

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**June 3, 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**

Jason Allen  
Norma Trueblood  
Donovan Gardner  
Elisabeth McCartney  
Gaye Burton

**ABSENT**

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

Ms. Dashiell advised that all were present at the meeting.

**CALL TO ORDER**

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

**CLOSED SESSION**

151-2020 Authorizes Council to go into Closed Session – Not Adopted

**PUBLIC COMMENTS**

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

**James Boland, Browns Mills – 1.** Stated that there were no details on the Township calendar for tonight's meeting. **2.** Commented on the pandemic and thanked Council for their example in minimizing outings, avoiding exposure and keeping people safe. Questioned if Council felt confident in resuming summer related youth programs that are scheduled to begin prior to the State's mandated timeframe. Mr. Hornickel advised that programs would only begin if they were in line with the Governor's orders and that precautions would be taken. Mr. Boland noted that he appreciated the answer but noted that he was talking to Council. Noted that Executive Order 149 allowed for these activities to resume after July 6<sup>th</sup>. Advised that Recreation was still accepting enrollment money for programs that were scheduled to begin prior to this date. Asked if Council felt this needed to be addressed and if so how. Council President Burton noted that she felt confident that we would only be doing what is in line with the Governor's orders. Noted that she is confident in Recreation as they have been working on this the whole time. Stated that things are changing every day and nothing is 100%. Mr. Bayer stated that the Township would not be operating a camp in violation of the Governor's Executive Orders and if money needed to be refunded to residents, it would be. Councilman Gardner noted that this was preplanned and that the order could change prior to the date and then things are in place. In the event that changes money would be refunded. Mr. Hornickel advised that the Recreation Department was very accessible for people to reach out with their concerns. Mr. Boland stated he felt that it was wrong for us to be signing people up for things that could not happen. Mayor Patriarca asked him why he signed his child up if he knew it was in violation of the Governor's orders. Mr. Boland noted that he had signed up last year and when he called today, he was advised they were still taking applications. Discussion ensued on the matter and when activated would be allowed.

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.**

Mr. Bayer asked that Resolution 155-2020 be tabled to the next meeting. Advised on the reasons for this to be tabled. Added that Resolution 156-2020 was connected to Ordinance 12-2020 and if approved would not be made effective until Ordinance 12-2020 was adopted and

made effective. Recommended that the Resolution be adopted with the modification that it is approved subject to the adoption of Ordinance 12-2020. Noted that the contract would not be made effective until the Ordinance was effective. Councilman Allen asked to pull resolutions 156-2020.

## **\*CONSENT AGENDA**

### **MEETING MINUTES**

Regular Meeting Minutes of May 20, 2020.

### **\*CONSENT AGENDA RESOLUTIONS**

- |          |   |
|----------|---|
| 152-2020 | Accepts funds from the U.S. Department of Justice for FY 2020 Corona Virus Emergency Supplemental Funding in the amount of \$37,919.00 for the Police Department.                       |
| 153-2020 | Authorizes Change Order #1 and Final Payment under the contract awarded to MJF Electrical Contractors, Inc., for Replacement Generators at Pump Stations 15 & 16.                       |
| 154-2020 | Authorizes the payment of \$8,897.61 to MTAG Cust FIG Cap Inv NJ13 in connection with Tax Sale Certificate No. 17-00492.  |
| 155-2020 | Authorizes the Township to enter into a settlement agreement with Indian Harbor Insurance Company. <i>Tabled to the June 17<sup>th</sup>, 2020 Meeting.</i>                             |
| 156-2020 | Approving the asset purchase agreement with the County of Burlington Concerning the New Lisbon Water System. <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |

### **NEW BUSINESS**

- \*a. Purchases over \$3,000
1. Public Works – Repair of Vermeer Brush Grinder through Vermeer North Atlantic in the total amount of \$11,730.41.
  2. Public Works – Coupler parts for loader repair from Norris Sales Company, Inc., in the total amount of \$6,645.00.

Motion by Trueblood and Gardner to table Resolution 155-2020 to the June 17<sup>th</sup>, 2020 meeting. Trueblood, yes; Gardner, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried

### **RESOLUTIONS**

- |          |   |
|----------|---|
| 156-2020 | Approving the asset purchase agreement with the County of Burlington Concerning the New Lisbon Water System. <i>Pulled from the Consent Agenda.</i> |
|----------|---|

Councilman Allen asked for some background information and what plans are. Mayor Patriarca advised that this system is owned by the County and since the closing of many of the County facilities we targeted this as an asset for our water system. Stated he feels this should be controlled by our town and not by a private company at a higher price. Noted how the system would connect with our current system and how we can meet demands in our area, providing safe water to our residents. Commented on one of the wells that was conditioned a few years ago and things that had to be taken into consideration and how this would help in the future. Mr. Hornickel noted that we have been taking care of this system for over 40 years and advised on the benefits to the town including its ability to produce a robust amount of water to the town.

Motion by Allen and McCartney to approve Resolution 156-2020 with the note that it will only be effective if Ordinance 12-2020 is adopted. Allen, yes; McCartney, yes; Gardner, yes; Trueblood, Burton, yes. Motion carried.

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

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

### **ORDINANCE 8-2020**

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

THERE TO WITH THE TOWNSHIP RETAINING ANY AND ALL EXISTING RIGHTS UNDER THE LAW. *Public Hearing already held at April 15, 2020 meeting.*

Mr. Bayer recommended that this ordinance be voted down. Explained that this matter is still unresolved and that we do not see it being resolved anytime soon. Noted that the Township is not ready to agree to settlement. Suggested a vote to deny the ordinance be made. Mayor Patriarca asked for clarification on the process to reintroduce if needed. Mr. Bayer explained that there were no limitations to bring it back to Council in the future by way of a new ordinance. Advised that we have reached a point of impasse. Reminded that there is litigation pending before the court.

Motion by Gardner and Trueblood to deny Ordinance 8-2020. Gardner, yes; Trueblood, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried.

## **ORDINANCES FOR INTRODUCTION**

### **ORDINANCE 12-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING ACQUISITION OF BLOCK 845, LOT 20.03 AND A PERMANENT EASEMENT IN BLOCK 812, LOT 9.01 FOR THE PURPOSE OF OPERATING THE NEW LISBON WATER SYSTEM

Mr. Bayer reminded that this is related to Resolution 156-2020. Noted the map that was provided to Council at tonight's meeting that was provided by ARH.

Motion by McCartney and Gardner to introduce Ordinance 12-2020 with a public hearing to be held at the June 17<sup>th</sup>, 2020 meeting. McCartney, yes; Gardner, yes; Trueblood, yes; Allen, yes; Burton, yes. Motion carried.

### **ORDINANCE 13-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 3-15(E) OF THE TOWNSHIP CODE AUTHORIZING ADDITIONAL PURCHASING AUTHORITY TO THE TOWNSHIP ADMINISTRATION IN CONFORMANCE WITH THE LOCAL PUBLIC CONTRACTS LAW.

Mr. Bayer advised that the Township had recently hired a Qualified Purchasing Agent and explained how this affected the Townships purchasing and bidding abilities. Noted the various other changes including the types of purchases and the addition of the Sewer Division.

Motion by Trueblood and Allen to introduce Ordinance 13-2020 with a public hearing to be held at the June 17<sup>th</sup>, 2020 meeting. Trueblood, yes; Allen, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

## **REPORTS & COMMUNICATIONS**

### **a. Engineer's Report – 5/28/2020**

Council had no comments.

## **BILL LIST**

Approval by Council required for payment of vouchers on Bill List dated 5/30/2020.

Motion by Gardner and McCartney to approve the Bill List. Gardner, yes; McCartney, yes; Trueblood, 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. Bayer reported:** Nothing to report.

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

**Mayor David Patriarca reported:** Advised that the Emergency Operations Center had been activated due to the storms that had come through earlier in the day. Commented that the resurfacing project at Imagination Kingdom had begun. Noted that the drop box that was installed a few weeks ago is a complete success.

**Daniel Hornickel reported:** Noted that approximately 100 calls had come in for service. Noted that Public Works were able to clear 50 trees that had come down. Stated that thankfully none of the main roads were affected but that many of the side streets were being worked on due to debris. Commented that the 2 Chiefs were doing a great job. Provided an update on the COVID-19 pandemic. Noted that as of today we had 377 positive cases and 17 deaths showing that the curve is going down from our numbers 2 weeks ago. Advised that over 100 of those positive cases are in the long-term care facility. Commented that Public Works is working at about 65% capacity due to employee absences due to COVID related issues. Advised on work that is being done throughout the building and on the roads. Noted that the Police Department will begin interviewing for open positions. Commented on the George Floyd incident and a conversation that he had with the Police Chief to ensure this does not happen in our town. Noted that all of this training begins at the Academy on how to engage with the public and maintain people's civil rights. Mentioned the dash cams in the Police cars in. Advised on the Power DMS software that is used by the Police Department and policies that are reviewed annually. Noted that officers are trained annually on cultural diversity and sensitivity as part of their regular training program. Advised that if an incident does arise, it is reviewed by a command staff and then a debriefing occurs with the Sargent's and the line officers to see where improvements can be made. Reminded of the body cameras that are now in use since February and the detailed policy that goes with them. Noted how the cameras are used. Advised that he wanted to reaffirm for Council the measures that are being taken to prevent this from ever happening here, but stated he knows we can not guarantee everyone's behavior in every situation, but we are doing everything we can to minimize this happening. Stated Administration is looking to ask Councils approval to sell a number of Township properties that are no longer beneficial to us. Noted that some properties would have alternative bids to encourage sales. Advised that Administration would also be coming to Council with some requests for street vacations, leashing dogs and parking issues. Councilman Allen asked how many police positions were looking to be filled. Mr. Hornickel advised we had budgeted for 6 positions and noted that Council had approved a previous request for a grant for an additional 3 positions. Noted that the money would either be spent on overtime costs or salaries for new officers. Councilman Allen asked about the progress on the auto business that was being run out of a private home. Mr. Hornickel advised that they are working on it and that he has to make another call to the State. Councilman Gardner asked about the home that had horrible living conditions. Mr. Hornickel advised that it is still being cleaned up and reminded that with the courts just opening back up, they are back logged.

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

**Council President Burton** – Commented that she was thankful to be sitting in the room with everyone. Thanked Administration for being on top of everything. Stated that she was very happy that Mr. Hornickel had a conversation with our Police Chief which addressed some of her concerns. Thanked all of the first responders for everything that they have been doing. Stated that she is grateful that the threats that were made this week were fake and she prays they stay that way. Thanked the public for calling in and looks forward to hearing from all in 2 weeks.

**Councilwoman McCartney** – Thanked Ms. Dashiell for putting information on the website for the blood drive. Thanked Kenny Willitts for creating a flyer for it as well. Reminded all that the Food Bank of South Jersey will be at the Browns Woods Apartments tomorrow. Noted she enjoys seeing the collaboration between the community and the employees. Stated we are a group that is collectively working towards the same goal. Asked if there was an update on the old Sun Bank property. Mayor Patriarca noted that there are some negotiations going on with Sun Market but in light of the COVID-19 situation, we are in limbo. Councilwoman McCartney reminded all that if you see something say something.

**Councilman Gardner** – Stated he agrees that training starts in the Police Academy. Asked for all to maintain social distancing and enjoy what is open and also to support local businesses. Thanked the caller for calling in.

**Councilwoman Trueblood** – Stated it was great to physically be present with the rest of Council. Reminded that the Food Pantry will be back tomorrow from 4p – 6p on Choctaw Trail. Advised that social distance measures will be taken. Hopes to see all in 2 weeks.

**Councilman Allen** – Pray for peace and pray for America.

Ms. Dashiell noted that at this time the meeting had officially ended and we would be stopping the teleconference. Asked all to have a good evening.

The meeting was adjourned at approximately 7:26 p.m.

Respectfully submitted by,

*Sunshine Dashiell*

Sunshine Dashiell, Deputy Township Clerk