

Shamong, NJ 08088

November 7, 2018

The Shamong Township Committee held a Committee Meeting on the above date at the Municipal Building.

Mayor Di Croce called the meeting to order at approximately 7:30 p.m.

Pledge of Allegiance was recited.

The Clerk stated to please be advised that proper notice of this meeting has been given in compliance with the Open Public Meeting Act in the following manner; written notice has been sent to and published in the Burlington County Times and sent to the Central Record and posted as required by the Open Public Meeting Act.

Roll Call (absentees noted)	Mr. Michael Cooney	P
	Mr. Michael Di Croce	P
	Mr. Timothy Gimbel	P
	Mr. Sean Gray	A
	Mr. Martin Mozitis	P

Also, in attendance: D. Heinold, Solicitor and D. Guzzi, Engineer

COMMUNITY MOMENT:

Mayor Di Croce opened the meeting to Pastor Aaron Hart from Shawnee Baptist Church for a Community Moment. Pastor Hart thanked the Committee for their service and expressed what a privilege it is to be a house of worship in this community for close to forty (40) years. Pastor Hart stated the church exists because of what God has done and the hope they believe that is in Jesus Christ. Pastor Hart stated the Church exists to encourage one another and to provide hope to the community. Pastor Hart advised on behalf of the Church, they would like to offer some volunteer community clean-up hours if needed.

Pastor Hart also expressed the church's interest in finding out more about what would be necessary to possibly become a shelter facility for the community. Mrs. Onorato, the Clerk, advised she would request John Lyons, Office of Emergency Management Coordinator, to reach out with details.

Pastor Hart ended with a brief history of how he came to be in New Jersey and the ministry at Shawnee Baptist.

Mayor Di Croce closed by stating the Committee extends this Community Moment invitation to all organizations in the community, and if interested, please reach out.

Mayor Di Croce opened the meeting to the public for comments, at which time *Donna Roberts* (Oakshade Road) reported per direction of Mrs. Onorato, Clerk, she was required to put her name (Donna Roberts) on all of the dog licenses when they were issued by Mrs. Robertson, Deputy Clerk. Mrs. Onorato reported that she requested the Deputy Clerk to use the name on Ms. Roberts driver's license (Donna Roberts) instead of issuing some licenses in the name Donna Truex and some in Donna Roberts as asked for. Donna Roberts replied she wanted the licenses to show ownership of the dogs. Mayor Di Croce asked Donna Roberts who Donna Truex was, to which she replied "I am"; then explaining Donna Roberts was her other married name and she uses Donna Truex now that she is divorced.

Donna Roberts also reported she was advised by the code enforcer that businesses could not be run in an agricultural zone. She reported there are nearby horse stables boarding, buying and selling horses which is not fair.

Bridget Lazos (Kingswood Road) advised that on the night of October 12, 2018 she called the New Jersey State Police for nuisance barking and a report was filed. She stated the Police did go to the property, but no one answered the door. Mrs. Lazos stated her support for the animal ordinance.

The Mayor inquired if there were additional questions or comments; as there were none, he closed this portion of the meeting to the public.

The Mayor requested an update from the Solicitor, Mr. Heinold, on Ordinance 2018-11 Second Reading: Amending Chapter 54 of the Township of Shamong Code Governing "Animals" (BCT 10/5/18). The Solicitor reported on minimal amendments to the Ordinance; license fee language for service dogs; clarification on limitation of number of dogs; language relative to grace periods that referred back to animals was changed back to dogs in 24A.

The Mayor briefly commented thanking everyone who contributed to the process and then opened the meeting up for questions or comments.

Donna Roberts (Oakshade Road) stated it would not be possible to get rid of all her dogs in sixty days. She stated her dogs were not barking on October 11th, no police came to the house – she has a camera on her front door and it would have been recorded. Donna reported she put a picture of a white boxer on face book and that a Christine Todd (Atco) put her picture (Donna Roberts) on the Shamong face book page which resulted in negative feedback. Mrs. Roberts feels she will not be able to find home for any of her dogs now. Mrs. Roberts reported that most of the dogs are “kennel dogs” being over eight years old and not house broken. Mrs. Roberts reported putting a 17+ year old boxer to sleep last week and a 17 year old blind/deaf Shihtzu will be put to sleep next week. She stated that he (?) wants her to kill the dogs and throw them in a dumpster and she can’t do that.

Jean Clayton (Marlton) inquired if the word kennel could be used in the ordinance with a definition stating what the Township wants kennel to mean. She suggested a simple thing would be anyone with over fifteen dogs whether they breed, sell, board or keep on their property is a kennel. Mrs. Clayton advised, per Chief Investigator Linda Fries, the State is not required to come out to help if it is not a kennel. She feels it would be good to have the State behind the Township to take care of any problem. Mrs. Clayton inquired if there was any place in Shamong where Mrs. Roberts kennel would confirm with the zoning and could open another kennel. The Solicitor reported there is no zone in Shamong where any sort of commercial dog operation is a permitted use, but anybody who wants to pursue any type of use can always seek by way of a use variance from the Zoning Board. Mrs. Clayton asked if a certification of filing, required by the Pinelands Commission, is denied, was there a way to get over it as a final decision. The Mayor replied an appeal could be taken.

Ernie Lazos (Kingswood Road) reported he began when he heard dogs crying in the cold weather and the issue was not about killing, but saving the dogs. Mr. Lazos advised multiple recordings of the dogs have been submitted in the Medford Lakes Court. There were brief comments between Mr. Lazos and the Solicitor regarding the age a puppy is considered and adult; the label of a kennel and enforcement of the ordinance.

Pat Brown (Atsion Road) reported she was confused regarding why the ordinance cannot say a kennel. The Mayor stated the intention was to go with the simplicity of using a number of dogs instead of a description. The Solicitor reported on the numerous drafts and complexity of issues covered for this ordinance; mentioning concern about evasiveness and concern about making the ordinance too complex, then briefly summarizing the intent of simplicity.

Laura Anderson (Tabernacle) stated it was her understanding that the Township objective was to create a standard of care related to the number of animals. The Mayor stated it's for someone who has fifteen dogs and they need to make some certain adjustments in their operations, whatever the operations is called. Mrs. Anderson also expressed her concern regarding the care of her senior dogs and that standard of care according the ordinance and the housing/living requirement specifications.

Karen Froberg-Fejko (Forked Neck Road) stated she thinks we've come to a great crossroad and agree to not wanting any dog to have sub-standard care. She expressed concern about the ordinance language of residential registration vs. kennel; and bringing in commercial standards that would meet the State statute of NJAC823A 1.2-1.3 compliances.

Denise Tollefson (Oakshade Road) expressed her continued concern for this ongoing issue and reported first reaching out to the SPCA (Society for the Prevention of Cruelty to Animals), before knowing any of her neighbors new to the area expressed their concern, but was advised by the SPCA could not help as they need evidence/proof. Mrs. Tollefson reported her property was violated in July, which is on video, which resulted in having to post her property. There's a real quality of life issue and there have been many times abusive screaming/cursing has been heard outside. Mrs. Tollefson advised she has never called the police. Mrs. Tollefson also reported that on October 13th @ 5:00 PM hearing horrific, tortured and inhumane sounds coming from the property in question; stating she has not heard this beyond a handful of times in nearly two-years. She stated this ordinance is needed and hoped there would be no further deterioration to the quality of life for her and her family.

Catherine Spence (Stokes Road) expressed her thoughts on the kennel definition and requested clarification be made regarding the twenty-five-dog limit and does it include agricultural or unimproved properties. The Solicitor stated Zoning would be involved as well.

Donna Roberts (Oakshade Road) stated the reason her daughter was on Mrs. Tollefson's property was due to someone there taking pictures of her grandchildren. Mrs. Roberts reported that on September 6th, her daughter had her car and was looking at a house in Shadow Lake when Mr. Lazos tried to run the car off the road and the police were called.

The Mayor advised the public these were issues for another time and called the meeting into order. As there were no other comments, the Mayor then closed this portion of the meeting to the public.

ORDINANCES:

On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Ordinance 2018-11 Second Reading: AMENDING CHAPTER 54 OF THE TOWNSHIP OF SHAMONG CODE GOVERNING "ANIMALS" (BCT 10/5/18). A roll call vote showed all members present voting yes.

The Mayor expressed his appreciation for everyone's input and announced a five-minute recess which was cut short as Dr. Stull had arrived and the Mayor advised the meeting would go back on the record to proceed with Dr. Stull's proclamation.

PROCLAMATION:

Mayor Di Croce read into the minutes a Proclamation Recognizing Dr. Gordon Stull, V.M.D. (Veterinary Medical Doctor) for over 25 years of volunteer service.

The Committee then took a brief recess returning back to session at approximately 8:17 p.m.

ITEMS FOR DISCUSSION AND POSSIBLE OFFICIAL ACTION:

On motion of Committeeman Cooney, seconded by Committeeman Gimbel, approval of the October 2, 2018 Special, Regular and Executive Session minutes were approved as submitted. A roll call vote showed all members present voting yes.

Mrs. Onorato, the Clerk, reported this is the fourth year Mr. Greco has requested permission from the Township to remove dead and fallen trees (B 23.01 L 26, B 8.01, 12.62) at his own risk. Mr. Greco has provided a Certificate of Insurance and signed a Hold Harmless agreement. The Clerk advised there have been no problems and that Mr. Greco has removed trees from these properties in past years. **On motion of Committeeman Mozitis, seconded by Committeeman Cooney, it was moved to approve resident request for permission to remove dead and or fallen trees from Township land. A roll call vote showed all members present voting yes.**

The Clerk reported the bi-annual informal inspection report was completed for the Indian Mills Lake Dam by the Public Works Staff. The only thing found was some trash that was removed from the embankment. The Clerk advised the slush gates were operated and lubricated and all was found to be working fine. A formal report will be done in 2019.

The Clerk submitted to attend a seminar on Dec. 13, 2018 and reported the only cost incurred would be mileage reimbursement as the seminar cost is already included in the Clerk's Association membership. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve for Clerk to attend a seminar on ethics December 13, 2018. A roll call vote showed all members present voting yes.**

The Clerk reported on the 2019 budget and having reached out to the departments of the Township for information:

2019 Budget

- a. Recycling Carts/Buckets – after brief Committee discussion, it was decided to keep the current status on recycle buckets and not a County suggested option at this time due to the cost of buckets which benefit the County and not the Township.
- b. Pinelands Memorial Park Cemetery – we will not be budgeting any revenue, as required by the State, since there is no revenue history at this point.
- c. Road Restriping – will be done on Township owned roads only.
- d. Health Insurance – no increase anticipated.
- e. State Requirements
 - i. Scheduling – as required by statute.
 - ii. State Funding – numbers from State unknown at this time.
 - iii. 2.5% COLA

The Clerk reported a number of light fixtures (20+ years old) need replacement at the Public Works Garage and research options show replacement with LED lighting would be cost effective. Based on quotes received, it is recommended to go with Charles Richardson Electric at \$7,983.60 – the next quote coming in at \$9,245.00. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve electrical repair of lights in garage. A roll call vote showed all members present voting yes.**

The Clerk reported the Office of Emergency Management report would be tabled to the next meeting due to a scheduling conflict.

The Clerk advised speaking with Melissa Durham, who organized the 2017 Holiday Lights contest, requested the Township handle the event permitting process for the 2018 (proposed event on Friday, Dec. 14th). The Township offered to fund up to \$1,000 towards snacks/trophies; get the approval of Dingtletown recreation complex for the awards ceremony (including lighting, public announcement system, parking); to remind all there will be no water use access as it is turned off for the season and that the Township will assist with coordinating security (EMS, Fire and CERT volunteers). The Mayor expressed his concern regarding any tax payer funds going towards this type of event; there was brief discussion regarding contributions to enter the contest or local sponsorships. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Holiday Lights contest and award ceremony. A roll call vote showed all members present voting yes except Mr. Di Croce who voted no.**

ORDINANCES:

The Clerk reported this had been tabled based on required feedback from the Joint Land Use Board. The Solicitor reported the consistency review for the Master Plan is done. The Mayor opened the meeting up for public comments and as there were none, he then closed this portion of the meeting to the public. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Ordinance 2018-9 Second Reading: AMENDING AND SUPPLEMENTING THE SHAMONG TOWNSHIP CODE AT CHAPTER 51, ARTICLE I TO EXPAND THE PERMITTED ISSUANCE OF CLASS A LIQUOR LICENSES FOR LIMITED BREWERIES, RESTRICTED BREWERIES (BREW PUBS), PLENARY WINERIES, FARM WINERIES, INSTRUCTIONAL WINEMAKING FACILITIES, PLENARY DISTILLERIES AND LIMITED DISTILLERIES (BCT 9/9/18 – tabled on 10/2/18). A roll call vote showed all members present voting yes.**

The Clerk reported this had been tabled based on feedback from the Joint Land Use Board. The Solicitor reported 2018-9 is the ABC (Achollic Beverage Control) type ordinance and the 2018-10 is the Joint Land Use Board ordinance – both operate hand-in-hand. The Solicitor reported the ordinance is to make it permissible for the brewery that is proposed on Route 206 to have permitted use under both ordinances. The Mayor opened the meeting up for public comments and as there were none, he then closed this portion of the meeting to the public. **On motion of Committeeman**

Mozitis, seconded by Committeeman Gimbel, it was moved to approve **Ordinance 2018-10** Second Reading: AMENDING AND SUPPLEMENTING CHAPTER 110, ARTICLE IX, SECTION 125(D) OF THE SHAMONG TOWNSHIP LAND DEVELOPMENT ORDINANCE TO PERMIT LIMITED BREWERIES, RESTRICTED BREWERIES, PLENARY WINERIES, FARM WINERIES, INSTRUCTIONAL WINEMAKING FACILITIES, PLENARY DISTILLERIES AND LIMITED DISTILLERIES IN THE PINELANDS VILLAGE COMMERCIAL ZONING DISTRICT (BCT 9/9/18 – tabled on 10/2/18). A roll call vote showed all members present voting yes.

The Solicitor reported needing certain provisions to recognize the operation of the Cemetery. The Mayor opened the meeting up for public comments; in response to a question, the Clerk advised Phase 1 would have roughly 2,000 graves, Phase 2 would have roughly 3,000 graves plus there will be columbariums. As there were no additional questions or comments, the Mayor then closed this portion of the meeting to the public. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Ordinance 2018-12 Second Reading: CREATING CHAPTER 65 OF THE TOWNSHIP CODE GOVERNING “CEMETERY” (BCT 10/5/18).** A roll call vote showed all members present voting yes.

The Solicitor reported this is in response to a Pineland’s Commission mandate to make our ordinances consistent with any changes that have occurred to the comprehensive management plan. The Solicitor stated this will have to be sent to the Planning Board for another consistency review with our Master Plan. There was brief discussion on if/how it may affect current residents. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Ordinance 2018-13 Introduction: AN ORDINANCE AMENDING CHAPTER 110, LAND DEVELOPMENT, OF THE CODE OF THE TOWNSHIP OF SHAMONG, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY.** A roll call vote showed all members present voting yes.

RESOLUTIONS:

The Clerk reported both property owners decided against doing some home improvements on their homes. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve the following two resolutions by Blanket Motion:**

- **Resolution 2018R-94 Authorizing refund of permit fees on block 34, lot 3 (8 Lenape Path) of \$361.60.**

- **Resolution 2018R-95 Authorizing refund of permit fees on block 20.01, lot 7.01 (154 Tuckerton Road) of \$135.80.**

A roll call vote showed all members present voting yes.

The Clerk reported there is a required procedure for funding and upon CFO review, we do qualify for the funding. The Clerk advised Committee approval is needed confirming receipt of the report in their email to proceed with filing to the State. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Resolution 2018R-96 Division of Local Government Services CY2018/SFY 2019 Best Practice Inventory Program – Best Practice Public Meeting Certification Form. A roll call vote showed all members present voting yes.**

The Clerk reported the fee schedule is attached in the Committee packet and needs approval to proceed with Cemetery sales. The Clerk advised the pricing was determined based on the Cemetery Board review of several cemeteries in the area. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Resolution 2018R-97 Adopting fees schedule for Cemetery. A roll call vote showed all members present voting yes.**

The Clerk reported this is a two-year extension for an existing shared service that continue to be a success for our Township. The Clerk reported the Township has been doing shared service since 2010 we have either saved Shamong or made money on our shared services in the amount of \$146,900 over eight (8) years. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-98 Authorizing extension of shared services agreement with the Township of Burlington for Tax Assessor services. A roll call vote showed all members present voting yes.**

The Clerk reported this year the dividend amount is \$7,650.00 and historically been applied to the next years premiums. **On motion of Committeeman Cooney, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-99 Directing the distribution of the dividends returned surplus funds held in trust by the Burlington County Joint Insurance Fund. A roll call vote showed all members present voting yes.**

The Clerk reported the power is needed for the large field house use shed that was purchased with funds from the Burlington County Park Grant and for security lighting in that area. The Clerk advised this cost would also be covered under this Grant.

The Engineer, Mr. Guzzi, reported the power costs were for service and the pole line/cable that will be run in from Atsion Road. The Engineer advised additional tasks related would be some clean-up clearing by the Public Works Department and getting electrical quotes for final hook-up and the panel.

There was brief discussion regarding the option of running the power lines underground and the Engineer offered to check on the costs. A resident commented that when power lines were put underground on Manitoba Trail, the roots took out some of the cable lines and felt this was not a good option. There was brief discussion regarding a timer for the lighting at the batting cage and it was decided to add that to the list. **On motion of Committeeman Cooney, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-100 Award of contract to Atlantic City Electric to install electrical service to the Stoney Creek Recreation Complex at a cost not to exceed \$20,000. A roll call vote showed all members present voting yes.**

The Clerk reported Mr. Szelc is a grave digger by trade and has been instrumental in assisting with putting things together for the Pinelands Memorial Park in its planning stages. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Resolution 2018R-101 Award of contract to Szelc Memorials for work to be completed as per fee schedule at Pinelands Memorial Park Cemetery. A roll call vote showed all members present voting yes.**

The Solicitor reported this resolution is in response to an ABC ruling that came down from the Director that would significantly restrict activity by the brewery licenses. This resolution would go to the Legislature and basically say the Township supports the local breweries to continue to operate/thrive as local businesses. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Resolution 2018R-102 Opposing Division of Alcohol Beverage Control limitations on the New Jersey Craft Breweries. A roll call vote showed all members present voting yes.**

BILL LIST:

The Clerk requested any questions or comments; as there were none, **on motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve the attached Bill List. A roll call vote showed all members present voting yes.**

REPORTS:

The Engineer Reported:

- Parks project, just waiting for railings to be fabricated and installed.
- Oakshade Road, contractor is scheduled to start inlet and pipe work on 11/26/18.
- Cemetery, drainage issues to be discussed and waiting on columbarium.

The Solicitor Reported: No report, but there was brief discussion regarding the potential accident danger at the Willow Grove and Stokes Road intersection. The Engineer was requested to send a video of a flashing LED Stop Sign to the Clerk.

The Administrator Reported:

- Tax Assessor, Jay Renwick, confirmed the added, omitted and rollback tax billing for 2018 totals - \$34,740.50.
- Rent Control Board is reviewing the annual rent increase for Oak View Village.

PUBLIC COMMENT:

Mayor Di Croce opened the meeting to the public for comments, at which time *Bill Lampman* advised regarding the recycle containers that it may eventually be a County mandate and suggested moving forward sooner rather than later. There were brief comments regarding a mandate or the possibility that the County may not pick up if their receptacles are not purchased by the Township. Mr. Lampman also inquired about the 10-year road plan and Manitoba Trail. The Clerk reported on the work that had been completed to far. The Engineer advised that the 2019 grant applications are in process and will update the Committee when he hears back most likely late winter/early spring. Mr. Lampman also inquired about having a snow fence at the bend of Indian Mills Road. The Clerk advised it has not been done in years and had usually been done by the County. The Mayor advised we can reach out to the County. Mr. Lampman reported the "slums of Shamong" is at Manitoba Trail requesting better code follow up in this area; cleaning curbs, mowing empty lots, deterioration and junk. The Clerk advised the Zoning Official has been through the area, but will be sent through again. Mr. Lampman stated that there are ordinances, let's enforce them.

As there were no further comments, the Mayor then closed the meeting to the public.

On motion of Committeeman Cooney, seconded by Committeeman Gimbel and a roll call vote showing all members present voting yes, by Resolution 2018R-102 the Committee went into Executive Session for matters of Attorney Client privilege and potential litigation.

The Committee reconvened their regular meeting and the Solicitor reported the was discussion relative to the Cemetery project and professional and contract related issues. The Solicitor stated the Committee has authorized the professional staff to take action to pursue those issues.

There being no further business, **on motion of Committeeman Cooney, seconded by Committeeman Mozitis and a roll call vote showing all members present voting yes, the meeting was adjourned.**

Attest:


Susan D. Onorato
Municipal Clerk

