of Business Licenses (See Attached)

Motion: Committeewoman Gilmore. Second: Committeewoman Schneider. Mr. Costa abstained from his business license. All others yes.

13. CORRESPONDENCE

A. Notification to Governing Body of 2018 Tax Appeals

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

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

Michael Cook, 2 Tidewater Court – asked for clarification on the energy program. He said if he recalls when they were talking about the energy program and if they want to participate they have to sign up what the county established. So it doesn’t limit the individual persons’ ability to get energy from another company but the township has to go with the coop that was created by the county. Mayor Masciocchi said yes then you can opt out if you want to. He went on to talk about the development plan at Creekview and said he is glad they are looking to build houses versus townhouses. Mr. Cook asked if the light could be adjusted on Route 38 when the development is done as it is a little long now. If there is going to be more traffic people can’t go west on Creek Road so everybody comes down Bancroft Lane and it would be helpful if the light could be made green longer. Lastly, Mr. Cook said he appreciates everybody’s opinions and the committee’s effort to avoid political football on certain issues that are more of a concern on a national level.

Anna Evans, 63 Parry Drive – wanted to return to Ordinance 2018-10 about political contributions. First, everyone knows there is little love between her and Committeeman Fitzpatrick, but if you have a committeeman that is saying some things and you have a member of your residents who says the same thing, aren't you calling him dishonest? She said she has done so much research on this subject. Mayor Masciocchi interrupted her to clarify what he had said earlier. He said the dishonest comment was not directed to Mr. Fitzpatrick, it was relative to a different ordinance. So it has no bearing on her position with regard to the pay-to-play before them tonight. Mrs. Evans said she thought he was disagreeing that the ordinance has no teeth. There was another heated discussion between them concerning the pay-to-play ordinance.

Louis Lopez, 98 Levis Drive, Mt. Holly – asked to have Resolution 2018-108-7 explained to him and Mayor Masciocchi told Mr. Lopez that the resolution was tabled and not passed. He asked about the pay-to-play laws between the state and a township. He wanted to know if there was a difference in the two entities which would override which. Mayor Masciocchi told him that the state would prevail. Mayor Masciocchi verified that with Mr. Gillespie.

Gerry Clauss, 135 Mt. Laurel Road – said he wanted to make a correction to something that was stated earlier on the podium by Mrs. Evans earlier. She said he wasn't here tonight and he is present. Second, he said he had met Nathan Shaffer, the Honorary Mayor, and he thinks the township is going to have a good mayor in the future with him.

15. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko said she had met with the Affordable Housing Planner last month since we were approved with Burlington County Bridge Commission shared services; our shared services request with them was approved. They had a very productive meeting last month. The planner started discussing with Ms. Kosko the required ten year update for our Affordable Housing Plan and Fair Share Plan, which is part of our Master Plan. And the extension of affordability controls. She, Public Works Foreman, Mr. and Mrs. Schneider and Mr. Skeens had a site visit at the ditch along Deacon Road (in the Municipal Park) to address their concerns. She followed up with the township engineer and he is going to provide us with a written response/summary regarding the concerns. He (engineer) will call DEP to discuss and find out if permits need to be taken out to do any maintenance to the ditch. There was a pre-construction meeting with our engineer, contractor and Karen Trommelin with the Burlington County Department of Economic Development and the CDBG-grant sidewalk project will begin on July 23rd. A letter will be going out this week giving notice to all the affected homeowners and there will be temporary parking instructions. Ms. Kosko gave an update on the video recording and she can provide a written report to anyone on the committee who wants it. Whoever bought our Liberty recording system had the forethought to buy it with a video license. So that is a fantastic situation for us. She gave some options for the various systems and

recommended the hard recording through the existing Liberty System. Ms. Kosko talked about the issues that the residents on Cottage Street have when there is a Clean-up Day at the old municipal center. The residents did have some valid concerns. The Clean Communities/Recycling Coordinator and Public Works Foreman did a great job assessing Clean-up Day. She thinks they may have a solution that would make the residents very happy and we would save money also. One of the reasons why those dumpsters are left out for the weekend is because the transfer station closes at noon on Saturday and our event runs until that time. The company that we use for our dumpsters ends their Saturday early as well. They actually called around to other vendors who do the same thing and they use a different transfer station which stays open. So if we go with another vendor, it could save taxpayers well over \$1,000. We would be able to remove the dumpsters after one o'clock so they won't stay there all weekend.

16. COMMENTS FROM THE SOLICITOR

Mr. Gillespie wanted to address a comment that was made about something he said earlier this evening. Mrs. Evans just said that she was making reference to a comment he made about hedging their bets. He wants to make it very clear that his comment was very sarcastic. He thought it was obvious that it was sarcastic. He said it based on something she had said earlier this evening as well as some letters to the editor that he found. Before that, he just wants to make a note that the mayor asked Mrs. Evans at least three times what is the problem in Hainesport. The answer was that you have been in office for twenty some years and you get their contributions pretty much. He thinks it was President Obama who said "Elections have consequences". So earlier this evening it was suggested, and this is why he said "hedging bets", because Mr. Lopez asked the question if it would be a conflict of interest if you gave to both sides. Mr. Gillespie said based on what was said earlier this evening and the letters to the editor, Alaimo's contribution is a factor in maintaining the status quo such as keeping his position as township engineer, which led him to say "oh if he is giving to both sides, is he hedging his bets?" It was sarcastic. Mr. Gillespie did not know that Alaimo evidently did contribute to the Democrats as well as the Republicans. Hedging the bet is simply a response to this cynicism that you buy your position. He said, "I will tell you and you all know this, before I became solicitor in 2017, I did not give any money in 2016 and did not give any money last year for my reappointment this year." He said he doesn't know that anybody has given money except for Mr. Alaimo, but even that, he finds interesting Mrs. Evans said Alaimo's contributions went to a PAC. Not that it went to any candidate, but to a PAC. Mr. Gillespie went on to read portions of two letters to the editor recently written by Mrs. Evans pertaining to the subject at hand. He went on to say that the local government Ethics Law tells you what is ethical and what is not. Case law tells you what is ethical and what is not. He said he has never seen the court say that following the law is unethical. There is nothing in the local government ethics law that says "accepting campaign contributions within the amount permitted by state statute is unethical". Mr. Gillespie read several parts of the articles that Mrs. Evans wrote to the newspaper and questioned why someone would write such

comments when you have the resources to find out that it is not true. After Mr. Gillespie finished his comments, Mrs. Evans asked to address his comments and was told by the Mayor that she could not. She said that was not fair and Mayor Masciocchi said following the rules is fair and she is not going to address Mr. Gillespie's comments. He said she is out of order.

17. COMMENTS FROM THE COMMITTEE

Mr. Costa said he had the opportunity to meet the Honorary Mayor Shaffer and he told Mr. Costa (by someone's coaching), "You're fired!" He thought that was great and wished everyone a wonderful summer.

Mrs. Gilmore thanked everyone for attending and also thanked Honorary Mayor Shaffer for being here. She also wanted to thank all of Hainesport's volunteers for all the work they do for the township. Mrs. Gilmore said she is still unhappy about the light on Fostertown Road. She has expressed her opinion and will continue to fight for the Glen and to see if we can't get a better resolution for that. The Senior Citizen's meetings will be held on the 12th and 26th and they are looking for new members. Mrs. Gilmore requested that she might be able to get an update on the land. She is getting a lot of questions about the recent acquirement of it since the newsletter came out and would like some information.

Miss Schneider said in regard to Hainesport Day, she said the committee always tries to listen to the residents and their concerns and she attended the school board meeting in June and spoke to the superintendent, the principal and the president of the school board. She said they knew nothing about the change of dates. Miss Schneider said the committee was misled. That being said, she would like the Recreation Department to perhaps consider changing Hainesport Day back to September or October. She just wanted to follow up on that because she knows it was being discussed. She wanted everyone to know they are still on that.

Mr. Fitzpatrick said going back to Ordinance 2018-10, everything that Mr. Gillespie said is absolutely true. There is nothing illegal about it, there is nothing that is being misled. So he concurs with him. The only other thing he would say is that money does win elections. The bottom line is that whoever has more money wins elections. Be it legal or illegal, this has nothing to do in his eyes with Alaimo and the PAC, all that stuff put aside. If he is not mistaken, that is just a fact. Mr. Fitzpatrick is not sure if that is what Mrs. Evans is trying to say or not, but money wins elections. The point he is trying to get across is there should be a way to make it a little more fair. What is happening is not illegal. Everything Mr. Gillespie said is absolutely right but the bottom line is that money does win elections.

Mayor Masciocchi thanked Nathan Shaffer for being our Mayor for the Day. He is a fine, nice young man from a wonderful family. It was a lot of fun having him up there. He agrees with what Mr. Fitzpatrick said and he agrees with what Mr. Gillespie said. You just can't yell corruption and then therefore think there is corruption. And with regard to elections, it is true that you can outspend somebody

and win an election. There are countless examples of underdogs winning as well. He gave an example of just that happening in a New York election.

18. BILL LIST

**Motion: Committeeman Costa. Second: Committeewoman Schneider.
Committeeman Fitzpatrick recused himself from: 18-00488, 18-00507, 18-00522
and 18-00562. All others yes.**

19. EXECUTIVE SESSION

A. RESOLUTION 2018-113-7 – Resolution to Enter into Executive Session

**Motion: Committeewoman Schneider. Second: Committeewoman Gilmore.
All yes.**

1. NJSA 10:4-12 (7b)(8) Investigation of Violations or Possible Violations of the Law

**Motion to re-enter open session: Committeewoman Gilmore. Second:
Committeewoman Schneider. All yes**

**Motion to adjourn: Committeewoman Gilmore. Second: Committeewoman
Schneider. All yes.**

20. ADJOURNMENT @ 9:34 P. M.

Respectfully Submitted,

Paula L Kosko, RMC

Paula L Kosko
Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA