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HAINESPORT TOWNSHIP COMMITTEE MINUTES

December 14, 2021
7:00 P.M.

This meeting is called pursuant to the provisions of the Open Public Meetings Law. This meeting of December 14, 2021 with instructions for internet access was included in a meeting notice sent to the Burlington County Times and Courier Post On January 6, 2021 and advertised in said newspapers on January 8, 2021, and January 9, 2021 respectively posted on the website and the bulletin board in the municipal building on January 9, 2021 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. It is posted on the bulletin board the Friday before the meeting and is on file in the Office of the Municipal Clerk.

1. **FLAG SALUTE**

2. **ROLL CALL** - present were Mayor Gilmore, Committeeman MacLachlan, Committeeman Levinson, Committeeman Clauss and Committeeman Montgomery. Also present were Township Clerk/Administrator Paula Kosko and Attorney John Gillespie.

3. **PRESENTATION**

- A. Proclamation – Dr. Elizabeth Forbes

Mayor Gilmore presented Dr. Forbes with the Proclamation and thanked her for her help with the Mayor's Wellness Campaign. **Dr. Forbes** said she was happy to help serve her community.

4. **MINUTES**

- A. **APPROVAL OF REGULAR COMMITTEE MINUTES OF NOVEMBER 9, 2021**
B. **APPROVAL OF EXECUTIVE SESSION MINUTES OF NOVEMBER 9, 2021**

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

5. **REPORTS**

- A. **Tax Collector** – November 2021
B. **Code Enforcement** – November 2021
C. **Fire Official** – November 2021
D. **Construction** – November 2021
E. **Emergency Services Reports** – November 2021

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

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

No comments.

7. **ORDINANCES**

A. **ORDINANCE 2021-12** – Adopting a Revision and Codification of the Ordinances **(Public Hearing and Final Adoption)**

Mr. Montgomery explained that this Ordinance was only updating language. **Ms. Kosko** added that it was a 4-year project involving all the departments, Mr. Gillespie and the Committee in collaboration with General Code.

Motion: Committeeman Montgomery. Second: Committeeman Levinson. All yes.

B. **ORDINANCE 2021-13** - Amending Chapter 104 of the Code, Entitled “Land Use”, to Create a New Zoning District to Be Known As the AH-1 Affordable Housing” Zoning District to Rezone Lot 1.06 in Block 104 in Accordance with the AH-1: Affordable Housing Zone **(Public Hearing and Final Adoption)**

Mayor Gilmore requested respect and patience from the audience and said Mr. Ed Speitel from the developer, Walters Group, was here to answer any questions. An Open House will be scheduled in January to go over more details.

Cindy Tavormina, 105 Masons Woods Lane – said she is opposed to the development. She said it should not be rezoned without our Master Plan being updated. This would double the occupancy on Creek Road. She is concerned about emergency vehicles being able to get in and out. She asked why this area was chosen and said the neighbors are looking into legal action.

Steve Parra, 119 Masons Woods Lane – asked why the Master Plan was not submitted to the State if it is required. **Ms. Kosko** answered that it is being worked on. We had a transition between the town’s long time Planner, Rick Ragan retiring and the appointment of Planner, Scott Taylor. We have also had delays due to COVID. The Township Planner, Taylor Design Group is working on the Master Plan Re-examination with an advisory group to provide input and it is being addressed at the Land Use Board. It should be complete in the next couple months. **Mr. MacLachlan** added that he is not aware of any drastic changes to the Plan. He asked Mr. Gillespie if it has not been submitted, does that stop any zoning from going forward. **Mr. Gillespie** answered no. He agreed that there were no major changes. He also pointed out that the Master Plan is not 10 years overdue. It is good for 10 years, so it was due in 2018. It is only a few years behind. It does not render Ordinances passed while it is being redone invalid. Mr. Parra asked if the \$275,000 was taxpayer money. Mr. Gillespie answered no, it is Affordable Housing Trust Fund money. This is money paid by developer fees specifically earmarked for Affordable Housing projects. All the money was discussed at public meetings and voted on in Resolutions. This is a mortgage the town holds and we would get it back if the deal fell through.

Brian Shott, 114 Masons Woods Lane – said it was laughable that the Master Plan was 3 – 4 years out of date. It used to be that it had to be re-done every 6

years and then it was revised to 10 years. The Township should have been working on it. He is very disappointed. He pointed out from the State Statute “absence of adoption by a Planning Board of a re-examination report shall constitute a rebuttable presumption that the municipal development regulations are no longer reasonable.” This Ordinance should be tabled until the Master Plan is done.

Eileen Dixey, 120 Masons Woods Lane – said this is not about Affordable Housing. Having apartment buildings would add too many people on an already busy road. She asked about needing a ladder truck for the Fire Department and how much that would cost taxpayers. **Mr. MacLachlan and Mr. Levinson** answered that we do not need a ladder truck because we have shared services with surrounding towns. We are going to be getting a new fire truck (not a ladder truck) and selling two trucks, so we will have an extra bay. She also asked about our contract with the State Police and how that would change. Mr. MacLachlan answered there is no contract. **SSgt. Antenucci** concurred.

Pat Macken, 116 Masons Woods Lane – asked if the Committee knew what ISO was. She went on to explain that is an insurance rating that may be affected if 3 story apartment buildings are added to the town. Insurance rates could go up for homeowners. It is also based on water supply and Fire Department readiness. She suggested one or two story buildings instead. **Mr. MacLachlan** suggested she ask Mr. Speitel if that has been an issue in other towns with these developments. She also brought up the traffic issue and asked why the development could not be on the other side of town. She would like to be on the Master Plan Committee.

William Caldwell, 101 Weatherhill Court (online) – said he was in agreement with the others about the Master Plan. He wants the residential neighborhoods preserved. He is not against Affordable Housing. He repeated concerns about traffic and pedestrians. He added it is not a good area for the development.

Debra Harris, 7 Elsinore Drive (online) – asked if the Committee was willing to table the Ordinance and wait for the Master Plan.

Mike Dutcher, 106 Masons Woods Lane – told the Committee they were voted in to do what is best for the town. He has traffic concerns, such as adding 140 cars to the worst two intersections in town. There are problems with the public transportation - having people walk to the bus stop either up to Wawa or under the bridge. The Ordinance should be tabled until there is more research. We cannot bring buses down that road.

Cathy West, 107 Weatherhill Court – said last year she asked about the railroad bridge. She was told it will be straightened out, but nothing has changed. **Ms. Kosko** responded that what she said was that it is a goal in the Burlington County’s Master Plan to straighten it out. Ms. West also brought up the traffic study and the school impact. **Mr. MacLachlan** answered that the applicant will address the traffic issues at Site Plan and the school has previously been discussed – the superintendent says he has room for 150 kids. Ms. West said she felt this was being pushed through and she does not like the aesthetics of the development. She asked why Mr. Clauss had not answered her on Facebook. **Mr. Clauss** responded that he does not govern on Facebook.

Mr. Levinson asked Mr. Gillespie if there are laws about the distance for Affordable Housing and public transportation. **Mr. Gillespie** answered no.

Beth Mowery, 107 Weatherhill Court – said she supports Affordable Housing but she is against it on Creek Road because of the safety issues. We already have many vehicles using her cul-de-sac as a turn around when drivers realize they cannot get under the bridge. She would like to see a representative from her neighborhood on the Planning Board.

Judy MacDonald, 117 Masons Woods Lane – asked about the process of Public Comment. She wanted to understand when the concerns would be addressed.

Mayor Gilmore responded that they will be addressed at the end of Public Comment. She reiterated previous comments about Affordable Housing, safety and wanting a representative from her neighborhood on the Planning Board.

Mary Ellen Martin, 111 Weatherhill Court – asked if a traffic study had been done and if there could be an entrance from Marne Highway. **Mr. Clauss** answered the traffic study has not been done yet – it will be required at the proper time in the process. This is just zoning. The applicant has to prove it can be safe. An entrance from Marne Highway will be considered when they work through the details. She also asked about widening the dangerous intersection. Committee members responded that the County and the Railroad will have to make that decision. It is not a Township road.

Evelyn Lewis, 107 Masons Woods Lane – said she is concerned about the safety issue on Creek Road and Marne Highway. She asked why not wait to rezone until after the traffic study.

Mike Skeenes, 117 Pennsylvania Avenue – asked how the stormwater would be handled for the new development. **Mr. Gillespie** answered that would all be addressed at site plan with basins and drainage systems. Mr. Skeenes said he drives a tow truck and has seen a lot of accidents at the bridge.

Charles Emery, 110 Masons Woods Lane – also said Creek Road and Marne Highway is a dangerous intersection. He asked the Committee to take note of how many people were attending to protest the Ordinance.

Chris Hurff, 111 Masons Woods Lane – wanted to know why the Committee wants the development at that location. **Mayor Gilmore** responded that the Committee will be respond at the end of Public Comment.

Mr. Ed Speitel, representative from the Walters Group developer, answered questions posed by the audience and Committee. He said their concerns would be taken into consideration and discussed at the Public Outreach meeting in January. They will have full visuals, descriptions of who would live in the development, site layout and address traffic issues. A full traffic study will be done at Site Plan. Stormwater will be addressed and compliant with State standards. He was unsure about the insurance rating (ISO) that was brought up, but promised to look into it and have an answer for the Public Outreach meeting.

Mr. MacLahlan asked Mr. Speitel questions about how many extra cars he anticipated would be added to the area and how much public transportation is used. **Mr. Spitel** explained that for non-age restricted developments, 1.5 parking spaces

per unit are needed. They plan for 1.8 to give more of a cushion. Public Transportation use depends on the development. If it is a suburban or rural neighborhood, it is less likely. One of the requirements of obtaining the tax credits is that the development be within a half mile of Public Transportation. **Mr. Montgomery** added that if the development could use a Marne Highway entrance instead of Creek Road, it would help a lot with the traffic concerns. **Mr. MacLachlan** also asked about the site and how they operate. **Mr. Speitel** said the development needs approval by the NJ Housing, Mortgage and Finance Agency for tax credits. Once approved, they build the properties. Their company owns and manages the development and provide attractive housing with mature landscaping and buffers. They have enclosed centralized trash and recycling. **Mr. Levinson** asked if we could do an in-house traffic study. **Ms. Kosko** answered that it would be a policy decision of the Governing Body or the Land Use Board to do an independent study at Site Plan. **Mayor Gilmore** asked if studies had been done by the developer before choosing the site. Mr. Speitel said they had done studies relating to the environment and the access of the site. **Mr. Montgomery** asked if they would only allow 3-story building to be built in the development, or if they could possibly do 2-story. **Mr. Speitel** answered that they could look at doing 2-story buildings. They would need to balance size with the needs of the town and their affordable housing obligations.

Committee Comments:

Committeeman Levinson – said he felt it was important that we take control of the Affordable Housing process as a Township Committee. If we do not act and end up in violation, we could end up having to build 1,000 homes with a percent being allocated to Affordable Housing. This would increase traffic going north substantially, including Creek Road. He would like to consider the 2-story option to improve the aesthetic for the neighborhood.

Committeeman MacLachlan – said there is a giant lot on Route 38 by Easton Way that may be getting 42 townhomes over by his home. Property owners have the right to develop their property. Throughout the years, there has been opposition to Fulton Bank, the warehouses, the diner, the dialysis center and Pep Boys. They have all become a part of our town. There are hurdles to overcome, but the area needs to be rezoned for Affordable Housing. A good developer will make the property look nice and address the issues to make it work.

Committeeman Clauss – said he lives 200' from the intersection in question and agrees it is dangerous. This could impact him greatly. His responsibility as a Committeeman is different than how he feels as a resident. We have to give the opportunity to the applicant. Every development changes a town. The Land Use Board will address concerns at Site Plan, but we have an obligation to give them a chance.

Committeeman Montgomery – said he has taken notes about the concerns. This Ordinance is only for zoning. The applicant will have to address the concerns at Site Plan and they may decide not to move forward.

Mayor Gilmore – repeated that this Ordinance is only for zoning. There may end up being less units in the development. We as a town, must fulfill our obligation to the State for Affordable Housing. We cannot focus on the details right now. Site Plan is the time for that.

Ms. Kosko mentioned other sites we had considered putting Affordable Housing. Paul's Tank Farm and the Trap Rock properties off of Lumberton Road were heavily looked at, but they are contaminated so that is not a viable location. Marne Highway property by Winzingers was explored, but there is significant flood hazard there, which renders a large part of the property unusable and it would be next to an outdoor rock crushing facility. Our Lady Queen of Peace was also explored as a possibility with another developer, but the northern part of the property was determined to be wetlands. There was a contract to purchase the Rife property on Marne Highway, but the affordable housing developer cancelled the contract.

Mr. Gillespie commented about the Master Plan not being re-examined. He said this is the 6th Zoning Ordinance to go to the Planning Board for review since the Plan had expired. This has resulted in the Planning Board reviewing the Master Plan on a number of occasions. He is not worried about the Ordinance being rebutted from the Master Plan not being current.

Comments have been made that this Ordinance has been rushed through. This Ordinance has not been rushed through. We started discussing this site in the summer of 2019. The project started with approval of the \$275,000 Affordable Housing Trust Fund money at the meeting on December 10, 2019 in public. This Ordinance sets the table for a Site Plan to be developed. The traffic study and all the other details will be done at that time. Hainesport has a Constitutional obligation to provide its fair share of Affordable Housing. If we do not, we could be sued under Builder's Remedy. The Court could decide where the units would go and allow up to 2,000 units.

Motion: Committeeman Clauss. Second: Mayor Gilmore. Abstain: Committeeman Montgomery. All others yes.

- C. **ORDINANCE 2021-14** - Authorizing and Encouraging Electric Vehicle Supply/Service Equipment (EVSE) & Make Ready Parking Spaces (**Public Hearing and Final Adoption**)

Mr. Montgomery explained that this will not be paid for with taxpayer money. The developers pay for it.

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

- D. **ORDINANCE 2021-15** - Amending Chapter 130 of the Code of the Township of Hainesport Entitled "Property, Abandoned and Vacant" (**First Reading and Introduction**) (**Public Hearing and Final Adoption December 28, 2021**)

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

- E. **ORDINANCE 2021-16** - To Enter into a Financial Agreement with BTC III Hainesport LC Urban Renewal LLC (**First Reading and Introduction**) (**Public Hearing and Final Adoption December 28, 2021**)

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

Motion added to add the December 28th Special Committee Meeting at 5 pm, in person only.

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

After a Brief Recess, Motion to Re-Open Meeting.

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

Mayor Gilmore asked SSgt. Antenucci for his report.

SSgt. Antenucci, NJSP – said there were no major problems. Two arrests were made for car burglaries. He reminded everyone to lock their cars and secure the valuables. If anyone sees suspicious people or cars, please call the State Police. **Mayor Gilmore** asked if it was the same group breaking in to the cars at The Glen. The SSgt. said he was not sure.

The State Police will continue to be present at Hainesport events. He enjoyed the Christmas Tree Lighting Ceremony. He wished everyone a Merry Christmas and a Happy New Year.

Ms. Kosko Asked to Pull Resolution 2021-140-12 from Consent Agenda.

Resolution 2021-140-12 was amended to include a transfer of \$1,000 from the Engineering Fund to \$500 to each of the following departments: Public Safety and Deferred Comp.

Motion to Amend

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

RESOLUTION 2021-140-12 – Authorizing Transfers of Funds During the Last Two Months of the Current Fiscal Year and the First Three Months of the Subsequent Year

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

8. CONSENT AGENDA RESOLUTIONS

The items listed below are considered routine by the Township of Hainesport and will be enacted by one motion. There will be no formal discussion of these items. If discussion is desired, this item will be removed from the Consent Agenda and will be considered separately.

~~A. **RESOLUTION 2021-140-12** – Authorizing Transfers of Funds During the Last Two Months of the Current Fiscal Year and the First Three Months of the Subsequent Year~~

B. RESOLUTION 2021-141-12 – SKIPPED/NOT USED

C. RESOLUTION 2021-142-12 – Authorizing Payment of Remaining Financial Contribution to the Hainesport Fire Company

D. RESOLUTION 2021-143-12 - Amend the Adopted Budget for Additional Items of Revenue and Offsetting Appropriation (Chapter 159)

- E. **RESOLUTION 2021-144-12** – Adopting Technology Risk Management Standards in Compliance with the New Jersey Municipal Excess Liability Joint Insurance Fund’s Cyber Risk Management Plan’s Tier Three Requirements
- F. **RESOLUTION 2021-145-12** – Approve a Firefighter into the NJ State Firemen’s Association

Motion: Committeeman MacLachlan. Second: Committeeman Levinson. All yes.

9. **RESOLUTIONS**

- A. **RESOLUTION 2021-146-12** – Authorizing Contract with Gruskin Group to Conduct an Update/Modernization of the Existing Brand or Complete Rebranding Project for Hainesport Township

Motion: Committeeman MacLachlan. Second: Committeeman Montgomery. All yes.

- B. **RESOLUTION 2021-147-12** – Authorizing Purchase of Ex-Mark 96” Laser Z Mower

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

10. **BUSINESS**

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

Motion: Committeeman Montgomery. Second: Committeeman MacLachlan. All yes.

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

Anna Evans, 63 Parry Drive – revisited the Master Plan issue. She first learned of the Plan being out of compliance when the warehouses were being discussed. She asked if the Master Plan was being re-examined because it was brought up by the Democratic platform. **Mayor Gilmore** responded no. Ms. Evans said she would like more representation for the Master Plan Review Committee. One from each of the 5 Districts – not a Republican. She volunteered for District 3.

12. **COMMENTS FROM THE ADMINISTRATOR**

Ms. Kosko reported that the subcommittee for the Master Plan begun meeting, with much work previously completed by the Township Planner. If the Governing Body wants to add people from each district, please direct her to do so. Public Works will begin demolition of the front part of the playground soon after January 10th. Construction will begin February 14 and go for 45 days. They should be done by the end of March or beginning of April. The playground will be updated with ADA compliant tables and benches. The website has been refreshed. It is much easier to navigate. She thanked Jen Koutsouris for her work on the website. We will have our

Special Meeting on December 28th to adopt the two ordinances. She wished everyone a Merry Christmas and a Happy New Year.

13. COMMENTS FROM THE SOLICITOR

Mr. Gillespie wished everyone a great holiday season.

14. COMMENTS FROM THE COMMITTEE

Committeeman Levinson - no comments.

Committeeman MacLachlan – made some observations about the Master Plan. There is a history of case knowledge by certain professionals that knew the town. It is not an excuse, but a reality that it takes new people some time to get up to speed. The Master Plan not being updated does not mean that no zoning decisions can be made. He asked for a report on cannabis in Hainesport. Lumberton and Mt. Holly seem to be making progress.

Committeeman Clauss – said he really enjoyed the Tree Lighting Ceremony and thanked Donna Casey and Liz DiBenedetto for doing a great job. He encouraged everyone to contribute to the Toy Drive by the Fire Department. The last day is December 15th. He wished everyone a great holiday.

Committeeman Montgomery – congratulated Dr. Forbes on her Proclamation. He wished everyone a Happy Hanukah and a Merry Christmas. He said the Cannabis Committee is getting ready to make a proposal to the Committee. He learned a lot at the many cannabis meetings at the League in Atlantic City, from personal research and from several other seminars. He would like to present the Cannabis Committee's recommendations at the December 28th meeting.

Mayor Gilmore - thanked everyone for coming. She learned a lot at the League Conference in Atlantic City about clean energy, electric vehicles, cannabis and other tools to build a stronger community. She enjoyed the Veteran's Day lunch and the Tree Lighting Ceremony. She thanked Mr. & Mrs. Clauss for stopping by. There were 19 entries in the gingerbread house contest and the house decorating contest is in full swing. This Friday is Storytime for the preschoolers and there will be a special guest this week.

With her final statement for the year, Mayor Gilmore wanted to say that she is proud of many accomplishments this year; the Mayor's Wellness Campaign, the relaunching of the website and soon the new mobile app. She is proud of the employees that give 100% effort, the volunteers and the involvement of the Committee members. This Committee planted a tree that honored the first responders and all that have been affected by COVID, we answer calls, attend community events, hop in the dunk tank, drive Santa around, attend funerals and dedicate ourselves to serving the citizens of this town. She wished all a Merry Christmas and a Happy Healthy New Year.

15. BILL LIST

Ms. Kosko asked that item 21-00767 be pulled from the Bill List.

Motion: Committeeman Levinson. Second: Committeeman Montgomery. All yes.

Vote to approve remaining Bill List.

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

16. EXECUTIVE SESSION

A. RESOLUTION 2021-148-12 – Entering into Executive Session

1. 2022 Professional Service Contracts
2. Attorney Client Privilege

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

Motion to Re-Enter Open Session

Motion: Committeeman Montgomery. Second: Committeeman Levinson. All yes.

17. ADJOURNMENT @ 10:27 P. M.

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

Respectfully Submitted,

Paula L. Kosko

Administrator/Municipal Clerk

OFFICIAL ACTION MAY BE TAKEN ON ANY ITEM ON THE AGENDA

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2. YouTube Live

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The governing body requests that **questions or comments on agenda items be directed to the Administrator/Municipal Clerk by 4pm on the Tuesday of the meeting**. All questions and comments will be considered by the Township Committee and entered into the official minutes of the meeting.

Individuals calling into the phone number or accessing from a computer will be able to fully participate in the meeting. However, all persons calling in will be asked to place their phones on mute unless speaking and being recognized to speak during a Public Hearing or Comments from the Public. A non-public dial in number will be used if executive session is required.