

TOWNSHIP OF PEMBERTON
REGULAR MEETING
August 19, 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
Elisabeth McCartney
Donovan Gardner
Gaye Burton
Norma Trueblood (*arrived approximately 6:20 p.m.*)

ABSENT

Also, present: 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

190-2020 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. Thanked Council for holding the meetings. Advised that there were meeting minutes missing from the website from the last 3 meetings. 2. Asked which sewer lines were upgraded this year so far. 3. Asked if there was any talk of a deal with American Water. 4. Noted that he had emailed Councilman Allen last week about cameral surveillance and is interested in any progress. 5. Stated that at the last meeting he asked Mr. Bayer about discrepancies regarding the Seldat agreement and what was in the newspaper. Advised that he had forwarded Mr. Bayer the information he requested. Noted that the news article was the September 28th issue in the Pine Barrens Tribune from last year. Explained what the article stated about the payments that would be made in comparison to the ordinance. Asked which figures were correct. Mayor Patriarca advised that in regard to American Water there is no talk of a deal and he can assure him he would never negotiate that as he is completely against that. He noted that he does talk to them about a resource they do own in the Township, that we would like to take over from them. Mr. Hornickel advised that we have not reconstructed any sewer mains yet but did purchase equipment to begin the process. Mr. Bayer explained that the chart in the Seldat agreement is incorrect and that the company's gross revenue will be more. Mr. Hornickel noted that the minimum on a PILOT is order by State Statute. Ms. Cosnoski advised that Councilwoman Trueblood had arrived to the meeting. Explained that in regard to the Minutes, they cannot be added until they have been approved by Council and that she would look into the July Minutes. Councilman Allen stated that he did get his email. Mr. Boland stated he just wanted his take on it. Councilman Allen reiterated his comments from the previous Council Meeting. Discussion ensued on the RING camera program and how they can be helpful and the related costs. Councilman Gardner explained that RING and Home Depot previously had a program, but they do not have that anymore. Stated that there are several other camera companies that offer the same thing.

Ms. Dayon Messam, - 1. Commented on the parking issues, trees, sidewalks and potholes throughout Lake Valley. Noted abandoned vehicles in yards and the eyesore they are. Mr. Hornickel advised on how to handle the abandoned vehicles due to the ordinance that was recently passed and explained the ordinance. Mayor Patriarca stated that they will address this with Police and Code Enforcement. Advised on the sidewalks and the grant that was approved but has been held up at the State level. Explained what has been done and where they are currently in the process. Noted the many challenges we face with the State and the missed opportunities.

Richard Gober, Ventnor – 1. Asked where the Agenda and meeting information is on the website. **2.** Commented that he has been asking for cameras for 5 years in Sunbury and asked if we have ever asked the non-profit organizations for money with cameras. Mayor Patriarca advised that the previous Police Chief did seek out grants and was unable to find any funding. Mr. Gober stated he will continue to work on this. Advised on how the cameras work and how he has reached out to the new Police Chief with no response. Stated he feels the cameras are invaluable because they do help. Stated he feels the people in Sunbury are seriously at risk. **3.** Commented on his concerns over landlords being held accountable instead of their renters for the violations they are causing.

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 195-2020. Councilman Allen asked to pull Resolution 194-2020 and 196-2020.

***CONSENT AGENDA**

MEETING MINUTES

Regular Meeting Minutes of August 5, 2020.

***CONSENT AGENDA RESOLUTIONS**

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| 191-2020 | Authorizes various routine refunds. |
| 192-2020 | Authorizes cancellation and refund of property taxes on property owned by a qualifying Totally Disabled Veteran. |
| 193-2020 | Authorizes the award of a contract to Earle Asphalt Co., in the amount of \$372,313.13 for the repaving of South Lakeshore Drive. |
| 194-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 195-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 196-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |

NEW BUSINESS

- *a.** Purchases over \$6,000
1. Public Works – Repair to stairs in sewer plant wet well from KRS Services, Inc. in the total amount of \$6,959.39.
 2. Fire Department – Up fit for BC Pickup Trucks from EAI in the total amount of \$12,493.66.
- *b.** NJ State Fireman’s Association Membership Application for Christian McNeil with the Pemberton Township Volunteer Fire Co.

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

MEETING MINUTES

Regular Meeting Minutes of August 5, 2020.

Motion by McCartney and Allen to approve the Meeting Minutes from August 5th, 2020. McCartney, yes; Allen, yes; Trueblood, abstain; Gardner, abstain; Burton, yes. Motion carried.

RESOLUTIONS

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| 194-2020 | Accepts bids from a public auction on July 31, 2020 of municipally owned unimproved land no longer needed for public use. <i>Pulled from the Consent Agenda.</i> |
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Councilman Allen asked if another bid would be done for the remaining properties. Mr. Hornickel stated he hoped to come to Council at the end of the year for one in the new year. Explained how the process works and what happens if people who bid on properties do not follow through.

Motion by Allen and Gardner to approve resolution 194-2020. Allen, yes; Gardner, yes; Trueblood, yes; McCartney, yes; Burton, yes. Motion carried.

195-2020 Authorizes the purchase of five ballistic windows at the Municipal Building from Total Security in the amount of \$19,155.00 for the Public Works Department. *Pulled from the Consent Agenda.*

Council President Burton asked for an explanation. Mr. Hornickel advised on the renovations throughout the building to ensure the safety of employees in the event of further viral illness as well as added protection in the event of other emergencies.

Motion by Trueblood and McCartney to approve Resolution 195-2020. Trueblood, yes; McCartney, yes; Allen, yes; Gardner, yes; Burton, yes. Motion carried.

196-2020 Rejects all bids received for Contract No. PT-8-2020/NJDCA Small Cities Grant No. 2019-02292-0453-00 Barrier Free Access & Streetscape Improvements along Pemberton-Browns Mills Road. *Pulled from the Consent Agenda.*

Councilman Allen asked if there was more information on this Resolution. Mr. Hornickel advised that we had received bids for a second bid on this and discovered that the lowest bidder neglected to complete the State mandated form and therefore the Township has to once again reject all bids as all other submitted bids were in excess of the budgeted amount for this project. Council President Burton asked if this company would be allowed to resubmit an offer. Mr. Hornickel noted they would. Mr. Bayer explained after 2 rejected bids there can be a negotiation and further explained the process.

Motion by Gardner and Trueblood to approve Resolution 196-2020. Gardner, yes; Trueblood, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE 18-2020

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE CONVEYANCE OF BLOCK 538, LOT 13.

Councilman Allen ask that Administration explain this to the public. Mr. Hornickel advised that they are in the process of purchasing Suns Market. Explained what the negotiation entailed.

Motion by Trueblood and Gardner to introduce Ordinance 18-2020 with a Public Hearing to be held on September 2nd, 2020. Trueblood, yes; Gardner, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried.

ORDINANCE 19-2020

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE SALE OF CERTAIN LANDS OWNED BY THE TOWNSHIP PURSUANT TO N.J.S.A. 40A:12-13.

Mr. Hornickel explained that this Ordinance was related to Resolution 194-2020. Stated that this will allow the Mayor to sell these properties and noted the money that would be collected. Added that this will put these properties back on the tax roll for next year.

Motion by McCartney and Gardner to introduce Ordinance 19-2020 with a Public Hearing to be held on September 2nd, 2020. McCartney, yes; Gardner, yes; Trueblood, yes; Allen, yes; Burton, yes. Motion carried.

ORDINANCE 20-2020

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE LEASE AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY INC. FOR USE OF THE PRESIDENTIAL LAKES FIRE HOUSE AND COMMUNITY CENTER

Motion by Gardner and Trueblood to introduce Ordinance 20-2020 with a Public Hearing to be held on September 2nd, 2020. Gardner, yes; Trueblood, yes; Allen, yes; McCartney, yes; Burton, yes. Motion carried.

REPORTS & COMMUNICATIONS

a. Engineer's Report – 8/13/2020

Councilman Gardner asked for an explanation on the delay for the Oak Pines Boulevard repairs. Mr. Hornickel advised that the materials were ordered and we are waiting on delivery. Stated there was a small concern with a gas pipeline and PSE&G may have to come out to bypass the pipe. Advised that they are hoping to start next week.

Council President Burton asked for an update on the wastewater treatment. Mr. Hornickel stated that he is still drafting this and does not have any updates since the last Engineer's Report. Council President Burton asked for an update on the Rails to Trails. Mr. Hornickel stated that he has not heard anything more on this and the Community Development Director is following up on this. Mr. Bayer stated he had also been contacted by the attorney and will get back to them. Mayor Patriarca advised that the County Engineer stated he was satisfied with the survey the Township had presented to him.

BILL LIST

Approval by Council required for payment of vouchers on Bill List dated 8/14/2020.

Mr. Hornickel noted an error on the Bill List that needed to be changed on page 3 for the Gateway properties and provided the corrections.

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

SOLICITOR'S REPORT:

Mr. Bayer reported: Wanted to further address the Seldat PILOT. Explained the plans for the warehouse site and including how large of a project it is expected to be. Noted that employees are expected to go from 130 to 350 employees once they are fully operational. Advised that the projected cost of the construction of the project, was over \$30 million dollars, which is a large investment. Stated that the idea the someone would spend that much on a property to only expect \$4,415.00 in annual gross revenue, is not a sound reading of the document. Explained that the sheet that lists the expected Township Revenue and Developer payment, is not actually binding. Noted that the Developer has to provide a yearly audit to the Township, which will determine their PILOT payments to the Township, which is 11% of their yearly total gross revenue and will go up over time. Stated that what the Developer will actually owe us has not been determined as what is listed is only expected revenue. Commented that when this packet came in the Mayor spoke to the CFO about this sheet and he confirmed that three 0's needed to be added to the number that was listed. Noted that someone in business would not consider doing this unless there was substantial revenue and the Township would not have considered this unless it would be a substantial benefit to the town.

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

Mayor David Patriarca: Piggybacked off of Mr. Bayer's comments that he had the same concerns when he first saw the documents and was able to get an explanation from the former Business Administrator and CFO. Was able to confirm that the number listed would not be a legally binding amount. Advised on the minimum amount that the business can pay if they do not meet their expected gross revenue. Advised on concerns that Birmingham Road would be used for trucks that would be entering and leaving the property. Stated that this had been worked out and the residents approved that Birmingham Road would not be used. Thanked Council for their continued support of the Volunteer Fire Company. Stated that the Fire Company held a recruitment event and did well with a good response. Commented they are excited to see the interest of the residents. Advised that the approval of the lease agreement will allow for a cell tower to be placed there which will bring revenue into the Township. Commented that this offsets the funding from taxpayer dollars. Advised that we were not mandated to close our building but did choose to do so to protect employees and allow for a safe environment to continue the work of the town for our residents. Noted that we are making necessary adjustments throughout the building for when we do open. Would have liked to be open by now but are hoping to have a goal of opening by the first week of September, but that will depend on product delivery. Advised that all are working hard in Public Works to get this building open. Commented on the approval for the South Lakeshore Drive project. Mr. Hornickel advised on a change order that would be coming for additional linear feet to be paved. Mayor Patriarca noted that we are scheduled to finish up Hanover Boulevard and would be moving over to Eldridge Street. Noted the complaints that have been received regarding brush left over from the storm. Noted that we would appreciate resident's

patience as they are out there but that this is a much larger town than people realize. Commented on the six new officers that were sworn in and are now in the academy. Added that we are waiting on the civil service list and hope to hire even more officers. Stated that we are not reducing our police funding and will use the funding responsibly. Noted that there are officers retiring and some that have already retired causing a need to replace officers. Commented that the Water Division has been out working on Springtown Road and put in 650 feet of 8-inch water main piping out there. Advised on the stressful conditions they are working on including some errors in mark outs.

Daniel Hornickel reported: Advised that Public Works had rehabbed the head work building for the sewage room. Asked for all to be sure to complete the 2020 Census and Count for Pemberton. Stated that as of August 18th we only had 65.8% compared to the 2010 Census we had 70.7%. Noted that the Census timeframe was cut short and will only go until November instead of the end of the year. Asked for people to get the word out as this directly affects our funding. Mayor Patriarca asked that more information be put on our website to allow people to have easier access to complete the form online. Discussion ensued on how to complete the Census information. Mr. Hornickel noted that on August 26th there would be a mobile Census truck going around to get the homeless population. It was noted that there are Census workers throughout town already. Mayor Patriarca thanked Council for their support and approval of the stair repair in the wet well in the sewer plant. Stated that this is continued support of our infrastructure. Commented that since we took over that entity, Mr. Hornickel has not stopped identifying deficiencies and recommending improvements.

COMMENTS BY COUNCIL MEMBERS:

Councilman Gardner – Advised that the school is fixing or replacing Chromebooks and other technical devices for students and that no appointment is necessary.

Councilwoman Trueblood – Thanked everyone for coming. Apologized for being late.

Councilman Allen – Asked if there was a list of important numbers for residents. Mr. Hornickel noted that we do. Councilman Allen asked if we ever considered contracting with an outside company for tree removal. Commented that he knows that that Public Works does remove trees but suggested hiring a company to remove a certain number of trees per year to assist in avoiding issues during storm season. Questioned if we had ever looked into underground power lines to assist with power outages. Mr. Hornickel stated that they have encouraged JCP&L to do that. Noted calls that were made to JCP&L to discuss that and the money it would save them. Commented on the ways underground lines would profit both JCP&L and the communities they serve. Advised that their response was that they are reviewing it. Councilman Allen asked why we do two annual brush pickups but not 2 electronic pickups and asked if this was allowable. Mayor Patriarca noted that we could continue to add more services but all things come at a price, meaning more personnel and equipment which could mean cuts for other needed services or equipment. Advised that people can go on a list for brush pickup throughout the year in lieu of their scheduled pickups. Mr. Hornickel stated that he does not think we have vehicles suited to pick up TVs and explained why. Councilman Allen noted that the fence was knocked down in Mirror Lake due to the storm. Commented that the newly paved Hanover Boulevard looked great. Advised that he did have a resident question if humps could be put in. Noted that the billboard near mile marker 35 was damaged during the storm and is falling into the tree line. Asked if we can look into who is responsible for the upkeep of the billboards. Thanked all those that called in and asked for all to continue to be safe and social distance.

Councilwoman McCartney – Thanked all those that called in. Thanked Council, Administration, the Township Clerk, Township employees and emergency responders for all that they continue to do during these times. Stated that residents on Hanover and Partridge are very happy with the new paving. Thanked Ms. Cosnoski for providing Council with the vehicle list from Public Works. Asked what the latest was with our Veterans Advisory Committee. Ms. Cosnoski advised that she had forwarded her email to them and has not received any responses. Mr. Hornickel notes that the library is still closed. Ms. Cosnoski stated that she also contacted the library to see if the Veterans would still be able to use the library as that is where they normally meet, but has not received a response. Lastly, Ms. Cosnoski emailed the Veterans Advisory Committee members to see if they would be interested in using one of our buildings for their meetings, but she had not heard anything back from them either. Thanked the local businesses for keeping us all safe and noted a sign at Dairy Queen showing people how to not wear their masks. Commented that she did see the Census information around town and on our website. Commented on the marquee out front being blank and suggested putting information on them for the Census. Noted that she and Council President Burton had been drafting a letter to encourage people to do the Census.

Council agreed the letter would come from all of them. Discussion ensued on the format of the letter. Councilman Allen asked if the purple parking spot outside of the building was for a veteran. Mayor Patriarca stated that it was and that a sign had been ordered. Councilman Gardner asked if a speed hump could be put in off of Split Rock. Mayor Patriarca advised on locations where speed tables would be potentially be located.

Council President Burton – Thanked everyone for coming out. Thanked the first responders and frontline workers. Congratulated the new Police recruits and wished them well. Commented on a town hall meeting that was held regarding the Coronavirus with Andy Kim. Stated that they entertained many questions and noted some of the information that was provided to ensure potential vaccines were safe. Provided the answers that were given to the many questions. Noted that the vaccine that is being put together is being put together quickly and we have to be careful. Stated that there are 6 candidates working on vaccines now. Commented that we need to be sure that everyone gets what they need. Gave kudos to Andy Kim for his virtual meetings and his work with the Coronavirus.

The meeting was adjourned at approximately 7:46 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk