

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
OCTOBER 2, 2013
6:30 P.M.**

FLAG SALUTE

Council President Scull led the assembly in the Pledge of Allegiance, announced that notice of the meeting was given in accordance with the Open Public Meetings Act, followed by roll call.

ROLL CALL

PRESENT

ABSENT

Jason Allen

Kenneth Cartier

Diane Stinney (arrived approximately 6:40pm)

Sherry Scull

Norma Trueblood

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Solicitor Andrew Bayer of GluckWalrath, Township Engineer Kelly Willis, Township Planner Rick Ragan, and Township Clerk Amy P. Cosnoski.

CALL TO ORDER

Council President Scull called the meeting to order at 6:30 PM.

CLOSED SESSION

Resolution 203-2013 Authorizes Council to go into Closed Session for:
Contract Negotiations/Potential Litigation –
Browns Mills Shopping Center

Motion by Allen and Cartier to approve Resolution No. 203-2013. Allen, yes; Cartier, yes; Trueblood, yes; Scull, yes. Motion carried.

Council President Scull recessed the open meeting at approximately 6:35 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM. She announced there was no formal action pursuant to closed session discussion.

(Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)

Consent Agenda: All items listed under the consent agenda are considered to be routine by the Township Council and are 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.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Council President Scull opened the meeting to the public for comments on the consent agenda. There being no members of the public indicating a desire to be heard, the meeting was closed to the public for comments on the consent agenda.

Councilman Allen requested to add a Purchase over \$2,000 to the Consent Agenda for Decorative paving stones from Herman's Trucking & Landscape Supply in the total amount of \$3,787.39.

Motion by Allen and Stinney to add Purchase over \$2,000 for

Decorative Paving Stones to Consent Agenda. Allen, yes; Stinney, yes; Trueblood, yes; Cartier, yes; Scull, yes. Motion carried.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular meeting, September 18, 2013.

RESOLUTIONS

- | | |
|----------|------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 182-2013 | Renews annual Plenary Retail Consumption License #0329-33-006-004 for Terrace Inn. |
| 204-2013 | Appoints Fire Police Officers for the Pemberton Township Fire Department. |
| 205-2013 | Authorizes the purchase of uniforms for the Police Department from Samzie's Uniforms under Sate Contract #A78921 in the amount of \$15,671.57. |
| 206-2013 | Authorizes Mortgage Subordination Agreement with Christine Schneider Regarding the mortgage held in favor of the Township on property located at 3 Shore Circle. |
| 207-2013 | Authorizes application with the New Jersey Department of Transportation for the East Lakeshore Drive Roadway Improvement Project. |
| 208-2013 | Authorizes application with the New Jersey Department of Transportation for the Pedestrian Improvements, Downtown Browns Mills Project. |
| 209-2013 | Authorizes purchase of Ford Pickup Truck with Snowplow from Ditschman Flemington Ford under State Contract #A83577 T2100 in the amount of \$24,993.00. |
| 210-2013 | Authorizes release of maintenance bond posted by Sun Bank for property at Block 406, Lots 25, 26 & 27.01, in the amount of \$46,990.00. |

PURCHASES OVER \$2,000 (item added)

1. Recreation Department – Basketballs for Youth Basketball Program from Westampton Recreation (Cooperative Purchase) in the amount of \$2,392.50
2. Recreation Department – NJRPA Summer Consignment Tickets from NJRPA in the amount of \$2,452.00.
3. Finance Department – Firewall from CSI in the amount of \$4,959.00
4. *Added*-Public Works Department – Decorative Paving Stones for Decorative Clock Project from Herman's Trucking & Landscape Supply in the amount of \$3,787.30

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 9/27/2013.

Motion by Allen and Stinney to adopt consent agenda as amended. Allen, yes; Stinney, yes; Trueblood, yes; Cartier, yes; Scull, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 18-2013

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING ORDINANCE 15-2013 IN ORDER TO REVISE THE RESIDENCY REQUIREMENTS FOR THE CONSOLIDATED PEMBERTON VOLUNTEER FIRE AND EMERGENCY SERVICES COMPANY

Council President Scull read the title of the ordinance into the record.

Motion by Cartier and Trueblood to introduce Ordinance No. 18-2013 with a public hearing to be held on October 23, 2013. Cartier, yes; Trueblood, yes; Stinney, yes; Allen, yes; Scull, yes. Motion carried.

NEW BUSINESS

Parade Permit Applications (PUBLIC HEARING REQUIRED)

Ocean County Competition Riders M.C., Annual Scrub Pine Enduro motorcycle event through Brendan T. Byrne State Forest and portions of Township roadway, to be held on November 10, 2013. (Note: Organization requested date change from October 20th to November 10th, requires another public hearing and Council vote.)

President Scull opened the meeting to the public for comments on the parade permit. There being no members of the public indicating a desire to be heard, the meeting was closed to comments on the permit.

Motion by Stinney and Allen to approve Parade Permit. Stinney; yes, Allen, yes; Cartier, yes; Trueblood, yes; Scull, yes. Motion Carried.

Council's review of responses to NJDCA 2012 Best Practices Questionnaire.

Councilwoman Stinney asked if the Township was in the safe zone of number of questions answered positively to protect their aid funding and was advised by Administration that they were. Council President Scull gave a brief explanation of what the Best Practices Questionnaire was. Councilman Allen noted that it appears the Township may be eligible to receive a reduction in Flood Insurance costs according to question no. 50 of the questionnaire. Mr. Gonzalez advised he would be looking into that.

Discussion and/or possible introduction of proposed ordinance amending Ordinance No. 17-2013 regarding Chapter 190-50.1 Kennels, for consideration of Planning Board recommendations.

Council President Scull explained the amendments were being made to address the Planning Board Recommendations. Councilman Cartier noted there are no provisions for the boarding of any other domesticated animals such as cats. Mr. Ragan advised he would check into that and it was a consensus of Council to table this matter until the next meeting.

Discussion and/or possible introduction of amendments to Ordinance No. 2-2013, Establishing Regulations for Fair and Safe Towing Operations in the Township.

Council President Scull explained that she requested this be brought back to Council because she did not realize there was a provision in the original ordinance that required the towers to tow the Township owned vehicles for free and she would have requested the removal of that provision. Council President Scull further questioned the legality of that provision, expressing she would like it removed and does not think this is how we should treat the local businesses. Councilman Cartier suggested amending the provision to provide a flat fee for towing of Township owned vehicles. Mr. Bayer advised he had reviewed the provision and it is technically legal. Mr. Gonzalez noted that it is for consideration for the opportunity to tow and make money and further advised that any changes made to the ordinance now would not affect the current contracts in place.

Councilman Allen question how many Township owned vehicles have been towed since this ordinance went into effect and Mr. Gonzalez advised

two vehicles have been towed, both by Andy's Pro Auto. Noting one was a regular vehicle and the second was a heavy duty tow of a fire truck which Mr. Mull had to pay for out of pocket but was advised that he would be reimbursed. Councilman Allen suggested allowing for 4 complimentary tows per year. Councilwoman Stinney was agreeable to Councilman Allen's suggestion and Council President Scull suggested putting Councilman Cartier's and Councilman Allen's suggestions together. It was a consensus of Council to open the meeting to allow comments from the towers.

Douglas Gilbert from Craig's Auto commented that they signed the contract knowing what was in it and does not have a problem with the free towing and they are still making money. Further explaining they have been towing for the Township for over 20 years and have never charged for it and sees it as a service to benefit the residents.

Andy Mull from Andy's Pro Auto commented that he owns his company and knows what it takes to run a business and he had requested a change in the ordinance before it was introduced, noting the Administrator advised him he would not allow that to happen. Mr. Mull further explained that he talked to the State Procurement office and was told the provision was wrong and could be seen as coercion. Mr. Mull went on to give information on the number of vehicles he has towed and how many were for free, noting that each time he sends a truck out he has expenses. Additionally Mr. Mull explained he had to purchase a truck in order to meet the requirements of the ordinance. Mr. Mull commented that maybe he could have not signed the contract but that would not have been financially good for his business. Discussion ensued on other provisions of the ordinance. Mr. Mull explained he is here about the free tows and the impact on his business. Council again discussed what changes could be made in the ordinance. Mayor Patriarca noted the remedy lies with renegotiating the contact and he would be willing to do that for the heavy towing. Council President Scull noted that Council does have the right to discuss what changes they can make to the ordinance.

Council President Scull requested Mr. Bayer to write up an amendment to the ordinance incorporating Council's suggestions of four complimentary tows; exempting the heavy duty towing and the remaining tows being done at a flat fee of \$75.00 each.

UNFINISHED BUSINESS

Discussion and/or possible introduction of proposed ordinance establishing Chapter 6 of the Township Code in order to establish a local Emergency Planning Committee in the Township and to provide for the coordination of local emergencies and disasters.

Council President Scull read the title of the proposed ordinance into the record.

Council President Scull asked if there were any questions or discussion on this matter that was brought back for consideration from the prior meeting.

Motion by Allen and Cartier to introduce Ordinance No. 19-2013 with a public hearing on October 23, 2013. Allen, yes; Cartier, yes; Trueblood, yes; Stinney, yes; Scull, yes. Motion carried.

Discussion and/or possible introduction of Ordinance amending Chapter 188 of the Township Code entitled Wildlife Feeding in order to prohibit the feeding of wildlife on private property.

Council President Scull explained the proposed ordinance had been under consideration due to a resident request. Councilman Cartier advised that he has a problem with telling residents what they can do on their private property as this ordinance does and he would not be in favor of this. The rest of Council agreed with Councilman Cartier and it was determined there would be no further action on this proposed ordinance.

GENERAL PUBLIC COMMENTS

President Scull opened the meeting to the public for general comments. Those commenting were:

Bill Hearney, Lakeshore Mobile Village – 1. Commented that mobile home owners should be given the right and respect they deserve and they are not temporary residents. **2.** Questioned again the lot lines within the mobile home park and Ms. Willis and Mayor Patriarca explained the difference between the Township lot lines and the areas designated to trailers within the mobile home park. **3.** Commented on Zoning violations within the mobile home park and trailers being placed too close to each other. Council President Scull requested Administration to look into the possible Zoning Violations.

Wayne Boise, Lakeshore Mobile Village – 1. Questioned how it is determined how many new homes can go in the park. Ms. Willis advised it is based on the density and the amount of room required between each trailer. Council President Scull suggested to Mr. Boise to visit the Planning Board office to get additional information. **2.** Commented on not hearing back from Administration when contacted.

Charles Steele, Lakeshore Mobile Village – 1. Commented on the issues he is having with the park managers not responding to the problems in the park. **2.** Noted the new homes people are coming in with are wider and were not considered when the original park was planned and they no longer meet the zoning requirements. **3.** Advised that at the Planning Board meeting the park owners stated that some improvements will be made to the park and Mr. Steel noted that no maintenance or improvements have been done. **4.** Noted they have had an increase in residents joining the association and they are trying to do their best as a community.

American Phillips, Presidential Lakes – 1. Commented on issues with 200 New Hampshire Road, noting that she is fed up with nothing being done about it. Mr. Gonzalez advised the Township has done everything they can legally do regarding that residence. **2.** Commented on her roadway, Tennessee Trail, being in terrible condition and not getting paved and believes it may be because she complains too much. **3.** Questioned why she was sent a letter advising she would have to fill out another application to continue as a Fire Police Officer for the Township when her certification is good until 2015. Mayor Patriarca advised that she was member in Presidential Lakes Fire Company which no longer has a contract with the Township. The Mayor further explained the offer was made for them to consolidate with the Township Fire Department and they declined so now the individuals needed to apply. Chief Augustoni expressed he would be happy to have Ms. Phillips continue with the Fire Department as she is a very dedicated Fire Police Officer for the Township. **4.** Commented on the

towing service, asking why the company should tow for free for the Township, when her car breaks down, she has to pay for the service. **5.** Commented on the unkempt condition of the public areas in Presidential Lakes, noting all other areas of the town get attention but Presidential Lakes does not. Mayor Patriarca advised Public Works has a schedule and they do go out to Presidential Lakes.

Seeing no other residents wishing to comment, Council President Scull closed the meeting to public comment.

SOLICITOR'S REPORT:

Mr. Bayer reported: **1.** No report this meeting.

PLANNER'S REPORT:

Mr. Reagan reported: **1.** The sign on Mr. Berardi's property is not an approved plan and there are no apartments allowed on that site. **2.** The Dialysis Center has received their permits. **3.** Dollar General and Family Dollar are both on the Planning Board's next agenda.

Councilwoman Stinney asked regarding the status of the Sun Bank property. Mayor Patriarca advised they had spoken with the new owners yesterday and they had anticipated another bank coming, however that fell through and they are looking at other options.

ENGINEER'S REPORT:

Mrs. Willis reported: **1.** Bayberry Dam work is ongoing and on schedule. The contractor is expected to be completed by December 1st, 2013; with minor items being done by December 15th. Ms. Willis noted there are hefty fines for the contractor if they do not meet the deadline. **2.** Fuel facility tanks are scheduled to be installed on Tuesday of the following week. **3.** Recreation court resurfacing is ongoing at the Dominique Johnson enter and Presidential Lakes will be done next.

Councilwoman Stinney asked if they can find money to do Bayberry with the next round of grants. Ms. Willis advised they were already working on that.

MAYOR'S AND/OR BUSINESS ADMINISTRATOR'S REPORT

Mayor Patriarca reported: **1.** Attended a meet and greet with the new Mega Base Commander and he is scheduling a sit down meeting and a time to take him around our town. Council President Scull offered to go out on a tour of the town with the Mayor and Commander. **2.** Clock project at Little Red is progressing, noting our Public Works is doing a great job on that project and they are assisting the School with some paving work. **3.** Reported October 6th through the 12th is Fire Prevention Week and encourages everyone to attend the events the Township Fire Company has planned. Fire Chief Augustoni advised they have a lot of things planned and will be getting out to the schools also. **4.** Mr. Gonzalez advised the Township has finalized and executed the contract with the AFSCME Union and the PBA Union contract expires at the end of this year.

COUNCIL MEMBERS' COMMENTS.

Diane Stinney – 1. Had no further comments, thanked everyone for coming out.

Jason Allen – 1. Thanked everyone for coming out.

Ken Cartier – 1. Thanked everyone for coming out and wished them a safe drive home.

Norma Trueblood – 1. Thanked everyone for coming out.

Sherry Scull – 1. Thanked everyone for coming out.

The meeting was adjourned at approximately 9:00 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk