

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**November 6, 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
Norma Trueblood

ABSENT

Elisabeth McCartney
Jason Allen

Also, present: Business Administrator Daniel Hornickel, Solicitor Andrew Bayer and Township Clerk, Amy P. Cosnoski.

CALL TO ORDER

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

CLOSED SESSION

248-2019 Authorizes Council to go into Closed Session – Not Adopted

PUBLIC COMMENTS

This portion of the meeting was opened for public comments.

Tammy Schuyler, Mount Holly – 1. Stated she was here regarding the ACO contract. Advised on a dog that was taken from a house to the shelter by the ACO Officer and an incident that occurred with this dog that was concerning to several people. Noted that the ACO Officer is Charles Garrity. Explained the various issues with this officer and the incident that occurred. Commented that her request, along with others, is that the contract with Charles Garrity be terminated. Advised that the dog has now been adopted and is living in Pemberton Township. Ms. Schuyler noted that several towns have since terminated their contracts with Mr. Garrity. Mr. Bayer asked when the dog was being taken in, who was Mr. Garrity doing this on behalf of. Ms. Schuyler advised it was on behalf of Westampton Township and noted that Westampton, Mount Holly, Lumberton and Medford have all terminated contracts with him. Mr. Bayer asked if she knew if the dog had bit him or not. Ms. Schuyler stated that on the dog's adoption paperwork it said there was no bite history. Mr. Bayer asked if she knew the basis upon which the other towns terminated their contracts. Ms. Schuyler stated that there was an article in the Burlington and that Medford had said that they were not happy with his progress and the job he was doing already and that this was the straw that broke the camels back. Noted that Westampton and Mount Holly had both stated it was due to this incident. Advised that there was an open investigation in Westampton with the Police but she is not privy to the status. Added that there is also an open investigation with the Department of Health. Noted that there is a group of over 700 people advocating for this. Noted that Lumberton terminated their contract without them even having to go to their Council to ask. Discussion ensued on the video of the capture of the dog in Westampton.

Angela Shively, Hainesport – 1. Stated she was here to be the voice of John Dog. Stated they are approaching all 15 towns that are contracted with this ACO company. Advised that it is not just what happened with this dog that is the issue, but is the issue that brought it to light for everyone. Noted that Mr. Garrity is notorious for not responding and that when he does there is a delay and he is very rude to deal with. Stated it is a waste of taxpayer money for all of these towns to pay this individual who is supposed to be responding quickly to any at risk situations and he just chooses when he responds. Stated he must be overworked as he does not respond to anyone at this point.

James Boland, Browns Mills – 1. Noted he has not dealt with Mr. Garrity himself but stated that other employees he dealt with were pleasant. Commented that if this person is that much of a problem there may be cause to ask NJ Animal Control to find a replacement for him. **2.** Noted that he has been trying to find some middle ground regarding the TNR program and explained his ideas. Councilman Gardner advised that the Mayor had explained previously that the residents had priority and are concerned about the cats being returned. Mr. Boland asked if they could do a TNR by default and have repeat offenders sent to the pound. **3.** Asked if the email he sent about the cameras had come through to everyone. Councilman

Gardner advised that he had reached out to Westampton about their camera program who advised that they did it one year and the person who started retired and they have not done it again. Noted that he also had called Home Depot who stated they knew about it but do not know how it functions. Advised that he also went to the RING website and that there was a section to request information but no way to show how to get it done. Suggested that if Mr. Boland knew of another township that is currently doing it to let him know because he is interested. Mr. Boland stated he would see what he could find. 4. Mr. Boland stated that he had an idea about the recurring designation of surplus funds and how to have a designation on a recurring basis. Stated he thought that the simplest thing he could think of is anytime there is left over money to make a principal payment on the township debt. 5. Commented on the Community Development Block Grant and asked who is eligible. Mr. Hornickel advised that it is income and property dependent and anyone can apply through Community Development Department. Mr. Bayer advised on the specific details to be eligible. 6. Mr. Boland asked about the MUA and noted that the current license operator was asked to stay and declined and that there is another operator there now. Mr. Hornickel advised that there is an operator there and we are interviewing for a license operator at the level we need. Discussion ensued on the current operator. Mr. Bayer advised that they cannot discuss personnel matters in public. Mr. Boland noted that he believed it had been mentioned in a previous meeting. No one recalled this. Discussion ensued on retired licensed operators. 7. Mr. Boland asked if the County owns the water tower across the street. Mr. Hornickel advised that it is owned by the County and negotiations are happening to purchase the system from the County. 8. Mr. Boland asked about the transfer resolution and what is going where. Mrs. Cosnoski explained the standard transfer resolution that is done each year.

America Phillips, Presidential Lakes – 1. Asked for a status on the Presidential Lakes Firehouse. Administration did not have a date for the opening. 2. Ms. Phillips asked about the equipment taken from the college and that some was given to the park. It was noted that the Township entered into a shared service agreement with the County to do mowing of the property in exchange for some items on the property. 3. Advised that she had gotten a quick tour of the Firehouse building today and that there is not going to be a commercial kitchen, but everything looked very nice. Noted that the residents are asking her for the opening date. 4. Commented on the clean up by the lake on Lakehurst Road and noted that there is a beautiful view there but only one bench at the park by the lake. Asked for more benches on the dam for people that are walking and want to sit. 5. Asked about the park at the end of West Lakeshore Drive. It was noted that this was Bayberry Park. Ms. Phillips stated that she was there for the cleanup. Commented on renaming the park for Diane Stinney as she was always there for the children.

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 249-2019. Councilwoman Burton asked to pull Resolution 254-2019.

***CONSENT AGENDA**

*** MEETING MINUTES**

Regular Meeting Minutes of October 2, 2019 and October 16, 2019

***CONSENT AGENDA RESOLUTIONS**

- | | |
|----------|--|
| 249-2019 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 250-2019 | Authorizes the cancellation of unexpended appropriations and other open balances. |
| 251-2019 | Authorizes the transfer of funds in the CY2019 Budget Appropriations in the amount of \$463,300.00 for the Current Fund and \$89,500.00 for the Water Fund. |
| 252-2019 | Authorizes cancellation and refund of property taxes on property owned by a qualifying totally disabled Veteran. |
| 253-2019 | Appoints members to the Pemberton Township Veterans Advisory Committee. |
| 254-2019 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 255-2019 | Adopts Technology Risk Management Standards in compliance with the New Jersey Municipal Excess Liability Joint Insurance Fund's Cyber Risk Management Plan's |

Tier One and Two Requirements.

- 256-2019 Authorizes the award of an emergency contract to Building Inspection Underwriters, Inc. for Building Sub-code Inspection Services.
- 257-2019 Amends Resolution 214-2019 authorizing the use of Small Cities Community Development Block Grant Funds for the Housing Rehabilitation Program.

NEW BUSINESS

*a. Purchases over \$3,000

1. Tax Assessor - Notice of Assessment Post Cards from BRT Power Printing in the total amount of \$5,530.00.
2. Recreation & Senior Services - RecDesk Annual Subscription from RecDesk in the total amount of \$3,480.00.

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

RESOLUTIONS

- 249-2019 Authorizes various routine refunds in the total amount of \$1,117.94.
Pulled from the Consent Agenda

Councilman Gardner noted that there were two motel licenses. Mr. Hornickel explained that the two licenses were denied because they did not meet with the requirements for the license. Noted that Code Enforcement is moving forward with enforcing the code.

Motion by Gardner and Burton to approve Resolution 249-2019. Gardner, yes; Burton, yes; Trueblood, yes. Motion carried.

- 254-2019 Authorizes the Township to apply for a State Farm Good Neighbor Citizen Company Grant to enable the Police Department to acquire an automatic license plate reader system for one patrol vehicle. *Pulled from the Consent Agenda*

Councilwoman Burton asked about the system for the one patrol car. Mr. Hornickel noted that the system will be put in one patrol car that will be used by all four shifts. Councilwoman Burton asked if this vehicle will be alternated. Mr. Hornickel noted that it would not.

Motion by Burton and Gardner to approve Resolution 254-2019. Burton, yes; Gardner, yes; Trueblood, yes. Motion carried.

ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR ADOPTION

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 opened this portion of the meeting for public hearing. Seeing no one wishing to be heard this portion of the meeting was closed.

Councilman Gardner commended Mr. Hornickel for bringing this forward for the employees so they do not have to worry.

Motion by Burton and Gardner to adopt Ordinance 33-2019. 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 opened this portion of the meeting for public hearing.

James Boland, Browns Mills – 1. Noted that there were some things he did not understand. Stated that the property is currently owned by a company and there is a for sale sign on the property. Stated that when he normally hears about easements it is the township granting the easement to the homeowner not the other way around. Mr. Bayer explained why the easement was being given to the Township. Noted that it was a line of site easement due to concerns with the trees and brush on the corner that are blocking the intersections view. Stated that the property owner was doing this to eliminate a public safety issue. Councilwoman Burton noted that this has been an issue for a long time. Councilman Gardner explained where this was located.

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

Motion by Gardner and Burton to adopt Ordinance 34-2019. Gardner, yes; Burton, yes; Trueblood, yes. Motion carried.

NEW BUSINESS

REPORTS & COMMUNICATIONS

- a. Engineer's Report – 10/31/2019 - No Discussion.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 11/1/2019.

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

SOLICITOR'S REPORT:

Mr. Bayer reported: Nothing to report but complimented Council and Administration on the PTMUA ordinance. Stated it was nice to know that the Governing body was going to stand behind its professionals and do what they promised throughout the process. Noted that what was adopted is exactly what was promised.

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

Mayor Patriarca reported: Not present.

Daniel Hornickel reported: Thanked Council for approving Ordinance 33-2019. Noted that he had personally met with all of the staff members at the MUA and they too expressed their gratitude for Council's willingness to do this for them. Advised that now that the ordinance has been passed, he can make formal offers of employment. Commented that the transition is going very well and the PTMUA staff have been courageous and cooperative. Noted that we are already developing strategies to make certain components of their operations more efficient and cost effective. Advised that they have begun the planning stages for what we need to do in 2020 to begin upgrading the plant and the equipment that they use. Noted that because of the cooperation from their staff they have been very forthcoming and are participating in the process by sharing their observations, insights and suggestions. Noted that there is a plan to keep the operations intact and to make sure that all that needs to come over does. Advised that they are working on the 2020 Budget with Department Heads submitting their requests. Wished all a Happy Thanksgiving.

COMMENTS BY COUNCIL MEMBERS:

Councilman Gardner – Asked if there was anything we can do regarding the Animal Control officer issue. Mr. Hornickel noted that they had done an investigation and spoken to Mr. Garrity. Explained that Chief Jantas had been in contact with the other towns. Noted that Mr. Bayer could advise if we could even use something that occurred outside of our town as a reason to terminate our contract. Noted that he had asked the Chief to see if anyone in Pemberton Township has had any complaints or concerns with Animal Control services and there were none. Advised that this was a 1-year contract that would be expiring 6 months

from now and we would then put it out to bid again in the Spring. Noted that many times people show up with complaints but no viable solutions. Advised that any companies that are known to have a better history should apply. Mr. Bayer stated that he would review the contract and would speak to the Mayor and Mr. Hornickel about any options available. Discussion ensued on an available video and it was noted it would be sent to Mr. Bayer who would then forward it to Ms. Cosnoski. Mr. Gardner thanked Mr. Boland for the doorbell information. Thanked Ms. Phillips for being happy about the firehouse coming along. Congratulated Ms. Phillips on her second-place win in the pie contest at the BMIA. Asked Ms. Phillips to bring her group here with her as Council would love to see them all. Noted the various Veterans Day ceremonies at the school. Thanked all for coming out and will see them next month.

Councilwoman Burton – Thanked everyone for coming out and for sharing their questions and concerns. Noted that Mr. Boland always has good questions. Stated she is looking forward to seeing the video of the Animal Control officer and it is something to keep in mind the next time the contract is up. Stated she is appreciative of all that come out to learn more about what is going on in the community and to share with them. Wished all a blessed holiday.

Council President Trueblood – Thanked all for coming out. Stated she cannot believe November is here and will be gone. Asked all to remember the Veterans for Veterans Day and to have a great time with their families for Thanksgiving. Thanked Mr. Hornickel for taking on the huge challenge of the PTMUA and knows it has not been easy but is comforting knowing that all the employees will be set in their place. Stated she believes a great decision was made and is a success as they knew it would be. Thanked all for being here and looks forward to seeing all in December.

The meeting was adjourned at approximately 6:58 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk