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**HAINESPORT TOWNSHIP COMMITTEE
MINUTES
October 13, 2020
7:00 P.M.**

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of October 13, 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. Instructions for internet access of the meeting was posted on our website, bulletin boards and main doors the Friday before the meeting. 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 John Gillespie.

4. MINUTES

A. APPROVAL OF REGULAR COMMITTEE MINUTES OF SEPTEMBER 8, 2020

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

B. APPROVAL OF EXECUTIVE SESSION MINUTES OF SEPTEMBER 8, 2020

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

5. REPORTS

A. Tax Collector – September 2020, 3rd Quarter Ending September 2020

B. Code Enforcement – September 2020

C. Fire Official – September 2020

D. Construction – September 2020

E. Emergency Services Reports – September 2020

The Fire Official and Fire Department Reports were not included.

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

6. DISCUSSION/PRESENTATION

- A. Presentation of Proclamation to Lotus Bakay – National American Miss New Jersey

Miss Bakay introduced herself. She told the Committee she would like to become an astronaut when she grows up and make New Jersey proud. **Mayor MacLachlan** read the Proclamation highlighting her accomplishments.

There was a 10-minute recess for refreshments. **Mayor MacLachlan** opened the meeting back up commenting on the Food Truck Festival held last weekend. He said **Donna Casey** did a great job and it was a wonderful event.

- B. Public Hearing on US Environmental Protection Agency Brownfields Cleanup Grant Application for the Property Formerly Operated by Paul's Tank Cleaning Service located at Block 96 Lot 1.07

Administrator Kosko explained that as a requirement of the Grant Application, we need to hold a Public Hearing. This is the third attempt to secure EPA funding to do clean up and remediation at Paul's Tank Farm. To recap the site and project, Paul's Tank Farm is a three-acre property that the Township encumbered some time ago through tax foreclosure. The property was used for cleaning tanks from schools and the Philadelphia Naval Station. There is contamination that has been identified. Two areas of concern were previously remediated. The Township received, at the request of DEP, EPA funding for that cleanup. However, there are 16 other identified Areas of Concern that need to be remediated. This Grant request, which is being written by BRS, gratis, is for us to secure a \$500,000 EPA Grant to do the remediation and the cleanup with \$100,000 matching funds from other resources. This will help the Township redevelop the area. It is already part of a Redevelopment Designation Area. Without this cleanup funding, the proposed site will remain vacant and underutilized, potentially blocking the successful redevelopment of a significant portion of this redevelopment area. These vacant sites represent lost opportunities for commerce, jobs, and ratables for the town. We are really hoping to get this competitive grant. **Ken Montgomery**, 3 Wilkins Road - asked for the property address. Ms. Kosko responded 1225 Industrial Blvd. It is landlocked behind two privately owned parcels - Traprock and StaSeal, then it is Paul's Tank Farm, then Hainesport Commerce Center. **Mike Dutcher**, 106 Mason Woods Lane asked if this is commercial or residential property. **Mayor MacLachlan** said an affordable housing group was interested, but due to the contamination we have no buyer now. **Solicitor Gillespie** added that we would

do a Redevelopment Plan when there is an interested party and then choose how to develop the property. Ms. Kosko said we would have a period of three years to get it cleaned up as stated in the grant request.

- C. 2020 Best Practices Questionnaire (Inventory results and the certification by the Chief Administrative and Chief Financial Officers, respectively, must be stated in the minutes of said public meeting).

Administrator Kosko said the State revised the questions this year. Some of the core competency categories of the municipality including personnel, budget, cyber security, transparency, ratables and COVID-19 response. Many categories were not scored, but we still had to answer those questions. Our score was significantly high enough to receive 100% of state aid funding again this year.

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

Anna Evans, 63 Parry Drive – asked about the payment for the road project on Parry Drive. The roads look great, but there were mistakes made, including gaps with walkways and driveways. She wanted to know who paid to fix these mistakes. **Ms. Kosko** answered that the construction company pays for those repairs. We currently have a retainage of approximately \$70,000 had been withheld to pay for any corrections that need to be done. There is also a maintenance bond that must be posted that covers any problems we might have for two years. It is all part of the contract.

8. ORDINANCES

- A. **ORDINANCE 2020-7** – Comprehensive Ordinance Amending the Township Code as Part of the Township’s Codification Process **(Public Hearing and Final Adoption)**

Mayor MacLachlan explained that this ordinance is an update to our laws from Chapter 1 to 79 of our Code Book. He commended the effort. **Mr. Gillespie** added that next we will be updating Chapters 85 – 100.

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

9. **CONSENT RESOLUTIONS** - These items will be adopted simultaneously in one vote unless a member of the governing body wishes to separately discuss an item(s).

- A. **RESOLUTION 2020-150-10**– Authorizing Advertisement Request for Qualifications for Professional Services

- B. **RESOLUTION 2020-151-10** – Authorizing Release of Performance Bond and Inspection Escrow for Hainesport Enterprises

- C. **RESOLUTION 2020-152-10** – Approving Firefighters into the NJ State Firemen’s Association

D. RESOLUTION 2020-153-10 - Authorizing Renewal of Liquor License

Motion: Committeewoman Schneider. Second: Committeewoman Gilmore. All yes on Resolutions 150 and 152.

Committeeman Clauss abstained on Resolution 151 and Committeeman Costa abstained on Resolution 153.

10. RESOLUTIONS

A. RESOLUTION 2020-154-10 – Adopting Amendment to Hainesport Township Open Public Meetings Policy

Mr. Gillespie stated that New Jersey had adopted emergency regulations regarding meetings with specific guidelines for us to follow.

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

B. RESOLUTION 2020-155-10 – Authorizing Change Order No. 1 and Final Payment for CDBG Miscellaneous Concrete Sidewalk & Curb Improvements to Deckers Hardscaping & Landscaping, Inc.

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

C. RESOLUTION 2020-156-10 – Authorizing Release of Performance Guarantee and Acceptance of Maintenance Bond for Deckers Hardscaping & Landscaping for CY19 CDBG Miscellaneous Concrete Sidewalk and Curb Improvements

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

D. RESOLUTION 2020-157-10 – Awarding Contract for Submission of Grant Application from the HDSRF/Public Entity Program for HITCO Redevelopment Site at Creek Road and Route 38 East

Mayor MacLachlan stated that we have had grants for this cleanup project, so we have not had to use Township money. **Ms. Kosko** added that the level of contamination had reached the second water bearing zone. This project is contingent upon approval with DEP, however we do have conversations with DEP before the grant is submitted. They are aware of where we are in testing with the project and it is quasi pre-approved before we make the application. This is to continue the testing of the second water bearing zone. It will be to install two monitoring wells on the north side of Route 38 (westbound side). It will also include the monitoring of the wells, surveying, and lab results. It is for a total of \$90,720. Ms. Kosko feels very strongly that this will be the last round of testing. It could take one to two years.

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

- E. **RESOLUTION 2020-158-10** – Authorizing Payments No. 1 and No. 2 to Arawak Paving Company, Inc. for CY2019 Road Improvement Program

Mayor MacLachlan stated that we are using Township money for this project. Our finances are strong. It is great that we can pay for this without bonds. He was glad **Ms. Evans** spoke up about the mistakes in the new paving. We make a “punch list” for our projects to make sure everything is completed right. **Ms. Kosko** corrected her previous amount stated as being retained for the project to \$59,000 and there will be a maintenance bond for two years on the project.

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

- F. **RESOLUTION 2020-159-10** – Accepting Recommendation of Township Planning Board Regarding Boundaries of Proposed Area in Need of Non-Condemnation Redevelopment Pursuant to the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq*

Mayor MacLachlan said this is the area commonly known as the creosote factory where the trains go down with the telephone poles. There is a lot of site work to be done due to contamination. The potential developer is doing the cleanup. **Mr. Gillespie** said the Committee has the preliminary investigation report. There were no objections at the Land Use Board. This was an exercise where all of the stakeholders and property owners who have an interest in this area were brought into the process. In addition to providing an opportunity for the redevelopment of an environmentally challenged site, it also creates opportunities for straightening out some entrance ways from Route 38 to existing sites. This will bring better circulation to the area for more ratables. **Mr. Costa** added that this will be great for the town. Most likely the private enterprise will clean it quicker than the government would.

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

11. CORRESPONDENCE

- A. Letter from American Asphalt – Fostertown Road Project

Mayor MacLachlan commented that this paving project will run from Route 38 to 541.

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

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

Jim Horowitz, 47 Hastings Lane – said that he and his family enjoyed the Food Truck Festival and he hopes it is continued.

Mike Dutcher, 106 Mason Woods Lane – asked who the builder would be on the creosote land. **Mr. Gillespie** answered that it may be Black Water. **Mayor MacLachlan** said there are three sites that need remediation. Paul's Tank Farm behind Lowes towards Lumberton Road, this one by the railroad behind the Nissan dealership and HITCO on Route 38. Mr. Dutcher was trying to clarify which site was being considered for affordable housing.

Bruce Levinson, 2 Fox Court – thanked the Committee for accepting the Land Use Board's recommendation in Resolution 159-10. He is a member of the board and he thinks it will be a great benefit to Hainesport in offsetting some expenses and providing a number of services for the future.

Ken Montgomery, 3 Wilkins Road – commented that the paving in Sage Run looks great and he asked when the rest of the neighborhood will be done. **Ms. Kosko** explained that the governing body hired the company Street Scan to conduct an analysis, a road paving index program that ranks the condition of all of 30 miles of municipal roads. The data is collected in a scoring sheet and it helps us prioritize which streets need to be fixed first by the actual road conditions. This helps the committee to make fact-driven decisions regarding the road improvement program and list. About only 5% of our roadways need complete reconstruction thanks to the sewer project twenty years ago. The Governing Body has agreed to apply for DOT funding every other year for the rural roads. Alternating years they will focus on the township roadway program with local funds.

13. COMMENTS FROM THE ADMINISTRATOR

Ms. Kosko reported that the Residential Debris Program, which includes a zone schedule, began last week. The program information and schedule is on the municipal website and on the township bulletin boards. Temporary yard signs are being placed at the entrances of the neighborhoods and streets in that zone during those respective weeks. This information was sent out to residents in a postcard in addition to the fall Clean-Up Day, which is October 24. If there is a storm event, that would supersede the schedule. Public Works will take a break from debris collection during November and December. **Mayor MacLachlan** added that we have additional equipment on order to help keep up with the maturing neighborhoods. He asked Ms. Kosko if the residents are supposed to wait for their week to take their debris to the curb. She replied yes, and we will be asking to memorialize this in an ordinance. We have a small Public Works department and the schedule will make it easier for the crew to be responsive to 2,286 households. **Mrs. Gilmore** said the signs in the neighborhoods really help.

We still have free radon test kits available during regular business hours. Public Works is assessing the condition of the sidewalks around town. If you see them out measuring and taking pictures, that is what they are doing. We have had many

calls with election questions. Please call if you have a question. There are also resources on the Township and the County websites and the County Clerk can answer questions. We will soon be posting the New Jersey State Department of Health's Halloween best practices on our website for recommendations on how to have a safe and happy Halloween.

14. COMMENTS FROM THE SOLICITOR

Mr. Gillespie gave an update on the 104 N. Cumberland Avenue lawsuit. It was supposed to be heard October 2nd, but it was not on the court schedule. Now it is scheduled for this Friday morning (October 16, 2020).

15. COMMENTS FROM THE COMMITTEE

Mrs. Gilmore commented that the Food Truck Festival and car show went very well. It was great to see the Fire Company out there too. The Halloween decorating contest deadline is October 21st at noon. Please fill out a form if you want your house to be judged. The judging will be done the 23rd to the 25th. Prizes will be awarded: \$75 for first place, \$50 for second and \$25 for third. The Senior Citizen meeting is October 22nd at noon at the Street building on Broad Street. Also at the Street building on the 23rd will be Storytelling for children 2 – 5 years old. They need to be registered online through the Township. A dinner will be held October 28th to recognize the First responders. Please give any cards to thank them (Fire, EMS, State Police) to Donna Casey. The Rec Commission will hold a Veteran's Day lunch on November 11th for Hainesport Veterans. Any cards to thank them would also go to Donna Casey. There is a form to sign up to attend on the website.

Mr. Costa reminded everyone to get out and enjoy the Fall season.

Ms. Schneider said she has done some research on the Hainesport Industrial Railroad transfer station agreement which was signed in May 2006, 14 years ago. She found that Hainesport Township filed a lawsuit against the HIRR in the Supreme Court back in May 2016 (2006). In that lawsuit, the Township claimed that it had no right to regulate HIRR processes through the Township's zoning or permitting process. The attorneys for HIRR filed a motion saying that Federal Law preempted local zoning ordinances. Mr. Costa was our Solicitor and entered into a settlement agreement with HIRR whereby Hainesport was to be paid 50 cents per ton of solid waste. The Statute that controls the issue says the municipality will receive not less than 50 cents per ton for solid waste. We got the minimum we were entitled to and it has not been reviewed since the agreement was entered into. It is time to review this agreement and get more money. **Mayor MacLachlan** said he was Mayor at the time we heard the HIRR was going to be transporting industrial waste. It created a lot of panic in the town. He and Paul Tuliano, the Administrator at the time, went before a Senate subcommittee hearing in Washington D.C. and found out that for the Railroad there is a group of 3 or 4 people - the Service Transportation Board and they usurp all local and state interests. The applicant (HIRR) agreed to not transport garbage. We have not had

complaints about them. Ms. Schneider said it is about the money. **Mr. Costa** added that at the time he was also negotiating hours of operation and avoiding a costly lawsuit. **Mr. Gillespie** agreed to look into the matter.

Mr. Clauss said that the goal with the Railroad was to promote transportation. Federal Government did not want towns to prohibit interstate commerce and it was done for the benefit of the country. The Toy Drive at Copsetta's Auto Repair will be on November 14th, so please participate if you can. He also discovered that one of his great grandfather's first names (from Polish) translates to Santa.

Mayor MacLachlan said everyone should have their mail-in ballots by now. They can be mailed in, dropped off at one of the County drop boxes, or dropped off at our Municipal building on Election Day and given to a poll worker. The ballots will be guarded by a Democrat and Republican. Only disabled residents will be able to use our one voting machine. If you come here to vote and you are not disabled, you must sign an affidavit, attesting that you did not use your mail in ballot and then you can vote by paper ballot. **Ms. Kosko** added that the closest drop box locations are in Lumberton Municipal Building, Mt. Holly at the Burlington County Board of Elections (50 Rancocas Road) and Mt. Laurel Municipal Building.

16. **BILL LIST**

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

17. **ADJOURNMENT @ 8:29 P. M.**

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

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk