

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**April 1, 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**

Donovan Gardner  
Jason Allen  
Elisabeth McCartney  
Gaye Burton (Teleconference)

**ABSENT**

Norma Trueblood

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

**CALL TO ORDER**

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

Mrs. Cosnoski explained to the public how the process would work and then opened the meeting to the public.

**PUBLIC COMMENTS**

**James Boland, Browns Mills – 1.** Asked about Resolution 106-2020 and if the money was coming from the General Public Fund, Sewer, Water or a combination of all. **2.** Asked if the RING program could be looked into again as there was a misunderstanding of information that was provided. **3.** Stated that he is no longer seeing results with Code Enforcement and asked if Mr. Benedetti is still in charge. **4.** Commented on new business items and asked where they are going. **5.** Questioned the cost of the fireworks for the Water Carnival and why it is so expensive and asked that this be re-evaluated. **6.** Question why certain expenses are separated, and others are all rolled into one thing. **7.** Asked who is really paying for the design services for the pump station. **8.** Thanked all for going through the extra trouble for making the meeting happen. Mr. Hornickel advised that the expenses would come out of the Sewer Utility budget and explained that we are short staffed in Code Enforcement due to the COVID-19 issue. Advised Mr. Boland if he knew of a cheaper fireworks company to have them contact us as we had contacted five already.

**Joseph Fallon, Browns Mills – 1.** Asked if the tax sale date had been moved due to the current circumstances. Mr. Hornickel advised it had been moved to June 17<sup>th</sup>.

**Doug Melegari, Pine Barrens Tribune – 1.** Hopes everyone is okay.

**George Petronis, Browns Mills – 1.** Noted the Mayors comments at a previous meeting to have employees stay on the job and commended the Mayor, Administrator and Council for the pressure they are under with this COVID-19 pandemic and keeping things going and stated his appreciation for all. Questioned if the Township property sale would be affected. Mr. Hornickel noted that we would be waiting to get through the tax sale. Mr. Petronis asked if there was any thought to organizing community watch groups to assist the Police in keeping things in order, or if there were any other ways the public could help out. Mayor Patriarca noted he would pass this along to the Police Chief as this is under his discretion. Suggested people contact the non-emergency number to report any non-emergent issues.

**Joseph Huber, Browns Mills - 1.** No comments.

**Ishana Allen, Browns Mills – 1.** No comments.

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

**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.**

Council President Burton asked to pull Resolution 96-2020. Councilman Gardner asked to pull Resolutions 100-2020, 101-2020 and 102-2020 and New Business item A5. Councilman Allen asked to pull New Business item A3. Mr. Hornickel asked that New Business item A2 be pulled from the Consent Agenda and voted on after the Ordinances. Councilwoman McCartney pulled Resolution 105-2020.

**\*CONSENT AGENDA**

**\*MEETING MINUTES**

Regular Meeting Minutes of March 18, 2020.

**\*CONSENT AGENDA RESOLUTIONS**

- |          |  |
|----------|--|
| 95-2020  | Authorizes various routine refunds, in the amount of \$2,940.74  |
| 96-2020  | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 97-2020  | Accepts the donation of one 2000 Chevrolet Astro Van from the Burlington County Prosecutors' Office to the Township of Pemberton.  |
| 98-2020  | Authorizes the Close Out of Legacy Burlington County Municipal Park Development Program Grants for Improvement to Various Township Parks and Facilities.                                     |
| 99-2020  | Authorizes an award of a Concession contract to US Sports Institute to run Youth Athletic Programs for the Pemberton Township Recreation Department, in an amount not to exceed \$17,500.00. |
| 100-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 101-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 102-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 103-2020 | Authorizes 2020 Emergency Temporary Budget Appropriations.   |
| 104-2020 | Authorizes a contract with Adams, Rehmann & Heggan Engineering Services for Emergency Streambank Repairs to Dominique Johnson Park in an amount not to exceed \$18,900.00.                   |
| 105-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 106-2020 | Authorizes a contract with Adams, Rehmann & Heggan for Engineering Design Services for Pump Station 2, 4 & 5 in an amount not to exceed \$35,000.00.   |

**NEW BUSINESS**

**\*a.** Purchases over \$3,000

1. Public Works – Fencing equipment from Herdt Fencing, Inc. in the total amount of \$5,388.00.
2. Public Works – 50 Water Fillable Traffic Control Barricades from Traffic Safety Store in the total amount of \$16,352.94. *Pulled from the Consent Agenda and considered later in the meeting.*
3. Public Works – 1 Self Retracting Safety Line from Amazon in the total amount of \$3,919.12. *Pulled from the Consent Agenda and considered later in the meeting.*
4. Public Works – Purchase and installation of Rolling Steel Door from Jammer Doors in the total amount of \$7,500.00.
5. Recreation – Geese Clearing Services from Geese Chasers in the total amount of \$6,384.00. *Pulled from the Consent Agenda and considered later in the meeting.*
6. Recreation – Fireworks for 2020 Water Carnival from Schaefer Pyrotechnics Inc. in the amount of \$9,000.00.
7. Public Works – Installation of new 300 Amp Services for new Public Works Building from Dazell Plumbing & HVAC Services, LLC in the amount of \$7,500.00

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

**RESOLUTIONS**

- |         |  |
|---------|--|
| 96-2020 | Authorizes the use of competitive contracting for the procurement of Computer Networking/Information Technology Services through the |
|---------|--|

Request for Proposal Process. *Pulled from the Consent Agenda.*

Council President Burton asked for an explanation on this Resolution. Mr. Hornickel asked for competitive contracting to be used to hire a company to service the Township's technology needs. Noted that they had previously gone out to bid and that contracting will allow for the consideration of knowledge of our software applications, quantity of experience in upgrading systems and other components that we should get from a contractor to assure that our needs are met. Asked that it be kept in mind that price is typically going to be 80% of the cost or so, but we still would like to be able to evaluate any prospective vendor to see if they meet the requirements.

Motion by Allen and Gardner to approve Resolution 96-2020. Allen, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

100-2020 Authorizes an agreement to use Treasure Island for the 2020 Pemberton Township Water Carnival. *Pulled from the Consent Agenda.*

Councilman Gardner stated that for Resolutions 100-2020 and 101-2020 he hopes that all will go off without a hitch as people will need something to lift their spirits.

Motion by Gardner and McCartney to approve Resolution 100-2020. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

101-2020 Requests permission from the New Jersey Department of Labor, Division of Workplace Standards, to conduct a public firework display at the 2020 Pemberton Township Water Carnival. *Pulled from the Consent Agenda.*

Motion by Gardner and McCartney to approve Resolution 101-2020. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

102-2020 Awards a contract to Whirl Construction under the Education Services Commission of New Jersey Purchasing Cooperative for pour-in-place resurfacing of Imagination Kingdom Park, in an amount not to exceed \$193,593.80. *Pulled from the Consent Agenda.*

Councilman Allen stated that it was great to receive this grant money for this project. Asked when this would be done and if it would be used to resurface the entire playground. Mr. Hornickel stated it would be and expected this to be done hopefully by May.

Motion by Gardner and Allen to approve Resolution 102-2020. Gardner, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried.

105-2020 Authorizes the Fifth Amendment to the Developer's Agreement between Pemberton Township and Danitom Development. *Pulled from the Consent Agenda.*

Councilwoman McCartney asked for clarification on this Resolution. Mr. Bayer provided an overview on the history between the Township and Danitom that started back in 2006. Noted that the Township is currently in litigation with this developer and explained why. Added that Archer and Greiner was the Special Counsel for the Township on the matter. Advised that this Resolution, if approved, should be approved subject to Danitom and Clear Edge approving this form of agreement. Noted that we usually have buy in from the entity prior to presenting to Council but given the timeline and delays they wanted to get this to Council as soon as possible. Discussion ensued on the property and the process. Councilwoman McCartney asked where this property was located. Mayor Patriarca explained that it is located behind the El Sombrero Motel off Trenton Road.

Motion by McCartney and Gardner to approve Resolution 105-2020, subject to Danitom and Clear Edge agreement being approved. McCartney, yes; Gardner, yes; Allen, yes; Burton, yes. Motion carried.

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

**ORDINANCE 6-2020**

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF

BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$1,700,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,615,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.

Mr. Bayer provided an explanation of the ordinance.

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

**James Boland, Browns Mills – 1.** Noted that his impression was that this was for multiple things, but that there was nothing showing how much goes where. Asked why so much is being borrowed and if anyone had enough money to begin with. Commented that the electric service upgrade for the Public Works building was not coming from the bond but other things were. Stated he felt this was not transparent enough.

**Doug Melegari, Pine Barrens Tribune – 1.** Asked if someone could highlight what the two ordinances are and what the impact would be to the Townships debt. Mr. Hornickel noted that Ordinance 6-2020 was for several things including road paving equipment, a backhoe, loader, dump truck, Chevy Tahoes, materials for paving and noted the roads to be paved. Added that this would also purchase vehicles and equipment for the Fire and Police Departments along with improvements to the Municipal Complex including various office repairs. Noted that Recreation equipment and vehicles would also be purchased. Mr. Hornickel advised on Ordinance 7-2020 as well. Noted that this would be used to upgrade the UV Treatment plant where water is discharged and that cameras would be purchased for the pipes. Added that there would also be repairs and improvements to the sewer treatment plant which appears to not have been touched for the last 20 years. Mr. Melegari asked what the timeframe was. Mr. Hornickel noted that it was expected to happen some time this year and that the Mayor had explained during his budget presentation that we are looking at a huge decrease in our debt service for 2021 and that interest rates are at the lowest they have been in the 2000's.

**George Petronis, Browns Mills – 1.** Noted that he saw that Palm Avenue is on the list to be paved and asked if it would be the whole road. Mr. Hornickel advised it would be paved from South Lakeshore to the end.

**Ishana Allen, Browns Mills – 1.** No comments.

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

Motion by McCartney and Allen to adopt Ordinance 6-2020. McCartney, yes; Allen, yes; Gardner, yes; Burton, yes. Motion carried.

#### ORDINANCE 7-2020

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$1,350,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,300,000 BOND OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF.

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

**James Boland, Browns Mills – 1.** Stated that last he knew there was a surplus and he is puzzled as to why this money is being borrowed. Asked who would be paying for this and if this would be paid back by the rate payers or the taxpayers. Commented that he did realize that this was a good time to bond. Mr. Hornickel explained why we were borrowing and noted that some of the reserve was being used and explained how the process works. Advised that Administration would have to come back to Council again to ask more specifically for items if this was passed. Commented that the bond would be paid by the sewer utility customers and noted that they will not have the \$575,000.00 debt payment any more which will provide an ample amount to pay the debt service on this borrowing.

**Doug Melegari, Pine Barrens Tribune – 1.** Asked for a clarification as to why there is a large drop expected in 2021. Mr. Hornickel explained that we will be retiring some debt this year and will not have to pay this in 2021 for the general fund. Mr. Melegari asked if this had to do with the MUA takeover. Mr. Hornickel advised.

**George Petronis, Browns Mills – 1.** No comments.

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

Motion by Gardner and McCartney to adopt Ordinance 7-2020. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

## **ORDINANCES FOR INTRODUCTION**

### **ORDINANCE 8-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON VACATING PORTIONS OF REEVES AVENUE AND LARK STREET AND CONVEYING SAME TO ABUTTING PROPERTY OWNERS AND SUCCESSORS THERETO WITH THE TOWNSHIP RETAINING ANY AND ALL EXISTING RIGHTS UNDER THE LAW.

Councilman Allen asked Administration to provide some background on this ordinance and how it relates to Resolution 105-2020. Mr. Hornickel advised that the Danitom Developer design did not include a draining station. Explained that our Engineer had reviewed those designs and found some issues including the draining station having walls that were too high and a basin that would be an attractive nuisance to children. Advised on what the recommendations were for the Township to maintain and make it less dangerous to the public. Mr. Bayer noted that the title should be changed slightly and advised on the needed changes and that it should be subject to a license agreement. Mr. Hornickel read the new title for Ordinance 8-2020 with the changes.

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON VACATING PORTIONS OF REEVES AVENUE AND LARK STREET SUBJECT TO A LICENSING AGREEMENT WITH ABUTTING PROPERTY OWNERS AND SUCCESSORS THERETO WITH THE TOWNSHIP RETAINING ANY AND ALL EXISTING RIGHTS UNDER THE LAW.

Motion by Allen and McCartney to introduce Ordinance 8-2020 with the recommended changes and a public hearing to be held on April 15<sup>th</sup>, 2020. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

## **NEW BUSINESS**

\*a. Purchases over \$3,000

2. Public Works – 50 Water Fillable Traffic Control Barricades from Traffic Safety Store in the total amount of \$16,352.94. *Pulled from the Consent Agenda.*

Motion by Allen and McCartney to approve New Business item A2. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

3. Public Works – 1 Self Retracting Safety Line from Amazon in the total amount of \$3,919.12. *Pulled from the Consent Agenda.*

Councilman Allen asked for an explanation on what this equipment would be used for. Mr. Hornickel advised that we would be updating the safety equipment for the Sewer Division. Noted possible dangers employees could run across and explained why this was necessary.

Motion by Allen and McCartney to approve New Business item A3. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

5. Recreation – Geese Clearing Services from Geese Chasers in the total amount of \$6,384.00. *Pulled from the Consent Agenda.*

Councilman Gardner asked if this really worked because he still sees geese. Mayor Patriarca stated that we would not know until we did not have them. Noted that we are told by the contractor that we would have more if it were not for the services. Noted that he also sees a lot of geese especially with the lack of cold. Councilman Gardner asked if this was more of a geese control than removal Mayor Patriarca agreed that it is to control the amount of geese that we get. Advised that we do sometimes get notices because of geese contamination to the lakes which requires closure of the beaches and that this helps to minimize this. Councilman Gardner asked which beach was the one mentioned in the contract, that is across from the Recreation Center. Mayor Patriarca noted that the beach in Country Lakes has not been used by swimmers so it is not included. Stated that the only ones we manage are Presidential Lakes and Mirror Lake. Councilman Allen noted that the document sent states that frequent harassment will eventually clear any resident geese from

the property.

Motion by Gardner and McCartney to approve New Business item A5. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

## **REPORTS & COMMUNICATIONS**

- a. Engineer's Report – 3/26/2020 – No discussion.

## **BILL LIST**

Approval by Council required for payment of vouchers on Bill List dated 3/27/2020.

Motion by McCartney and Gardner to approve the Bill List. McCartney, yes; Gardner, 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, noted pg. 21 Drunk Driving Grant G02-41-881-000-002 to which he abstained; Burton, yes. Motion carried.

## **SOLICITOR'S REPORT:**

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

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

**Mayor David Patriarca reported:** Thanked Council and the Clerk's office for all the work they have done to make this evening happen under the circumstances. Complimented all as we are making it work and still providing services to our residents. Noted that it is difficult to shut down government and he believes all the employees are essential. Asked that all residents go to our website to get updated information as it is the most updated information that is coming to us. Noted that at this time we have 18 cases with 2 of the people removed from quarantine. Commented that this does seem like a high number but asked that all do not panic. Thanked Mr. Petronis for supporting Administration's decision to keep government open. Noted the various things that had to be considered and explained employees are being updated daily and are encouraged to utilize best practices including social distancing and disinfecting. Advised that employees are being assigned work that does not affect social distancing practices and are keeping employees separated. Commented that employees are working on projects that have fallen behind because of the other things that are normally getting done. Thanked the employees for all the work they are doing and stated he gives a lot of credit for the work they are doing every day. Noted some of the work that is being done and stated that this is a time to catch up and not a time to relax or become complacent. Encouraged all who can stay home to do so. Commented that he knows there are times that it will be necessary to go out but asked for all to use best practices and utilize social distancing. Added that it is not just yourself that you are protecting by doing this. Asked that all remember to think about our first responders and health care workers who must do their jobs because we are failing to do ours.

**Daniel Hornickel reported:** Nothing to report.

## **COMMENTS BY COUNCIL MEMBERS:**

**Councilwoman McCartney** – Thanked Councilman Gardner for putting the YouTube video together with the Mayor. Thanked both for keeping the community up to date with what is going on with the COVID-19 pandemic. Asked about the drinking water memo that came out. Noted she would reach out to the person listed as a contact for more information.

**Councilman Allen** – Asked for all to remain safe and keep up to date on the evolving pandemic. Asked for all to continue to utilize social distancing and stay smart. Reminded all to check on and help loved ones.

**Councilman Gardner** – Asked for all to stay as safe as possible and to stay home. Questioned if a no dogs allowed sign could be placed at the little ballfield near the Country Lakes Firehouse. Advised that people are walking their dogs there and not cleaning up after them. Mayor Patriarca noted that this is occurring in other areas as well. Notes that he intends to come to Council with something at the next meeting, to close these areas to dogs as well as for dogs to be leashed.

**Council President Burton** – Thanked everyone that called in with their comments and questions. Thanked Administration for the Budget presentation and for answering all of Council's questions. Thanked Mrs. Cosnoski and Ms. Dashiell and asked for all to be safe.

The meeting was adjourned at approximately 7:35 p.m.

Respectfully submitted by,

*Amy P. Cosnoski*

Amy P. Cosnoski, RMC, Township Clerk