

WESTAMPTON TOWNSHIP COMMITTEE MEETING
7:00 PM Regular Meeting Minutes
December 5, 2023

The meeting was called to order and opened at 7:00 PM by Mayor Sandy Henley. Requirements of the Sunshine Law were read. This meeting was advertised in the Burlington County Times on January 6, 2023. This meeting was held in person in the Westampton Township Municipal Building Courtroom. The flag was saluted and there was a moment of silence.

Roll Call:

Committeewoman Burkley	Present
Committeeman Carr	Present
Mayor Henley	Present
Committeewoman Mungo	Present
Committeewoman Wright	Present

Township Solicitor Robert Wright, Township Administrator/Clerk Wendy Gibson, Police Chief Brian Ferguson and Fire/EMS Chief Craig Farnsworth were also present.

Proclamation:

- a. Veteran's Day 2023 – Committeeman Odise Carr read the proclamation in honor of Veteran's Day. Committeewoman Burkley asked if there were any veterans present. Mayor Henley named Committeeman Odise Carr, and then asked if there were any veterans in the audience. One attendee raised their hand. Mayor Henley thanked him for his service.

Approval of Minutes:

- a. November 21, 2023 Regular Meeting Minutes

Motion to approve was made by Ms. Mungo; seconded by Ms. Burkley.

Motion carried 4-0-1.

Ayes: Burkley, Mungo, Wright, Mayor Henley

Naye: none

Abstain: Carr

Open Meeting for Public Comments on Agenda Items Only:

Gary Berberian, 138 Winstead Drive, spoke on Ordinance 11-2023. He stated he was in favor of amending the Ordinance but has a problem with the grammar of the Ordinance. He referred to the comma in §250-22. Performance Standards: E. Fences and Walls. He is concerned with the listing of the materials allowed for the fencing. He felt that there may be a difference of opinion of allowable materials based on the language of the Ordinance. He stated that board-on-board is a poor choice of options, and that the Ordinance impacts his ability to have other options.

Committeewoman Burkley and Mayor Henley engaged in a discussion with Mr. Berberian regarding painting fences and the lack of continuity within the development. Mayor Henley stated that neighbors should hold each other accountable for the choices made, but the Ordinance will ultimately bind residents to specific choices. Mr. Berberian stated that he wanted to spend his money by way of choice, but the Ordinance prevents residents from having a choice.

Mayor Henley and Mr. Berberian discussed the differences in fences between bordering neighborhoods.

Solicitor Robert Wright reminded Mr. Berberian of the time limitation for public comment but advised he could speak during the Public Hearing portion of the Ordinance reading.

Vanessa Lawrence Nichols, 50 Roberts Drive, stated that she was concerned about the fence and chicken Ordinances. She stated that along with property ownership comes the ability to do, to a certain extent, what you want. She stated that fences are part of the diversity of the neighborhood. She stated that she didn't understand why residents couldn't have choices that could increase property value.

She commented on Ordinance 10-2023, objecting to the square footage requirements. She stated that she conducted research to find pros and cons regarding chickens in residential areas.

Township Solicitor Robert Wright advised that Ms. Nichols can comment on the Ordinance during the Public Hearing rather than the Open Public Comment section of the meeting. He advised that during the Public Hearing, the second reading of the Ordinance would be the appropriate time to comment.

She stated that there were more reasons for not owning chickens than that of positive reasons, noting maintenance issues and other invasive species. She also stated that although residents may want chickens, their neighbors may not want them.

She stated that the new Ordinances are changing the expectations of the residents, because residents would not be able to use the property as they originally intended. She also asked who would be responsible for oversight and enforcement of the Ordinances.

Diego Minacapelli, 211 Bridge Street, stated that he has conducted research on Pilot programs regarding chicken Ordinances within New Jersey. He stated that in some municipalities, residents must take a class in chicken ownership and maintenance. He stated that some have a committee to oversee the Pilot program.

He stated he is a property owner and would like to maximize it and have the ability to own and have the benefits of chicken ownership. He stated that he is pro-chicken, and that the Committee should allow all of the residential zones to have chickens. He stated that he believes that the process shouldn't just benefit residents that have larger acreage.

Dan McGonigle, 200 Bridge Street, commented to Ms. Burkley that the number of acreages would not matter if the resident placed the coop within feet of the neighboring resident. He stated that on behalf of himself and his wife that they are in support of backyard chickens. He stated that there are townships nearby that have successfully implemented Pilot programs on lot sizes smaller than theirs. He noted that Haddon Township has only had one issue with their program where a resident failed to renew their license. He stated that he hoped the Committee would approve the Ordinance.

Trina Wakeley, 200 Main Street, commented to Ms. Burkley that she has large acreage and facilities to have chickens, and that although she may not want to have chickens, she would still like the ability to have chickens.

Don Chierici, 210 Bridge Street, stated that his neighbors previously had chickens, and that he had no problem with anyone having chickens in the Township. He stated that he supported residents having chickens.

Ken Buber, 206 Second Street, has had chickens in the past, so the maintenance was minimal. He also stated that they don't attract snakes or rats. He said that he finds it distressing over the allowance of semi-trucks through the Village but not chickens, and that he hopes the Committee votes for chickens.

All in favor to close public comment.

Ordinances: Second Reading – Open Public Comment

- a. 10-2023 An Ordinance Amending Chapter 88 of the Township Code of Westampton: Animals

Mayor Henley requested a continuance on Ordinance 10-2023 because the Committee did not have sufficient time to review it.

Motion for continuance and amendment on the Pilot term was made by Ms. Burkley seconded by Ms. Wright.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Township Solicitor requested that the comments be made during public comment be reflected in the record for this Ordinance, so they do not have to be repeated in the future.

Ms. Burkley stated that one of the amendments was for a Pilot to be implemented, but the version she had did not reference. Township Solicitor clarified the Ordinance to show Ms. Burkley that the Ordinance would only be in effect for two years, which establishes a Pilot, at which time the Committee would need to vote again.

Mayor Henley commented that there were some concerns about the Ordinance, and that it provided everyone with an opportunity to collect data for its reconsideration.

Ms. Burkley stated that duplexes were also added to include chicken ownership. She stated that the fence line for a duplex is too close for free ranging and cooped chickens, and that they should not be included for chicken ownership.

Committeewoman Mungo advised that she felt that a committee for chicken ownership during the Pilot year was important.

Ms. Burkley questioned how a resident would prove their property footage. Township Solicitor confirmed that the chicken coop must be at least ten feet away from the adjoining property line. Ms. Burkley was concerned about free roaming chickens. Mayor Henley stated that duplexes may not qualify for not meeting the parameters, and asked if each property owner should be case-by-case.

Ms. Burkley stated that she thinks ten thousand square feet was too small to own chickens, and how enforcement would be conducted. Committeewoman Mungo stated that the licensing procedure would include the property address, where the square footage could be confirmed by tax record.

She also wanted to remind the township Committee that there was a letter that the Committee didn't receive where twenty-four residents did not want chickens; however, Ms. Mungo and Mayor Henley confirmed that she provided them with a copy of the letter at the last meeting.

Mayor Henley stated that the Pilot program would be able to confirm if the program would be successful or not.

Committeeman Carr made a motion to amend the Ordinance to establish a Committee consisting of four members from the public at large and one Township Committee member chosen by the Mayor to meet no less than six times in 2024.

Motion to amend was made by Mr. Carr; seconded by Ms. Burkley.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

- b. 11-2023 An Ordinance Amending Chapter 250 of the Township Code of Westampton: Zoning

Township Solicitor Robert Wright asked that any of the comments made on the Open Public Comment on Agenda Items be added to the record as public hearing.

Gary Berberian, 138 Winstead Drive, stated that the developments contained housing for low-income families. He stated that he felt that should be acknowledged as to why the Committee felt they needed to enact an Ordinance on the type of fencing allowed. He stated that it does not affect any other development other than low-income housing.

Mayor Henley asked if the Deerwood community had restrictions, but Township Solicitor Robert Wright confirmed that their restrictions were based on deed restrictions, or a homeowner association which could override an Ordinance prohibiting types of fencing.

Mr. Berberian stated that his issue was with the words that were referenced in the Ordinance. He stated that if he shopped for a fence, there are options that he restricted from purchasing. He can earn his money, but he is not allowed to spend it as he wants.

Mayor Henley stated that the Committee can discuss the Ordinance again. Mr. Berberian encouraged the Committee to seek other opinions, and that another resident had mentioned they wanted to maximize the value of their home. He stated he wanted the Ordinance amended so that he had more freedom and better consumer choices, and that the Ordinance is extremely restrictive.

He also stated that his issue is fundamental fairness. There are several non-conforming fences, and it's not fair for law abiding citizens to be restricted.

Township Administrator/Clerk Wendy Gibson requested a motion to amend or table. Township Solicitor stated that the Committee already had fourteen days to review and that the Committee would need a motion to table.

Committeeman Carr agreed with the arguments made on fences, and made a motion to table the Ordinance; seconded by Ms. Mungo.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Ms. Burkley asked Mr. Berberian to stand and clarify what he meant by the element in low-income housing. She stated that she was once considered low income and that she is not happy with his comment and asked who he was referring to. Mr. Berberian confirmed that he was referring to residents of a different demographic. Committeeman Carr stated that he was not on trial and did not have to stand and answer the question.

Diego Minacapelli, 211 Bridge Street, stated that he saw a pattern of tabling Ordinances, and asked if there could be a workshop to discuss before voting.

Township Solicitor stated that upon the adoption of Ordinances there is a Public Hearing, and that workshops were already held. He stated that there wasn't a consensus on the adoption.

- c. 13-2023 An Ordinance Amending Chapter 82 of the Township Code of Westampton: Alcoholic Beverages

Motion to approve was made by Ms. Burkley; seconded by Mr. Carr.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Ms. Burkley asked if there was a public comment available for that Ordinance, but Mayor Henley confirmed that there was no one who wanted to comment.

Resolutions:

- a. 166-23 Payment of Vouchers – this resolution approves the payment of bills through 12/05/2023.

Motion to approve was made by Ms. Mungo; seconded by Ms. Wright.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Consent Agenda Resolutions – Resolutions Note: Consent Agenda items are considered to be routine and will be enacted with a single motion; any items requiring expenditure are supported by a Certification of Availability of funds; any items requiring discussion will be removed from the Consent Agenda.

- a. 167-23 Resolution to Renew the Shared Service Agreement for LBD Secretary
b. 168-23 Resolution for Acceptance of NJDHTS Grant

Mayor Henley requested to table Resolution number 167-23.

Motion to table Resolution number 167-23 was made by Ms. Mungo; seconded by Mr. Carr.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Motion to approve Resolution number 168-23 was made by Ms. Burkley; seconded by Mr. Carr.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

Open Meeting for Public Comment:

None.

All in favor to close public comment.

Dates to Remember:

Next Township Committee Meeting December 19th @ 7PM, Historic Commission December 27th @ 7PM, Land Development Board Meeting December 6th @7PM, Recreation Committee Meeting December 13th @7PM, Holiday House Decorating Contest December 11-25th , Christmas Tree Lighting Celebration @ Firehouse Dec 7th at 7PM, Senior Holiday Dinner Dec 14th, Santa Around Town Dec 12-14th. NOTE: The Free Rabies Clinic was rescheduled to Feb 17th 2024.

Administrator' Report

Township Administrator/Clerk Wendy Gibson addressed the audience with a statement that was provided on the Township website and Facebook pages. The statement was to address the uptick of posts of resident complaints on social media, and that communication could be more effective by using the Report A Concern function of GovPilot.

She also addressed the concerns made by residents over the Spring Meadows playground. She stated that the brown water leeching from the playground was due to non-toxic topsoil that contained tannins from leaves and mulch, and that the Public Works Department would be installing proper drainage in the following weeks.

She then stated that she has been posting free rabies clinics in other townships on the Township website and Facebook pages, and that anyone can go to any township to receive a free shot, and recipients do not have to be residents of that specific township. She confirmed that anyone attending the Westampton free rabies clinic will not pay a late fee on their renewal.

Ms. Burkley asked if the Township Engineer reviewed and approved the new playground site before it was built. Ms. Gibson stated that an Engineer would not be necessary if you were replacing the original footprint of a pre-existing playground.

Mr. Carr requested that the Director of Public Works collect and categorize the complaints that are being made and include it in his monthly report and provide an update on disposition.

Committee Liaison Reports/Comments:

Committeewoman Mungo thanked the residents for coming out and expressing their concerns on the Ordinances. She stated that it is important to hear from both sides and come up with a consensus that would appease most of the residents.

Committeeman Carr wished everyone a Happy Holidays. He also congratulated Mayor Henley and Deputy Mayor Mungo.

Committeewoman Burkley thanked people for coming out. She stated that she knows that they all have a difference of opinion and that each person has one vote, and that if someone doesn't get what they want, that they accept it and live peacefully with their neighbors, and to not let issues break people up.

She stated that Vanessa Nichols was a Board of Education member for twenty-six years, and held multiple positions, and has decided not to run again. She thanked her for her contributions and a job well done.

Mayor Henley thanked everyone for coming out and for their discussion. He stated that it was important to try to represent the majority of Westampton Township, and for people to live in harmony. He stated that the Committee is dedicated to trying to get the Ordinances right, and that the Committee is very diverse and that it's important to hear everyone. He is thankful for everyone involved. He stated that it takes a lot of courage to be able to do the right thing.

He also thanked Dr. Nichols and that he appreciated her service to the Township.

Executive Session

Resolution No. 12.05.2023 - Resolution Authorizing the Township Committee and Support Staff to Meet in Private Session and Authorizing the Exclusion of the Public From that Portion of the Meeting Dealing with Specific Issues Requiring Non-Public Discussions: Attorney-Client Privilege – Personnel.

Motion to approve executive session resolution was made by Ms. Burkley; seconded by Ms. Mungo.

Motion carried 5-0.

Ayes: Burkley, Carr, Mungo, Wright, Mayor Henley

Naye: none

Abstain: none

The committee exited the regular meeting at 8:06 pm and entered into Executive Session.

The meeting adjourned at 8:33 pm.

Respectfully submitted,

Wendy Gibson, Acting Municipal Clerk