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HAINESPORT TOWNSHIP COMMITTEE
MINUTES
August 11, 2020
7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of August 11, 2020 was included in a meeting notice sent to the Burlington County Times and Courier Post On January 8, 2020 and advertised in said newspapers on January 10, 2020, and January 11, 2020 respectively posted on the bulletin board in the municipal building on January 9, 2020 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

2. FLAG SALUTE

- 3. ROLL CALL** - present were Mayor MacLachlan, Committeewoman Schneider, Committeeman Costa, Committeewoman Gilmore and Committeeman Clauss. Also present were Township Clerk/Administrator Paula Kosko and Attorney Jose Calves.

4. MINUTES

A. APPROVAL OF REGULAR COMMITTEE MINUTES OF JULY 14, 2020

B. APPROVAL OF EXECUTIVE SESSION MINUTES OF JULY 14, 2020

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

5. REPORTS

- A. Tax Collector** – July 2020
- B. Code Enforcement** – July 2020
- C. Fire Official** – July 2020
- D. Construction** – July 2020
- E. Emergency Services Reports** – July 2020

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

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

No comments.

7. ORDINANCES

- A. **ORDINANCE 2020-6** – Appropriating the Sum of \$190,000 in Funding from the Capital Improvement Fund for the Projects Known as Sidewalks, Curbs, Warning Surfaces and Striping on Washington and Broad Streets and Various Parks and Recreation Projects (**Public Hearing and Final Adoption**)

Administrator Kosko explained that these items were appropriated in the budget this year. We anticipated some cost overruns with the CDBG grant. The allocation was not enough to cover the project in full. The Parks and Recreation improvements did not receive the full request for the 2019 Municipal Park Development Grant offered by the County Freeholders and this offsets the difference. That project is for the Municipal playground to finish the front portion and make it 100% ADA accessible. We will remove the existing playground equipment and install new.

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

8. RESOLUTIONS

RESOLUTION 2020-132-8– Certification of the Annual Audit

Mayor MacLachlan commented that we have done well with audits over the years. He congratulated the staff on doing a great job.

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

- B. **RESOLUTION 2020-133-8** – Authorize Renewal of Liquor Licenses

Mayor MacLachlan added that this license is for Rancocas Lakeside LLC, the old Flo's as a pocket license.

Motion: Committeewoman Schneider. Second: Committeewoman Gilmore. Abstain: Committeeman Costa. All others yes.

- C. **RESOLUTION 2020-134-8** – Consenting to a Master Shared Services Agreement with Burlington County for Central Communications/911 System

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

- D. **RESOLUTION 2020-135-8** – Amending the Township Employee Handbook Regarding the Accrual of Paid Leave

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

- E. **RESOLUTION 2020-136-8** – Authorizing Township Attorney to File Motion in Superior Court of New Jersey in the Matter of Property Known as 104 N. Cumberland Avenue

Mayor MacLachlan asked if we are filing this against the bank. **Mr. Calves** said it is not against the bank. Since the proceedings are going so slowly in the eviction matter due to the Coronavirus, the Township is seeking to intervene in the eviction case. We want to let the court know how the Township feels, tell the court of all the problems with the property and try to represent the interests of the Township in the eviction matter. **Mr. Costa** asked to amend the resolution to add that the Township Attorney should be authorized to file a motion to intervene in existing litigation or create new litigation as he would deem appropriate to resolve this matter.

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

AMENDED RESOLUTION 2020-136-8

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

- F. **RESOLUTION 2020-137-8** – Authorizing the Execution of a Contract Renewing Membership in the Burlington County Municipal Joint Insurance Fund

Mayor MacLachlan explained that this is a very good insurance policy that most towns in Burlington County have. It saves us money and we get dividends back.

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

- G. **RESOLUTION 2020-138-8** – Approving Estoppel Certificate for Hainesport Commerce Center Urban Renewal LLC

Mayor MacLachlan said the applicant switched names, or corporate entities. The new entity is more financially stable and has more backing than the previous one. This is the warehouse going up by Lowe's.

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

9. **BUSINESS**

- A. Approval of Business Licenses (See Attached)

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

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

Cindy Tavormina, 105 Mason Woods Lane – questioned the proposed land on Creek Road where they want to build the big building of 72 units that nobody knew about. She said it has been going on since December. The Committee has known about it and it is coming. On the Bill of Sale from March, it says the subdivision was for single family homes and townhomes. It was subdivided. She wants to know how was this done and by whom if no one knows about it? **Mayor MacLachlan** said that there is a process to land development. Residents are not going to know the first time

the Township has a meeting with a potential developer. Those are contract negotiations and they are private. It would be unlawful or immoral for us to broadcast that while there are negotiations to buy a property. Our Economic Development Committee, which is comprised of two Committee members, our Planner, our Attorney and our Administrator would meet with any potential developer. Hainesport has a 100% affordable housing rating by the state. It is based on many quality of life issues such as transportation. We are getting bombarded by developers because of our affordable housing rating. We are mandated to build approximately 150 units in the latest round of affordable housing requirements. The court decides the number. Developers are very interested in Hainesport. The Township has to file a plan with the court to establish the numbers of units required. **Administrator Kosko** clarified that the plan has not been filed yet. Mayor MacLachlan summarized that knowledge that the public would receive on any project is at the time it goes before to the Planning and Zoning Board. It is advertised in the newspaper and on our website. People within 200 feet of the property would be notified. Zoning has not been changed yet. No formal project has been presented. The builder is neighbor friendly. He will come and meet with everyone at a Planning Board meeting or another venue. The Mayor encouraged concerned residents to attend the Planning and Zoning Board meetings and add their input. Ms. Tavormina said she wants everyone to be aware and that it is a traffic issue. **Mr. Clauss** added that the Board would want to hear about the traffic issue. He was on the Economic Development Committee. When you are negotiating for property you cannot make it public because it will ruin the negotiation. Once there is agreement made, they will bring it to the Land Use Board. It has not been to the Land Use Board. That is when it would be public. Mayor MacLachlan remarked that nothing is being done behind closed doors. We cannot include the public on every negotiation. We could ruin the value of the property, or drive the value up and be subjected to lawsuits by divulging non-public information. That is how it is done everywhere, not just here. We follow the process legally and correctly. The public is notified when it is the right time.

Cathy West, 107 Weatherhill Court– asked if there would be traffic studies done before a decision would be made. She is very concerned about the additional traffic on Creek Road and going through the railroad bridge. She asked how many units were being proposed. **Mayor MacLachlan** answered 72 units are being proposed. He added that traffic studies are almost always a component of the package that the town has to look at. He went on to list other issues that are considered. Ms. West said she cannot imagine putting that many more cars in that area with the railroad bridge. She asked who controls that intersection. **Administrator Kosko** answered that it is in the county’s jurisdiction. It is noted on their Master Road Plan to consider making some changes.

Mary Ellen Martin, 111 Weatherhill Court – said she is concerned about the heavy traffic on Creek Road. There is no shoulder. She said people speed on it now, even with the two speed humps. The railroad trestle bridge is very narrow. It is hard to get two cars underneath it. **Mayor MacLachlan** said she should come to the Planning Board meeting.

Steve Parra, 119 Masons Woods Lane – asked what the current zoning was for the area. **Administrator Kosko** said it is zoned for single family homes. It would have to be

rezoned to put up apartments. **Jose Calves** added that the court must come to an agreement with the Township for an affordable housing unit number to meet the obligation. That process is ongoing. Any affordable housing added would go toward our court ordered obligation. Mr. Parra asked if that property would go before the court. **Mayor MacLachlan** said no and stated that the court gave us and every other town a number. The towns work with their professionals, look at available land and go back to the courts to negotiate the number down due to how much room we feel that we have. The danger is that a builder may want to come in and build 500 units. If 15% of it is affordable, the court would approve it, which would inundate our school and raise property taxes. Filing a plan with the court can protect the Township from this. The median household income for these affordable units would be \$60,000 a year for a family of four. The development company builds and maintains the properties and they are impeccable, beautiful properties. The developer has a right to develop his property. He has to prove himself in a hearing that he qualifies for the zoning. **Administrator Kosko** added it is her understanding that he is not interested in applying until 2021 or 2022. Mayor MacLachlan asked if Mr. Clauss had anything to add. **Mr. Clauss** said he agrees with what has been said. We are required to provide so much housing. It has not come through the proper channels. The warehouse, for example, went through Economic Development and the Land Use Board. Everyone had a chance to speak about it. Nothing is happening with the Creek Road property right now. Mr. Parra asked who will be occupying the warehouse. Mr. Clauss responded that we do not know yet. The property still has commercial frontage for a restaurant or something else.

Judy McDonald, 117 Masons Woods Lane – said she has similar concerns about the low income housing and more traffic coming in. She asked how this will affect the schools. **Mayor MacLachlan** said it is affordable housing, not low income housing. He and Ms. Kosko met with Mr. Corn, the school superintendent and was told that enrollment is way down. They would like to have about 150 more kids. This project would bring 25 to 50 kids into the school district. Ms. McDonald asked about current tax collection and if we would still offer full time Kindergarten. Mayor MacLachlan stated that the tax collections are doing well and houses are selling quickly. She should ask the school board about Kindergarten, but the State will make the decision about the school.

Eileen Dixey, 120 Masons Woods Lane – asked if we had a town planner and why affordable housing is not planned as to where to put it, rather than somebody coming in and grabbing a piece of land and say they will put it there. **Mayor MacLachlan** said we have to have an inventory of available land. Ms. Dixey asked if the developer owned the property. Mayor MacLachlan affirmed that he does own the property, but no guarantees have been given as to the development. We are in favor of trying to develop an affordable housing plan. Ms. Dixey referenced the apartments by Wegman's, saying they were obviously planned because it is away from other neighborhoods. Mayor MacLachlan told the story of how he was opposed to Fulton Bank going in on the corner of Rt. 38 and Hainesport-Mt. Laurel Road. He thought it was a bad idea, bad location. Now he thinks it is a good-looking building and even uses the bank. Developers are entitled to develop their land. He suggested she come to the Planning Board meeting to voice her opinion there.

Catherine McNelis, 407 Bischoff Avenue – asked if 152 is the number on the housing. **Administrator Kosko** clarified it is not 150 homes, it is 150 credits. There is a

significant difference between those two distinctions. Ms. McNelis asked how many homes. Ms. Kosko responded that it is a complicated formula she is too, still learning. A single family home provides one credit. An apartment, based on the number of rooms, can get double credits. A 72-unit apartment could provide up to 120 credits. The Township would have to make up for the other 30 units elsewhere. Ms. McNelis asked if the number comes from how many houses we have or how many we can build. **Mayor MacLachlan** said no, but we do not really know how they come up with the number. Only the lawyers understand how it is figured. We have met our round one and round two obligations. We feel we are in good position with the court for them to accept our plan. Ms. McNelis said over the years, she got involved because of Creekview. At that time, they gave a half mile of commercial property to townhouses. This increased the amount of kids in the schools so much that they had to add to the school. She asked when the Mayor had spoken to Mr. Corn. Mayor MacLachlan responded about a month ago and the other day. Ms. McNelis said you would think with the virus they would need more room in the school to space out the kids. Mayor MacLachlan said that will be up to the State. She said many current homeowners are senior citizens and may downsize. New kids could be coming in if they sell. We are giving away too much commercial property to homes. Mayor MacLachlan said we have some commercial property coming we cannot speak about right now. We are doing really well with commercial development. **Ms. Kosko** offered to have Ms. McNelis come in and look at the PILOT agreement with Hainesport Commerce Center to see the ratables. Ms. McNelis refuted the idea that if we do not do the affordable housing plan that someone can come in and build 500 houses if we do not need them. Mayor MacLachlan restated that if a judge tells them they can, they will. If a developer goes to court wanting to build 1,000 units and 150 of them are affordable, the judge will approve it. It has been done in many surrounding towns. **Mr. Calves** added it is better to have a plan because the developers do not care about the implications for the town. They just want to build as much as they can.

Larry Lewis, 107 Masons Woods Lane – stated that he and his wife are 21-year residents. He asked what is so attractive about that land. **Mayor MacLachlan** said the applicant feels he can do something there, tucked back from the road. Mr. Lewis said he is concerned about traffic, accidents and transparency in transactions regarding this property. Mayor MacLachlan said we can be transparent, but most importantly we have to follow the law. Hainesport was forgotten in the past, but now everyone wants to come here. We will get more traffic. Mr. Lewis opposes a development off Creek Road. **Mr. Clauss** added that he lives three houses from that intersection and he is concerned about the traffic as well. As a Committeeman, he has to be neutral, but as a resident he does not want to see the increased traffic.

Pat Macken, 116 Masons Woods Lane – said the Committees used to be open to everyone, regardless of politics. She asked why half of the low income, moderate affordable housing units have to be by her neighborhood. There was no mention of any going in the Diamantis's property or by The Glen. She asked how many were in The Glen. **Mrs. Gilmore** answered that there are 39 affordable housing units in the Glen. Mrs. Macken asked Mrs. Gilmore if those were on a twenty-year deed restriction. She said yes, but as they resold the time frame would restart. Mrs. Macken said those should be counted in. Mrs. Gilmore said the 39 in the Glen are existing units and they do not count toward the new round of required affordable housing units. Mrs. Macken asked why they

could not go on Ravikio's property. She asked the Committee to fight for the residents of Masons Woods, not the developer.

Beth Mowrey, 107 Weatherhill Court – said she opposes the affordable housing location because of traffic concerns, lower property values and environmental concerns. She said it would be too many people to add. Our taxes would go up and how would the Fire Department handle this new development? Would they have to build a new firehouse or buy a new truck?

11. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko apologized to the current callers on GoToMeeting for the first ten minutes of the meeting that were not connected. The entire meeting will be available on YouTube. She reported that tax collection for the 3rd quarter is in at 30.45%. Last year at this time it was lower at 12.96%. For the year so far, we have 75.24% in as opposed to last year's 68.21%. The grace period has been extended to August 31st.

We have free Radon test kits available to residents. Thanks to funds made available from a NJDEP Grant. Come in to the Municipal Building during regular business hours to receive a kit.

We have implemented the sidewalk assessment program. Public Works is evaluating and documenting the condition of sidewalks and handicap ramps throughout the town. Once we get the results, repair suggestions and funding methods will be presented to the Body for consideration. A new residential debris removal program and schedule will be implemented in October. This information will be posted next month and included on the bi-annual Clean Up Day postcards that are mailed to all Hainesport residents in September.

Repairs to the meeting room will begin on Friday.

12. COMMENTS FROM THE SOLICITOR

Mr. Calves remarked that he enjoys working with Mr. Gillespie for Hainesport.

13. COMMENTS FROM THE COMMITTEE

Mrs. Gilmore thanked **Ms. Kosko** for the pick-up schedule for the brush. She has already distributed it to the members of The Glen. She mentioned that the Senior Citizens Club meet the second and the fourth Thursday at noon each month at the Street Community Center. Their next meeting is August 27th. She added it has been a challenging year and to please utilize local businesses and restaurants – Hainesport first. She thanked all for coming.

Miss Schneider said it was nice to see some new faces and thanked everyone for coming to the meeting.

Mr. Costa discussed Home Rule and how progressive judges have created laws mandating affordable housing that can affect zoning. The threat is the Builder's Remedy lawsuit. If the towns do not comply, builders can sue. We have limited options. Residents can complain at Township meetings or Planning Board meetings before site plan approval. Your objections should be based on the traffic danger. He agrees that this is the wrong location for this project.

Mr. Clauss thanked Public Works for handling the storm damage and the sidewalk project. He thanked everyone for coming and encouraged them to come to the Planning Board meeting.

Mayor MacLachlan said some of the sidewalks have lifted and there is case law as to who is responsible. This is why the Administrator was asked to start the sidewalk assessment project, so we can see where the problems are and how we can correct them. Also, there is never ending brush and trees in town. We only have five guys most of the time in Public Works. They come around to pick up brush and the next day more brush is laid out. The new plan shows the days we will collect brush by neighborhood. We do not want people putting it out at the curb if it is not their week. We may get another brush truck next year. The storms just do not seem to stop. He added a pet peeve of his is the recycling buckets left out in front of the houses. What does that do for property value? Recycle cans are not to be out in front of houses. We have an ordinance on this. We want to keep the neighborhoods looking nice.

14. **BILL LIST**

Ms. Kosko said we have an adjustment to make to the Alaimo bill. It is listed as \$4,208.45 should be reduced to \$4,080.95.

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

15. **ADJOURNMENT @ 8:25 P. M.**

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

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA