

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**February 3, 2021**

**6:00 P.M.**

**FLAG SALUTE**

Township Clerk, Amy P. Cosnoski, 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**

Jason Allen (Teleconference)  
Paul Detrick (Teleconference)  
Donovan Gardner (Teleconference)  
Elisabeth McCartney (Teleconference)  
Gaye Burton (Teleconference)

**ABSENT**

Also, present via teleconference: Business Administrator Daniel Hornickel, Solicitor Andrew Kuntz and Township Clerk, Amy P. Cosnoski.

Mrs. Cosnoski advised this meeting was being held entirely virtual and that all members of Council, as well as the Business Administrator, Solicitor, Andrew Kuntz sitting in for Mr. Bayer and herself were all using teleconference for the meeting.

**CALL TO ORDER**

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

**CLOSED SESSION**

54-2021 Authorizes Council to go into Closed Session – Not Adopted

**PUBLIC COMMENTS**

Council President Burton opened this portion of the meeting for public comments.

**Corinne Kemp, Browns Mills – 1.** Had no comments.

**George Petronis, Browns Mills – 1.** Asked for a reminder about the issue with American Water and Sunbury Village. Mr. Hornickel advised that they had tried to entice American Water to sell the Township the Sunbury Village water system and they declined. Mr. Petronis asked if it would be possible to obtain it through eminent domain. Mr. Hornickel advised that would be something for the legal team to look into, but was not an option at this time.

**James Boland, Browns Mills – 1.** Stated he had sent three questions and hopes they will be addressed. Noted that one of the questions was regarding cameras. Stated we should weigh the cost of the \$10,000.00 camera against 24-hour police surveillance and thinks the camera would be a justified expense. Hopes this will be looked into. **2.** Commented on Animal Control and hopes that more can be done about the issues with the cats and TNR. **3.** Stated that community service would be a great idea instead of just issuing fines for code enforcement violations. **4.** Questioned if any of the chemicals found in the lake water were found anywhere else. **5.** Noted the restoration plan for the facility on Lester Street. Stated it is by far the worst kept facility in the Township. Questioned why it was so bad for so long and noted that he had found that most of the surrounding properties were owned by out-of-town investors. Advised it was good for the nearby properties that it is being restored.

**Michelle Forman, Browns Mills – 1.** Commented that Council President Burton would get back to her about the Animal Control issue and asked when she would be doing that. Council President Burton advised this was answered at the last meeting. Mr. Hornickel agreed it had been addressed with the issuing of ticket books. Ms. Forman stated she did not feel this would fully address the issue. Council President Burton advised her to file complaints if she had any so that they are aware of the issue. Ms. Forman asked if another Animal Control officer would be hired. Mr. Hornickel advised that we have an outside company doing this and that there was no intent to hire an in-house animal control officer. Ms. Forman felt unsatisfied with the responses she is receiving. **2.** Stated that she had been in a bad accident and that Officer Brewer helped her and she was thankful.

**Mr. Patel - 1.** Had no comments.

**Brian Shemesh, Giordano Law Firm – 1.** Had no comments.

**Questions submitted to the Clerk via Email:**

The following questions were submitted to the Township Clerk's office by James Boland. The Township Clerk read them into the record – **1.** Please consider having a single police officer constantly present in a target neighborhood as a way to reduce crime. Would be covered by 3 8-hour shifts and cost the total of 3 officers salaries plus cost of additional breaks and coverage for days off. Would also include costs for transportation and body cameras. Noted that if you compare this to the \$10,000.00 cost for the camera it is cheaper. Commented that in the past both the Mayor and Solicitor commended the purchase and use of cameras through grants. Stated that there have been several shootings and asked what on earth they are waiting for. **2.** Stated that while the Mayor stated we do have issues with stray cats, the residents want the cats removed and not returned to their location. Noted he had made a suggestion and is once again asking that it be considered. Stated that an ordinance would be done to allow TNR with a clause that if the property owner did not want the cat returned, they could request removal. Asked for a concrete legal reason why that would not be allowable and to advise the public what can be done with the suggestion. **3.** Noted that Jackson Township has a penalty of community service for violations and he thinks that is great. Stated that people here are content to pay a fine, but there, people realize it is easier to clean up their mess instead of do community service. Stated that community service can be a good and positive experience for the town and we already know it is possible and asked if we are willing to do it here.

Councilman Gardner questioned if someone was allowed to have both a public comment time and also submit questions in order to obtain more than the allotted five minutes. Mrs. Cosnoski stated she would have to look into that.

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

**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 Resolutions 61-2021.

Mr. Hornickel asked to pull Resolution 62-2021. Explained to Council why they no longer wanted to move forward with this resolution per the instruction of the DVRPC to consider price complete and separately the firms that are planning to do the work. Noted we will be doing an RFP/RFQ instead.

Councilman Gardner asked to pull Resolutions 58-2021, 59-2021 and 60-2021.

Councilwoman McCartney asked to pull Resolution 51-2021.

**\*CONSENT AGENDA**

**\*MEETING MINUTES**

Reorganization Meeting Minutes of January 6, 2021 and Regular Meeting Minutes of January 20, 2021.

**\*CONSENT AGENDA RESOLUTIONS**

- |         |  |
|---------|--|
| 55-2021 | Authorizes various routine refunds.  |
| 56-2021 | Authorizes preliminary approval for Farmland Preservation on Emmons Home Farm, Block 805, Lots 1 & 2 and Emmons West Farm, Block 804, Lots 5.01 & 6.01.                        |
| 57-2021 | Authorizes payment request No. 1, under the contract awarded to Charles Marandino, LLC, for Streetscape Improvements to Pemberton-Browns Mills Road.                           |
| 58-2021 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 59-2021 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 60-2021 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 61-2021 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 62-2021 | Authorizes the use of competitive contracting for the procurement of Professional Planning Services through the Request for Proposals Services. <i>Pulled from the Consent</i> |

*Agenda.*

63-2021 Authorizes renewal of Plenary Retail Consumption Licenses.

**\*NEW BUSINESS**

A. Purchases over \$6,000

1. Public Works – Two Aluminum Trench Boxes with spreaders and sling from Trench Tech, Inc. in the total amount of \$16,604.00.

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

**RESOLUTIONS**

58-2021 Amends contract with Synovia Solutions for additional GPS units. *Pulled from the Consent Agenda.*

Councilman Gardner asked if they can be used to dispatch to precise work locations. Mr. Hornickel advised that they could and would send the closest person to the locations if an urgent need arises. Mr. Hornickel noted that the Public Works Supervisors have access to the GPS locations and can make adjustments if necessary. Councilman Gardner questioned if they are sent out to fix a sewer pipe and go to the wrong location what happens. Mr. Hornickel advised that the sewer mapping was something else and that this purchase is for GPS units for inside of the vehicles.

Motion by Gardner and McCartney to approve Resolution 58-2021. Gardner, yes; McCartney, yes; Detrick, yes; Allen, yes; Burton, yes. Motion carried.

59-2021 Authorizes a contract with All Risk, Inc., for Restoration of Lester Street Well House for the Department of Public Works, Water Division, in the amount of \$33,675.00. *Pulled from the Consent Agenda.*

Councilman Gardner questioned if the final cost comes over the total would be paid by insurance and the reimbursement would be made from the other company. Mr. Hornickel advised that was correct and explained what had happened in this incident that caused the damages.

Motion by Gardner and Allen to approve Resolution 59-2021. Gardner, yes; Allen, yes; Detrick, yes; McCartney, yes; Burton, yes. Motion carried.

60-2021 Supports New Jersey Department of Transportation Safe Routes to Schools Program. *Pulled from the Consent Agenda.*

Councilman Gardner noted that this was a great program and asked if there was a bike path. Mr. Hornickel noted that they were working with Cross County Transportation Management Association to improve the safe routes to school for walking and biking. Stated they are also working with the school district on this and doing parent surveys. Added that Cross County will be doing an education program for the parents to encourage walking with the kids or biking with them to school. Councilman Gardner asked if there will be locations to lock bikes up. Mr. Hornickel advised if there are none, we can submit for funding to add them in. Councilman Gardner asked if there would be crossing guards for this. Mr. Hornickel advised that if this was to happen, we would have to look into hiring another crossing guard. Councilman Gardner suggested a program to do bike safety checks in August before school starts. Mr. Hornickel stated they can suggest that to Cross County as part of their program.

Motion by Gardner and McCartney to approve Resolution 60-2021. Gardner, yes; McCartney, yes; Detrick, yes; Allen, yes; Burton, yes. Motion carried.

61-2021 Authorizes the use of competitive contracting for the procurement of BLS Ambulance Services through the Request for Proposals Services. *Pulled from the Consent Agenda.*

Councilman Allen asked how this affected our current EMS Contract. Mr. Hornickel advised On the current contract with Virtua and had upgraded the specifications we were using. Advised Virtua of what they were doing and why we would not be extending their contract for the 2 subsequent years, regarding taking patients to Mount Holly rather than right to the

Deborah Emergency Room. Asked for Council to consider using competitive contracting to consider other factors instead of just price.

Motion by Allen and Gardner to approve Resolution 61-2021. Allen, yes; Gardner, yes; McCartney, yes; Detrick, yes; Burton, yes. Motion carried.

## **ORDINANCES FOR SECOND READING AND PUBLIC HEARING AND/OR ADOPTION**

### **ORDINANCE NO. 1-2021**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPROVING REDEVELOPMENT OF THE SOUTH PEMBERTON RD REDEVELOPMENT AREA, CONSISTING OF BLOCK 790, LOT 1; BLOCK 791.01, LOT 1; BLOCK 791.02, LOT 1; BLOCK 792, LOT 1; BLOCK 793, LOTS 2.01, 3, 4.01, 4.02, 5, 6, 7, 8, 9, & 10.17; AND BLOCK 1999 LOT 2.

Council President Burton opened this portion of the meeting to public comment.

**Corinne Kemp, Browns Mills – 1.** Had no comments.

**George Petronis, Browns Mills – 1.** Asked if Mr. Shemesh was a representative of the developer and if he could talk ahead of everyone. Mrs. Cosnoski advised she would ask.

**Mr. Shemesh, Giordano Law Firm & Steve Goen – 1.** Noted that they were not there to make any comments but could answer questions if there were any and stated he would defer to Mr. Goen to answer said questions.

**George Petronis, Browns Mills – 1.** Stated that he was at the Council when the presentation was originally done and spoke to him outside of the meeting. Noted he was struck by the fact that he was very positive that it would be great, but when he talked to him separately, he was looking to get funding from the County and the Township so as not to take on all of the risk by himself. Stated he also felt he did not see that this would develop jobs for township residents. Noted he is glad that this ordinance was changed to encourage employing township residents and removing car auctions. Stated we should watch this developer like a hawk to make sure that all requirements are met.

**James Boland, Browns Mills – 1.** Stated he feels that this is only an area in need of redevelopment because development had already begun. Noted that this area has been a hot spot for various reasons. Commented that he finds it striking that the way that it is presented in the ordinance is not transparent. Noted that he would like to know what the exact plans are for this area as it is not in the ordinance.

**Mr. Patel, - 1.** No comments.

**Michelle Forman, Browns Mills – 1.** Asked what area this was located in? Mr. Hornickel advised this area is located on Route 530 also known as South Pemberton Road. Ms. Forman asked how many acres it was. Mr. Hornickel noted it was a couple hundred acres. Ms. Forman asked what was being put there. Mr. Hornickel advised that was yet to be determined as this was only to approve a redevelopment plan on those parcels.

Mrs. Cosnoski addressed an additional caller but they did not respond.

Mr. Hornickel wanted to address Mr. Boland's comments and noted that this entire process has been completely transparent. Advised that Mr. Patel had come to the Council meeting and made his proposal and plans for the property. Stated that CME & Associates had gone out and done the study. Noted that this had also gone before the Planning Board on no less than 2 or 3 occasions with testimony from Chris Dochney from CME. Stated that the Township has been completely transparent and has made both the study and the plan available to the public. Stated that if Council will entertain a motion to adopt, the Council had a discussion to make some modest changes including the sidewalks and the height of the building.

Mr. Kuntz advised that we are moving to adopt the ordinance with the amendments that were made and approved by Council at the last meeting.

Motion by Detrick and Allen to adopt Ordinance 1-2021. Detrick, yes; Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

ORDINANCE NO. 2-2021

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON REPEALING ORDINANCE 25-2020 BY AMENDING CHAPTER 182 SECTION 31 OF THE TOWNSHIP CODE ENTITLED VEHICLES AND TRAFFIC SCHEDULE A: NO PARKING TO PROHIBIT PARKING ON THE SOUTH SIDE OF THOMAS STREET.

Council President Burton opened this portion of the meeting to public comment.

**Corinne Kemp, Browns Mills – 1.** Had no comments.

**George Petronis, Browns Mills – 1.** Had no comments.

**James Boland, Browns Mills – 1.** Stated that he would like to make a point of order and asked if his questions would be answered tonight. Mr. Hornickel advised he would answer 2 of the 3 questions during his comments. Councilman Gardner advised that this time was to discuss Ordinance 2-2021. Mr. Hornickel noted that the third question could not be answered as the Mayor is not here to answer. **2.** Commented that he is curious to know what the parking issue is and what is really going on. Mr. Hornickel advised that they are not repealing this they are correcting it. Noted that it was explained in a previous meeting that they identified there was a mix up in the side of the street. Asked him if he would like to live on a street where your main access route is a 50-mph road and you could not see in either direction because there are large trucks parked on either side of the street. Mr. Boland thanked him for the explanation and he admits he was confused but now understands.

**Michelle Forman, Browns Mills – 1.** Stated she is very disappointed in Council for agreeing to destroy how many acres to allow unknown development.

Motion by Gardner and McCartney to adopt Ordinance 2-2021. Gardner, yes; McCartney, yes; Detrick, yes; Allen, yes; Burton, yes. Motion carried.

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

**BILL LIST**

Approval by Council required for payment of vouchers on Bill List dated 1/29/2021.

Motion by Gardner and Detrick to approve the Bill List. Gardner, yes; Detrick, 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.

**SOLICITOR'S REPORT:**

**Mr. Kuntz reported:** Nothing to report.

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

**Daniel Hornickel reported:** Advised that Public Works had gone out and cleared the snow by salting and preparing the roads for the heavy snowfall we received. Stated that we had dropped about 250 tons or so, of salt across our roads to keep them safe. Noted that buildings and grounds was busy cleaning up the Sun Bank property and delivering recycling buckets to residents that requested them. Advised that in January, the Fleet Department had done 151 repairs including major repairs to heavy equipment. Stated that the Sewer Division staff had installed a plunger pump that was approved by Council. Noted that this was a major project and was a 2,000-pound pump. Noted that in regard to Mr. Boland's questions about the cameras, Administration had asked the Engineer to do a traffic study in Sunbury Village to consider measures for traffic controls that we could use to diminish criminal activity in Sunbury Village. Advised that the Engineer completed that study and it was sent to Council last week. Noted that there will be a meeting with Sunbury residents on February 25<sup>th</sup> and hope to have a flyer out tomorrow. Noted that due to COVID restrictions, only 35 residents will be able to attend. Stated that this is something that we would like to try before cameras, because we feel it might be a better solution over a longer period of time. Commented on the suggestion for community service and noted that he had advised Mr. Boland that he would run it by Code Enforcement and Community Development supervisors to get their input. Stated that Mr. Benedetti reminded him that he had dealt with this same issue when working

for the County. Advised that while this program works well in thought, it is a disaster to Administer. Explained the various issues including hiring someone to supervise someone doing community service and none of our supervisors are currently qualified to do this in their job descriptions. Noted other headaches that they faced with people showing up early or late and conflicts that some had with others while performing their duties. Noted that if a conflict arises, you then have to call the Police to come in and deal with it. Stated he appreciates the suggestion and Mr. Boland's thinking of ways to address things. Noted that Mr. Boland is alert and conscious of our code enforcement functions. Stated that it is a continuous challenge and all are trying to stay on top of it. Noted that in regard to Ordinance 1-2021, he understands that this was an area that was in disrepair for decades and was once a mining operation. Stated that this property was left in disarray and is why developers have stayed away from it. Noted that council not only approved it, they stated what they do not want there and what they expect. Advised that anything planned for this area will still have to go through the proper channels by applying to the Planning Board and presenting them with plans to be considered before anything is done. Added that the process will continue to be transparent between the Council and the Planning Board processes. Stated he appreciates Council approving this and hopes to see a beneficial use for residents and the town.

#### **COMMENTS BY COUNCIL MEMBERS:**

**Councilman Gardner** – Stated that he does not appreciate comments that the Council is not being transparent. Noted that everything that is done is available to the public and was spoken about at the meetings. Commented that some times you may have questions that they cannot answer right away but that they will get back to you with an answer when possible. Noted his appreciation for Mr. Hornickel being here and the knowledge that he brings with him. Stated you may not always like the answer you are given but that does not mean that we are not transparent. Advised that many times the same questions are asked meeting after meeting and explained over and over again. Asked for people to continue wearing their masks and being safe during COVID. Noted the numbers here in the Township. Thanked everyone for coming out.

**Councilwoman McCartney** – Commented that the 125-page redevelopment plan was introduced, discussed and reviewed by all of Council. Noted that there are restrictions for things that cannot be placed in this area. Noted that it has been a long time since redevelopment has happened and that a lot of research went into this. Feels this will be a positive thing for residents to look forward to and will bring something good to our town. Noted that in regard to the questions being sent in and asked at the meeting, the website does not specify that they cannot ask the questions again at the meeting. Mrs. Cosnoski advised she would look into this. Asked that everyone stay safe.

**Councilman Detrick** – Asked what an aluminum trench box was. Mr. Hornickel advised this was a piece of safety equipment to protect workers while working inside of a trench to protect them if the trench were to collapse.

**Councilman Allen** – Stated he was hoping that Council and Administration would be in agreement to draft up a letter of appreciation for some of the local businesses that have been around for more than 5 years, to show them that we do appreciate them for sticking around especially through COVID. Asked that everyone stay well.

**Council President Burton** – Thanked everyone for calling in with their questions and concerns. Noted that there was transparency throughout the process of approving both ordinance 1-2021 and 2-2021. Stated she thinks that Amy read Mr. Boland's questions even though he touched on them, so that everyone could hear what his questions were and allow for answers to be given. Stated she is not sure if the resolution regarding the submission of questions needs to be changed but that they will look into that. Thanked the crew of employees that were out working in the snow to clear the roads. Noted that she received several calls from residents that were very pleased. Asked that all continue to be safe as we are now dealing with new strains of the virus.

The meeting was adjourned at approximately 7:27 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk