

TOWNSHIP OF PEMBERTON
REGULAR MEETING
October 21, 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
Norma Trueblood
Gaye Burton

ABSENT

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

239-2020 Authorizes Council to go into Closed Session – Not Adopted

PRESENTATIONS

- a. CEP Renewables, LLC – A study of Block 906, Lot 1.01 as an Area in Need of Rehabilitation.

Steve Gouin, Esq. and Roger Ferguson, LSRP were here on behalf of CEP Renewables, LLC. Advised on the CEP proposal to buy the Pasadena Road landfill from the Township and put a solar facility there. Explained his roll and other projects that CEP already has completed. Advised on how CEP approaches their projects. Commented on what will need to be done to the property if this moves forward. Mr. Ferguson provided an environmental overview of the project and what the current state of the property. Advised that an investigation would have to be done as well as samples of the water taken. Noted the various permitting that would be required prior to the installation of the panels. Mr. Gouin explained what CEP would be looking for from the Township. Council President Burton asked why CEP would want to take on such an obligation. Mr. Gouin advised that it was essentially for money as this would eventually generate revenue and noted that they go after landfills because they can obtain government incentives. Councilman Allen asked if a PASI had been conducted on the site. Mr. Ferguson noted they were unaware of one being done. Councilman Allen asked if there was any contamination associated with solar panels. Mr. Gouin noted that there was not. Explained what they would agree to as far as what they would do with the property once the useful life of the solar array was done, which is approximately 30 years. Councilman Gardner asked the panels are stabilized if they do not drill into the soil. Mr. Ferguson explained how they would be secured using concrete ballasts. Councilman Gardner asked if concrete ballasts were part of the cleanup. Mr. Gouin stated that they would be a part of the decommissioning agreement. Councilman Gardner asked what would happen to the to the land once the solar panels are done. Mr. Gouin advised that they would just continue to pay taxes or dedicate it as open land. Councilwoman McCartney asked how many acres this was. It was noted that it is approximately 18 acres. Councilwoman McCartney asked Mr. Hornickel what the benefit to the town was. Mr. Hornickel explained the various benefits including getting the landfill cleaned up with no out of pocket expense to the Township. Mr. Gouin explained the slight benefits to the Town as far as actual energy goes. Mr. Bayer commented on opening this up for public comment since it is a presentation. Explained where we are currently in the process and advised on the long process to get this actually completed.

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

Lee Quinn, Browns Mills – 1. Asked if any study had been done to determine if there is methane gas. Mr. Ferguson noted that the age of this landfill was past its prime for production. Councilman Gardner asked what the plan would be if there is any methane gas

and what they would do with it. Mr. Ferguson advised that they could passively release the gas and if not, they could do a flare to burn off the methane. Further explained the process of removing the methane and what can be done.

John Rodriguez, Browns Mills – 1. Asked about the no cost to the Township and if this meant no public monies. Questioned if this would be a union or non-union job. Mr. Gouin stated that they typically do use union employees.

Charles Eggesmont, Browns Mills – 1. Asked who would be monitoring the methane flare. Mr. Ferguson advised that it is mostly done remotely by automated system along with cellphone alerts. Further explained that in order to protect bird species, the flare is contained and is not visible to the eye. Noted that there is less than a 10% chance that this landfill will need a flare, but if it did the location would be well away from the wood line.

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

PUBLIC COMMENTS

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

James Gray, Browns Mills – 1. Noted that his neighbor has been running a generator day and night on Tulip Street, since February. Advised that they have been to the Police, Zoning Board, Court and last week, the Mayor. Stated that he felt that there should be an amendment to Ordinance 132-2011 that would restrict the non-emergency use of generators, as a primary use of electricity, to include the number of hours they are allowed to be ran. Advised on how the neighbor is using the system and that safety is a concern. Asked that Zoning and Code Enforcement inspect these homes to be sure that safety is a top priority in our community. Noted that the generator is right next to his house and you can hear it throughout the area. Stated that they have not gotten anywhere in court as his neighbor is not showing up. Commented that the Mayor told him this is happening throughout town. Mr. Gray advised that he has a petition going around with 50 signatures and explained that other neighbors are upset with this issue. Stated he knows that people have issues but that there are programs to help her. Mayor Patriarca stated that he believes we should not be condoning the use of portable generators as a primary source of electricity or utilities, on a daily basis. Stated that this becomes a quality of life issue to the residents living around them. Noted that he had asked Mr. Bayer to research this and he had come back to him with some ideas. Advised that they would like to have time to come back to council with an ordinance, or an amendment to the current ordinance, to address this issue.

Kim Raymond, Browns Mills – 1. Advised that she lives directly across the street from this house. Stated that she had spoken to the homeowner back in April and asked her what happened. Noted that the homeowner told her that her meter had been completely removed by the electric company. Stated she has lived there for 44 years and she was good friends with the current homeowner's mother before she passed. Explained that they have made suggestions to try and help her but all has been ignored. Stated that in the Spring and Summer she could not open her windows and doors because all you could hear was the generator. Noted that she had already blown up 3 generators and they are asking for help to deal with this situation.

Mayor Patriarca stated that many people make poor financial choices but we do not know her whole situation. Noted that this is affecting several residents and should be looked into and regulated more strongly. Councilman Gardner noted the township code on generators. Mr. Gray stated that when running gas or electric powered tool you see an end in sight but there is no end in sight to this situation. Discussion ensued on the noise ordinance and how its enforcement is hard. Mr. Gray stated that there is a court order signed by Judge Schimberg stating she can run it from 10:00am to 10:00pm, but she has not complied. Councilman Allen asked if a resident does not have a permit to run electricity that way can code enforcement issue a violation. Mayor Patriarca explained that with the current regulations they can run a generator but noted that more often than not, people use the double ended plug and plug into an outlet which then feeds your house with electricity which is hazardous. Explained that if you do not pay your bill after a certain amount of time they will come and pull the meter from your home.

Charles Eggesmont, Browns Mills – 1. Asked why he has to pay for a variance before he gets the variance to build a garage on his nephews' property and if it not approved, he will not get the money back. Mr. Bayer advised that the code states if you make an application there are fees and what you are paying for is the board professionals to review the request and ultimately make a recommendation to the board based on the evidence submitted to the

board. Mayor Patriarca advised on the process and why it is done that way. Mr. Eggesmont commented on trees that he had taken down on County property that would have fallen on his nephew's property and asked if he would get reimbursed for that by the County. Council President Burton asked if they had notified the County of the problem. Mr. Eggesmont stated that they had told the workers who said they would tell their superiors but they never heard anything. Council President Burton advised that he would need to go to the County Freeholder meeting and request a reimbursement through them. Mr. Hornickel suggested he contact the County Public Works office before showing up at a Freeholder meeting as he may be able to get more information from them. Noted that if the tree had fallen on the house it would have been his homeowners insurance to pay for it and not the County. Discussion ensued.

Seeing no other 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 Gardner asked to pull Resolutions 245-2020 and 246-2020. Councilman Allen asked to pull Resolutions 241-2020 and 242-2020.

***CONSENT AGENDA**

***CONSENT AGENDA RESOLUTIONS**

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| 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. <i>Tabled from the October 7th, 2020 Meeting.</i> |
| 240-2020 | Authorizes the Township Chief Financial Officer to deposit premium lien funds bid as to 326 Sumach Street at the Tax Sale held on April 8, 2014 to the Township Miscellaneous Revenue Not Anticipated account in the total amount of \$5,000.00. |
| 241-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 242-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 243-2020 | Authorizes pre-payment to Verizon New Jersey Inc. for relocating four telephone phone poles long Pemberton-Browns Mills Road. |
| 244-2020 | Various Routine Refunds, in the total amount of \$120.00. |
| 245-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 246-2020 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 247-2020 | Authorizes the acceptance of an Escrow Agreement from CEP Renewables, LLC for a study of Block 906, Lot 1.01 as an Area in need of Rehabilitation. |
| 248-2020 | Authorizes the Planning Board to undertake a Preliminary Investigation to determine whether Block 906, Lot 1.01 meets the criteria to become an Area in Need of Rehabilitation in accordance with N.J.S.A. 40A:12A-5 and 40A:12A-14(a) and authorizing a contract with CME Associates to conduct said study. |
| 249-2020 | Authorizes refund to Charles Bauberger Jr of a Tax Overpayment in the amount of \$2,565.14. |

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

RESOLUTIONS

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| 241-2020 | Endorses the Pemberton Township Application for the New Jersey Department of Transportation – Transportation Alternatives Program (NJDOT TAP) Application. <i>Pulled from the Consent Agenda.</i> |
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Councilman Allen noted that this is only offered every other year and applications are due by November 24th, 2020. Stated he is glad that this opportunity was located and that we are applying.

Motion by Allen and Trueblood to approve Resolution 241-2020. Allen, yes; Trueblood, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

242-2020 Approves the Right-of-Way use to Cross River Fiber, LLC. *Pulled from the Consent Agenda.*

Councilman Allen stated that he did not see anywhere in the Resolution or application as to whether this will benefit the Township operations in any way. Mr. Hornickel stated that we are compelled by law to consider and approve this as this company was approved by the New Jersey Board of Public Utilities to develop a fiber optic network for telecommunications. Stated that this will not directly benefit the Township but that the company had indicated that when they construct this, they will market it to commercial enterprises such as healthcare facilities. Noted he believes they are also planning to offer it to schools and public agencies so we there may be a potential for us to participate in the future at possibly a better rate than what we are paying now but that remains to be seen.

Motion by Allen and Gardner to approve Resolution 242-2020. Allen, yes; Gardner, yes; Trueblood, yes; McCartney, yes; Burton, yes. Motion carried.

245-2020 Authorizes the purchase of six Sulzer ABS Submersible Pumps for the Sewer Division from the North Jersey Wastewater Cooperative Purchasing System in the total amount of \$408,930.00. *Pulled from the Consent Agenda.*

Councilman Gardner asked Mr. Hornickel to explain why this is needed. Mr. Hornickel advised that we are investing back into the sewer system. Stated that the 3 largest pumps that pump raw wastewater to the sewer treatment plant are from 1973 and has exceeded its useful life by about 12 years. Noted that by continuing to use this equipment it is at risk for failure. Advised that due to their age they are not really efficient and are electric intense. Commented that they are asking Council to purchase 6 new pumps that will be more efficient in reducing energy costs and also shredding what gets poured down into the sewer system. Noted this will help with issues of flushing wipes as we do not have the capability to shred them right now. Added that going through the State contract will save us a lot of money.

Motion by Gardner and McCartney to approve Resolution 245-2020. Gardner, yes; McCartney, yes; Allen, yes; Trueblood, yes; Burton, yes. Motion carried.

246-2020 Authorizes a contract with Adams, Rehmann & Heggan for Digital Mapping Services for the Department of Public Works Sewer Division in an amount not to exceed \$47,500.00. *Pulled from the Consent Agenda.*

Councilman Gardner asked for an explanation of this project. Mr. Hornickel advised that they are looking to do a unique GIS layer for the sewer utility. Stated they will begin by scanning in all of the PTMUA's existing sewer maps and then will also do some GPS work to verify where our systems start and end. Advised that this will enable us to pinpoint where our utilities are for when replacement pipe is needed. Councilman Allen advised on other benefits were noted in the memo provided to Council.

Motion by Gardner and Trueblood to approve Resolution 246-2020. Gardner, yes; Trueblood, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

Mr. Hornickel advised that there was an emergency Resolution that needed to be added to the agenda to award a contract to Mac-Rose Contractors, Inc., for a sinkhole that needed an immediate repair on Rancocas Lane. Explained that the sewer pipe that is 15 feet underground is compromised. Advised on what would be done and replaced.

250-2020 Authorizes the award of a contract to Mac-Rose Contractors, Inc., for emergency repairs to a sewer main under Rancocas Lane in an amount not to exceed \$80,150.00. *Added at meeting.*

Motion by Gardner and McCartney to add Resolution 250-2020 to the agenda. Gardner, yes; McCartney, yes; Allen, yes; Trueblood, yes; Burton, yes. Motion carried.

Motion by Gardner and Trueblood to approve Resolution 250-2020. Gardner, yes; Trueblood, yes; McCartney, yes; Allen, yes; Burton, yes. Motion carried.

ORDINANCES FOR SECOND REASING, PUBLIC HEARING AND/OR

ADOPTION

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.

Council President Burton opened this portion of the meeting for public comment. Seeing no one wishing to be heard, this portion of the meeting was closed to the public.

Motion by Allen and McCartney to adopt Ordinance 21-2020. Allen, yes; McCartney, yes; Gardner, yes; Trueblood, 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

Council President Burton opened this portion of the meeting for public comment. Seeing no one wishing to be heard, this portion of the meeting was closed to the public.

Motion by McCartney and Allen to adopt Ordinance 22-2020. McCartney, yes; Allen, yes; Gardner, yes; Trueblood, 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

Council President Burton opened this portion of the meeting for public comment. Seeing no one wishing to be heard, this portion of the meeting was closed to the public.

Motion by Allen and Trueblood to adopt Ordinance 23-2020. Allen, yes; Trueblood, yes; Gardner, yes; McCartney, yes; Burton, yes. Motion carried.

BILL LIST

Approval by Council required for payment of vouchers on Bill List dated 10/16/2020.

Councilwoman McCartney asked about page 17 and the bill under Clean Communities for \$3,856.00 for Stake Body. Mr. Hornickel advised this was for a rental truck that was used for the Clean Communities event and advised that the ruck looks like a flat truck with fencing around it.

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

SOLICITOR'S REPORT:

Mr. Bayer reported: No comments.

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

Mayor David Patriarca: Reminded that the Halloween Trunk or Treat will be located at the Firehouses in Country Lakes and Presidential Lakes. Noted that all seems to be working well with the building being open again and have not met any challenges yet. Gave a lot of credit to the employees for persevering through this. Noted the work that is being done in the Council room for protection. Commented on the trail that was paved near the Nesbit Center and the positive comments that have been coming in. Stated that we are still trying to get this done at West End Park and are still seeking approval from Pinelands to use pavement over dirt. Noted that the goats have now left the area and we have moved into the next phase of the project. Stated that the goats ate everything that they could reach.

Daniel Hornickel reported: Stated that 52 homes have registered for the Decorate your Home Halloween contest through Recreation. Advised that the safety glass for the windows will be installed next week and the project in the Council room should be completed by the next Council meeting. Noted that Administration would be presenting Council with a request

to submit a grant, at the next Council meeting, for CARES Act funding. Noted that the Township is eligible for up to \$410,000.00. Stated he is not sure if we can claim that much for reimbursement for PPE and other equipment including the shields in the Council room, but we will claim as much as we can. Added that the CARES funding will reimburse us for our response to COVID. Stated that we did already receive other funding through FEMA and the Department of Justice but that did not cover lost revenues such as residents not paying their bills or monies lost for not renting our facilities. Commented that they would also be looking to bring an ordinance to Council to establish a no parking zone on Thomas Street. Stated that he had reached out to Pemberton Borough and they agreed to put it on their agenda as well as a part of that street is in the Borough. Noted that they would also be bringing to the next meeting a request to consider approving a Bond Ordinance to rehabilitate our New Lisbon Water System. Explained that Mr. Rehmann had applied for a grant to Pinelands and was awarded that grant to cover 40 percent of the cost. Stated that they also had given us approval for a loan through the I-Bank for 50 percent of the project cost. Advised that we would have to bond for the entire cost and would then be responsible for a 10 percent match. Added that our Township Financials are hosted by a system known as Edmunds GovTech. Commented on fees that are charged to residents for the use of paying bills with a credit card. Noted that these fees are going to increase on February 15th, 2021, but we do not have control over this. Mayor Patriarca reminded that this is just an option on how to pay your bills and that the Township still accepts in person payments and checks. Added that we have applied for the lake lowering permit and the lake will be lowered this winter once the permit is received. Advised boat owners to remove their boats and noted that information would be sent out.

COMMENTS BY COUNCIL MEMBERS:

Council President Burton – Thanked all that attended for their input, the presentation and questions. Thanked Administration for always following through on everything. Noted she looked forward to seeing all in two weeks.

Councilman Gardner – Stated he hopes Mr. Gray gets some type of resolution to his problem because he knows that listening to a generator all day and night is no fun. Commented that this town is a large area and they do not always know all that is going on around town. Asked how many seats were open for the public to attend meetings. Mrs. Cosnoski advised that currently if more people showed up, we could extend chairs into the hallway. Stated that two weeks ago a resident called about the parking in Lake Valley. Noted that he had spoken to her this week and she told him that part of the problem is that there is a resident at the apartments that is parking cars on the street so he can fix them and resell them.

Councilwoman Trueblood – Thanked all for coming out and stated the presentation was very informative. Stated that it is nice to know that we could be the home for green energy. Thanked public works for the amazing job they did in the Council room. Mayor Patriarca advised that he would say that we are the largest energy producers at least in Burlington County and possibly the State, with the amount of solar we currently produce in the town. Noted that we have one of the largest fields in the State right off of North Pemberton and this facility will only add to that.

Councilman Allen – Encouraged all to exercise their right to vote. Thanked all for coming out.

Councilwoman McCartney – Noted that it was nice to see public out tonight even though we had public calling in during the time we were closed, it is nice to have people here. Thanked Mrs. Cosnoski and Administration for working on this and Public Works for doing the work. Asked where were at with Fleet Maintenance. Mr. Hornickel asked that she send an email to him to advise what she is looking for. Councilwoman McCartney asked about a report for the Road Program. Mayor Patriarca notes that this would fall under the 5-year plan. Thanked all for coming out and to have a good night.

Councilman Gardner – Commented on Mr. Eggesmont coming and asking questions and getting the answers he needed. Stated this is what he has been trying to express to the residents, that if they have questions, come and get the answers directly from us.

Mr. Bayer questioned when the meeting in November was going to be. Asked if there was any thought to changing the date of the meeting. Mrs. Cosnoski advised that she was not opposed to that as it was the day after the Election. Mr. Hornickel advised that the following Wednesday was Veterans Day noted that he has to get the CARES fund done prior to November 10th. Discussion ensued and Council decided to leave the meeting for November

4th and they would discuss at that meeting if another meeting would be needed during the month of November.

The meeting was adjourned at approximately 7:48 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk