

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**August 21, 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

Jason Allen
Donovan Gardner
Gaye Burton
Norma Trueblood

ABSENT

Elisabeth McCartney

Also, present: Mayor David Patriarca, 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

201-2019 Authorizes Council to go into Closed Session – Not Adopted

PRESENTATIONS

Hardenbergh Insurance, Township's Risk Management Consultant - Annual Safety Assessment Presentation.

Joe from Hardenbergh Insurance provided an overview of his presentation. Thanked Michele Brown and Daniel Hornickel for their participation. Explained how the program works and how the Township is keeping costs down and being rewarded for that. Advised on different cases that have caused issues on the workforce in some towns and a cost comparison when employees get hurt. Identified some strategies to reduce these issues through wellness including various screenings. Added that the Township does a great job with their Wellness Day each year and the things that are brought in to help employees stay well. Councilman Allen asked if it would be beneficial to have the Wellness Day twice a year. Joe stated that any time you can get the message out it is great and added that the wellness committee puts a lot of work and effort into the event which is a large undertaking.

PUBLIC COMMENTS

Council President Trueblood opened the meeting up to general public comments.

Kathy Timmons, 10 Crocus St. – 1. Commented on the water issue she is having on her property with water coming from under West Lakeshore Drive and has broken through 3 parts of her property. Stated she is here to see if there are any updates. Mayor Patriarca advised that they have been in touch with the County Engineers and the MUA, as it is a County road, but they are not getting far. Stated that Administration will continue to discuss this with the Engineer. Noted that they think it is more than just water infiltration from the rain coming down hill it will be more of a County issue, but if it is more that that, which they seem to suspect, it may be an MUA issue which is what they are trying to determine. Ms. Timmons stated she had video from the MUA showing that there is no issue with the piping they have. Mayor Patriarca advised that the County Engineer's have requested that the MUA do a different type of test to determine if there is a leak. Discussion ensued on this issue and potential testing that will be done. Mayor Patriarca stated he would get an update from the Engineer this week and if they are satisfied with the MUA situation then they will go to the County. Stated that this has been going on for a year and has been being investigated that long. Advised Ms. Timmons he would contact her once he spoke to the County Engineer.

George Misianis, Country Lakes – 1. Asked for a status on the MUA and where the Township stands on it. Explained that he had received a mailing from the MUA regarding a meeting that will be held next week at the High School. Mr. Bayer provided an overview of what procedurally is going on with the possible dissolution and that the hearing with the LFB would be tomorrow. Mr. Misianis asked what the

benefit would be to the residents. Mr. Bayer explained what some of the benefits would be and what the financial savings would be. Suggested he read the application and that he could get a copy to review. Advised that the application estimates a savings of about \$600,000.00 a year, which does not include the additional \$575,000.00 loan payments that will no longer need to be made. Mr. Misianis asked why the MUA had such a problem with this. Mr. Bayer advised that he believed that some people were afraid of losing jobs even though Administration has pledged that anyone involved in operations at the MUA would be offered a job here in the Township and that only overlapping Management would be excluded, meaning any workers would still have jobs. Advised on positions that would be lost including the MUA Board and lawyer. Mr. Misianis stated he felt that the flyer was trying to get a rise out of the taxpayers and agreed with Mr. Bayer that some would call this approach "fear mongering". Stated he would be calling those that sent him here tonight to advise them of what he has learned. Mr. Bayer advised that Councilman Allen had recused himself from these discussions as he is on both Boards. Encouraged him to read the application to the Local Finance Board. A discussion ensued on the sewer system and the lease from the Township. Mr. Bayer explained the financial part of it. Mr. Misianis stated that from the way it sounds the MUA is a dinosaur and should be done away with.

James Boland, Filbert Ave. – 1. Commented that the Ring doorbell camera company has a subsidy program and Toms River has participated in this program. Explained how the program works and that it is a match program with the town. **2.** Stated that he has heard complaints that people are trying to use the Nesbit Community Center and are not being approved. **3.** Commented on Code Enforcement and the issues that are ongoing. Noted that there are 2 houses on Bishop Street and explained the issues that have been ongoing with both houses for the last 6 years. Commented regarding an ordinance that was passed by Council in 2014 allowing the town to hold the banks responsible and nothing is being done. **4.** Stated he was not going to argue with anything said tonight about the MUA because those are facts and figures. Advised that he does not draw the same conclusion and feels it is only fair to bring in a few more facts and figures. Commented on the \$9,000.00 put out by the MUA to mail the flyers and compared it to the \$10,000.00 put out by the Township for the Engineers report to be done by Remington & Vernick. Commented on the Engineering report mistakenly saying that there was no money to be taken from the MUA. Mr. Bayer stated that he is correct and that was corrected in the report. Stated that Mr. Boland was being misleading in his comments and explained what the point of the Engineer's report was. Mr. Bayer explained what the problem was with the flyer. Commented on running the MUA the same way and keeping the same people. Asked why we would not keep the license operator. Mr. Bayer stated no one is saying that Mr. Butler is going to lose his job. Discussion ensued on the possible replacements of some employees. **5.** Mr. Boland asked if any of the Council members would be attending the MUA meeting. Mr. Bayer explained the legal issues with Council attending the meeting and that there should not be 3 of them there. Discussion ensued on the flyers sent by the MUA and the use of public funds for political use. Mr. Boland noted the short time period the MUA had to work with to get their word out. Councilman Gardner advised that Election Day was November 4th and he was asked to join the Council in October of that year so he had 3 weeks and he did it. It was noted that there was time for the MUA to handle things differently as the ordinances were introduced in February. Discussion ensued.

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 Allen to pull Resolution 204-2019 and 212-2019. Councilman Gardner asked to pull Resolution 203-2019.

***CONSENT AGENDA**

***CONSENT AGENDA RESOLUTIONS**

202-2019 Authorizes various routine refunds in the total amount of \$1,194.00.

203-2019 *Pulled from Consent Agenda and considered later in the meeting.*

- 204-2019 *Pulled from Consent Agenda and considered later in the meeting.*
- 205-2019 Authorizes refund to Dianne Taylor for tax overpayment of \$1,064.70 on Block 517, Lot 10.
- 206-2019 Authorizes liens on certain private properties in violation of the Pemberton Township Property Maintenance Ordinance in the total amount of \$3,132.41.
- 207-2019 Authorizes the award of a contract to Mac-Rose Contractors for the Emergency Repair of Scammel Drive in an amount not to exceed \$82,500.00.
- 208-2019 Authorizes the award of a contract for the pouring of a concrete driveway for the Pemberton Township Fire Station No. 2, Presidential Lakes, to Mac-Rose Contractors, Inc. in the amount of \$31,700.00.
- 209-2019 Authorizes Change Order #1 and final payment under the contract awarded to South State, Inc. for the construction of the Ong's Run Pedestrian Walkway.
- 210-2019 Authorizes Change Order #1 and final payment under the contract awarded to Arawak Paving Co., Inc., for Phase II of the Sepulga Drive Roadway Improvements Project.
- 211-2019 Authorizes the Township to enter into a Right of Entry agreement with Rocco and Antonia Berardi.
- 212-2019 *Pulled from Consent Agenda and considered later in the meeting.*

NEW BUSINESS

- *a. Purchases over \$3,000
 - 1. Public Works - Purchase of exterior lighting fixtures, wires and transformer for the new Pemberton Township Fire Station No. 2, Presidential Lakes/Recreation Center from United Electric Supply in the total amount of \$4,662.62.
 - 2. Public Works - Purchase of HVAC Replacement at Nesbit Center from Arctic Heating and Cooling in the total amount of \$8,900.00.
- *b. NJ State Fireman's Association Membership Application for Jacquelyn Asay with the Pemberton Township Volunteer Fire Co.

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

MEETING MINUTES

Regular Meeting Minutes of July 17, 2019 and August 7, 2019.

Motion by Gardner and Burton to approve the July 17th, 2019 Minutes. Gardner, yes; Burton, yes; Allen, yes; Trueblood, yes. Motion carried.

Motion by Gardner and Burton to approve the August 7th, 2019 Minutes. Gardner, yes; Burton, yes; Allen, yes; Trueblood, abstain. Motion carried.

RESOLUTIONS

- 203-2019 Accepting donations of medical equipment from the Estate of Harold Miller, Jr., to the Township of Pemberton. *Pulled from Consent Agenda.*

Councilman Gardner noted he wanted thanked Mr. Miller for his donation to the Senior Citizens Center.

Motion by Garner and Burton to approve Resolution 203-2019. Gardner, yes; Burton, yes; Allen, yes; Trueblood, yes. Motion carried.

- 204-2019 Authorizes the waiving of boat launch fees for the Browns Mills Improvement Association's Boating event on September 14, 2019. *Pulled from Consent Agenda.*

Councilman Allen asked if there were any additional details for what the BMIA has planned for this event. Mayor Patriarca advised that this was a part of their 100th Anniversary Celebration and that they would be doing the boating on Mirror Lake promotion. Explained that they were trying to get people to come from all over with their boats and fill the lake with boats on this day. Noted that there would be food and more promotion was coming. Councilman Allen asked if there was an

expectation of a large amount of people if emergency personnel would be available. Mayor Patriarca stated that people are allowed to use the lake at any given time and that the lake could be full on any occasion. Stated that they would let emergency services know that there would be an event so they are aware but that he did not think there would be staff on location. Mr. Hornickel advised on meetings that were taking place and that Recreation is involved. Councilman Gardner stated that he thought there would be boats lit up and that the event would be at dusk so it will be nice.

Motion by Allen and Gardner to approve Resolution 204-2019. Allen, yes; Gardner, yes; Burton, yes; Trueblood, yes. Motion carried.

212-2019 Designates 200 South Pemberton Urban Renewal, LLC, as the redeveloper for the non-condemnation redevelopment area consisting of Block 797, Lot 1. *Pulled from Consent Agenda.*

Mr. Bayer explained the resolution to designate the redeveloper for the site. Noted that he is working on the redeveloper's agreement and would probably have for the next meeting. Explained the Ordinance and the financial agreement for the PILOT or Payment in Lieu of Taxes. Advised on the figures for the PILOT agreement. Mayor Patriarca advised that they have Planning Board approval and are going in front of the County Planning Board now. Asked Mr. Bayer to explain the safeguards in the PILOT for if their numbers do not meet what they are projecting. Mr. Bayer explained that there was a minimum base and advised on what would occur. Mayor Patriarca advised on the PILOT program and how it works. Mr. Bayer advised further on what percentage would go where.

Motion by Burton and Gardner to approve Resolution 212-2019. Burton, yes; Gardner, yes; Allen, yes; Trueblood, yes. Motion carried.

ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR ADOPTION

ORDINANCE NO. 31-2019

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 3 OF THE CODE OF THE TOWNSHIP OF PEMBERTON, ALSO KNOWN AS THE PEMBERTON ADMINISTRATIVE CODE.

Council President Trueblood opened this portion of the meeting for public comment.

James Boland, Filbert Ave. – 1. Commented on section 3 and asked what the \$17,500.00 was for. Mayor Patriarca advised on the intent of the ordinance and that anything over the \$17,500.00 would require them to go out to bid. Noted that if they have a Police car that is down with a \$6,000.00 repair, instead of waiting for a Council meeting, they could send it to be fixed right away to get it back on the road as they would get the money back from the JIF. Mr. Bayer advised this was not personal injury but property damage. Mr. Bayer advised that Council will still see the expense on the Bill list and would give approval.

Motion by Gardner and Allen to adopt Ordinance 31-2019. Gardner, yes; Allen, yes; Burton, yes; Trueblood, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 32-2019

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON APPROVING THE APPLICATION AND FINANCIAL AGREEMENT PURSUANT TO THE LONG-TERM TAX EXEMPTION LAW WITH 200 SOUTH PEMBERTON LLC FOR THE PROPERTY KNOWN AS 200 SOUTH PEMBERTON ROAD (BLOCK 797, LOT 1) IN THE TOWNSHIP OF PEMBERTON

Mr. Bayer advised that the name of the entity was 200 South Pemberton Urban Renewal, LLC. Explained that the name change was something that occurred from the first time they spoke to us and now.

Motion by Burton and Gardner to introduce Ordinance 32-2019 with a Public Hearing to be held on September 4th, 2019. Burton, yes; Gardner, yes; Allen, yes; Trueblood, yes. Motion carried.

REPORTS & COMMUNICATIONS

- a. Engineer's Report – 8/15/2019 – Council had no discussion.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 8/16/2019.

Motion by Gardner and Burton to approve the Bill List. Gardner, yes; Burton, yes; Allen, yes with the exception of any and all grants and bills pertaining to the NJ State Police or the Attorney General's office; Trueblood, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: Advised that the hearing with the Local Finance Board was cancelled on Wednesday, August 14th due to a computer issue and has been rescheduled for August 22nd. Added that the meeting will be at the Department of Community Affairs building in Trenton and starts at 9:00 a.m. with us scheduled to be heard around 12:00 p.m. if anyone is interested in attending. Noted that it is not our meeting but the State's and is a public meeting.

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

Mayor Patriarca reported: Commented that they are currently in Presidential Lakes paving Connecticut Trail and will then be moving over to California and New York. Noted that once they are done in Presidential Lakes, they will have approximately 10,000 linear feet paved just in Presidential Lakes. Advised that in the past we had only been able to contract out about 2,000 linear feet a year and that this year they are on target to hit 30,000 linear feet. Advised that Presidential Lakes Firehouse is still being worked on and that concrete work and lighting were approved in resolutions at tonight's' meeting. Thanked Council for those approvals and noted that the lighting would be done in house and that the paving had been contracted out. Explained that Public Works calls and brush pick ups are backing up and that the chippers approved will be here in 2 weeks and will then get caught up.

Daniel Hornickel reported: Nothing to report.

COMMENTS BY COUNCIL MEMBERS:

Councilman Allen – No comments but thanked all for coming out.

Councilwoman Burton – Thanked everyone for coming out and thanked Mr. Bayer for clarifying a lot of information. Stated she is looking forward to the boating event. Commented that as a volunteer of TAG, she will be holding a town hall meeting on September 24th at the Country Lakes Firehouse regarding drug awareness.

Councilman Gardner – Noted that the Ring Doorbell idea is a good one and that he has one. Thanked all for coming out. Stated that National Night Out was a great event.

Council President Trueblood – Stated that she had seen the pictures of the wonderful event. Commented that she also has a Ring Doorbell and it is a great idea. Thanked everyone for coming out and is looking forward to the meeting tomorrow.

The meeting was adjourned at approximately 7:24 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk