

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**August 7, 2019
6:00 P.M.**

FLAG SALUTE

Council President Allen 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
Jason Allen

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 Allen called the meeting to order at approximately 6:00 p.m.

CLOSED SESSION

193-2019 Authorizes Council to go into Closed Session – Not Adopted

PUBLIC COMMENTS

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

Delores Velerio, 1. Advised that her father was the Police Chief in Willingboro and commented that Mr. Gober gave her a chance when no one else would. Stated that she now has a home and a dog and is getting through the emotions of losing her parents. Stated she has met some beautiful people in Sunbury but that unfortunately the bad seems to outweigh the positive. Commented that she feels if there were cameras in the community it could help stop some of the drug use and trafficking. Noted that her son passed away last year to a drug overdose. Stated she is thankful for her home, but sometimes is fearful in her home and feels she has to look over her shoulder when walking her dog. Added that she thinks cameras would be the best thing for the whole community.

Paul Willits, 1. Commented on the safety of pedestrians on and around Choctaw Drive. Noted that on July 2nd, 2018 his mother was struck and killed on that roadway. Stated that people are flying up and down the road there. Advised that during a court hearing a traffic study was done and showed that most cars were doing 10 to 15 miles over the speed limit. Noted that they have a petition signed by more than 1,500 people to get speed humps put in or to at least repaint the crosswalks. Councilwoman McCartney asked if this was discussed back in July of last year and if anything was done. It was noted that nothing has been done with the crosswalks. Mayor Patriarca noted that he had spoken with Mr. Willits earlier. Stated they will look into this area and other areas where there are concerns from residents on the speed hump issue. Noted that they have to be careful where they get installed and that it is an appropriate location and does not impact something else such as drainage. Stated that they may be able to implement a program where they take a month and do a speed hump program for various areas that may need it. Commented that he made a note to himself to speak to Public Works. Thanked Mr. Willits for bringing this to our attention and noted that some times that is what is needed.

Richard Gober, Ventnor – 1. Advised that he has been an investor in Pemberton Township for 50 years and recently sold 42 of his properties. Commented on all of the things he has done for Sunbury Village including helping homeless people to get homes. Stated that he just gave his 33rd Scholarship to a student at Pemberton Township High School. Asked Council to reconsider putting surveillance cameras in Sunbury Village. Commented that he is just trying to make a difference. Advised on his previous request for surveillance cameras and what he has done to get them. Commented on the speed humps in Sunbury and how it has helped with speeding but is affecting drainage. Asked how many more people have to die in Sunbury before we do something about it. Noted previous incidents that have occurred at his properties.

Councilwoman McCartney commented on the email they received in 2015 regarding body cameras and explained that they are in the process of getting them. Stated that there is a lot of danger in Sunbury but also in other areas of town. Discussion ensued on the body cameras. Councilwoman McCartney asked what he thought about the surveillance cameras. Mr. Gober stated that he would encourage her to go out to Burlington City and see the Police Chief there to discuss what they have done there. Councilwoman McCartney stated that he is here and she is asking him what he sees for surveillance cameras. Mr. Gober said he is begging for cameras to be installed on the three streets in Sunbury. Stated it does not have to be manned so it will cost nothing, but it will be there as a deterrent. Advised on a flyer that went out to Sunbury about the Police shooting that took place five years ago.

Coralee Porter, Sunbury – 1. Stated she is here to advocate for surveillance cameras in Sunbury. Added that Mr. Gober is her landlord. Advised on the incident that happened here five years ago, and thinks that cameras could have helped solve that case.

Tracey Westmoreland, 166 Lemmon Ave. – 1. Advised on how bad Sunbury has gotten with murders, drugs, kids afraid to go outside and play and needles everywhere. Stated that if there were cameras out there maybe the officer would not have gotten shot. Noted that houses are being robbed and vandalized and with cameras they would know it was and how to prevent it.

Kenny Bognar, 140 Lemmon Ave. – 1. Stated he was robbed before he even moved in. Noted he walks his dog at night and last night saw someone walking with a table on their head and he is sure it was not theirs. Noted that there are people coming from other neighborhoods to Sunbury and it is not just residents in Sunbury that are causing the problems.

Roseanna Nelson, Sunbury Village – 1. Stated that there are a lot of tragedies and petty crime in Sunbury and she feels that cameras would help.

Susan Sacco, 125 Lemmon Ave. – 1. Stated she has lived in Sunbury since 2010 and she has cameras at her home. Advised on an incident where some people came in from Willingboro to start something with a resident and her cameras caught it all. Advised she has a list of all of the owners in Sunbury. Noted that Camden installed cameras and increased their Police force and there has been a 40% drop in the crime rate with a 60% increase to the solving of crimes. Commented that there is a lot of grant money for Sunbury Village and she would like to know what they need to do as a community to get the ball rolling to help Council help them. Councilwoman McCartney stated that this was a great start by coming to make Council aware. Ms. Sacco said there are a lot of good people out there and Sunbury has gotten a bad rap for several years. Discussion ensued on the surveillance cameras. Councilman Gardner advised on his comment last year about people putting cameras on their own homes. Noted that the cameras are cheap in comparison to what the Township would have to pay. Councilman Allen stated that they will explore options and thanked her for her comments.

Paul Bracey, 12 Regency Dr. – 1. Advised that he had submitted an at-risk program five years ago and it was not considered. Stated his whole life has been devoted to provide hope and opportunity for this target base. Noted that his mentor was Dr. Carmen Desopo. Advised on the program in Burlington City and the lights that have been put up. Stated he is working to develop a proactive based program. Noted he understands what is happening in Sunbury and has dealt with this type of population his entire professional career. Commented that until you change the culture you will continue to have those problems. Advised that the way to change the culture is to target the youth from as early as three years old. Stated he is offering this program to Pemberton Township. Noted that cameras are not a bad idea and you can change the culture if you make a commitment to targeting youth between 3 and 15. Advised on the things he has done to help other communities.

Sabar Holdings, Sunbury – 1. Advised that they had just purchased properties from Mr. Gober and are very new to the area. Stated they are very interested to hear what is going on and how they can be of service to help resolve some of the issues and concerns of the residents. Stated that she feels putting a camera on each home really would not help as they would be tampered with and that they should be placed where people would not have access to them. Stated they are up to any suggestions on how

to get this accomplished. Noted that she fears that if they spend the money to go out and get the cameras who is to say that people will not erase them or damage them. Commented that if it is in a higher location maybe they will not be messed with. Councilman Allen stated they will continue to do their research.

Jesriel Popo, Lake Valley – 1. Advised that she moved here a year ago and noted the speeding bus drivers by where she lives. Stated her daughter walks but the busses are going so fast. Noted that she was hit by a bus driver a few months ago when he did not stop at the stop sign. Stated she had the right of way and her insurance had to pay for the damage to her car. Commented that she was told to contact the School busses. Mr. Bayer advised that this was a school issue and that the Mayor and Council do not have anything to do with that. Ms. Popo asked if it would be possible for the Township to have a meeting with the school about these issues before someone gets hurt. Councilwoman Burton advised her to go to the School Board meeting to voice her concerns. **2.** Noted that she had let her grass grow to high because of the heat and her heart problem. Advised that she noticed someone driving around in his car taking pictures of her property and did not say anything to her. Mayor Patriarca advised that whoever the person was he was not someone from the Township. Ms. Popo noted that she did receive a violation about a week ago. Mayor Patriarca advised on how the process works when code enforcement is out there identifying violations.

George Petronis, Browns Mills – 1. Commented on Press Avenue and expressed his delight that it is going to be repaired and thanked all of Council and the Mayor. **2.** Commented on the cameras and advised on his knowledge of them. Noted that body cameras would only help in officer involved incidents. Stated that the private cameras for individual homes are very inexpensive to install but that the expense is the monitoring. Stated if you only have cameras you can view at home, they will help in identifying criminal activity, but that they do not do much to deter those activities except for them knowing they may be caught on camera. Disagreed with Mr. Gober about the Police not monitoring the cameras centrally placed in public areas. Stated that a single person paid minimum wage could monitor all of the cameras in Sunbury Village while officers are patrolling elsewhere. Added that monitored cameras in public areas have the potential to see a developing issue before it turns violent and alerting Police to respond before it is worse. Noted he feels that there is a value to having centrally monitored cameras. Stated he would have less of a problem appearing on a Police camera then on his neighbor's camera. Asked that Council take everything into consideration to help make a decision.

Raneema McCloud, Browns Mills – 1. Noted that she had grown up in Sunbury. Stated that there is nothing for the kids to do out there. Commented that cops do not patrol out there unless something happens. Advised on people begging for money up at the Wawa. **2.** Stated that her car got flooded really bad on Horizon Road and had water in it up to the radio. Advised she has called about it several times but nothing has been done. Commented that the homes cannot get flood insurance because they are not considered to be in a flood zone. **3.** Stated that there should be cameras in high crime areas. Stated there needs to be more parks and cameras than there are bars. Councilwoman McCartney asked if the flooding issue on Horizon Road was a part of the Scammel Drive issue. Mayor Patriarca advised that it was a part of the system but is a different area. Councilwoman McCartney stated that some of the projects that are currently being worked on may help to alleviate the issues.

Madelyn Sutton, Director of Christian Caring Center – 1. Advised that they own 3 houses in Sunbury and are near where the shooting happened the other night. Added that they are all emergency shelters. Stated that when they opened them, they had to get approval from Planning and Zoning for approval which they obtained. Advised that on the last one they got approved, the Township made it mandatory to have a camera so she knows that the Township knows the value of having them. Encouraged Council to listen to the pleas of the people and stated that she feels more of a Police presence is needed.

Mark Fols, Blackfoot Trail – 1. Stated that he is totally dissatisfied with Code Enforcement. Advised that he sent them a photo of his neighbor putting up a 6' foot fence in their front yard. Stated that the Township came out and told his neighbor he could not put it up and the next week they were cementing it in. When he asked his neighbor, he told him he could put it in up to the street. Advised on his conversation with Code Enforcement and variances that he has had to get for setbacks, but his

neighbor does not. Explained the deck and fence issues he is having with his neighbor. Mayor Patriarca noted that he had spoken with Mr. Wassenar about some ongoing issues. Stated that if half of what he is saying is true he is appalled and will be talking to him about this first thing in the morning. Mr. Fols thanked the Mayor and stated that if it is not addressed, he will go to the County and the State. Councilman Allen asked if he had pictures. Mr. Fols said he did and gave them to Ms. Cosnoski.

James Boland, 226 Filbert St. – 1. Welcomed the new Business Administrator, Daniel Hornickel. **2.** Stated that the fireworks at National Night Out were amazing and there was a good turnout and a good DJ. **3.** Commented on the shooting in Sunbury and that all we can do is wait until we find out more. Stated that he knows the body cameras have been talked about and that he is sure it is a logistics thing and still being worked out. Stated as far as cameras on the house, he thinks cameras should be everywhere. Noted he thinks there is a fine line between cameras on private properties verse Police installed cameras on public properties. Commented that he does not think it is as difficult as it seems because there have to be communities out there where something has been done before. Stated he is not sure if there is a program or money out there but there has to be something that can be worked out. Advised that anything we can do will help the environment. **4.** Spoke about Code Enforcement. Agreed with comments that Councilman Gardner had made about if it is old and rusty to clean it up. Stated that last night's National Night Out was the best attended ever which is a great thing. Noted that the young people need to see this.

7 Crocus St. – 1. Advised that his property is so muddy from water that is coming up from the roadway. Stated they have talked to the Water Company, the Sewer Company, the County Engineer has come out to look at it but they are not getting anywhere. Asked for help in this matter. Noted that there is sewer being pumped into the water and it is not them. Stated that the Sewer Company has been out there. Everyone is saying it is not them. Commented that her issue is that the MUA said there is human feces going into the water. Stated that as soon as the MUA cleared themselves she never heard anything else. Noted she has called the EPA, the NJDEP and Fox News because someone has to do something and she has not heard anything. Added that the County Engineer came out and assured her that it is an MUA problem but they say it is not their problem. Councilwoman McCartney asked who tested the water. They advised that it was the County Board of Health that came down to test the water and said it was human feces. Mayor Patriarca advised that he is aware of the situation and that it has been under an ongoing investigation for the past year by the Board of Health and explained what testing was done. Noted that the County Engineer is still investigating this to find out where it is coming from. Stated he will speak to the County Engineer himself. Discussion ensued on the water issue.

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

Mr. Bayer advised that Councilman Allen would be recusing himself from the Pemberton Township Municipal Utilities Authority matter as he is a member of the PTMUA Board as well as being a Councilman. Noted that he would be stepping down and that Councilwoman Burton would be taking on the Council President position for the presentation.

PRESENTATIONS

Pemberton Township Municipal Utilities Authority

John Gillespie, Esq., Attorney for the PTMUA – Stated that it was brought to the MUA's attention that the Council was concerned that the MUA had not previously appeared before them to make this presentation. Noted that it was also suggested that some members of the governing body had doubts about why this had not happened. Commented that those concerns were both unfortunate and ironic especially when the ordinance to dissolve the MUA was introduced this past March without anyone ever reaching out to the MUA to discuss why Council thought it was a good idea. Stated that Chairwoman Kemp had invited Council to come and meet with the members of the MUA and get a tour of the treatment plant and the farm where the sewage is disposed of, but that the invitation was declined. Advised that many were here this evening to hopefully begin a continuing dialogue between Council and the MUA and also to provide specific facts about the operation of the MUA as well as answer any questions. Mr. Gillespie introduced MUA Secretary, Robert Bailey; Assistant Secretary, Donna Lefebvre; and Treasurer, Adrienne Leonard. Noted that there were also staff members and professionals present to answer any questions after he left.

Advised that the MUA had turned 50 years old last month and employed 13 full time employees and 1 part time. Added that it operates over 200 miles of gravity mains, forced mains and other infrastructure throughout the Township. Stated that it operates 18 pump stations including the one at the sewer treatment plan. Commented that in the last 20 years it had never been cited by the DEP or the EPA for any violations. Noted that this is important because one of the stated premises to dissolve the MUA was the assertion bAdministration that it can do a better job. Stated that this statement should be re-evaluated for the following reasons including that no one in Public Works has the necessary licenses to operate the sewer utility. Secondly, if we were to hire from outside it would likely cost \$150.00 per hour and the Township is already paying Remington & Vernick subsidiary Resource Management \$120.00 per hour for a water operator which was approved by Resolution 146-2019 on June 5, 2019. Stated that a sewer utility requires its licensed operators to be available 35 hours per week and that operator must have multiple licenses which are harder to achieve. Commented that the cost for the year would be \$273,000.00 and noted that none of the submissions to the Local Finance Board or the public ever mentioned that. Advised that under this Administration between 2010 and 2018 we were issued 87 notices of violation for the Water Department. Questioned how one could say that the Township would do a better job when it has no one on staff to license the utility and when it has 87 violations compared to zero for the MUA. Advised that Mr. Bayer had submitted to the Local Finance Board today a document with an attachment from Chris Rehmann, the Engineer, disputing the 87 violations and stating that there were only 59. Commented that most respectfully, he grew up in this town, and whether it was 87 or 59 compared to zero at the MUA changed the discussion. Advised that the MUA has not increased its rates in 7 years and stated that was an accomplishment as there are no other sources of revenue in the MUA. Commented that in the last 3 years there have been a total of 3 connection fees, 2 for residences and 1 for a non-residential property. Stated the various redevelopment plans adopted for this Township have not resulted in any significant construction and without construction there are no connection fees. Commented that with most MUA's Connection fees are a most significant source of revenue, but not in Pemberton Township, causing them to have to make do without a revenue stream and still kept rates stable for 7 years and still pay the Township \$575,500.00 per year to cover the loan taken out in 1980 with the Farmer's Home Loan Administration. Advised that Council was given a presentation by Remington & Vernick in December of 2018 who advised that the MUA does not have to keep a reserve. Stated that many times when a municipality is looking to dissolve an MUA, one of the arguments is that they just want to take the reserve that the MUA is holding. Advised that was not the case here as there was no reserve for the Township to obtain if it is dissolved. Advised that Remington & Vernick had also provided a report in August 2018 providing the same false statement on page 9 of that report. Noted that those statements were false when they were made and are false today. Commented that the Township has at least now acknowledged that they were false. Advised on items he wanted to address in the Ordinance submitted to dissolve the MUA including that the MUA has no Bond obligations and the only dent they have is the \$575,500.00 it pays to the Township. Noted that the statute actually requires more regarding the adequate provision for the assumption of those services and that this is why they wish they had reached out to the MUA before introducing the dissolution ordinance to talk about these services. Commented that if they were dissatisfied with the way the MUA was performing that should have been a healthy discussion for the betterment of the residents who have been served by this utility for 50 years before taking any action. Advised that they are not aware of any application submitted by anyone to dissolve an MUA that has ever been denied by the Local Finance Board. Commented that if the game plan before adopting the ordinance was to say that the State told us to, that would respectfully be as incorrect and misleading as your Engineer's reports have been. Stated that the Local Finance Board has a very limited focus in reviewing these applications and quoted the statute. Reiterated that the MUA has no debt, no Bond obligations or any other creditors. Advised on the statutory language and stated that this is not a decision solely made by the Local Finance Board and instead rests solely with the legislative body of this community. Noted that the Local Finance Board does not determine if this is a good or bad thing for the community. Stated that the hard part rests in Councils discretion. Asked if they dissolve an MUA that has been operating efficiently and effectively for 50 years based on inaccurate reports given by the Engineering firm which says that the town should spend \$3.5 million dollars a year on conveying systems improvements and treatment plan improvements. Noted that this is mentioned both in the Townships submission and the Remington & Vernick report. Stated to keep in mind that there are \$3.6 million dollars in reserve in the MUA and the towns consultant would have that spent in the first year if they take over and asked how this would be financed every year thereafter accept to borrow through bonds and raise the debt or raise rates. Commented on the ways that these funds would be obtained including possibly from the taxpayers. Noted that the residents that do not have the benefit of sewer would now have to pay for that. Commented on the letter provided to Council by the former Business

Administrator, that made a number of equally factual challenged assertions. Mr. Gillespie read from that letter and provided his feedback on the assertions made. Commented that who cares what happened 40 years ago, and that the payments made to the Township will end next year as the debt will be repaid. Stated that this was a desperate attempt at a distraction. Advised further on statements Mr. Gonzalez had made in his letter to Council. Advised that the MUA is required under the original lease agreement with the Township, to maintain \$1.1 million dollars of the \$3.6 million dollar in reserve. Advised what the money was kept for. Stated that you have to wonder about an Engineering firm that states you should be spending that much a year on infrastructure when the MUA has successfully run the operation without ever spending that kind of money. Stated that nowhere in the submissions made does the Township talk about the 259-acre Jones Farm which the MUA owns and disposes 2 to 3 million gallons of sewage every year. Stated that they do not advise if they are going to keep it and if so, how it will be operated and who has the expertise. Asked if they were not going to continue doing it, what would be done instead. Stated that at a minimum it would cost the ratepayers between \$750,000 and \$1 million dollars per year to dispose of the 2 to 3 million gallons of sludge in a way other than the Jones Farm. Advised that they also never included in their submissions that the MUA has 7 retired employees receiving lifetime health benefits and asked what would happen to them. Stated that there are a number of issues and that there is still time to discuss it. Advised on a letter he sent and a letter he sent to the Local Finance Board today. Mr. Bayer advised he could give the filings to him and the Clerk and that he would provide them to his client. Mr. Bayer noted he does not bully Mr. Gillespie's Board members by hand delivering his submissions but instead provides them to him respectfully. Stated that he thought it was a low blow to have them hand delivered to the Council at their homes instead of just providing them to the Clerk. Mr. Gillespie stated that the MUA had been told that this Council believes that it has no reason for doing what it has been doing and they drew the impression that perhaps not every Council member had read what was submitted, so they decided to make sure their colleagues received this information. Stated that if there was a problem with that, he apologized on behalf of the MUA. Ms. Cosnoski advised Mr. Gillespie that she could guarantee that if something is given to the Township Clerk it is given to the Council members. Mr. Gillespie stated he did not doubt her. Ms. Cosnoski added that if the packages were delivered to her on Friday, Council would have been given them on Friday. Mr. Gillespie stated that the MUA would welcome further discussion with the Council. Advised on how he felt those discussions should go based on the issues he had provided during his presentation. Mr. Bayer advised that he was not trying to interrupt his presentation but reminded that under the Faulkner Act form of government, negotiations regarding a contract occur with the Administration and then is presented to Council. Stated that he is essentially trying to negotiate a lease through a public process and he would say this is inappropriate since it is the Mayor who has to present any contract account for consideration. Mr. Gillespie asked if it was inappropriate to say to the governing body, who is going to adopt the ordinance, to talk about extending the lease and discuss further what to do. Discussion ensued on what is and is not appropriate. Stated he appreciated the opportunity to speak on behalf of the MUA and stated if there were any questions, they could be asked of the members present. At this time members of the MUA came forward and introduced themselves including Bill Butler, Administrator of Operations for the MUA; Jennifer Rivera, Administrator of Administration; and Keith Caravallo with CME Associates as the consulting Engineer for the MUA. Mr. Bayer asked if the report attached to Mr. Gillespie's letter was his. Mr. Caravallo stated he was not sure.

Councilwoman McCartney stated that she does not have a game plan as Mr. Gillespie had stated. Assured that she had read the report more than once as she is sure the rest of Council and Administration had. Stated that in terms of honest dialogue, she is hopeful that is what will occur. Commented that in terms of the timeline, they did get the presentation on the 19th. Noted that in terms of information, the MUA, according to what she did receive, were asked to provide something to Council in terms of the application. Stated that after the MUA reviewed the application, they declined to do a presentation. Stated she does not know anything about sewage and she is not an accountant and is going by the facts that she has. Noted that this is why she had hoped to have information and she is not quite sure why there was a decline in it so that they could have an honest discussion and dialogue on everything. Stated that all of Council is concerned about what this will mean for our residents and those that are a part of the MUA. Noted that Council had reached out to Administration about the farm and Administration advised that they intend to continue to use the respective sewage treatment and disposal process upon the acquisition of the PTMUA and she wanted to clarify that. Mr. Bayer reiterated that this was in the Townships application. Mr. Gillespie's partner Mr. Winitsky stated he was not sure what her question was but that there were clearly conflicting reports. Mr. Bayer added that there was a bit of a misrepresentation about the process and that he has publicly stated throughout this process that the law requires the Township to go before the Local Finance Board and that after their

ruling; it would come back to Council for a determination. Mr. Winitsky stated that it has to be by law. Mr. Bayer stated that was correct, but that the implication was that somehow if the State rules to approve the application, that would take away this Council's discretion to vote on an ordinance and that was never represented in public or otherwise. Stated that to the extent that this representation was made, it is really a false assertion. Councilwoman McCartney noted that she had received the information from Parker McCay that was dated June 27th, 2019 but that Mr. Gillespie had mentioned a letter that was sent on July 2nd, 2019. Mr. Winitsky stated that there had been several rounds of discourse through the Local Finance Board, of which all had been submitted to this Council, the Attorney and the Clerk. Stated that there has been multiple correspondence for which all were copied and that really all of this is for the audience of the Local Finance Board and the application they are opposing. Councilwoman McCartney asked what the difference was between these two letters. Mr. Bayer stated that there was really just a lot of fighting going on back and forth between lawyers and explained that it was about when the hearing would be held at the Local Finance Board. Mr. Winitsky stated that due to the false statements in our Engineer's report, they were duty bound to make those assertions and oppositions clear for the benefit of the Council and ultimately the Local Finance Board to review this clearly. Discussion ensued on the differences between the information that has been provided by both sides. Mr. Bayer stated again that depending on what the local Finance Board does, if it approves the dissolution, then there will have to be a second reading of the ordinance and a public hearing, leaving more than enough time for a full vetting of the MUA's position as well as the public's position and that this was just the first step in the process. Donna Lefebvre stated that she has been involved with the MUA for a long time and has used them since she moved here 32 years ago. Stated she has paid her money every year and knowing that there is money sitting there that they have paid into and not knowing what will happen with that surplus which is their money is an insult to them. Commented that she feels that the money is their money to use for sewer purposes and does not think it would be right to take it and not use for the people who use it. Council President Burton advised that it has never been stated that they would be taking that money. Mr. Bayer stated that this was an absolute false assertion and that in the application filed with the Local Finance Board, the Township has indicated that any MUA funds that come to the Township will be placed in a sewer utility account and used only for sewer purposes. Stated that it will not go into the general fund and he feels that there has been a lot of misleading information used for small political purposes on this and the application has requested that the Local Finance Board, as a condition of approval, order the Township to maintain those funds that would come from the MUA into this account. Stated that the idea that we do not know what is going to happen to the money is just not true and he can say it is in writing. Advised that he thinks these concerns would be addressed because they would not be going for other purposes but would be used for sewer purposes. Council President Burton requested a 5-minute break to bring Councilman Allen back for the remainder of the meeting.

Councilman Allen returned to the meeting and assumed his role as Council President for the evening.

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.

Council President Allen advised that a correction was needed for #4 under New Business with the correct total amount being \$3,498.33. Asked to pull Resolution 195-2019.

***CONSENT AGENDA**

***CONSENT AGENDA RESOLUTIONS**

- 194-2019 Authorizes a contract with Edmunds Govtech for the provision of UCC Permitting & Code Enforcement Software and Data Conversion Services in the amount of \$40,250.00.
- 195-2019 *Pulled from the Consent Agenda and considered later in the meeting.*
- 196-2019 Authorizes the issuance of a duplicate tax sale certificate to Actline Holding, Inc., pursuant to N.J.S.A. 54:5-52.1.
- 197-2019 Authorizes deposit of premium lien funds bid as to 35 Verbena Street at the Tax Sale held on April 13, 2016, to the Township Miscellaneous Revenue Not Anticipated Account.
- 198-2019 Authorizes renewal of Plenary Retail Consumption License for the sale of alcohol for Merko Inc. for the 2017-2018 licensing period.

- 199-2019 Authorizes renewal of Plenary Retail Consumption License for the sale of alcohol for Merko Inc. for the 2018-2019 licensing period.
- 200-2019 Authorizes renewal of Plenary Retail Consumption License for the sale of alcohol for Merko Inc. for the 2019-2020 licensing period.

NEW BUSINESS

- *a. Purchases over \$3,000
 - 1. Public Works - Installation of underground electrical service for the Presidential Lakes Fire House and Recreation Building from Dazell Plumbing, Electrical & HVAC Services, LLC. in the amount of \$4,500.00.
 - 2. Public Works - Removal and disposal of existing HVAC equipment and installation of new equipment and gas line for Browns Mills Shopping Center from Arctic Heating and Cooling in the amount of \$5,200.00.
 - 3. Public Works - Repairs to Police Vehicle #1803 from Bill's Auto Body Shop in the amount of \$4,434.89.
 - 4. Public Works - Repairs to Police Vehicle #1805 from Fante's Auto Body, Inc. in the amount of \$3,498.33.
 - 5. Public Works - Repairs to Public Works Vehicle #212 from Fante's Auto Body, Inc. in the amount of \$6,173.92.
 - 6. Public Works - Repairs to Police Vehicle #1809 from Fante's Auto Body, Inc. in the amount of \$3,454.56.
 - 7. Public Works – Flood Damage Repair Services at the Dominique Johnson Building from SERVPRO of Bordentown/Pemberton in the amount of \$5,884.00.
- *b. 2019 Used Automobile Licenses**
 - 1. Epic Auto Group
 - 2. CSI Investments
 ** Contingent on payment of all municipal fees.

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

RESOLUTIONS

- 195-2019 Authorizes various routine refunds in the total amount of \$497.50. *Pulled from the Consent Agenda.*

Council President Allen stated that one of the refunds they were giving was for someone who could not use the Dominique Johnson Center for their event due to flooding and asked what the flooding was due to. Mayor Patriarca advised that it was due to the storms we had and that there was significant damage and mold. Stated that they had a company come out to mediate and fix this and are working on a plan to draw the water away from the building in the future with a French drain system. Advised that most of the damage should be covered under the claim they out in with the insurance company.

Motion by McCartney and Gardner to approve Resolution 195-2019. McCartney, yes; Gardner, yes; Burton, yes; Allen, yes. Motion carried.

ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR ADOPTION

ORDINANCE NO. 22-2019

AN ORDINANCE AMENDING CHAPTER 190-16 OF THE CODE OF THE TOWNSHIP OF PEMBERTON, ENTITLED 'ZONING'. *Introduced at June 5, 2019 Meeting.*

At this time Council President Allen opened the meeting for the public hearing. Seeing no one wishing to be heard this portion of the meeting was closed.

Councilwoman McCartney questioned the reason for this Ordinance. Mayor Patriarca confirmed that due to certain allowances on agricultural use, they felt it was necessary to increase the land mass for this particular use and discussed this would include raising pigs, cows and things of that nature. Councilwoman McCartney asked if this would include things such as growing corn or tomatoes. Mayor Patriarca stated that this was for animals as it was not clear enough. Council President Allen stated it was narrow in scope

and that he had talked to the Mayor about this prior to the meeting and showed the change that was made.

Motion by Burton and Gardner to adopt Ordinance 22-2019. Burton, yes; Gardner, yes; McCartney, yes; Allen, yes. Motion carried.

ORDINANCE NO. 24-2019

AN ORDINANCE AMENDING CHAPTER 159, SUBDIVISION OF LAND, AND CHAPTER 190, ZONING, OF THE CODE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY. *Introduced at June 5, 2019 Meeting.*

At this time Council President Allen opened the meeting for the public hearing.

Lucindia Rogers, - 1. Asked what this ordinance was for. Council President Allen advised that this was an amendment required by the Pinelands. Advised that there were several copies in the back but that due to the amount of people present at the meeting, they may have all been taken.

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

Councilwoman McCartney asked about page 4 and the Alternate Design Pilot Treatment Program and asked what this was. Mr. Bayer advised that it was an on-site septic system or wastewater treatment system.

Motion by McCartney and Gardner to adopt Ordinance 24-2019. McCartney, yes; Gardner, yes; Burton, yes; Allen, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

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.

Councilwoman McCartney asked if when they received the budget account, they will not see these purchases. Mayor Patriarca stated that was incorrect and that all this was doing was changing the authorization that previous Council's have set on Administration. Stated that we can purchase things up to \$17,500.00 without going out to bid and Council has set limitations on Administration even though Council approves the budget and there is a limit on spending for larger items that have to come before Council. Stated that the number was \$2,000.00 which created a hardship on Administration trying to do daily operations. Commented that they had requested for it to be increased to \$3,000.00 and was and it will still show up on the Bill List. Mayor Patriarca stated that there is also subsection 3 which allows Administration to spend funds up to \$17,500.00 that is covered under the JIF insurance company so as an example, if a Police car is in an accident and it costs \$4,500.00 to fix, they can just get it repaired right away rather than waiting for Council approval. This was an issue with Police vehicles being out of service too long.

Motion by Burton and Gardner to introduce Ordinance 31-2019 with a Public Hearing to be held on August 21st, 2019. Burton, yes; Gardner, yes; McCartney, yes; Allen, yes. Motion carried.

REPORTS & COMMUNICATIONS

- a. Engineer's Report – 8/1/2019 – Council had no discussion.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 8/2/2019.

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

SOLICITOR'S REPORT:

Mr. Bayer reported: Advised that the Township's application to dissolve the MUA will be proceeding in front of the Local Finance Board in Trenton on Wednesday, August 14th and they will then report back on this application.

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

Mayor Patriarca reported: Wanted to publicly welcome Mr. Hornickel on board. Stated he had just gotten done telling him he has to take over and drive this ship and he assured him he is ready for it and can handle it and knows we are in good hands. Advised that National Night Out was very well attended and was a good event here in the Township. Stated that the Police Department did a great job in presenting the event and the residents seemed receptive to it. Commented on the Presidential Lakes road closure that made such headlines mainly through social media and some press. Stated that the residents really drove what happened and all of their calls to legislation seemed to really hit a nerve causing them to repair the road immediately after they had told the Township they were not going to be fixing it. Advised that although it is a State roadway, the State felt the Township should pay for the repairs and the residents stood up and got the roadway temporarily repaired and gave kudos to the residents.

Daniel Hornickel reported: Thanked Council for their approval of his appointment as Business Administrator. Stated he looks forward to being accessible to all and answering any questions Council may have. Advised he will do his best for the Township and the residents. Council President Allen stated that he had already done a good job answering some of the questions they had prior to the meeting.

COMMENTS BY COUNCIL MEMBERS:

Councilwoman McCartney – Stated she just wanted to follow up on some of the residents concerns tonight. Noted that she knew there would be some follow up on the crosswalk on Choctaw Drive in Country Lakes. Noted that she is in support of cameras and centralized monitoring. Noted that there are three main streets in Sunbury Village that over time has had it's share of unfortunate events. Mentioned the resident who advised of the cameras in public areas throughout Burlington City and thinks this would be a safe thing for the residents there and would help with determining who done it. Thanked the Mayor and Councilman Gardner for the YouTube video on Code Enforcement.

Councilwoman Burton – Gave kudos to the Police Department for National Night Out. Stated she was out there volunteering with TAG and she felt like a kid out there. Commented that she hopes that we can come to an agreement on what to do on Choctaw Drive. Noted she would like to have more information about possible cameras as she is not aware of all that it entails. Thanked all for coming out and sharing their concerns. Welcomed Mr. Hornickel and stated she is looking forward to working with him. Thanked all of Council and asked that all get home safe.

Councilman Gardner – Welcomed Mr. Hornickel and stated he is looking forward to working with him. Wanted to go on the record and say that he does know how to read and he does read with comprehension and understanding. Stated he is all in favor of the cameras for the front of the houses and the back of the houses. Stated he is sure ones on the street would work but most of the yards have trees in the back and how will we see that. Commented that National Night Out was great and had great weather. Thanked all for coming out and hopes to see all at the next meeting.

Council President Allen – Thanked all for coming out and for sharing their thoughts, concerns and ideas. Stated he looks forward to seeing all at the next meeting.

The meeting was adjourned at approximately 8:45 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk