

THE THURSDAY, JANUARY 31, 2013 SPECIAL MEETING OF THE TOWNSHIP OF WATERFORD, CALLED TO ORDER AT 7:01 PM BY THE MAYOR, ROBERT J. CRITELLI, JR.

NOTICE OF TIME AND DATE FOR THIS MEETING WAS SENT ON JANUARY 24, 2013 TO THE COURIER-POST AND CENTRAL RECORD NEWSPAPERS AS A SUNSHINE NOTICE AND IS POSTED ON THE BULLETIN BOARD IN THE MUNICIPAL BUILDING IN COMPLIANCE WITH THE "OPEN PUBLIC MEETINGS LAW". ALSO, A LEGAL NOTICE WAS PUBLISHED IN THE COURIER-POST NEWSPAPER ON JANUARY 28, 2013.

SALUTE TO THE FLAG:

ROLL CALL:

Committeeman Hurley - Present
Committeeman Koons - Present
Committeewoman Merlino - Absent
Committeeman Richardson - Present
Mayor Critelli - Present

PROFESSIONALS:

Virginia L. Chandler, Township Clerk - Present
Lawrence C. Ruocco, Township Administrator - Present
David C. Patterson, Esquire Township Solicitor - Present
Debra L. Shaw-Blemings, Deputy Township Clerk - Present

HEARING PURSUANT TO THE REVOKING OF THE BUSINESS REGISTRATION PERMIT OF THE LITTLE MIRACLE RABBIT RESCUE.

Moved by Hurley, 2nd by Koons to conduct the Little Miracle Rabbit Rescue Hearing.

Poll Vote:

Committeeman Hurley - Yes
Committeeman Koons - Yes
Committeeman Richardson - Yes
Mayor Critelli - Yes

Hunter Kintzing, Esquire requested an adjournment as there is not enough time to respond as the Camden County Department of Health Inspection Report was just received.

Mayor Critelli stated the hearing will continue.

Mayor Critelli announced this hearing is scheduled for January 31, 2013, to consider revoking the Business Registration Permit issued to Little Miracle Rabbit Rescue by the Township of Waterford. The hearing is being scheduled pursuant to Chapter 188-8A of the Waterford Township Code which requires a hearing before the Township Governing Body for considering the revocation of a Business Registration Permit. This is an Administrative Hearing where the Rules of Evidence are relaxed for the presentation of evidence and testimony by witnesses. Mr. Patterson, as the Township Attorney, will proceed first in presenting evidence and testimony in regard to the revocation of the Business Registration Permit and then the Attorney for the Little Miracle Rabbit Rescue will have the opportunity to present its case as to why the Permit should not be revoked. Both attorneys will have the opportunity to cross examine witnesses presented.

As this is an Administrative Hearing, there is no public participation.

Following the conclusion of the presentation of evidence and testimony by both sides, the Governing Body will then review that information and render a decision.

This hearing will be audio taped.

It is requested that the audience not participate in any manner in regard to the hearing so that it can be conducted appropriately. If there is any interference or disruption, after a warning, that person can be removed from the room. Therefore, it is asked that everyone conduct themselves appropriately.

At this time Counsel identified themselves for the record.

David C. Patterson, Esquire, Counsel for the Township of Waterford.

Hunter S. Kintzing, Esquire, Counsel for the Little Miracle Rabbit Rescue.

At this time, all individuals who intend to testify were instructed to please stand, and state their name and address and remain standing to be sworn in to testify.

David Patterson, Esquire swore in the following persons:

Edward Toussaint - Waterford Township Zoning Officer

James Perry - Camden County Department of Health

Virginia Chandler - Waterford Township Clerk

Justin Evans - Little Miracle Rabbit Rescue

Mayor Critelli indicated that after a witness has testified the Governing Body Members will have the opportunity to ask any questions of that witness as part of the hearing process.

Mr. Patterson was instructed to please present the Township's position.

Mr. Patterson asked Edward Toussaint to identify himself, he stated his name and his position as Zoning Officer.

Mr. Patterson asked Virginia Chandler to identify herself, she stated her name and her position as Township Clerk.

Mr. Patterson asked Mrs. Chandler to identify the following exhibits for the record:

Exhibit #1 Resolution #2013-71 Dated January 23, 2013 (See Attached)

Exhibit #2 Notice to the Business Owner Dated January 24, 2013 (See Attached)

Exhibit #3 Business Registration Permit Issued to Little Miracle Rabbit Rescue (See Attached)

Mr. Patterson questioned Mr. Toussaint on the violations.

Mr. Toussaint reviewed the initial Use Variance and conditions. He indicated he has made numerous inspections and noted continuing failure to resolve old violations related to

complying with building violations, zoning violations on trash, animal droppings and County Health Department Reports and number of animals on premises refer to Exhibit B on Resolution 2013-71.

Mr. Toussaint referred to Exhibit C on Resolution 2013-71 of meeting with owner in January 2013 to 10 issues to resolve. He indicated several remain unresolved and continue.

Mr. Patterson offered Mr. Kintzing to question Mr. Toussaint.

Mr. Kintzing questioned Mr. Toussaint on the violations.

Mr. Toussaint reported that some violations were satisfied, some were not satisfied and some were in process. He reported on the three (3) exhibits attached to Resolution #2013-71 which include Resolution #10-20 of the Waterford Township Planning Board, a history of the business located at 2308 Auburn Avenue known as the Little Miracle Rabbit Rescue, a list of ten (10) items that need to be addressed that was prepared for the January 15, 2013 Planning Board Meeting. (See Attached)

Mr. Patterson questioned James Perry on the violations.

Exhibit #4 Identified by Mr. Perry as Inspections Report of kennels, pet shops, shelters and pounds compiled by the New Jersey Department of Health and Human Services dated January 22, 2013 identifying violations. (See Attached)

Mr. Perry reported they have not passed any inspections.

Exhibit #5 Letter from the Camden County Department of Health and Human Services indicating that the business remains in non-compliance and that the County Health Department is unable to grant approval for this facility to obtain a Shelter License pursuant to New Jersey Law. (See Attached)

RECESS: (7:48 PM)

RETURN FROM RECESS: (7:56 PM)

Exhibit #6 Fifty Four (54) photos submitted which were taken by the Camden County Health Department identifying violations and issues to be corrected.

Mr. Kintzing questioned Mr. Perry regarding the ratings needed to pass inspections.

Mr. Kintzing stated he had no other questions.

Mr. Patterson stated he had no other questions.

Mr. Kintzing questioned Justin Evans about hours of operation.

Mr. Evans responded that it is not possible for someone to be at the Little Miracle Animal Rescue 24 hours a day, 7 days a week like the Camden County Department of Health requires. In his opinion the Camden County Department of Health has no authority over the rescue and the USDA guidelines are the more appropriate authority. He noted they are trying to comply with the issues that need to be addressed.

Mayor Critelli questioned Justin Evans about raffles held by the Little Miracle Rabbit Rescue that were held without the required State ID.

Justin Evans responded they are not holding any more raffles until they have the required State of NJ Legalized Games of Chance Control Commission ID. He noted they did not hold any raffles in 2012 or 2013.

Committeeman Koons inquired if the animals were spayed and neutered.

Justin Evans responded they were.

Mayor Critelli swore in Little Miracle Rabbit Rescue Veterinarian Lyndsy Castano.

Lyndsy Castano testified she visits monthly and finds the animals are well taken care of.

Mr. Patterson questioned Lyndsy Castano if she performs any operations at the Little Miracle Rabbit Rescue, she responded no.

Committeeman Richardson questioned Lyndsy Castano if her visits were scheduled, she responded yes.

Committeeman Richardson questioned James Perry if his visits were scheduled, he responded no.

Committeeman Hurley questioned Lyndsy Castano if she was paid for her services, she responded yes.

Committeeman Hurley questioned Justin Evans about getting permits, he responded they were trying to comply but were having difficulties.

Committeeman Koons asked for a show of hands of volunteers in the audience, the audience responded with a show of hands.

Mayor Critelli questioned Justin Evans about the volunteers scheduled for caring for the animals, he responded the volunteers have keys and assist when they can.

Mr. Patterson noted there are repeat deficiencies that can not be allow the business to operate as they are required to operate a clean business. There has been enough evidence presented to revoke the Business Registration Permit.

Hunter Kintzing noted the rescue is trying, he requested more time for them to comply.

CLOSED SESSION: (8:30 PM)

Resolution #2013-77

RESOLUTION OF THE TOWNSHIP OF WATERFORD AUTHORIZING THE TOWNSHIP COMMITTEE TO GO INTO CLOSED SESSION.

Possible Litigation: Little Miracle Rabbit Rescue

Moved by Critelli, 2nd by Hurley to adopt Resolution #2013-77.

Voice Vote:

Committeeman Hurley - Yes

Committeeman Koons - Yes

Committeeman Richardson - Yes

Mayor Critelli - Yes

RECONVENE: (8:43 PM)

Mr. Patterson did not attend closed session.

ROLL CALL:

Committeeman Hurley - Present

Committeeman Koons - Present

Committeewoman Merlino - Absent

Committeeman Richardson - Present

Mayor Critelli - Present

Resolution #2013-78

RESOLUTION OF THE TOWNSHIP OF WATERFORD REVOKING THE BUSINESS REGISTRATION PERMIT FOR THE LITTLE MIRACLE ANIMAL SHELTER.

Moved by Critelli, 2nd by Hurley to revoke the Business Registration Permit issued to the Little Miracle Rabbit Rescue, located at 2308 Auburn Avenue in the Township of Waterford effective immediately for the following reasons:

The business has failed to comply with the requirements of the Camden County Department of Health based on the report issued by that Department and the testimony presented this evening which is on the record.

The numerous violations cited by Mr. Toussaint in his testimony and related evidence documents include property debris, unsanitary outside conditions, proper trash removal, constructing outside kennels without any zoning approval or permits, failure to obtain building permits for work done inside building.

All of these items by testimony and evidence have been placed in record and are continuing violations which the business has failed to correct despite numerous opportunities to do so.

For all these reasons set forth in the testimony and evidence presented on the violations, the Township Committee hereby revokes the Business Registration Permit.

Poll Vote:

Committeeman Hurley - Yes

Committeeman Koons - Yes

Committeeman Richardson - Yes

Mayor Critelli - Yes

CLOSE HEARING:

Poll Vote:

Moved by Richardson, 2nd by Hurley to close the hearing.

Committeeman Hurley - Yes
Committeeman Koons - Yes
Committeeman Richardson - Yes
Mayor Critelli - Yes

OTHER BUSINESS:

Resolution #2013-75

RESOLUTION APPOINTING TIMOTHY J. HIGGINS, ESQUIRE SPECIAL COUNSEL AS AN INTERNAL AFFAIRS PROSECUTOR FOR A HEARING ON AN INTERNAL AFFAIRS MATTER.

Moved by Hurley, 2nd by Richardson to adopt Resolution #2013-75.

Poll Vote:

Committeeman Hurley - Yes
Committeeman Koons - Yes
Committeeman Richardson - Yes
Mayor Critelli - Yes

Resolution #2013-76 (REMOVED FROM AGENDA - NOT ADOPTED)

RESOLUTION AUTHORIZING THE APPOINTMENT OF A SPECIAL HEARING OFFICER FOR A PERSONNEL MATTER.

Moved by Critelli, 2nd by Hurley to REMOVE Resolution #2013-75 from the agenda.

Poll Vote:

Committeeman Hurley - Yes
Committeeman Koons - Yes
Committeeman Richardson - Yes
Mayor Critelli - Yes

Resolution #2013-77 and Resolution #2013-78 voted on earlier in the meeting.

PUBLIC COMMENT PORTION OF THE MEETING:

MAYOR OPENS THE MEETING TO THE PUBLIC FOR COMMENTS:

Lorraine Poitras, Pitman, New Jersey inquired about what happens to the animals.

MAYOR CLOSES THE MEETING TO THE PUBLIC FOR COMMENTS:

ADJOURNMENT: (8:50 PM)

Moved by Hurley, 2nd by Koons to adjourn.

ALL IN FAVOR:

Committeeman Hurley - Yes
Committeeman Koons - Yes
Committeeman Richardson - Yes
Mayor Critelli - Yes

ATTACHMENTS:

EXHIBIT #1 WHICH INCLUDES ATTACHED EXHIBITS A, B & C

EXHIBITS #2, #3, #4, #5 & #6

RESOLUTION #2013-78

RESPECTFULLY SUBMITTED BY:

Virginia L. Chandler, RMC
Township Clerk