

TOWNSHIP OF PEMBERTON
REGULAR MEETING
January 15, 2020
6:00 P.M.

FLAG SALUTE

Council President Burton led the assembly in the Pledge of Allegiance, announced that notice of the meeting was given in accordance with the Open Public Meetings Act, and followed by roll call.

ROLL CALL

PRESENT

Elisabeth McCartney
Jason Allen
Donovan Gardner
Gaye Burton

ABSENT

Norma Trueblood

Also, present: Mayor David Patriarca, Business Administrator Daniel Hornickel, Solicitor Andrew Bayer and Township Clerk, Amy P. Cosnoski.

CALL TO ORDER

Council President Burton called the meeting to order at approximately 6:00 p.m.

CLOSED SESSION

44-2019 Authorizes Council to go into Closed Session – Not Adopted

PRESENTATIONS

- a. Route 530 North, LLC, Redevelopment of South Pemberton Road, Block 793, Lot 2.01.

Steve Gouin was the attorney representing Route 530 North LLC. Mr. Gouin advised on a letter sent by him to the Council and provided an overview of the property and the project. Noted that they are asking Council to declare the property a property in need of redevelopment/rehabilitation. Mr. Bayer advised that Council should have their own study done by their own Planner and should not take the one from the developer. Mr. Gouin introduced Depaul Patel, CEO and President of Hexa-Builders and Maurice Rached, from Maizer Consulting who is the Engineer and Traffic Expert. Mr. Patel provided a background on his company and advised that they had come up with a conceptual plan and showed it to Council. Noted the possible uses for the property including an auto auction and warehouse. It was noted that the property was zoned for both. Mr. Rached advised on his expertise as a Traffic Engineer and his relationship with Mr. Patel. Mr. Gouin advised that part of the reason for this presentation was to get feedback from Council. Councilman Gardner noted that he thinks this is too much too soon for the residents and that their personal and quiet space is under attack. Asked Mr. Rached where he got his stats from and Mr. Rached advised. Councilman Allen asked if the auction houses are visible from the street. Mr. Rached noted that most auction houses are not visible from the street but did not want to make a general statement that they are never visible. Councilman Allen asked how the employee's cars would be hidden from the street. Mr. Rached explained his previous statement in more detail about the comparisons between the use of a warehouse versus an auction house. Mr. Bayer asked about the number of vehicles that would be at the auction. Mr. Gouin explained how the business and the cars would be hidden from the roadway. Councilman Allen asked how these businesses are advertised. Mr. Gouin advised it was mostly online. Councilman Allen asked about the overall interest to invest in Pemberton. Mr. Patel advised that the college property was interesting to him but that there were a lot of hurdles. Noted that he has also looked at some properties in the Browns Mills area as well. Commented that from a developer's perspective, North Jersey has become a very saturated market and as a developer you are always looking for the next great place to invest in and they believe strongly that Pemberton has what they are looking for. Councilman Gardner asked if the cars would be new or old. Mr. Patel noted that it would be both. Councilman Gardner noted that cars leak and asked about the environmental impact and the type of foot traffic. Mr. Patel explained how auction houses work and that not just anyone can come up there and noted that any concerns can be worked into a developer's agreement. Councilwoman McCartney asked about the property and if there were any houses in that area. Mr. Patel advised that there were. Councilwoman McCartney asked where the entrances would be. Mr. Patel advised that they would be off of Route 530. Mr. Bayer advised how these concerns would be addressed. Mr. Bayer noted that that under the Land Use Law to get a use variance, the standard is quite high so there is a chance that

you may not get it from the Zoning Board. Mr. Patel noted that them coming before Council is only a first step in a long process. Council President Burton noted that most of her concerns were addressed, especially about the visual impacts. Confirmed that the plan was to have an auction house and possibly a warehouse in that area. Noted that this would be a lot for that community to bite off and that there was a lot to think about.

PUBLIC COMMENTS ON PRESENTATION

This portion of the meeting was opened for public comments regarding the presentation.

Mike Sawka, Pemberton – 1. Commented on the flooding and future development on Route 530. Noted the traffic coming in and out of this type of business. Asked Council not to do this. Mr. Bayer commented that he wanted everyone to understand that there is already zoning in place and that all those dire consequences could come to pass. Mr. Sawka stated that Council should make them go before the Zoning Board.

George Petronis, Browns Mills – 1. Asked if is correct that they will only develop the property but will not be running the actual business. Stated he would like to know more about the economic impact and does not feel they can truly answer that without having the business partner with them. Asked if employees and contractors will be local. Stated he does not think it is a bad idea, but they need to know how the property will be operated to know if it will be a good idea or not.

James Boland, Browns Mills – 1. Commented on the impact this will have and the sound issues. Stated this will be visually impactful to the residents on Birmingham Road. Noted that Council should work with the residents in that area. Commented on the PILOT program and the schools not getting money from it. Noted that the Township should make sure that the schools are taken care of.

Seeing no other residents wishing to be heard, this portion of the meeting was closed to public comments.

Mayor Patriarca noted that this property has been targeted by the Township for at least four decades to be developed and is zoned for development and therefore they could go before the Planning Board and get the approvals. Noted that one of the benefits of areas in need of redevelopment means that the Township can better control what business would go there. Stated he believes that the property should be redeveloped and knows that Mr. Patel could get it done but did mention that he does not think an auto house is the best use. Commented on the benefits of the PILOT Program and the distribution of the monies. Noted that the school is not getting a large financial windfall from that property now. Stated that he does not feel that it is the township's responsibility to get the school out of their financial crisis. Stated he does feel that the Municipality has an obligation to assist them in this area with development when it is appropriate but he also believes that the school district has a responsibility on their end to manage their monies and does not know that this is being done in the most efficient way. Commented on being concerned about the Townships effect on other towns when developing as they do not worry about us when they are development. Noted the empty warehouses that are still paying taxes and that he would prefer to see them with businesses in them. Commented on the types of businesses and the impacts they have.

Mr. Gouin summed up and agreed with 95% of what the Mayor said. Commented on the number of employees and the stormwater management issues. Noted the comment made by a resident about skipping the approvals and stated that this is exactly what the developer is trying not to do by coming here and giving this presentation. Addressed various issue that were presented by residents. Noted that development would be a win for the school because it would be a developed property that was not developed before. Council President Burton asked if they had taken into consideration the hours of operation for the business. Mr. Patel advised for an auto auction it would be a 9 to 5 operation with a warehouse being more hours. Asked for a copy of the traffic study to be provided to Council when it is done. Mr. Patel commented on having clarity to know what they can do and will supply any information to Council. Stated his commitment is to get this property developed whether it is an auto auction or something else and either way they are committed to Pemberton.

Council President Burton asked the Mayor where we go from here and if we are asking for a Planner to be involved. Mayor Patriarca stated if Council was willing to look at this to be an area in need of redevelopment, they would certainly bring a Planner in and would assign it to the Planning Board. Mr. Bayer asked for Councils consensus on how they want to proceed. Councilwoman McCartney noted she would like to see development move forward and bring business into the Township. The rest of Council agreed to getting the

Townships Planner involved. Mr. Bayer confirmed with Mr. Gouin that they would post an escrow and explained to Council that, as the developers, they would post escrow so the cost of the Planner would not be on the Township. Mr. Gouin agreed.

PUBLIC COMMENTS

Lisa Vandergrift & Sheila, Browns Mills – 1. Noted that she was here 2 to 3 years ago about the same issue. Noted that she has rats and roaches running around because of an issue with her neighbors. Showed photos of the home and the issues she is facing because of it. Noted that Code Enforcement and the Board of Health have been out and that she has had to call her own exterminator for the rats and roaches. Commented that trash has been there for over a month and it keeps being added to. Stated that the garbage men only pick up a couple of bags and then leave the rest. Advised she had contacted the trash company who stated that the issue was the Townships and they would not be picking up the trash. Commented that the house is disgusting, and she should not have to live like this. Noted that the County has advised they will not do anything because Code Enforcement is already dealing with it and taking it to court. Councilwoman McCartney asked what the process is to condemn a building. Mr. Bayer noted he would look into and report back to the Township Clerk. Councilman Allen asked if Mr. Bayer could investigate what other options are available. It was noted that the house in question was 1030 Hanover Boulevard. Discussion ensued on what the County Health Department can do. Mayor Patriarca noted that the Township has reached out to the County on this residence and advised that we are doing what we can under the statutes we currently have. Advised that the County does have a responsibility to address things. Commented on the garbage contractor and getting them to pick up the garbage. Council President Burton stated that to her it seems that there is a break down there and different services may need to be called such as mental health services. Discussion ensued on what can be done, and it was noted that we may need to revisit the ordinance.

Sherry Lensky & Carolyn Smith, Belaire Estates – 1. Commented on the new management of the mobile home park and the new rules. Advised on items that management is saying they need to get rid of. Noted that they have gone from a twice a week trash pickup to once a week. Added that they are also being threatened with eviction. Discussion ensued on the property being private and not actual township property. Advised that they have talked to Code Enforcement and that there were questions as to who they must listen to. It was noted again that this was private property. Mayor Patriarca agreed that we as a Township would not have the authority over a private property. Mr. Bayer asked that they send an outline to the Township Clerk so he can review them to see what issues, if any, the Township can address. Ms. Lensky brought up some issues that she felt the Township should be looking into. Discussion ensued on what the requirements for the mobile home park were. Mayor Patriarca noted they will look into the site plan approvals. Mr. Bayer noted that the site plans came up during the road issue. Mayor Patriarca noted that they are still responsible to adhere to the original site plan approval regardless of who owns it.

Robert & Sharon Warren, Pemberton – 1. Noted that they were in front of the Board a while ago about their neighbor running a business and they have gotten some progress with that, but they are now running into a new issue. Mr. Warren showed Council photos of vehicles parked in the roadway that are hindering traffic making it difficult for them to navigate into their property. Advised that they are asking what it would take to get no parking signs on their street. Discussion ensued on the legality of the parking, code enforcement issues and the illegal business being operated on the property. Councilman Gardner asked Mr. Hornickel to advise Code Enforcement about all the structures and sheds on that property as well. Mr. Warren advised on things the property owners were told to do by Code Enforcement and still have not done.

James Boland, Browns Mills – 1. Congratulated Council President Burton on her nomination to Council President. **2.** Commented on Seldat and noted that we need to know how much they are paying in taxes now, what the property taxes were when the property was empty and how much of the taxes the school is getting. **3.** Commented on the Police Chaplains comments at the last meeting regarding garbage and speeding. Agreed with Council President Burton's comments about some social work that needs to be done. Commented on Council meeting with other civic associations which is allowed. Stated he should be starting an organization with the people that just left regarding code enforcement issues. Noted the Mayors comments from the last meeting about traffic violations and tickets not being given out and stated he feels the same way about the amount of code violation tickets being issued.

America Phillips, Presidential Lakes – 1. Wished everyone a happy new year. Asked the Mayor for an update on the firehouse in Presidential Lakes. Mayor Patriarca noted that they are scheduled for an inspection on Friday for a certificate of occupancy on the building. Noted that there are some minor things for cleanup, and they are waiting on the sign, which is on the agenda for approval. Ms. Phillips asked about vehicles going in the building. Mayor Patriarca advised that they will not go in until there is a certificate of occupancy. **2.** Ms. Phillips asked who filled the holes on Upper Mill Road. Mayor Patriarca noted that he hopes it was the State because it is their road but that he would check into it. Ms. Phillips stated that whoever did it did a good job and she is thankful. **3.** Commented on the garbage in the center isle of Country Lakes being picked up and asked why they do not do that in Presidential Lakes. **4.** Commented on the tires on Spring Lake Boulevard. **5.** Noted the need for resurfacing of the basketball courts and the tennis courts. Commented that things need to be done before the Spring. **6.** Commented on wanting porta pots for the kids at the ballfield. **7.** Asked who is responsible for the fire hydrants in Belair Trailer Park.

Geroge Petronis, Browns Mills – 1. Asked if the work on Press Avenue is pretty much done except for the speed tables. Mayor Patriarca said there may be a bit of shoulder work to be done. Mr. Petronis noted that he would like to repeat his delight on the work done and gave kudos to Public Works.

Mike Sawka, Pemberton – 1. Commented on a sinkhole at the end of his driveway and noted that some one had come out to put a patch on the macadam side. Noted that there is also a storm sewer manhole there and it is sinking. Stated he will no longer put dirt in it as it is a foot deep and 2 feet wide. Stated that the concrete pipe needs to be repaired. **2.** Thanked Mr. Hornickel for being responsive to his requests. **3.** Commented on the Township Code being out of date. **4.** Advised that he had gone to the County Health Department and the issues he faced. **5.** Commented on Animal Control and the issues with repeat loose dogs. Stated that there was no longer any enforcement because there is no animal control officer. Mayor Patriarca advised that he has had this conversation and stated that most towns are dealing with this issue throughout Burlington County. Added that he has brought it up with the County Health Department and they are looking at bringing it into the County. Discussion ensued on the various issues.

Joseph Huber, Browns Mills – 1. Wished all a happy new year and congratulated Council President Burton. **2.** Noted that he is on the School Board and has been appointed as the liaison. Noted that he did hear about the issues that the Chaplain brought up about cleaning up the town. Council President Burton advised that she had spoken to TAG and the Pinelands Family Success Center.

Seeing no other residents wishing to be heard, this portion of the meeting was closed to the public.

MEETING MINUTES

Regular Meeting Minutes of December 4, 2019 and December 18, 2019.

It was noted that the December 18th Meeting Minutes would need to be pulled as there were not enough Council members present to complete the vote.

Motion by Gardner and McCartney to approve December 4, 2019 Meeting Minutes. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

***CONSENT AGENDA**

Consent Agenda: All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

Councilman Allen asked to pull Resolution 45-2020, 46-2020 and New Business item a1 and a4.

***CONSENT AGENDA RESOLUTIONS**

45-2020 *Pulled from the Consent Agenda and considered later in the meeting.*

46-2020 *Pulled from the Consent Agenda and considered later in the meeting.*

47-2020 Authorizes cancellation and refund of property taxes on property owned by a

qualifying totally disabled Veteran.

- 48-2020 Authorizes the use of Affordable Housing Trust funds for Housing Rehabilitation Program on Block 48, Lot 31 in the total amount of \$20,000.00.
- 49-2020 Authorizes change order #1 for additional Small Cities Community Development Block Grant funds for a Housing Rehabilitation Project at 28 Newcomb Drive in the amount of \$1,100.00.
- 50-2020 Authorizes change order #1 under the contract awarded to AC Schultes, Inc., for Well Evaluations of the Deborah Hospital Water System in an amount not to exceed \$15,000.00.
- 51-2020 Authorizes the transfer of funds in the total amount of \$22,000.00.
- 52-2020 Authorizes a contract with Adams, Rehmann & Heggan for a Waste Water Treatment Plant Capacity Study in an amount not to exceed \$27,000.00.
- 53-2020 Authorizes change order #1 and final payment under the contract awarded to Insituform Technologies, LLC for cured-in-place piping along Harvard Avenue in the amount of -\$2,295.00.
- 54-2020 Authorizes contract with Adams, Rehmann & Heggan for Engineering, Bidding and Construction Management service for the Oak Pines Boulevard Drainage Repair Project in an amount not to exceed \$31,900.00.
- 55-2020 Authorizes contract with Adams, Rehmann & Heggan for Engineering and Surveying Services for the Pine Mill Lake Dam in an amount not to exceed \$29,980.00.

NEW BUSINESS

*a. Purchases over \$3,000

- 1. Recreation Department - Weekly Cleaning Services for Recreation Buildings from OTC of Burlington County in the yearly amount of \$8,207.64. *Pulled from the Consent Agenda and considered later in the meeting.*
- 2. Fire Department - Sign for Presidential Lakes Fire Building from Effective Sign Works, in the total amount of \$4,299.00.
- 3. Tax Assessor Department - Tax map maintenance for 2020 from Adams, Rehmann & Heggan in the total amount of \$5,000.00.
- 4. Community Development Department - Relocation Services for a business and residence at 46 Juliustown Road and 11 Bank Street respectively from Phillips, Priess, Grygiel, Leheny, Hughes, LLC, in the total amount of \$8,800.00. *Pulled from the Consent Agenda and considered later in the meeting.*

Motion by Gardner and McCartney to approve the Consent Agenda as amended. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

RESOLUTIONS

- 45-2020 Authorizes the sale in CY2020 of scrap metal not needed for public purposes. *Pulled from the Consent Agenda.*

Councilman Allen asked if we knew approximately how much money was generated each year with the sale of our scrap metal. Mr. Hornickel noted that it was under \$5,000.00 and explained that for the Police vehicles it must go back into the budget.

Motion by Allen and McCartney to approve Resolution 45-2020. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

- 46-2020 Authorizes the sale in CY2020 of scrap Township owned vehicle not needed for public purposes. *Pulled from the Consent Agenda.*

Councilman Allen asked how many vehicles we intended on scrapping. Mr. Hornickel advised it was between 5 and 10 at the most.

Motion by Allen and McCartney to approve Resolution 46-2020. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE 1-2020

AN ORDINANCE AMENDING ORDINANCE 10-2019 WHICH ESTABLISHED CY2019 SALARIES FOR CERTAIN EMPLOYEES AND ELECTED OFFICIALS OF THE TOWNSHIP OF PEMBERTON

Motion by Allen and Gardner to introduce Ordinance 1-2020 with a public hearing to be held on February 5th, 2020. Allen, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

ORDINANCE 2-2020

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF BLOCK 894, LOTS 56, 76, 86 AND 88.02 BY WAY OF QUITCLAIM DEED

Motion by McCartney and Gardner to introduce Ordinance 2-2020 with a public hearing to be held on February 5th, 2020. McCartney, yes; Gardner, yes; Allen, yes; Burton, yes. Motion carried.

NEW BUSINESS

*a. Purchases over \$3,000

1. Recreation Department - Weekly Cleaning Services for Recreation Buildings from OTC of Burlington County in the yearly amount of \$8,207.64. *Pulled from the Consent Agenda.*

Councilman Allen asked about the Nesbit Center not being listed under the cleaning services and if there were a reason why. Mayor Patriarca advised that the building was occupied and under contract with BCCAP and they have an obligation to clean it. Noted that we still held the option to rent it out, but it does not get much use.

Motion by Allen and McCartney to approve New Business item A1. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

4. Community Development Department - Relocation Services for a business and residence at 46 Juliustown Road and 11 Bank Street respectively from Phillips, Priess, Grygiel, Leheny, Hughes, LLC, in the total amount of \$8,800.00. *Pulled from the Consent Agenda*

Councilman Allen asked if Mr. Hornickel could explain the program and exactly what services were provided. Mr. Hornickel explained the expenses and provided an explanation of the program.

Motion by Allen and Gardner to approve New Business item A4. Allen, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

REPORTS & COMMUNICATIONS

- a. Engineer's Report – 1/9/2020 - No Discussion.

BILL LIST

Approval by Council required for payment of vouchers

- a. Bill List dated 1/10/2020

Motion by Gardner and McCartney to approve the Bill List. Gardner, yes; McCartney, yes; Allen, yes with the exception of any and all grants and bills pertaining to the NJ State Police or the Attorney General's office; Burton, yes. Motion carried.

- b. MUA 2019 Bill List dated 1/10/2020

Motion by McCartney and Gardner to approve the Bill List. McCartney, yes; Gardner, yes; Allen, yes; Burton, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: Nothing to report.

MAYOR'S AND/OR BUSINESS ADMINISTRATOR'S REPORT:

Mayor Patriarca reported: Advised that he had already spoke about the firehouse. Noted that we are in the process of moving the former Police locker rooms and records storage facility and will be moving forward with the addition to the Police Department that was already approved by Council. Advised that Hornets Lane had some stormwater issues which were addressed by Public Works. Added that they also addressed another drainage issue on West Virginia Drive by installing a catch basin and pipe. Commented that they started the site triangle work on West Lakeshore Drive. Noted that the transition between the former MUA and the Sewer Division is going very well. Added that they are about 95% transitioned with very minor things being worked on. Complimented Mr. Hornickel on all the work he is doing and making this a smooth transition as well as the employees that came over. Advised that they would be coming to Council in the near future with some plans that they have for this program moving forward that both residents and Council will be pleased to hear.

Daniel Hornickel reported: Advised that they will be providing the 2019 Volunteer Fire and EMS Department report to Council. Noted that the Fire Departments operation plan was recently approved by the NJ Office of Homeland Security and he is anticipating that at the next Council meeting they will be asking Council for approval to submit the County Hazardous Mitigation Plan. Commented on the Sewer Division and a cleaning project on the digester which should be done every 10 years and should be done by the end of March at the latest. Noted that the NJ DEP has approved all the permit transfers. Advised on a permit that had not been renewed by the MUA and should have been done about 9 months ago and he is now working with the DEP. Added that in the meantime the DEP has administratively extended the old permit until the new one is complete.

COMMENTS BY COUNCIL MEMBERS:

Councilman Gardner – Commented that many residents want to know why they say yes or no so quick. Noted that Council meets with the Mayor and Business Administrator prior to the meetings to get their questions answered so they are not just saying yes or no. Asked the Mayor to get Council the information that Mr. Boland had asked for regarding Seldat. Mayor Patriarca stated he would look into it. Councilman Gardner noted that he was in agreement with Ms. Phillips about resurfacing the basketball and tennis courts as they do get used and need to be ready before summertime. Noted that Council does not just look at projects because of money but does look at everything. Agreed with Mr. Huber on getting kids out to help and he would come out to help them pick up trash. Noted that he had bumped into the Police Chief at Wawa and he was wearing a body camera.

Councilman Allen – Thanked everyone for coming out.

Councilwoman McCartney – Thanked Sunshine for doing the website and for adding the foodbank to the website. Noted that the department reports were being worked on. Thanked the residents for coming out to the meeting and sharing their concerns.

Council President Burton – Advised that the High School would be having an Adams Family musical in February and that the prom would be on April 11th. Noted that there would be a TAG meeting on February 3rd at 6:00 pm in the library. Commented that there would be an Easter Egg Hunt on April 12th and a 5K Superhero Run on April 25th. Advised on the Pinelands Family Success Center and an event they were holding the next day entitled, “Embracing Caregiving”. There would also be a healthcare application assistance program and a team youth initiative, which is a mentoring program which will begin on January 23rd. Advised that International Revival Tabernacle had started up their “Bread & Blessings” food pantry again and all in need are welcome from 4 pm – 6 pm the 1st and 3rd Thursday of the month. Commented that the library had several unique performances with R & B groups if you go to their website you can get more information. Added that they will also be hosting a training given by Rutgers Medical School for anyone interested in learning how to help those that suffer from drug addiction. Thanked everyone for their comments and concerns and asked for all to get home safe.

Councilman Gardner – Advised that on Monday January 20th it is Martin Luther King Day of service and it is not a day of service to go to church but a day to serve within your community and do something positive. Invited all to go out to Friendship AME Church and noted that he believed Emmons School might be holding their annual event at Buttonwood Hospital, handing out tissues to the residents there.

The meeting was adjourned at approximately 9:00 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk