

Shamong, NJ 08088

August 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 Deputy 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

Mayor Di Croce opened the meeting giving the following acknowledgements on behalf of Shamong Township:

- To Committeeman Mozitis for speaking at the school graduation and handing out all the diplomas.
- To Committeeman Cooney for attending the Annual Emilio Carranza Memorial Service.
- To Deputy Mayor Gimbel for presenting the Volunteer of the Year Award at the Holy Eucharist Pine Barrens Festival.

The Mayor advised the public that when he opens the meeting to the public for questions of comments, time would be limited for each due to the number of people in attendance. The Mayor additionally reported speaking with Donna Roberts prior to the meeting and was advised she was in opposition to any animal ordinance the Committee is considering. Ms. Roberts also advised the Mayor she would be unable to attend tonight's meeting; she stated she had been threatened.

The Mayor read an opening statement regarding the proposed animal ordinance introduction comprising mostly of the following:

As a result of numerous complaints; the Council undertook an investigation of the alleged noise and inhuman treatment of animals on a property in town.

What makes us different is that we value individual liberty and property rights and the right to be left alone without unreasonable governmental interference.

Let me start off by saying that next-door neighbors, who own land that share common boundaries have mutual rights, duties, and liabilities.

The underlying theme is that adjoining landowners are expected to *use their property reasonably without unduly interfering with the rights of the owners of their neighbors. Actions taken by a landowner that appropriate adjoining land or substantially deprive an adjoining owner of the reasonable enjoyment of their property is an unlawful use of one's property.*

In any new legislation, our goal is to ensure that breeding is done responsibly and humanely in Shamong as possible and that property rights, of all parties, are protected.

We are mindful of;

- governmental restrictions vs. individual liberty
- long standing use vs. current conditions regarding noise
- property rights vs. preventing animal cruelty
- the use of one's property and the rights of others to use their property free from unreasonable governmental intrusion is important
- the right for neighbors to use their property free from unreasonable noise
- the right to enjoy one's property free from unsafe and unsanitary conditions

There is basic understanding between neighbors as to the underlying right of the landowner to enjoy use of their property - within "reasonable" limits.

A landowner is entitled to use his/her property in a manner that maximizes his/her enjoyment. That enjoyment must not unreasonably interfere or disturb the rights of adjoining landholders or create a private nuisance.

Emotions have a way of overcoming common sense when one's property rights and the issue of animal cruelty are involved.

We have listened to your numerous comments, conducted our own investigations, reviewed police reports, monitored several court cases and researched our options for finding a reasonable resolution of this issue. Counsel instructed our very talented and very competent attorney, Doug Heinold, to draft an ordinance, balancing the personal liberty and property rights of a property owner vs. the rights of the neighbors, to use their property free from unreasonable noise and to ensure that animals are humanely treated and conditions for the safe keeping their wellbeing.

The Mayor turned the meeting over to the Solicitor for a review of the proposed animal ordinance. The Solicitor reported the Township has been working on this issue for some time, receiving input from the Humane Society (who has a model ordinance on the issue of kennel operation). The Solicitor reported on basic concepts included in the ordinance commenting on license fees; kennel licenses, inspections and fees; and the governing definitions for pet shops, breeders and kennels. The Solicitor advised this was a general application ordinance and not a land use ordinance (no zoning changes). The Solicitor reported on additional concepts included in the ordinance such as acceptable conditions for animals (enclosures, temperature regulations, feeding/watering requirements, veterinary care, breeding restrictions, sanitation, etc.); and advising that the Township will have the ability to regulate health, safety and welfare issues with this ordinance. The Solicitor also reported that under New Jersey law, an ordinance is introduced at one meeting, followed by notice in the newspaper and then (if introduction occurs) there is a second reading and public hearing. If approved at the second reading, it is published in the paper and becomes law.

The Mayor then opened the meeting up to the public for comments at which time the following residents spoke:

Alan Michnowski (12 Meadowbrook Drive) inquired about the timeline for the ordinance to take effect as his concern was for the welfare of the animals in the heat. The Solicitor reported if the ordinance was introduced tonight; the second reading would be at the September 4th meeting; then publication (if passed) would be next and it would take effect a few days afterwards.

Ernie Lazos (6 Kingswood Road) reported after moving to Shamong he found out the owner of property near him had seventy-three dogs (licensed). Mr. Lazos continues to be concerned for the humanity of the animals, the quality of life for the neighbors and the health of the neighborhood (animal feces; stormwater waste and the water supply). Mr. Lazos also mentioned his concern with regards to the far-reaching effects that the recent social media situation has caused and what may happen in Shamong as a result.

Nancy McQuillan (67 Springers Brook Road) advised her empathy for the situation but was concerned how the actions of one individual could penalize other dog enthusiasts by passing this ordinance. Ms. McQuillan inquired if anyone had reached out to the American Kennel Club (AKC) or the New Jersey Dog Federation or just to the Humane Society? The Solicitor advised the Humane Society had

reached out to the Township. Ms. McQuillan advised she felt these situations should be dealt with individually.

Nola Mahoney (1 Breckenridge Drive) advised she was a breeder, shower and also owns pets. Ms. Mahoney understands the problem, but as a dog exhibitor, she has more than one dog and is concerned about being limited to the number of pets due to an ordinance. Ms. Mahoney reported that breeders' police and support each other and she does not want to see this ordinance impact the breeders in this Township.

The Solicitor took a moment to advise the ordinance would be available on the website tomorrow for everyone to review. The Solicitor reported that per the ordinance, the license that would be required (language adopted from the Humane Society) reads: "Any Breeder, Kennels, Pet Shop, Pounds, or Shelter operating a commercial dog-breeding facility (defined as a facility with 5 or more breeding females)" advising this would be the target.

Jeanne Clayton (Marlton, NJ) reported she is the co-founder of residents against puppy mills and understands there are responsible breeders; the case in point is not a responsible breeder but a puppy mill and that is the difference. Ms. Clayton commented that the Humane Society is a positive organization representing the welfare of animals.

Karen Fejko (369 Forked Neck Road) reported she was a veterinarian and Golden Retriever breeder and feels regulations should not be based on the Humane Society. Ms. Fejko agrees that something needs to be done regarding the well-being of the animals at this one location, but not to the extent of making regulations penalizing the people that are doing good things for the pet community. Ms. Fejko suggested instead to educate people that would buy these puppies and take away the market.

Jenna Quinn (Medford, NJ) posed a question asking what number of breeding females would be agreeable (if not 5 – what compromise) to breeders, etc. There was a brief breeder response of concern stating there could be more than five females in the house and how would that be handled.

Ernie Lazos stated that the internet is littered with lawsuits against the person in question.

Alan Michnowski stated this is an immediate time sensitive issue due to the current condition of the animals.

The Mayor stated that any emergency situation should be reported so a proper complaint and investigation can be issued and addressed. There was public response advising this had been done and each were advised to address the Township. The Mayor replied the Committee is trying now to take action within Township authority.

Marissa Corbett (543 Oakshade Road) commented that the people who are doing these things illegally are not likely to register (how will we know).

The Mayor stated that any complaints (noise violations, odors, etc.) would be addressed, inspected and fined if needed or may possibly end up in court. The Mayor advised it is the Committee's intent to make sure neighbors can live peaceably in their homes; and additionally, make sure there is no animal abuse taking place (to the best of the Committee's ability).

Hugh Connelly (16 Meadowbrook Drive) inquired how the kennel location was zoned, to which the Solicitor replied it was an agricultural zone and further advised there is currently no zoning that creates kennel as a permitted use. The Solicitor reported that the ordinance requires that a kennel has to show they are operating under a use variance or that they are a pre-existing non-conforming use, in order to be licensed.

Jeanne Clayton reported there is a new "anti-tethering" law in New Jersey for animals being kept outside inhumanely and offered to email a copy for reference.

A final comment was made (Marissa Corbett) stating this is not a new situation, and as far as she understands, inspections have been made, the police have been called – don't you think something would have already been done over the last years?

There being no further comments or questions, the Mayor closed this public comment portion of the meeting thanking everyone for being respectful of each other. The Mayor stated the Committee has listened to both sides and will make the wisest decision possible trying to be respectful of all our neighbors.

The Mayor advised this ordinance may be discussed in Executive Session where the Committee may or may not take action and the outcome will be announced afterwards.

ITEMS FOR DISCUSSION AND POSSIBLE OFFICIAL ACTION:

On motion of Committeeman Mozitis, seconded by Committeeman Gimbel, approval of the July 11, 2018 Regular and Executive Session minutes were approved as submitted. A roll call vote showed all members present voting yes except Committeeman Cooney who abstained.

Mrs. Robertson, the Deputy Clerk reported the improved fencing project, which will be funded by the Burlington County Park Grant, was previously discussed at the May 1st meeting. The bid was awarded to AVS Fence Company (Shamong, NJ) for \$17,480.00. The next lowest bid came in at \$27,439.25 from All Vinyl Fencing in Hammonton, NJ. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to Approve bid of \$17,480.00 to AVS Fence Company for fencing installation/improvements at the Dingtletown and Stoney Creek recreation fields (funded by the Burlington County Park Grant). A roll call vote showed all members present voting yes.**

The Deputy Clerk reported V&V Farms has applied for a Social Affairs/Catering permit to allow a Beer & Wine Garden. The Deputy Clerk reported the "Hold Harmless" agreements have been received and the Certificate of Insurance (COI) is due to be received by late August. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, and based on receipt of the V&V COI, it was moved to Approve V&V Adventure Farms application for a Social Affairs/Catering permit from State of New Jersey – Alcoholic Beverage Control (ABC) for an Outdoor Concert with a Beer & Wine Garden on September 29th with a rain date of September 30th, 2018 from 5:30 pm to 10 pm. A roll call vote showed all members present voting yes.**

The Mayor reported on a request to Burlington County to perform a traffic study at the intersection of Willow Grove and Stokes Roads as there have been three (3) accidents within a weeks' time. The Deputy Clerk advised the County is considering options such a new signage and flashing lights; the outcome will be determined by Burlington County as they control this intersection.

The Engineer reported the Department of Transportation (DOT) announced their next round of funding for roads. The 2019 State Aid Program Solicitation is the same annual program that is funding Oakshade Road this year. The Engineer advised the Committee needs to consider what road to apply for funding. After brief Committee discussion, it was determined to prepare the application for Grassy Lake Road repairs.

The Deputy Clerk reported the Chief Financial Officer has requested to attend a Fall Conference. **On motion of Committeeman Cooney, seconded by Committeeman Mozitis, it was moved to Approve CFO's request to attend the Government Finance Officers of NJ Annual Fall Conference September 26-28, 2018 at a cost to the Township of \$200.00. A roll call vote showed all members present voting yes.**

The Mayor reported he has chosen Amy Huber as his "Mayor's Appointment" to the Joint Land Use Board. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to Approve "Mayor's Appointment" to Joint Land Use Board of Amy Huber for the balance of a 1-year term ending 12/31/18. A roll call vote showed all members present voting yes.**

The Mayor reported the appointment of both Eugene Lera and Lawrence Sharrott to the Joint Land Use Board. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to Approve appointment of Eugene Lera, Joint Land Use Board Member, to replace Joseph Gigantiello, for the balance of a 4-year term ending 12/31/18 and Approve appointment of Lawrence Sharrott as an Alternate Member of the Joint Land Use Board for the balance of a 2-year term ending 12/31/18. A roll call vote showed all members present voting yes.**

RESOLUTIONS:

The Engineer reported the road program includes the balance of Oakshade Road (primarily funded with the DOT Grant received) and a series of inlet repairs (the high priority inlets). Per the bid tab provided, the low bidder was Arawak Paving Company (Hammonton, NJ) at \$311,600.00 (\$235,000 funded through the DOT). **On motion of Committeeman Mozitis, seconded by Committeeman Cooney, it was moved to approve Resolution 2018R-72 Authorizing award of bid for 2018 Road Program to Arawak Paving Company, Inc. A roll call vote showed all members present voting yes.**

The Solicitor reported this is the second step in the Cemetery process for funding by anticipation notes rather than going right to permanent financing. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-73 Authorizing the issuance of Bond Anticipation Notes, Series 2018. A roll call vote showed all members present voting yes.**

The Engineer reported the next two resolutions (2018R-74 and 2018R-75) are both related to the grant application for the drainage project at Grassy Lake Road. The Engineer advised that two resolutions are required per the DOT (Department of Transportation). **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve by a blanket motion, BOTH Resolution 2018R-74 Approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Grassy Lake Stormwater project AND Resolution 2018R-75 Commitment for the continual maintenance for the useful life of the Grassy Lake Road stormwater management project should the Department of Transportation approve a grant funding the project. A roll call vote showed all members present voting yes.**

The Deputy Clerk reported Shamong Township entered into a four (4) year agreement with Tabernacle Township for use of their truck wash bay which has been mutually beneficial and a cost savings. Shamong would like to renew the original agreement for an additional term. **On motion of Committeeman Mozitis, seconded by Committeeman Gimbel, it was moved to approve Resolution 2018R-76 Authorizing four-year extension of a shared services agreement with the Township of Tabernacle for use of truck wash bay. A roll call vote showed all members present voting yes.**

The Deputy Clerk reported prior taxes have been previously cancelled per Committee approval; this resolution is not a refund, but a cancellation of new billing. **On motion of Committeeman Cooney, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-77 Authorization to cancel the remaining billing on property 7 Stowe Drive, Shamong, NJ (block 9.03, lot 4) in the totally disabled veteran exemption. A roll call vote showed all members present voting yes.**

The Deputy Clerk reported Burlington County was late giving tax rates to the municipalities; rather than sending estimated tax bills for Shamong, actual bills will be sent with an established grace period. **On motion of Committeeman Gimbel, seconded by Committeeman Mozitis, it was moved to approve Resolution 2018R-78 Authorization to establish a grace period for payment of 3rd quarter taxes for the year 2018. A roll call vote showed all members present voting yes.**

The Deputy Clerk reported Assemblyman Ryan Peters attended the June Committee Meeting at the Mayor's invite and spoke regarding tax reform. The Deputy Clerk advised this resolution, supporting Constitutional Amendment ACR-176, sponsored by Assemblyman Peters and Howarth, is in support of restoring municipal property tax relief. If approved, copies will be forwarded to several State Legislators. **On motion of Committeeman Gimbel, seconded by Committeeman Cooney, it was moved to approve Resolution 2018R-79 Supporting Constitutional Amendment ACR-176 requiring full payment of energy taxes to Municipal Government. A roll call vote showed all members present voting yes.**

ORDINANCES:

The Solicitor reported the parameters of Ordinance 2018-7 has been discussed in length and feels the regulations are reasonable for the care and protection of animals. There was brief Committee discussion regarding the definition of "breeder" and "kennel operator". The Committee decided to continue the discussion in Executive Session.

The Solicitor reported on the current process involved with background checks, noting the revision would allow the Administrator to designate an approved person from the Indian Mills Athletic Association (IMAA) to handle. **On motion of Committeeman Mozitis, seconded by Committeeman Gimbel, it was moved to approve Ordinance 2018-8 Introduction: Amending the Township Code at Chapter 58 Governing "Background Checks". A roll call vote showed all members present voting yes.**

BILL LIST:

The Deputy Clerk requested any questions or comments; as there were none, **on motion of Committeeman Mozitis, 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:

- 2018 Park Project pre-construction meeting was last week and the Contractor is set to start in the next couple weeks.
- Waiting on the final approval of the columbarium for the Cemetery; once approved the Contractor will order and remobilize the project (foundation, etc.).

The Solicitor Reported: No report.

The Administrator Reported:

- Michelle Wells was honored at the Pine Barrens Festival Shamong Night for her 20+ years of service to Shamong.
- Department reports previously submitted.

The OEM Coordinator Reported: No report.

PUBLIC COMMENT:

Mayor Di Croce opened the meeting to the public for comments, at which time Meghan Mozitis (Stokes Road) spoke regarding the need to clearly define what a “breeding female” referenced in the animal ordinance. The Solicitor reported that in the draft, it was defined as “at least six months old and sexually intact”. A brief discussion followed regarding breeders, show dog handlers and rescue handlers; Ms. Mozitis also mentioned the breeding age can differ between breeds.

Ms. Mitchell commented on the good job the Committee was doing handling this ordinance situation.

As there were no further questions or comments, the Mayor then closed this portion of the meeting to the public.

On motion of Committeeman Cooney, seconded by Committeeman Mozitis and a roll call vote showing all members present voting yes, by Resolution 2018R-80 the Committee went into Executive Session for matters of Attorney Client privilege.

The Committee reconvened their regular meeting and the Solicitor reported the Committee discussed some issues that were raised during the Public Comment portion of the meeting regarding Ordinance 2018-7 and that there were no changes to the ordinance as drafted. **On motion of Committeeman Cooney, seconded by Committeeman Gimbel, it was moved to approve Ordinance 2018-7 Introduction: Amending Chapter 54 of the Township Code Governing "Animals". A roll call vote showed all members present voting yes.**

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

Attest:



Joanne Robertson
Deputy Clerk