

**TOWNSHIP OF PEMBERTON**  
**REGULAR MEETING**  
**October 7, 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**

216-2020 Authorizes Council to go into Closed Session – Not Adopted

**PUBLIC COMMENTS**

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

Seeing no 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 220-2020 and 225-2020. Councilwoman McCartney asked to pull Resolutions 230-2020 and 232-2020. Mrs. Cosnoski asked to pull Resolution 238-2020 to be tabled to the next meeting on October 21<sup>st</sup>, 2020. Mr. Hornickel explained that Administration was asking to table Resolution 238-2020 and asked to pull Resolution 234-2020.

**\*CONSENT AGENDA**

**MEETING MINUTES**

Regular Meeting Minutes of September 16, 2020.

**\*CONSENT AGENDA RESOLUTIONS**

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| 217-2020  | Authorizes various routine refunds.  |
| 218-2020  | Appoints James Perry as Fire Police Officer for the Pemberton Township Volunteer Fire Company.   |
| 219-2020  | Authorizes deposit of premium lien funds bid as to 27 Fox Street at the tax sale held on April 13, 2016, to the Township Miscellaneous Revenue, Not Anticipated Account.         |
| 220 -2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 221-2020  | Authorizes deposit of premium lien funds bid as to 521 Magnolia Road at the tax sale held on September 30, 2015, to the Township Miscellaneous Revenue, Not Anticipated Account. |
| 222-2020  | Authorizes cancellation and refund of property taxes on property owned by a qualifying totally disabled Veteran.   |
| 223-2020  | Authorizes the cancellation of unexpended grant appropriations and open fund receivables in the amount of \$2,876.27.  |
| 224-2020  | Authorizes the cancellation of unexpended grant appropriations and open fund receivable in the amount of \$9,859.38.   |

- 225-2020 *Pulled from the Consent Agenda and considered later in the meeting.*
- 226-2020 Temporarily authorizes the Center for Family Services to use the Nesbit Center.
- 227-2020 Terminates the lease agreement with the Burlington County Community Action Program for the use of the Nesbit Center.
- 228-2020 Authorizes payment request #1 under the contract awarded to R.D. Zeuli, Inc. for Emergency Repairs to Oak Pines Boulevard.
- 229-2020 Authorizes the Mayor to execute a Discharge of Mortgage and note for the premises known as 1010 Pemberton-Browns Mills Road, Block 813, Lot 11.
- 230-2020 *Pulled from the Consent Agenda and considered later in the meeting.*
- 231-2020 Authorizes the Township to participate in the “1033 Program” to accept property from the U.S. Department of Defense for the Police Department.
- 232-2020 *Pulled from the Consent Agenda and considered later in the meeting.*
- 233-2020 Authorizes the award of a contract to BR Welding, Inc., in the amount of \$259,000.00, for replacement of the UV System for the Pemberton Township Sewer Division.
- 234-2020 *Pulled from the Consent Agenda and considered later in the meeting.*
- 235-2020 Authorizes the award of a contract for Emergency Vehicle Repairs, Maintenance and Inspection for Various Township Departments.
- 236-2020 Authorizes a long-term tax abatement for the Browns Woods Apartments.
- 237-2020 Authorizes a shared services agreement between the Township of Pemberton and County of Burlington for Emergency Dispatch Services.
- 238-2020 Awards contract for the provision of Third Party Electrical Sub-Code Inspection Services for a 14-month period commencing on November 5, 2020. *Pulled from the Consent Agenda and tabled until the October 21<sup>st</sup>, 2020 Meeting.*

**NEW BUSINESS**

- \*a. NJ State Fireman’s Association Membership Application for Tiffany O’Donnell, George Guerrero, Jorge Rodriguez, and David Doty with the Pemberton Township Volunteer Fire Co.

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

**RESOLUTIONS**

- 220-2020 Authorizes rental of two trash trucks from Big Truck Rental in the amount of \$19,408.60 for the Public Works Department. *Pulled from the Consent Agenda.*

Councilman Allen asked for an explanation on this Resolution. Mayor Patriarca explained that our current trucks are past their useful life and have a lower bed that makes it easier for the employees to get the bags in the truck. Stated that they have found that it is cheaper to rent the trucks since it reduces the workers compensation claims.

Council President Burton apologized for the oversight and noted that Resolution 236-2020 had to be pulled. Mr. Bayer advised it had already been voted on but that they could discuss it.

Councilwoman McCartney asked if this amount was over the course of the year. Mr. Hornickel noted that it was over a 5 to 6-week period for the leaf collection season. Stated that anything longer would cause more fees. Mr. Hornickel explained that the vehicles are beyond their useful life. Noted that Public Works asked for this rental to happen as there would be significant cost in parts and labor to fix the trucks we already have.

Motion by Allen and McCartney to approve Resolution 220-2020. Allen, yes; McCartney, yes; Gardner, yes; Burton, Yes. Motion carried.

- 225-2020 Rejects all bids received for Contract No. PT-9-2020/Beech Street Tank Repairs. *Pulled from the Consent Agenda.*

Councilman Allen asked for more details on the project and what to expect moving forward. Mr. Hornickel explained what occurred with the bids and questions bidders had that were sent to the Engineers. Noted that they decided that it would be best to reject all of the bids

so that the Engineers can provide us with clarifying language so that all bidders have a fair chance.

Motion by Allen and Gardner to approve Resolution 225-2020. Allen, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

230-2020 Accepts funds from the U.S. Department of Justice through the Edward Byrne Memorial Justice Assistance Grant Program in the amount of \$21,003.00 for the Police Department. *Pulled from the Consent Agenda.*

Councilwoman McCartney stated that she was glad this was awarded to the Police Department and asked if this had been tagged for anything in particular. Mayor Patriarca advised that the Chief was here and could further explain. Chief King explained that they planned to use the grant for electronic equipment that is required to be used in the vehicles. Stated that it would be used to upgrade computers that are used in the vehicles to look up information on subjects as well as modems that allow them to transfer this data.

Motion by McCartney and Gardner to approve Resolution 230-2020. McCartney, yes; Gardner, yes; Allen, yes; Burton, yes. Motion carried.

232-2020 Authorizes the purchase of two (2) New Chevrolet Silverado 3500 HD (CK30903) 4wd Regular Cab Work Truck with Utility Body from Mall Chevrolet in the amount of \$99,884.04 for the Department of Public Works. *Pulled from the Consent Agenda.*

Mr. Hornickel explained that back in August the Council had asked for a vehicle list which was provided to them. Advised on the various vehicles and pieces of equipment that are currently in Public Works. Noted that they were looking to determine which items need to be replaced in the Fleet program and are therefore asking for this purchase to occur. Stated that of the 93 vehicles, 20 are over 20 years old. Commented on the various options that are available based on the issue with the vehicle. Council President Burton added that some items are sold as scrap and the money from there goes into surplus. Discussion ensued on changes that have been made with the number of employees in one vehicle at a time due to COVID-19.

Motion by Gardner and Allen to approve Resolution 232-2020. Gardner, yes; Allen, yes; McCartney, yes, with the understanding that they will be provided with updates on the Fleet Maintenance Program; Burton, yes. Motion carried.

236-2020 Authorizes a long-term tax abatement for the Browns Woods Apartments. *Approved under the Consent Agenda and discussed now.*

Mr. Bayer advised that the Council President wanted to discuss this and that there were presenters here with information about this Resolution. Mr. Hornickel advised on the Browns Woods Apartments and how they came into a PILOT Agreement with the Township originally. Stated that they would now like to change owners re-invest in the complex and renegotiate the PILOT program. Explained what some of the upgrades would be including new kitchens and bathrooms. Mr. Bayer advised that the projected investment was approximately \$7.5 million dollars. Mr. Hornickel noted that they had discussions on the ideas for the apartments and explained what they had agreed on.

Seth Parker from Silver Street Development Corporation, came up to answer any questions Council had. Council President Burton asked if these upgrades would cause rent increases and asked how residents would be notified and in how much time. Mr. Parker advised that approximately 40 percent of the apartments were covered under section 8. Explained how the rent increases were approved. Noted that the residents living in those units would not pay any more, they would still be responsible for the 30 percent and Section 8 would cover the rest. Stated that residents in the other units would be notified accordingly and that the increase would be over a period of time. Mr. Bayer asked if any of the units were Deed restricted. Mr. Parker stated that the entire project will be run through HMFA and will come with affordable tax credits that have a deed restriction and are considered long term use. Noted that the loan is for 40 years and there is a 2-year period where the improvements will be made. Mr. Bayer noted that these are not market rate rents anyway and the rents cannot be raised above a certain amount. Councilman Allen asked about the camera upgrades that will be done. Mr. Parker advised that it is an active monitoring system and is 24-hour third-party monitoring with motion sensors and infrared. Explained how the monitoring will work and that they can directly notify the Police as well as advise anyone doing something they shouldn't through speakers within the system. Councilwoman McCartney noted that school projects had been

discussed and asked if this was the Township thinking of this aside from the PILOT. Mayor Patriarca advised that we have the ability to carve out the revenue except for the 5% that is owed to the County. Explained that in the previous PILOT the Township kept 95% but we are looking at all of our PILOT's to see how we could potentially carve out some of the revenue to help the schools without compromising the Township. Mr. Bayer advised that with the increase in PILOT payments, the projected payment would be in excess of \$450,000.00 per year which is a substantial increase over time to the Town.

234-2020 Authorizes the purchase of one (1) Hino 268 A with 12' Chipper Body & 10' Plow from H.K. Truck Services Inc., under State Contract A83010 in the total amount of \$109,787.00. *Pulled from the Consent Agenda.*

Motion by Gardner and McCartney to disapprove Resolution 234-2020, Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

238-2020 Awards contract for the provision of Third Party Electrical Sub-Code Inspection Services for a 14-month period commencing on November 5, 2020. *Tabled until the October 21<sup>st</sup>, 2020 Meeting.*

Motion by McCartney and Gardner to table Resolution 238-2020 until the October 21, 2020 meeting. McCartney, yes; Gardner, yes; Allen, yes; Burton, yes. Motion carried.

## **ORDINANCES FOR INTRODUCTION**

### **ORDINANCE 21-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A LEASE BETWEEN THE TOWNSHIP OF PEMBERTON AND CENTER FOR FAMILY SERVICES FOR THE NESBIT COMMUNITY CENTER.

Mayor Patriarca explained that BCCAP had lost the Head Start Program to Family Services who is now asking for this lease.

Motion by Gardner and McCartney to introduce Ordinance 21-2020 with a public hearing to be held at the October 21, 2020 meeting. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

### **ORDINANCE 22-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE ACQUISITION OF A TEMPORARY CONSTRUCTION EASEMENT UPON PROPERTY DESIGNATED AS BLOCK 772, LOT 40 AND LOCATED AT 14 PEMBERTON-BROWNS MILLS ROAD

Councilman Allen asked why Ordinance 22-2020 was for a temporary easement and Ordinance 23-2020 was for a permanent one. Mr. Hornickel advised that on the one lot we need a temporary easement to do some work there and then the permanent easement is for a wider sidewalk that will be on what is currently private property.

Motion by Allen and McCartney to introduce Ordinance 22-2020 with a public hearing to be held at the October 21, 2020 meeting. Allen, yes; McCartney, yes; Gardner, yes; Burton, yes. Motion carried.

### **ORDINANCE 23-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE ACQUISITION OF AN EASEMENT UPON PROPERTY DESIGNATED AS BLOCK 552, LOT 15 AND LOCATED AT 2 MARKET STREET

Motion by Gardner and McCartney to introduce Ordinance 23-2020 with a public hearing to be held at the October 21, 2020 meeting. Gardner, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

### **ORDINANCE 24-2020**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE CONVEYANCE OF BLOCK 538, LOT 13 IN CONNECTION WITH THE TOWNSHIP'S ACQUISITION OF BLOCK 553, LOT 50

*Note: This ordinance was not acted upon as it was not needed, number will be reassigned to new ordinance.*

Mr. Hornickel noted that there was an error in this Ordinance as it was already adopted as Ordinance 18-2020 back in August.

## **REPORTS & COMMUNICATIONS**

- a. Engineer's Report dated 10/1/2020. – Council had no comments.

## **BILL LIST**

Approval by Council required for payment of vouchers on Bill List dated 10/2/2020.

Councilman Gardner noted that on page 14, under department of electricity, there is a bill for \$3.31 and asked what this was for. Mr. Hornickel noted that he was not aware. Advised that there were some expenses for CME for the Gateway Property studies. Noted that these should be paid for by the trust and that these statements he made were accurate. Advised Council that they would continue to see these charges and explained why. Commented that on page 7 there was a charge for the Synovia GPS to public works and noted this was supposed to be under the Police Department and that it would be changed.

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; Burton, yes. Motion carried.

## **SOLICITOR'S REPORT:**

**Mr. Bayer reported:** No comments.

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

**Mayor David Patriarca:** Stated that Public Works had successfully completed paving the walking trail by the Nesbit Center. Noted that the goats are still working on the Dominique Johnson Park area and when they are done Public Works will begin on that project. Commented on the applications that were approved for the new firefighters. Complimented the Fire Chief and his crew on continuing to recruit new members. Stated it is excited to see 4 new members coming in at one time. Advised that they are currently interviewing Police applicants as well as interviewing for a new Court Administrator. Noted that they are in the process of extending an offer for the Court Administrator position and feel that they will be a great addition to the Township. Stated that they had met with a company today about bringing more solar into the Township. Advised he would look into the \$3.31 bill as we should be responsible regardless of the amount.

**Daniel Hornickel reported:** Advised on the streetscape project and what they are expecting to be completed over the 60-day project. Commented on the Engineers Report that they did receive a proposal for GPS Services which had not been brought to Council yet and explained the reasons why. Noted that the GPS Service was just one of the things they were going to offer us. Explained other things that are required for us to complete including the updating of our Water System Map. Noted various larger ticket items that are going to be coming to Council and some items they are planning for next years budget. Advised that they had met with ARH about GIS Mapping of our park system. Noted that they would be supplying Council with a presentation of a 5-year parks improvement program as well as a plan for hiking and biking lanes. Further explained how the GIS Mapping layer will incorporate all of this. Advised on the various programs we would be working with to get this done and the funding we are going to be seeking. Stated they are all working very hard on it and thinks the Council will really like it. Advised that we are looking to hire 2 more code enforcement trainees and that our Fire Chief was going to be taking over as the Code Enforcement Supervisor. Noted that Chief Augustoni has a lot of great ideas to be more forceful with compliance issues and is working with the courts and prosecutor. Council President Burton noted her being pleased in hearing about this. Mayor Patriarca explained on how the GIS System would impact our daily operations. Stated that we want to expand this system to include parks, our water and sewer systems. Council President Burton asked how many new Police officers we have. Chief King advised that they had hired 6 and 1 dropped out leaving us with 5 in the Academy right now. Added that if all graduate from the Academy, this will bring the total amount of officers to 44. Council President Burton asked if more were needed. Mr. Hornickel noted that they are actively looking and are hoping to send at least 4 more to the Academy. Noted that we had also hired another Class II Officer and that there are 2 retirements coming up. Council President Burton asked what the feeling was on officers walking the beat like they used to throughout the community. Chief King advised that they actually do that now. Noted that just yesterday that he along with other officers were out on foot addressing quality of life issues near the Browns Mills Wawa. Councilman Gardner asked if either of the Chiefs had any updates on what is going on with the town or programs

within the town. Chief King stated that both he and the Fire Chief appreciate Council inviting them out to the meeting as well as their approval of the grant that they had written. Noted that they had also written a COVID Grant together back in March or April which provided us with \$39,000.00 to buy equipment and supplies to address the COVID situation. Chief Augustoni noted that Chief King was very generous in his accolades as all he did with the grant was spend the money and he was the heavy lifter. Thanked Chief King for all of the work he did. Advised that it was a DOJ Grant that was surrounded by Police activity emergencies. Stated that they had gotten creative and were able to legally purchase a lot of items for the Fire Department and Emergency Responders through this grant. Wanted to state publicly that it is unheard of, the relationship of the 2 departments coming together and the Police Department actively looking after the Fire Department. Noted the various items he was able to obtain through this grant money. Publicly thanked Chief King again and for saving the Township \$18,000.00. Stated that they have actively been working on recruiting. Noted other grants that they are looking to get. Advised on a structure fire that occurred this afternoon but all were safe with some minor damage to the house. Thanked Council and Administration for their continued support and noted their gratitude for all they do. Stated he is proud to be a part of this. Council President Burton gave kudos to both Chiefs for working together as it should be. Councilwoman McCartney thanked both Chiefs for their partnership, leadership and their crews for helping to keep us safe.

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

**Councilman Allen** – Asked if there was an update on how the 5 recruits were doing in the Academy. Chief King advised that they report in daily through a liaison and all are doing well. Councilman Allen asked how the body worn camera program is going. Chief King stated that it is hard to quantify but that he and the officers think it is great. Noted that it definitely saves them a lot of time with Internal Affairs complaints. Stated that it is a win/win as they are sending video footage daily to the prosecutor's office for cases they are prosecuting. Councilman Allen asked if there was any potential grant funding for the purchase of masks that could be distributed to the public for those that were having trouble getting them. Chief Augustoni stated that he would look into it. Spoke about the flu clinic that they will be sponsoring at the Firehouse and stated that it would be a drive through clinic. Mayor Patriarca asked if they had heard anything on COVID testing being offered. Chief Augustoni stated that he had not heard anything. Discussion ensued on the home testing kit. Councilman Allen asked if we had a percentage on our response rate for the census. Mr. Hornickel noted that we are currently at 70.4% as of Monday. Councilman Allen notes that he was impressed with how creative and resilient our employees are. Noted that he thought it was nice that Recreation thought outside the box and found something different for the kids since we could not do the same things as last year for Halloween due to COVID. Advised that he had received a call from Senator Corey Bookers office with information about grants which he forwarded to Amy. Acknowledged our Engineer, Chris Rehmann who had come into the meeting.

Chief Augustoni advised that they had been given guidance on doing a Drive Thru Trunk or Treat on Saturday October 31<sup>st</sup> from 5:00 pm to 8:00 pm at both the Country Lakes and Presidential Lakes firehouse locations

**Councilwoman McCartney** – Stated that she recognizes that there has been a lot of improvement of the infrastructure of our town. Asked for a status on the old Acme property. Mayor Patriarca noted that they had to go there today to board up windows that were blown out from winds that had come through. Stated that they are still marketing it with some developers but noted that there has not really been any excitement in that area. Noted that there are still 4 tenants in the building and he is hopeful that someone will see the value in it. Advised on things that Public Works had been doing to keep the property up. Councilwoman McCartney noted that there are challenges with being in the middle of a pandemic. Mayor Patriarca agreed that this did bring challenges and noted that the brick and mortars of yesterday are not the same today. Stated that you have to look at the things that you can do that cannot be found on Amazon. Noted that these are the types of developers they are looking for that understand those needs. Councilwoman McCartney questioned the status of the yellow bank and the BCC property as these are the 3 properties she gets questioned about most often. Mayor Patriarca advised that the bank was bought because they wanted to control the destiny of the building. Stated it was a beautiful old building they would like to be seen brought back to life and not turned into something that would be a nuisance later. Advised that as to the College property, this belongs to the County Board of Trustees and they have not come to us with anything, but we have marketed it with developers about the property, but it is not ours. Councilwoman McCartney asked about the fatal shooting that was in Pemberton Borough last year. Mr. Hornickel advised it was currently in the Attorney Generals office. Councilwoman McCartney asked for an update on what is going on with the

Solstice property. Mayor Patriarca stated that he does not know of additional complaints that have come into his office and asked Chief King to advise. Chief King stated that things seem to have quieted down and believes a part of that is due to the Straight to Treatment program which is through Maryville next door which takes a lot of the clientele. Councilwoman McCartney asked about speeding issues and if we were looking to put in any speed humps. Added that she looked at the ordinance and it looks pretty involved to get one installed. Mr. Rehmann advised that speed humps are very dangerous. Noted that they do control traffic but there is an issue for fire trucks and other emergency vehicles. Commented that some developments have installed speed tables which can be looked into. Discussion ensued on speeding issues and the death that occurred on Choctaw Drive. Councilwoman McCartney asked if Council could get a copy of the paving schedule. Mayor stated that they could have Public Works put something together. Commented on the changes that have been made to the building and asked what other protocols were being used by employees. Mr. Hornickel advised on various steps that are being taken for all to be protected. Councilwoman McCartney asked about dividers for the Council meetings. Mayor Patriarca stated they would look into this. Questioned the interview the Mayor had with Business View magazine. Mayor Patriarca noted that it went very well and seemed very positive. Councilwoman McCartney gave a shout out to India Nelson for all of the volunteering and outreach she does throughout the community.

**Councilman Gardner** – Asked if employees were getting temperature checks. Mr. Hornickel noted that we do not do them but that employees have been diligent in reporting any illness before coming into the building and being personally responsible. Councilman Gardner asked if Comcast could put a hot spot in the building. Discussion ensued on hot spots and internet access in the building. Councilman Gardner asked residents to please clean up their properties. Mayor Patriarca noted that we will now have 4 ½ code enforcement officers. Councilman Gardner asked residents to please go directly to the Township for information and to get their questions answered and not Facebook. Thanked everyone for coming out.

**Council President Burton** – Thanked all of her colleagues for their questions and concerns. Gave kudos to both Police Chief King and Fire Chief Augustoni. Thanked Mr. Rehman for attending.

**Chris Rehmann, Engineer** – Commented on Council's decision to take over the MUA at the beginning of the year. Noted that they are currently working on getting the UV System installed and explained what it does. Advised on the repairs that were found to be needed when the Township took it over. Stated that with things they are doing they are putting the system in better working order. Commented that Doug Borger does a great job over there for the Township. Stated that the contract was awarded and will be under way shortly. Noted that there was a NJDOT grant for South Lakeshore Drive. Advised on the bids that had come in to complete this project. Noted that they were going to ask for a change order to use the rest of the grant money out there so it does not go back to the State. Advised that he was going to be attending a meeting on Wednesday about the Seldat property and that this project is on its way. Discussion ensued on the sewer plant operations and the benefit of the Township taking it over. Mr. Rehmann stated that all should be proud of everyone working at the sewer plant to keep it operational. Noted they have worked for so long with so little to keep it going and have done a great job.

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

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk