

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
December 3, 2014
6:30 P.M.**

FLAG SALUTE

Council President Cartier 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

Norma Trueblood
Diane Stinney
Sherry Scull
Jason Allen
Kenneth Cartier

ABSENT

Also present: Business Administrator Dennis Gonzalez, Solicitor David Clark, Engineers Chris Rehmann and Kathryn Cornforth, Planner Rick Ragan, and Township Clerk Amy P. Cosnoski.

CALL TO ORDER

Council President Cartier called the meeting to order at 6:30 p.m.

CLOSED SESSION

Resolution 269-2014 Authorizes Council to go into Closed Session.
Personnel Matters
Worker's Compensation Litigation
Litigation
Potential Litigation

Motion by Scull and Stinney to approve Resolution 269-2014. Scull, yes; Stinney, yes; Trueblood, yes; Allen, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:35 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

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

Council President Cartier announced there would be formal action pursuant to Closed Session. Council President Cartier read the title of Resolution 283-2014.

Motion by Scull and Allen to add Resolution 283-2014 to the Consent Agenda. Scull, yes; Allen, yes; Trueblood, yes; Stinney, yes; Cartier, yes. Motion carried.

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.

PUBLIC COMMENTS ON CONSENT AGENDA ITEMS ONLY

Council President Cartier opened the meeting to the public for comments on the Consent Agenda and seeing no residents wishing to be heard closed the meeting to the public.

Fred Moorehead, Browns Mills – 1. Questioned the litigation for Mr. Massengill and the cost what was going to be. Solicitor David Clark advised it is a worker compensation case and the recommendation was to settle for \$10,000.00.

Jack Tompkins, Pemberton – 1. Questioned the worker’s compensation case and if it was related to leaf pickup. Administrator, Dennis Gonzalez, advised it was not. **2.** Asked for the amounts to be transferred in Resolution 275-2014. Council President Cartier read the accounts and the amounts that were being transferred in the resolution for Mr. Tompkins.

Seeing no other residents wishing to be heard, Council President Cartier closed the meeting to the public.

Councilwoman Stinney asked to pull Resolution 279-2014 from the Consent Agenda.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular Meeting, November 5, 2014.

CONSENT AGENDA RESOLUTIONS

- | | |
|----------|---|
| 270-2014 | Authorizing the Refunding and/or closing of Treasurers Escrow Sub-Accounts |
| 271-2014 | Authorizing the refund of a tax overpayment to Mr. and Mrs. Hee Soon Bartlett. |
| 272-2014 | Authorizing the refunding and/or closing of grading escrow sub-accounts. |
| 273-2014 | Authorizes various routine refunds. |
| 274-2014 | Authorizing the cancellation and refund of property taxes on property qualifying for a Totally Disabled Veterans Property Tax Exemption for Lyons on Block 233, Lot 17. |
| 275-2014 | Authorizes the transfer of funds within the CY 2014 Budget. |
| 276-2014 | Concurs with NJDOT compliance of centerline markings for State Route 70 in Pemberton Township. |
| 277-2014 | Authorizes agreement for the Administration of the Pemberton Township Medical Benefits Plan with Stop Loss Coverage. |
| 278-2014 | Authorizes cancellation and refund of property taxes on property qualifying for a Widow of Totally Disabled Veterans Property Tax Exemption for Mendenhall on Block 915, Lot 12. |
| 279-2014 | <i>This resolution was pulled from the consent agenda and considered later in the meeting.</i> |
| 280-2014 | Authorizes the Township of Pemberton to participate in the New Jersey Division of Highway Traffic Safety “Drive Sober or Get Pulled Over” Grant Program. |
| 281-2014 | Requests Permission from Division of Local Government Services for insertion of special item of revenue, 2014 Drive Sober or Get Pulled Over Grant in the amount of \$7,500.00 |
| 282-2014 | Supports the 2014 Pemberton Township Winter Festival |
| 283-2014 | <i>This resolution was added to the Consent Agenda.</i>
Authorizes settlement in the matter entitled Massengill v. Township of Pemberton and authorizing the Mayor to execute any documents necessary to effectuate the terms of the settlement. |

NEW BUSINESS

Purchases over \$2,000

1. Water Department – Endpoint Security Software from Computer Software, Inc. in the amount of \$2,148.00
2. Finance Department – Replacement Computer File Server from Computer Software, Inc. in the amount of \$10,100.92.
3. Public Works Department – Body Repair service to Public Works Dump #26 from Fante’s Auto Body, Inc. in the amount of \$4,426.00
4. Tax Assessor Department – Notice of Assessment Post Cards from Micro Systems-NJ.com LLC in the amount of \$5,902.00
5. Recreation & Senior Services Department – Playground Equipment for Mirror Lake Beach from General Recreation in the amount of \$3,645.50

6. Public Works Department – Playground Mulch for Mirror Lake Park from Mimlitsch Enterprises, Inc. in the amount of \$4,200.00
7. Public Works Department – Body repairs to Police Unit #1808 from Fante’s Auto Body, Inc. in the amount of \$4,432.08.

NJ State Fireman's Association Membership Application for Robert Furth with the Pemberton Township Volunteer Fire Co.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 11/25/2014.

Motion by Allen and Trueblood to adopt the Consent Agenda as amended. Allen, yes; Trueblood, yes; Stinney, yes; Scull, yes; Cartier, yes. Motion carried.

OTHER RESOLUTIONS

279-2014 Authorizes cancellation of unexpended appropriations and other open balances.

Councilwoman Stinney questioned why the grant monies were being cancelled and not spent. Mr. Gonzalez advised the grants have time limits on them and the Chief of Police was unable to spend the full amount in the time granted.

Motion by Stinney and Allen to approve Resolution 279-2014. Stinney, yes; Allen, yes; Scull, yes; Trueblood, yes; Cartier, yes. Motion carried.

NEW BUSINESS

Discussion and possible introduction of proposed ordinance amending Chapter 145 of the Township Code, Entitled “Property Maintenance” in order to establish the responsibilities of Creditors foreclosing upon vacant and abandoned properties.

Solicitor, David Clark, gave an overview of the ordinance noting it deals with foreclosure entities being responsible for code violations on properties they start foreclosure proceedings on. Councilwoman Stinney expressed this is a wonderful ordinance, noting the many property she has brought to the attention of Administration regarding their abandoned condition and feel this ordinance give the needed regulation to deal with those abandoned properties.

Motion by Trueblood and Scull to introduce Ordinance 18-2014 with a public hearing to be held on December 17, 2014. Trueblood, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Discussion to set date of Pemberton Township 2015 Reorganization Meeting.

It was a consensus of Council to hold the 2015 Reorganization Meeting on January 7, 2015 beginning at 6:00 p.m. with the regular meeting immediately following.

SOLICITOR'S REPORT:

Mr. Clark reported: 1. Mr. Clark had no report for this meeting.

ENGINEER'S REPORT:

Mr. Rehmann reported: 1. Mr. Rehmann reported the Country Lakes Dams are proceeding on schedule and they hope to have Dam #3 completed by the end of January, Dam #2 by the end of May and then start on Dam #1. 2. They are submitting an Environmental Infrastructure Trust Application for the work on Well #11 and there is a contract in place to start the work on March 1st. 3. Work is being done on the Scammel Drive storm drainage project.

PLANNERS REPORT:

Mr. Ragan reported: 1. Mr. Ragan reported the only item that needed to be completed was the zoning map and his recommendation was to get the ordinance done. It was noted that Mr. Benedetti, Director of Community Development, felt

the remapping should be done by the Engineer's office before it is adopted. Discussion ensued on the adoption of the zoning map and it was a consensus to hold off on adoption until the final map is complete. 2. Reported the Dialysis Center is still going through testing.

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

Mr. Gonzalez reported: 1. Advised Council that Administration will be finalizing a report on the road program for Council, further noting they are hoping to get a window of good weather to do Split Rock Road. Mr. Gonzalez noted the Public Works Department is just short of doing 15,000 linear feet of roadway.

GENERAL PUBLIC COMMENTS

Council President Cartier opened the meeting to the public for general comments.

Anne Quinn, Country Lakes – 1. Expressed her displeasure and anger over the lack redevelopment progress in town after being a resident for fourteen years. Questioned the status of the Browns Mills Shopping Center. Mr. Ragan advised of the status of the shopping center and noted the steps the Township is taking in redevelopment. Mr. Gonzalez explained the Township will continue to look for a developer for the property and emphasized the financial risk if the Township was to proceed with eminent domain proceedings without having a developer in place. **2.** Advised she was happy to see the dams being fixed but noted the roads being used for the detour are in terrible condition and felt that should have been looked at prior to using them for the detour and expressed concern over damage to her vehicle. Mr. Gonzalez noted they are looking at doing Split Rock Road if the weather cooperates. Councilwoman Scull explained one of the reasons for not fully repairing the detour roads before hand was due to the dam construction and the heavy construction equipment that would travel those roads and just cause more damage. **3.** Questioned the changes to the Zoning Map and Mr. Ragan explained the changes needing to be done, many due to Pinelands requirements.

Jack Tompkins, Pemberton – 1. Commented on the headline in the Burlington County Times regarding the locker room closures and asked how many lawsuits this town was going to be in and felt it is not the way the Township should be represented. **2.** Noted he still has speeding on his street. **3.** Commented on an article about insurance dividend pay outs to Burlington County towns and noted Pemberton Township was not listed. Mr. Gonzalez explained that Pemberton Township is only in their second year of being a member of that fund and we are not eligible for dividends until we have been a member for six years. **4.** Commented on the Council meeting minutes being updated and noted that there is rarely a differing vote among Council.

America Phillips, Presidential Lakes - 1. Questioned the purpose of closing the locker room and Mr. Gonzalez noted the matter is in litigation and he can not discuss it. **2.** Commented on all the lawsuits the town is involved in and the taxpayers having to pay for them. **3.** Commented on the Police Officers coming to work and having no place to put their tools and uniforms at the end of their shift and possibly exposing their family to harmful substances. Councilwoman Scull agreed with Ms. Phillips and noted that Council does not have control over the lawsuits.

Councilwoman Scull questioned if Council could form a subcommittee to investigate what was going on with the lawsuits. Solicitor, David Clark, advised that was within the powers of the Council. Councilwoman Stinney expressed her desire to be part of that subcommittee.

4. Ms. Phillips questioned why Split Rock Road was not done before the work on the dams and expressed there was enough time before the start of the dam work to have fixed the roadway. **5.** Commented on the revisions to Chapter 145 regarding abandoned homes and is glad it is being done, but hopes it is not just put in writing and then not enforced. **6.** Noted the Township did not do her a favor by paving her roadway because now her yard floods. **7.** Questioned as a resident if she could be part of the committee discussed by Council. Solicitor David Clark explained that this would be an investigatory committee of Council and would not be open to residents.

Glenn Malpeta, Presidential Lakes – 1. Advised Council that he was walking his

dog today and it was mauled by another dog that jumped their fence. Explaining that he called 911 and waited a long time and called again, when the Police did arrive they told him they were not trained to handle dog attacks. Mr. Malpeta asked if he was mauled would he have gotten the same answer. Council President Cartier noted that are supposed to be contingencies in place for when our Animal Control Officer is not on duty and was advised there is and the Police Chief would look into it.

Anne Quinn, Country Lakes – 1. Commented on the ordinance introduced regarding Chapter 145 and foreclosures and expressed concern over the Township being involved in more lawsuits. Mr. Clark explained the current process and how the new ordinance would give the Township more legal authority. **2.** Questioned if the Township had a plan in place to boost economic development. Mr. Ragan advised we do have the Master Plan and the Redevelopment Plan and further explained the difficulties of redevelopment noting the Township does not own the properties. Ms. Quinn again expressed her frustration in not seeing any movement in economic development in town. Mr. Gonzalez advised that economic development is not easy and you have to have the developers willing to come to town and they have to believe they can make money. Councilwoman Scull commented on trying to support the local businesses.

Fred Moorhead, Browns Mills – 1. Noted there are 42 empty store fronts in town and he heard from many people that they could not get through the bureaucracy of the town to open a business and questioned the town's plan to get those stores occupied. Mr. Ragan noted the plan was to get the Berardi property developed to create an anchor in town and it would attract other businesses to come in.

Council President Cartier seeing no other residents wishing to be heard, closed the meeting to Public Comments.

COUNCIL MEMBER COMMENTS:

Diane Stinney - Commented on having mutual respect with other Council Members and Administration and regarding Administration having dialogue with the Professionals while she is speaking. Advised she went to the New Jersey League of Municipalities Convention and attended a workshop called the ReEntry Program with a panel of Mayors, Council Members and State Representatives. Noting it was a very good workshop and it explained how thousands of dollars by assisting prisoners not reenter the system. She is working to bring the program here and believes it would be very beneficial to the community. Thanked Ms. Quinn for coming out and sharing her comments.

Norma Trueblood – Thanked everyone for coming out and noted she understood the concerns over the condition of Split Rock Road. Advised she appreciates the comments and she may stay silent at time but that is because she is observing and taking in the information. Looking forward to the Winter Festival and invited everyone to come out.

Jason Allen – Informed the public of free cancer screening to Burlington and Camden County residents at Virtua facilities throughout the area. Residents can call 1-888-847-8823 for eligibility and guidelines.

Sherry Scull - Noted that December 13th is the Winter Festival and invited everyone to stop by the new PTEA offices at 10 Trenton Road. Questioned if the subcommittee she requested needed to be created by a motion. Council President Cartier advised he would have it on the next Council meeting for discussion.

Ken Cartier – Thanked everyone for coming out and wished everyone a safe trip home.

Engineer, Chris Rehmann, apologized to Councilwoman Stinney, noting that he was the one who initiated the conversation with Mr. Gonzalez.

Councilwoman Scull addressed the OPRA request made by Council President Cartier with the MUA. Council President Cartier advised he only requested documents that are available digitally so there should be not cost to the Township. Councilwoman Scull

questioned the volume of documents Council President Cartier is requesting. Council President Cartier noted he requested them based on the question from Best Practices Survey from the State, noting the Township has never comprehensively looked at the MUA. Councilwoman Scull noted the Council does receive the MUA minutes, budgets and professionals contracts and this OPRA is becoming a large expense for the MUA to comply with. Councilwoman Scull questioned the need to see every piece of paper to oversee the MUA, noting they have never had a problem with their auditor and they have some of the lowest rates in the County.

Councilwoman Stinney asked about the OPRA request regarding the Fire Company. Township Clerk, Amy Cosnoski, explained the information requested has been supplied to the requestor, however a follow-up request was submitted and that is currently being worked on.

Council went back into Closed Session at approximately 8:30 p.m. and returned and reconvened Open Session at approximately 9:00 p.m.

Council President Cartier advised there was no formal action pursuant to Closed Session.

The meeting was adjourned at approximately 9:03 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk