

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
October 21, 2015  
6:30 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**

Diane Stinney  
Thomas Cathers  
Letha Jackson (left at approx. 7:30pm)  
Jason Allen

**ABSENT**

Norma Trueblood

Also present: Mayor David A. Patriarca, Business Administrator Dennis Gonzalez, Solicitor David Clark and Township Clerk Amy P. Cosnoski.

**CALL TO ORDER**

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

**CLOSED SESSION**

Resolution No. 233-2015 Authorizes Council to go into Closed Session.

*Litigation - Sawyer vs. Pemberton Township*

Motion by Jackson and Cathers to approve Resolution 216-2015. Jackson, yes; Cathers, yes; Stinney, yes; Allen, yes. Motion carried.

Council President Allen noted that there was formal action pursuant to Closed Session.

241-2015      Authorizing settlement in the matter entitled Sawyer v. Township of Pemberton and authorizing the Mayor to execute any documents necessary to effectuate the terms of the settlement.

Motion by Jackson and Stinney to add Resolution 241-2015 to the Consent Agenda. Jackson, yes; Stinney, yes; Cathers, abstain; Allen, yes. Motion carried.

Council President Allen advised the public that the Township insurance company went into mediation with Patrolwoman Sawyer and the insurance company recommended settlement.

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

**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 Allen opened the meeting to the public for comments on the Consent Agenda.

**Anne Quinn, Country Lakes - 1.** Questioned Resolution 234-2015 and asked why this was done as a resolution and not a purchase over \$2,000. Mr. Bayer and the Township Clerk explained the process for purchases, it was noted it is under State Contract which requires a resolutions. Ms. Quinn asked why we were buying this piece of equipment. Council President Allen advised it was a recommendation from Public Works. **2.** Questioned Resolution 236-2015 and what structures were being rehabilitated. It was noted this was an amendment to a resolution at the last meeting and it was for a private residence. **3.** Questioned Resolution 237-2015 and what the Browns Mills Transit Connection Project was. Council President Allen advised that it is a pedestrian pathway from Evergreen Boulevard to the Pemberton Township

Library and Broadway. **4.** Questioned Resolution 239-2015 and why we are approving the PTMUA's 2016 Budget now. Council President Allen advised that due to the lease agreement Council has to review and approve the budget and it is done the same time each year. **5.** Question Resolution 240-2015 and the performance bond. Mr. Bayer advised that they would be asking Council to pull this as there as still some questions on the release.

**Mike Tamn, Mt. Holly - 1.** Questioned Resolution 234-2015 and where the money would be coming from. Council President Allen advised that it is from the Capital Fund. **2.** Questioned Resolution 240-2015 and why the performance bond could not stay in effect. Mr. Bayer explained the law and procedure for the release. **3.** Questioned where the money is coming from for the two salt spreaders. Council President Allen noted that it is also coming from the Capital Fund. **4.** Questioned if there was anything for capital improvements being done this year that would not be bonded for. **5.** Questioned why everything is under the consent agenda and nothing is listed for discussion between Council and the public.

**Jack Tompkins, Pemberton Heights - 1.** Stated he hoped everyone enjoyed the nice weather today. Noted he was pretty happy with everything on the agenda but had a question as to whether the \$405 was an increase or decrease. Council President Allen noted that it was an increase. **2.** Questioned if the Transit resolution had gone before the Pinelands. Council President Allen noted that this was a grant application. Mr. Bayer stated that they would not spend the money on applications until the grant is approved. **3.** Questioned the snow plow being part of the capital improvements and noted that a truck with a plow was approved at the last meeting. Asked why we are purchasing the plow if it was not identified in the bond request and noted a bid out on the Township website for a dump truck. Council President Allen noted that nothing can be approved without coming to Council first. A discussion ensued on the purchase of a plow and a dump truck and that it was being purchased through the bond.

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

Council President Allen called a brief recess while Councilwoman Jackson stepped away from the dais. The meeting was called back to order at 7:25 p.m.

Mayor Patriarca requested that Resolution 240-2015 be pulled from the Consent Agenda. Councilman Cathers requested Resolution 237-2015 be pulled from the Consent Agenda.

## **CONSENT AGENDA ITEMS**

### **MINUTES FILED BY CLERK**

Regular Meeting, October 7, 2015

### **CONSENT AGENDA RESOLUTIONS**

- |          |  |
|----------|--|
| 234-2015 | Authorizing the purchase of one reversing snow plow from Valk Manufacturing Company under State Contract #77724, Line Item 00006, in the amount of \$3,370.00.   |
| 235-2015 | Appoints Fire Police Officers.   |
| 236-2015 | Authorizes the use of Small Cities Development Block Grant Funds for Housing Rehabilitation Program.   |
| 237-2015 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i>   |
| 238-2015 | Authorizes liens on certain private properties in violation of the Pemberton Township Property Maintenance ordinance.  |
| 239-2015 | Approves the Pemberton Township Municipal Utility Authority's 2016 Budget.   |
| 240-2015 | <i>Pulled from the Agenda and no further action taken.</i>   |
| 241-2015 | Authorizing settlement in the matter entitled Sawyer v. Township of Pemberton and authorizing the Mayor to execute any documents necessary to effectuate the terms of the settlement. <i>Added at the meeting.</i> |

### **BILL LIST**

Approval by Council required for payment of vouchers on bill list dated 10/16/2015

### NEW BUSINESS

- \*a.** Social Affair Permit Applications (one day liquor license)
1. American Legion Eden-Stanley Post 294, for Sip & Paint for Pemberton Little League at 39 Ft. Dix Road, Pemberton, on November 14, 2015 from 5:00 p.m. until 12 Midnight.
  2. American Legion Eden Stanley Post 294, for NJ National Guard 328<sup>th</sup> MP Company at 39 Ft. Dix Road, Pemberton, on November 28, 2015 from 3:00 p.m. until 11:59 p.m.
  3. American Legion Eden Stanley Post 294, for New Years Eve Party at 39 Ft. Dix Road, Pemberton on December 31, 2015 – January 1, 2015 from 3:00 p.m. until 2:00 a.m.
  4. American Legion Eden Stanley Post 294, for Pasta Dinner at 39 Ft. Dix Road, Pemberton, on November 7, 2015 from 3:00 p.m. until 12 Midnight. (*Added to agenda on 10/21/2015*)
- \*b.** Purchases over \$2,000
1. Public Works - for the purchase of 2 New Stainless Steel Under Tailgate Salt Spreaders from H.A. DeHart & Son in the total amount of \$6,590.00.

Motion by Stinney and Jackson to Approve the Consent Agenda as amended. Stinney, yes; Jackson, yes; Cathers, yes with an abstention from Res. 241-2015; Allen, yes. Motion carried.

### OTHER RESOLUTIONS

- 237-2015 Authorizing grant application to New Jersey Department of Transportation for the Browns Mills Transit Connection Project.  
*Pulled from the Consent Agenda.*

Councilman Cathers asked the Mayor, with public safety and the sidewalks, he understands what is happening with the walkway areas and asked if there was something in relation to traffic devices on Trenton Road. Mayor Patriarca advised that was not connected to this particular application but that they did put a request into the County for a raised walkway to Stackhouse School over Trenton Road. Explained that the grant they are applying for is to make the connection from the development down to the business district in Browns Mills so you can walk safely to the businesses.

Motion by Cathers and Stinney to approve Resolution 237-2015. Cathers, yes; Stinney, yes; Jackson, yes; Allen, yes. Motion carried.

### NEW BUSINESS

Council's review of responses to NJDCA 2015 Best Practices Questionnaire

Council President Allen noted that we received an 82% on the questionnaire and will get all of the State Aid based on that score. Mayor Patriarca added that if we had fallen under the percentage we would have lost State Aid but we met the acceptable standards. It was noted that we go through this process once a year and that it was administered by the Governor Christie administration.

### **SOLICITOR'S REPORT:**

**Mr. Bayer reported:** No report.

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

**Mayor Patriarca reported:** Noted he had recognized all of the Fire and Emergency Services personnel at the last meeting and all of the work they have done. Stated that in that one week alone they accomplished so many things and have logged over 189.5 hours of volunteer time. Praised the firefighters for all that they do and the extra they do too try and keep us safe. Noted that there is a notice on the township website regarding Birmingham Road being closed for a County project to repair the bridge over a 20 day period. Advised that the contractor has finished up the project at Sunbury Village where the power company had put a pole in and it went into our drainage system, we had to do the repair and will be seeking reimbursement for that. Advised there is a forum Sunday at the BMIA building for the school board candidates, stating it would be a good time to come out and get to know

who will be making decisions for our children. Council President Allen noted that the forum would be at 2pm. Mayor Patriarca advised there would also be a cranberry bake off.

### **GENERAL PUBLIC COMMENTS**

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

Councilwoman Jackson left the meeting at this time, at approximately 7:30 p.m.

**Anne Quinn, Country Lakes - 1.** Asked for a status on the Country Lakes Dam. Council President Allen advised that the project was scheduled to be done sometime between Thanksgiving and the end of this year. **2.** Questioned marketing strategies for the Township and if anyone has spoken to any of the local realtors about what is going on. Council President Allen stated he has seen realtor signs throughout several towns. Councilwoman Stinney commented on things they used to do with the Board of Education to promote the town and the schools including a video. Noted the email the Clerk had sent regarding Imagination Kingdom being ranked the #1 playground in New Jersey. Ms. Quinn stated she would be willing to sit down with Council to brainstorm ideas on how to get Pemberton Township on the map. Council President Allen stated they were open to suggestions. Ms. Quinn suggested a committee of residents and Council. **3.** Questioned the tax sale list and asked how long the process takes and when we would know how much money we are getting. Mr. Bayer explained how the process works. Ms. Quinn questioned if there were lists in 2013 and 2014 and has the township seen any benefit from those lists. Mr. Bayer advised that the Tax Collector would need to be consulted on those lists and noted that this occurs every year. Ms. Quinn questioned the reserve for uncollected taxes. Mr. Bayer advised he would forward her questions regarding how many properties were sold and the number redeemed, to Administration.

**Jack Tompkins, Pemberton Heights - 1.** Stated he hoped that Councilwoman Jackson would be okay. Commented on the Township website and the open bid for EMS services and asked when the current contract ends and a new one will be picked up. Mr. Bayer noted that the last contract was at no cost to the Township. Mr. Tompkins noted that the understanding was that there is no cost to the Township or the residents. Stated that insurance is billed and if they do not cover the residents cannot be mandated to pay. Mr. Bayer stated that was correct. **2.** Questioned the bid for the diesel fired asphalt carrier and why this was not on the bond list and is now being added. Mr. Bayer noted that the request for purchase would come before Council for approval and would not go unchecked. **3.** Commented on being the time of year when the deer are out and asked all to be careful where they are driving. **4.** Noted a comment that was made by a Council member about volunteering their time and noted that Council is a paid position and although they may have stepped up to the plate to do the job they are not volunteers because it is a paid position.

**Mike Tamn, Mt. Holly - 1.** Questioned what the tax increase percentage was for this year noted that the State has a 2% cap and has waivers for certain items outside of the cap. Stated he came up with a number of 4.6% tax increase to Pemberton Township and if that is the case all of the bonding is outside of the cap. Commented on bonding and the purchases being bonded for and believes Council should be having more discussion as it should be under capital. Asked for more information in the agenda.

**Glenn Malpetta, Presidential Lakes - 1.** Questioned Resolution 238-2015 and asked about a list of the properties for the public to view. **2.** Commented that the Presidential Lakes Firehouse dumpster is overflowing and has been sitting for over a week, commented on residents possibly placing items in it and questioned when it would be removed. **3.** Asked for an estimated timeframe on improvements to the Presidential Lakes Firehouse. Council President Allen advised that Council had not been given an update as of yet but is aware that it will not be used as a polling place for the election and that the new polling place would be Messiah Lutheran Church. **4.** Questioned how many Fire Police Officers were appointed in the resolution. It was noted that there were 3 for a 5 year term.

**Susan Wills, Won by One Update - 1.** Noted that Sunday FunDay was rained out and has been moved to Saturday, October 24th from 12:00 pm to 2:00 pm. Stated that Sunbury Clean Up is still scheduled for Friday October 30th at 9:00 am at the Nesbit Center. Noted the more that come the more grant money they can get.

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

## **COUNCIL MEMBER COMMENTS:**

**Councilwoman Stinney** - Apologized to Council President Allen for her behavior at the last Council meeting as she was pretty upset but did not read through the agenda enough to see the changes. Noted her idea of still having the 2 public comments sections but giving a five minute per person time limit. Commented on the Chinese Buffet closing down and asked Council to think about some ideas for businesses that have been in the area for 30+ years and consider a resolution to thank them for their business. Noted that she had attended the Soroptimist candlelight vigil. Added that she had been in the doctors office all day long and Ms. Catalano was kind and helped to get a chair because she can't stand for long periods of time due to her medical issues. Stated that someone had made a mean comment about her having to be in the public eye and she felt really bad as that was not her intention. Noted Ms. Bigelow spoke about helping, giving and doing for others. Commented on Councilman Cathers gave her a bottle of water. Commented on helping others and noted it is not about being seen as she could care less if she is ever seen. Stated she will be missing for the next Council meeting and that it would be the first one she has missed. Noted she hopes all goes well at that meeting and that they continue to get along. Stated she will be missing for the next Council meeting and believes it would be the first one she has missed. Noted she hopes all goes well at that meeting and that they continue to get along and do the right things for the residents. Thanked Council President Allen for accepting her apology and again suggested the 5 minute time limit for public comments. Council President Allen spoke on behalf of all in the room hoping and praying for her surgery to be a success.

**Councilman Cathers** - Extended his prayers for Councilwoman Jackson. Noted he humbly admits that he said they were volunteers and that they do volunteer to step up the plate and there is a small compensation. Stated that several things he wanted pulled from the consent agenda were pulled and he agrees that there should be more conversations. Commented on Sunbury Village working on their image and reminded that there is a fine line that goes through all of us, stating we are all human and when you treat people as humans life goes on very well. Thanked everyone for their public comments as it is important to hear from the citizens to know what is happening within the Township. Asked all to enjoy the Halloween festivities and to have a nice day and God Bless America.

**Council President Allen** - Noted that starting at the November 4th Council meeting, Council will be following the by-laws to conduct the meeting the way it should be run. Stated that in an attempt to run an efficient meeting he has spoken to Council Members, the Solicitor, the Township Clerk, Administration and even some residents and noticed that the by-laws have not been being followed. Added that the by-laws were last adopted in 1999 and they will be following what the by-laws say however on the agenda there will be a portion of the meeting where the Council can discuss possible changes to the by-laws. Noted that the 3 to 5 minute time limit might be brought up at that meeting as well. Thanked all for coming out and wished best of luck to the Won by One program. Wished all a good night and looks forward to seeing all at the next meeting.

The meeting was adjourned at approximately 8:24 p.m.

Respectfully submitted by,

*Amy P. Cosnoski*

Amy P. Cosnoski, RMC, Township Clerk