

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**October 16, 2019  
6:00 P.M.**

**FLAG SALUTE**

Council President Trueblood 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  
Gaye Burton  
Elisabeth McCartney  
Norma Trueblood

**ABSENT**

Jason Allen

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

**CALL TO ORDER**

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

**CLOSED SESSION**

240-2019 Authorizes Council to go into Closed Session – Not Adopted

**PUBLIC COMMENTS**

This portion of the meeting was opened for public comments.

**James Boland, Browns Mills – 1.** Thanked the members of the community that came out to the meetings over the last several months. Commented that several of them had different opinions but they all came out. **2.** Commented that Sun Bank looked like no one had ever bought it. Mr. Bayer advised that they are currently in the process of closing on the property. **3.** Reminded Council about the subsidiary program that the RING Camera Company offers to municipalities. Suggested that Council look into this as a possibility for Sunbury Village. **4.** Questioned the transition costs for the MUA. Noted that residents were advised that there would be an S4 Operator and that there was someone lined up to do that and asked if this was still the case. Commented on the costs not just in the transition but the human cost. Stated he does not know what happened as far as personnel but knows that here there was a ripple effect with tense moments. **5.** Mentioned the TNR program for the feral cats. Stated he knows it can be controversial but he has a cat problem and thinks this could help. Mayor Patriarca noted that he met with the group providing these services on many occasions. Advised that they had come to an understanding that the town could support the program but they could not support our version of the ordinance. Stated that currently our Animal Control responds to cat complaints, trapping them and taking them to the shelter where they are usually euthanized because no one takes them. Stated that the company has a problem with that because they are investing money into these cats. Noted that the cats get neutered and have their ears clipped, and then are returned to where they were picked up from. Noted that homeowners are calling the township complaining because the cat is still there. Mr. Boland stated he hopes that there is a middle ground. Discussion ensued on the process and the cats being brought back to their colonies. Mr. Boland stated that no matter how many cats you trap they will multiply quickly. **6.** Commented on a news article about saplings that were planted by local students and off-road vehicles that ruined them. **7.** Asked if anyone had seen the publication that is done by the State Comptroller's office called "A Program Addict Examination of Municipal Tax Abatements". Stated that this was basically a study that was done to evaluate the effects of Municipal Tax Abatements. Advised he would email it to all of Council because he thinks it is good to review. Councilwoman McCartney asked what the name of the company was for the cameras. Mr. Boland advised that it was the RING company and explained how they work and the discounts offered to municipalities. Stated he would forward this information to Council also. Councilman Gardner thanked Mr. Boland for bringing this back up and apologized as he wanted to look into this further. Advised that he wanted to look into the Westampton program because he knows they have done this. Noted he thought this was a great idea.

Mr. Hornickel advised that the transition costs are internal and is basically department managers and himself preparing for the transition. Stated that right now he is carrying the lions share of that. Noted that whatever hours he has to put in to do this he will to be sure it is

ready to go by January 1<sup>st</sup>. Advised that they were looking for a license operator who has the S4C4. Commented that he has a list from the NJDEP and also knows a handful of retirees that have the qualifications and is looking to track them down to see what they are doing including a retiree of the MUA who just renewed his license in September. Advised that people who are retired are limited in the hours they can work, but that he had spoken to the DEP who has approved arrangements to have an S4C4 Operator who works part-time as long as you have appropriate licensed staff below them. Explained the current arrangement with Mr. Butler and the Chief Plant Operator. Advised on morale and transition within the MUA. Noted that he and the Public Works Supervisor had been out at the MUA to meet with employees and have been completing the interviews. Noted that so far, all the employees they have met with are optimistic and more importantly have been open and forthcoming with him. Stated that many of the suspicions that we had about underinvesting, the infrastructure and the plant, have only been confirmed so far through the interviewing process. Commented that the message to the employees is that we are open to ideas and want to hear from them because as their budget is put together, we can start planning for their Capital needs. Stated they are the ones that know best what things around the plant need to be replaced. Noted they are making a list as they do interviews asking each of them if they can identify something that needs to be fixed, what it would be. Commented that they have been very responsive and it has been very positive so far. Mr. Boland stated it sounds like the MUA employees are saying, if they were in charge this is what they would have done already. Mr. Hornickel noted that some have said that they have proposed ideas which were sent up the chain of command but were not approved by the Board. Noted they had a tour of the plant and all is going well so far. Discussion ensued on the interviews of the current MUA employees. Mr. Hornickel stated it is his impression that we will be 12 for 12 with the employees with the exception of Mr. Butler who has already made a decision to move on. Mr. Boland thanked him for the update.

**Michael Sawka, Pemberton** – 1. Commented that a month or so ago he came to complain about Public Works and the poor communication. Noted that he still has heard nothing but that there is a cone in the sinkhole forming outside of his home. 2. Commented on the franchise agreement the town has with Comcast. Stated the signal is terrible especially in this building. Noted that there are Xfinity Wi-Fi hotspots everywhere except for here and asked why that is. Stated if the town asked for one to be put here or a cell tower which would help out. Stated that anyone with a Comcast account could log into their own account. Mayor Patriarca stated the he would look into seeing why we do not have one because we should. Noted he does not know if it is because we have a business account. Stated he knows that we do not allow access to our account because our IT company recommends against sharing. Discussion ensued on possible options and the terrible service. Councilman Gardner advised that your home and your business is secure but the public access is unsecured. Stated it is two separate things. Discussion ensued on potential issues and reasons why the service does not work well in the building. 3. Mr. Sawka commented that TNR does work over time but is not an immediate fix. Explained how the process works. Commented that he would not trust Charles Garrity one bit. Advised on a video that was presented in Hainesport with him acting out against the residents. Noted that the contract with his company was terminated in Westampton and Medford because of his treatment of animals. Asked that the town review its contract with him and keep an eye on him because he mistreats animals. Stated he has been caught abusing animals by hanging them by their neck on the pole to put them in the truck. Stated he does not trust him with anything related to TNR. Mayor Patriarca noted that we did not discuss this with the contractor when they were evaluating this process, but with the group that was promoting it and did not want to conform to our ordinance. Stated that if the residents are complaining we have to take action against the problem, so they unfortunately could not come to an agreement. Mr. Sawka advised that there are other companies that do this. Discussion ensued on a possible resolution or ordinance and the issues with this matter. Mayor Patriarca noted that if there was another company that was willing to come talk to us, we would listen to them. Councilwoman McCartney stated that it seems we were looking into TNR but want to look out for all of the residents. Discussion ensued on the current ordinance and this issue. Noted that a big part of the problem is that people are going out there feeding the cats which means we are creating the problem. Councilwoman McCartney noted the email they received today about the Animal Control company and Mr. Garrity. Stated she would like to review the contract and see what our options are. Mr. Sawka asked that they keep an eye on this. Councilwoman McCartney asked Mr. Sawka about the sinkhole and if it is in the same place. Mr. Sawka advised that there was a problem with the storm drain and now there is a sinkhole. Added that it is near the drain in the alleyway behind the house, with 1 sinkhole in the road and 1 in the dirt. Councilwoman McCartney noted that they alleys are private property and she believes this to be part of the issue. Mr. Sawka stated they have already determined that from where the ditch goes underground to the street, belongs to the Township. Mayor Patriarca stated that Public Works is aware of it. Noted that there are several failures in the storm system and advised that we are getting ready to do a pipe

realigning on Harvard that was already approved by Council. Stated that they are addressing the higher priority issues now and will continue to investigate the failures in other parts of the system. Councilwoman McCartney noted that when Public Works puts the cones out it is to identify they are aware and are coming back. Mr. Sawka stated his biggest issue is no one getting back to him and the lack of communication as to what is going on.

**America Phillips, Presidential Lakes – 1.** Noted that she went to the dumpster today to get rid of a batch of leaves. **2.** Commented on the TNR program and a freeholder meeting she had attended that was discussing this issue. Advised that the freeholders passed an ordinance for TNR. Noted that by 2025 there will be no kill shelters in the United States. Explained that the group there explained the process and why the cats are brought back to where they are picked up from and that it does not cost the town. **3.** Asked the Mayor for an update on the Presidential Lakes firehouse. Mayor Patriarca advised that he had no update yet but is hoping it is ready by the end of the month, but that this was not a guarantee. Noted some of the items being finished up and that in a week or so they would be hitting the punch list. Stated that for the most part the building is ready to go. **4.** Ms. Phillips noted that the stop sign is on the ground and a new sign was put up. Commented that the cones holding the signs up were put into people's cars and she went and picked them up and brought them to the fire building because she knows how much they cost. Stated that if she catches them stealing, she will turn them in. **5.** Commented on houses on Connecticut and Kentucky, that have been empty for a long time and do not look good. Asked if the township could find out who owns these houses so they can fix it. **6.** Commented on the bleachers in the park in Presidential Lakes that need to be fixed or replaced. Asked what time the lights go out in the park. Mayor Patriarca advised that all of the parks close at dusk. Ms. Phillips noted that there are people hanging out in the park after dark. **7.** Ms. Phillips asked again for the consideration of a porto pot for the ballfield in Presidential Lakes. Councilman Gardner asked if she had been to Mill Park in Mount Holly, and noted that there is no porto pot there and there never has been one. **8.** Noted that the freeholder meeting was so fast she made two meetings in one night. Stated she feels she is wasting her time coming to these meetings. Noted that the people coming out of the freeholder meeting were so happy. **9.** Advised she had traveled through Country Lakes and noticed a big hole by the stop sign on the corner of Tecumseh Trail and Spring Lake Boulevard. **10.** Noted that in June or July there were several Seniors from Lake Valley at the meeting. Stated she does not understand how the County screwed up and the township did not look into the fact that the alleyways should belong to the Township. Councilman Gardner noted that the Mayor explained then why the alleyways belong to the residents. Mayor Patriarca noted that as he stated then and is stating now, the Solicitor is working on trying to fix this going forward. Stated that in his view this was a mistake on the Township from the past. Advised that they are working on a solution, but that it is not an easy fix because each property has to be dealt with individually. Mayor Patriarca advised Ms. Phillips that there was some vandalism at the new firehouse and as a note they flipped over the porto pot, just like he told her would happen if we put one there.

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.**

Councilman Gardner asked to pull Resolution 244-2019.

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

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

- |          |   |
|----------|---|
| 241-2019 | Authorizes various routing refunds in the total amount of \$149.00  |
| 242-2019 | Authorizes the reissue of cancelled stale check.  |
| 243-2019 | Appoints members to the Veterans Advisory Committee   |
| 244-2019 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>  |
| 245-2019 | Waives the waiting period for enrollment in the Township Health Benefits Program for employees of the Pemberton Township Municipal Utilities Authority.         |
| 246-2019 | Authorizes the release of Wawa Maintenance Bond #106228538 for work done at Block 786.01, Lots 15-16 and Block 786.02, Lots 1-2 as recommended by the Engineer. |
| 247-2019 | Authorizes the purchase of Body Worn Cameras for the Police Department from   |

Panasonic by way of State Contract in the total amount of \$102,120.00.

**NEW BUSINESS**

\*a. Purchases over \$3,000

1. Tax Collector - Data conversion services for Sewer Utility Accounts from Edmunds in the total amount of \$7,500.00.
2. Police Department - 5 Replacements Computers due to aging/underpowered systems from Dell in the total amount of \$3,721.85.
3. Police Department - 4 Computers and 8 Monitors for Body Worn Cameras from Dell in the total amount of \$6,850.32.
4. Police Department - Redaction Software (36 Months) for Body Worn Cameras from Veriton Inc. in the total amount of \$14,250.00.

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

**RESOLUTIONS**

244-2019 Authorizes a Shared Service Agreement between the Township of Pemberton and Rowan College at Burlington County for equipment and services. *Pulled from the Consent Agenda.*

Councilman Gardner advised that he had pulled this to let Ms. Phillips know about the equipment we are getting for the parks. Asked the Mayor to explain. Mayor Patriarca advised on the Shared Services Agreement with the College and the equipment we would be obtaining. Noted they would be looking at the bleachers to see if they need to be replaced or if they can be fixed. Councilwoman Trueblood noted that she was excited about this because the College is dear to heart. Noted she was excited to see the equipment being used.

Motion by Gardner and Burton to approve Resolution 244-2019. Gardner, yes; Burton, yes; McCartney, yes; Trueblood, yes. Motion carried.

**ORDINANCES FOR INTRODUCTION**

**ORDINANCE NO. 33-2019**

AN ORDINANCE AMENDING CERTAIN PROVISION OF THE PEMBERTON TOWNSHIP CODE TO WAIVE RESIDENCY REQUIREMENTS AND GRANT SERVICE CREDIT TO EMPLOYEES OF THE PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY WHO ACCEPT EMPLOYMENT WITH THE TOWNSHIP AND TO ASSUME THE OBLIGATIONS FOR HEALTH BENEFITS FOR QUALIFIED RETIREES

Council President Trueblood asked Council if they had any discussion. Councilman Gardner noted that he liked that this would make for a smooth transition for the employees and would ease any stresses they may have. Mr. Hornickel advised that when he met with the employees and told them it was on the agenda, they were encouraged by that.

Motion by McCartney and Burton to introduce Ordinance 33-2019 with a public hearing to be held on November 6, 2019. McCartney, yes; Burton, yes; Gardner, yes; Trueblood, yes. Motion carried.

**ORDINANCE NO. 34-2019**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING ACCEPTANCE OF A LINE-OF-SIGHT EASEMENT FROM NEW CREATION PROPERTIES L.L.C. ON THE PROPERTY LOCATED AT 45 WEST LAKESHORE DRIVE AND DESIGNATED ON THE TOWNSHIP TAX MAP AS BLOCK 270, LOT 1

Council President Trueblood asked Council if they had any discussion.

Motion by Burton and Gardner to introduce Ordinance 34-2019 with a public hearing to be held on November 6, 2019. Burton, yes; Gardner, yes; McCartney, yes; Trueblood, yes. Motion carried.

**NEW BUSINESS**

b. Council's review of New Jersey Department of Community Affairs Best

## Practices Questionnaire.

Councilwoman McCartney noted that on page 15 there was a question about recycling. Mr. Hornickel noted that the County does our recycling, we do not run our own program. Councilwoman McCartney noted that on page 4 there is mention of an informal policy for Municipal Budget surplus regarding the increase or decrease to develop a realistic and sustainable surplus policy. Mr. Hornickel advised that we do not have a written policy but we do evaluate our surplus year over year and try to project what will be needed in the future. Stated it would be nice to have a policy and goals but unfortunately our revenues change and fluctuate. Noted that in any given year if we have a lot of expenses, we will not meet our goals causing us to look like we failed. Noted that our surplus can easily be found on our website. Councilwoman McCartney asked if we had an annual written goal for what we were going to do with surplus. Mr. Hornickel noted we do not. Mr. Bayer advised this is done yearly through the normal budgeting process. Mr. Hornickel explained the process and how it works. Councilwoman McCartney asked if there are goals for budgeting but no written policy. Mayor Patriarca stated that the Budget itself is a goal and is a spending plan. Commented that depending on how that plan plays out, throughout the year, will determine the amount of revenues that were not needed and can get put into surplus for the following year. Stated that to write a policy to day this is what we will do we are essentially taxing for surplus and taxing ahead. Noted that our plan could realistically say that anything not used would go towards surplus, but that this is what happens anyway. Councilwoman McCartney stated that she was concerned about this because of all we just went through with the MUA. Noted that many residents were concerned about where the surplus was going and thought this may be a way to have some documentation about that. Stated it sound like we do that already. Mr. Bayer stated that he does not think that this is what the questionnaire is asking for, but indicates that the CFO should investigate the trend of surplus over the last 5-years to show what caused increases or decreases. Councilwoman McCartney noted she was just confused over the no answer because she thought we already did this. Councilwoman Burton stated that it is done through the budget process and is not a policy per say.

Mr. Bayer noted that no vote was required. It was noted that Council reviewed and discussed the Best Practices Questionnaire.

### **REPORTS & COMMUNICATIONS**

#### **a. Engineer's Report – 10/10/2019**

Councilwoman Burton stated that she appreciates the updates. Council President Trueblood noted that the fire department and community center are moving along nicely.

### **BILL LIST**

Approval by Council required for payment of vouchers on bill list dated 10/11/2019.

Councilwoman Burton asked what the legal services for CVS are on page 3. Mr. Bayer advised that this was a tax appeal and that Mr. Wisniewski is the attorney that handles these for the township.

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

### **SOLICITOR'S REPORT:**

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

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

**Mayor Patriarca reported:** Reminded that Recreation would be holding the Halloween event at Imagination Kingdom on Halloween night. Noted that it is still Breast Cancer Awareness month and asked all to keep that in mind and support those going through it.

**Daniel Hornickel reported:** Noted he has been receiving information from the MUA and that they have been very compliant with his requests. Stated they have been making good progress on the transitional outline. Commented on a potential source of revenue regarding accepting septage which is what is pumped out of septic tanks. Advised that right now a lot of it is being sent up to Mount Holly and we do not accept anything, including from our own residents. Noted that for 2020 we are going to ask the Township Engineer to consider what design plans we would need to implement in order to start accepting this. Added that we have the capacity to do this and it is a potential revenue source that has not been tapped into for 40-years.

Advised that he had met with the PBA Union at their meeting last night. Stated that they wanted an introduction with him and he spent about an hour answering questions and making himself accessible to them and they were very grateful. Noted that as the Business Administrator he does not have a lot of interaction with them because of them being out on the road. Let them know that he was accessible and if they needed to, they can stop in to see him. Stated that he and Mr. Benedetti had met with Mr. Boland during the week who had some good suggestions for us including an insert in the trash billing to remind residents of their responsibilities in maintaining their trash. Stated it never hurts to remind people of our codes and expectations. Noted that lastly, he thought it was neat to have his first meeting here with Sunshine.

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

**Councilwoman McCartney** – Thanked the Mayor, Business Administrator, Solicitor and Council for collaborating to do what is best for our residents. Stated that we want to continue to do that and move forward with a positive transition. Thanked all for their hard work and dedication. Noted that they are so grateful that for Administration following through on all the things they said they would so far with this transition. Commented on the discussion about the Utilities Advisory Board and moving forward does not know what hat would look like. Mr. Hornickel stated that they would certainly be able to have a representative from the Sewer and Water Divisions available possibly on the Wednesday before a Council meeting once they are on board. Councilwoman McCartney noted she is really excited about the body cameras. Noted the meeting they attended the previous winter and noted that the Police were very careful in choosing the right equipment. Stated she is also happy about the Veterans Advisory Committee and hopes we can now move in a positive direction. Advised that this Friday at 5:30 pm the Soroptimist vigil will be held by Primrose Avenue off of South Lakeshore Drive. Explained that this was for women who have survived domestic violence and supports them in getting out of these situations. Questioned if anything had been looked into for the road in Country Lakes where Ms. Willitts lost her life. Mayor Patriarca stated they will be looking into this. Stated he knows that it is going to be paved and they will closer at it then. Councilwoman McCartney advised that on October 27<sup>th</sup> at 2:00 pm, the BMIA would be sponsoring a School Board Candidate forum and the annual berry bakeoff and encouraged all to come out.

**Councilwoman Burton** – Thanked the Mayor and Business Administrator for all of their input and for doing such a great job at moving the transition along. Mentioned that the BMIA 100-year celebration had just passed and she really enjoyed it. Noted that there was a great turn out and was great for the community. Thanked all for coming out.

**Councilman Gardner** – Thanked the Business Administrator and the Mayor for the transition and all they are doing. Stated that if he was someone who worked at the MUA and all of this was going on he would have been worried, but that the transition that was brought forth and approved would have made him feel better. Noted that he attended the School Board Candidate forum at the High School last night. Advised that they spoke very well and had a lot of interesting things to say. Noted there were not too many people there but he would encourage them to go out to the one at the BMIA. Stated he would look into the RING program and noted he really likes it and why. Thanked all for coming out.

**Council President Trueblood** – Thanked all for coming out in this nasty weather. Stated they are enjoying the rain. Agreed that the BMIA event was well attended and the food was phenomenal. Stated it was well put together and she was excited to win a basket of candy. Noted it was nice to meet so many nice people and see so many great things done. Mentioned the donations that were provided and that this meant a lot for our Township, the way everyone comes together. Stated she never looked at the MUA as being dissolved, because it was not going away. Noted she looked at it as a merger because it was coming together. Thanked the Business Administrator for meeting with the employees and for being considerate of their needs by implementing these ordinances. Stated this all means a lot and is diligent and nice for the employees.

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

Respectfully submitted by,

Sunshine Dashiell, Deputy Township Clerk