

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

October 7, 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

Thomas Cathers
Letha Jackson
Norma Trueblood
Diane Stinney
Jason Allen

ABSENT

Also present: Mayor David A. Patriarca, Business Administrator Dennis Gonzalez, Solicitor Andrew Bay, Engineer Chris Rehmann 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. 216-2015 Authorizes Council to go into Closed Session.
Personnel Grievance / Attorney Client Privilege

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

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

PRESENTATION

The presentation was delayed until later in the meeting. Council President Allen reminded the residents of a Fire Prevention Expo at Imagination Kingdom on Saturday, October 12.

Consent Agenda: All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

Councilman Cathers requested to pull Resolutions 218-2015, 222-2015, 223-2015, 224-2015, and 229-2015 from the Consent Agenda.

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular Meeting, September 16, 2015

CONSENT AGENDA RESOLUTIONS

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| 217-2015 | Authorizes release of Performance Bond for work at Wawa Store #983 – 3 Arney's Mount Road as recommended by the Engineer. |
| 218-2015 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 219-2015 | Authorizes cancellation of property taxes and refund on property qualifying for Veterans Property Tax Exemption for Ricketts on Block 516, Lot 45. |
| 220-2015 | Authorizes cancellation of property taxes on property qualifying for Veterans Property Tax Exemption for Groff on Block 676, Lot 49. |
| 221-2015 | Authorizes cancellation of property taxes on property qualifying for Veterans Property Tax Exemption for Edwards on Block 597, Lot 9. |
| 222-2015 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |

- 223-2015 *Pulled from the Consent Agenda and considered later in the meeting.*
- 224-2015 *Pulled from the Consent Agenda and considered later in the meeting.*
- 225-2015 Authorizes Person-to-Person Transfer of Plenary Retail Consumption License from Hungry Piney, Inc. to AARAV Enterprises.
- 226-2015 Authorize Renewal of Plenary Retail Consumption Licenses No. for the Year 2015-2016.
- 227-2015 Authorizes submission of application to the New Jersey Department of Transportation for Fiscal Year 2016 State Aid in order to fund reconstruction of Sepulga Drive.
- 228-2015 Requires all Township Elected Officials attend no less than one annual instructional course pertaining to the responsibilities and obligations of Elected Officials.
- 229-2015 *Pulled from the Consent Agenda and considered later in the meeting.*
- 230-2015 Authorizes refund of property taxes on property qualifying for a Veterans Property Tax Exemption for Layson on Block 224, Lot 1.
- 231-2015 Authorizes refund of property taxes on property qualifying for a Veterans Property Tax Exemption for Martinez on Block 233, Lot 21.
- 232-2015 Approves the amended Grant Management Plan for the Township's Small Cities CDBG Grant Application.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 10/2/2015

NEW BUSINESS

*a. Purchases over \$2,000

1. Public Works, Clean Communities - for the purchase of staffing services from J&J Staffing Resources, in the amount of \$17,280.00.
2. Police Department – for Annual Power DMS Subscription from Power DMS in the amount of \$3,774.00

Motion by Jackson and Trueblood to Approve Consent Agenda as amended. Jackson, yes; Trueblood, yes; Stinney, yes; Cathers, yes; Allen, yes. Motion carried.

RESOLUTIONS

218-2015 Authorizes refund of tax overpayment in the amount of \$826.99 to Wells Fargo on Block 673, Lot 13. *Pulled from the Consent Agenda.*

Councilman Cathers asked Mr. Gonzalez to explain the refund that is being made. Mr. Gonzalez advised that the tax payment was made twice and therefore needed to be refunded. Councilman Cathers asked if this normally would go toward the next tax payment. Mr. Gonzalez noted that it can be if requested by the taxpayer.

Motion by Trueblood and Cathers to approve Resolution 218-2015. Trueblood, yes; Cathers, yes; Jackson, yes; Stinney, no, Allen, yes. Motion carried.

Councilwoman Stinney noted the changes in the agenda and questioned Mr. Bayer as to how this came about. Mr. Bayer advised that you are not legally required to have two public comments sections. Councilwoman Stinney advised she wanted the public to know she did not want the bills paid, she expressed her wish to have the public be able to comment.

222-2015 Authorizes purchase of playground equipment for Country Lakes Tensaw Drive Park/West and Park Trail Improvement Projects from General Recreation under State Contract #A81422 in the amount of \$74,273.19. *Pulled from the Consent Agenda.*

Councilman Cathers noted this was a grant and question how the funding and payment process worked. Mayor Patriarca and Mr. Gonzalez explained the funding and reimbursement process.

Motion by Cathers and Trueblood to approve Resolution 222-2015. Cathers, yes; Trueblood, yes; Stinney, yes; Jackson, yes; Allen, yes. Motion carried.

223-2015 Authorizes the purchase of new Ford F250 4x4 Utility Body Truck with snowplow from Beyer Ford under State Contract #A88727 in the amount of \$34,848.50. *Pulled from the Consent Agenda.*

Councilman Cathers asked if this is one of the trucks under the Bond Ordinance recently passed and was advised by Administration that it was and future items under that bond would be coming before Council in the next couple of meetings.

Motion by Cathers and Jackson to approve Resolution 223-2015. Cathers, yes; Jackson, yes; Trueblood, yes; Stinney, yes; Allen, yes. Motion carried.

224-2015 Requests permission from DLGS for insertion of a special item of revenue into the 2015 Budget in the amount of \$13,395.32 from the Bulletproof Vest Partnership Grant. *Pulled from the Consent Agenda.*

Councilman Cathers questioned how many vests this included and would these vests be replacements or addendums to what we already have. Administration advised they did not have the exact number, the vests have already been purchased and this is an accounting requirement by the state.

Motion by Cathers and Stinney to approve Resolution 224-2015. Cathers, yes; Stinney, yes; Trueblood, yes; Jackson, yes; Allen, yes. Motion carried.

229-2015 Authorizes the use of Small Cities Community Development Block Grant Funds for Housing Rehabilitation Program for Lewis in the amount of \$18,214.00 on Block 284, Lot 67. *Pulled from the Consent Agenda.*

Councilman Cathers questioned the Federal Grant received. Mr. Gonzalez advised of the grant received and the uses for it and the application process.

Motion by Cathers and Stinney to approve Resolution 229-2015. Cathers, yes; Stinney, yes; Trueblood, yes; Jackson, yes; Allen, yes. Motion carried.

Council President Allen clarified that he had requested the Clerk to remove the first Public Comments section in an effort to make the meetings more efficient, however he will have it put back on the next agenda.

ORDINANCES FOR INTRODUCTION

ORDINANCE 16-2015

BOND ORDINANCE PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS TO THE WATER UTILITY INCLUDING, BUT NOT LIMITED TO, THE RECONSTRUCTION AND REPAIR OF WELL #11, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,000,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$900,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Engineer, Chris Rehmann gave information regarding the radium issues at Well #11 and advised this ordinance will provide the funding to correct those issues. Mr. Rehman further explained they have also applied for possible grant funding that will reimburse a portion of the cost, possibly up to 50%.

Motion by Cathers and Jackson to introduce Ordinance 16-2015 with Public Hearing to be held on October 21, 2015. Cathers, yes; Jackson, yes; Trueblood, yes; Stinney, yes; Allen, yes. Motion carried.

Note: It was later determined that the public hearing would be scheduled for November 4, 2015.

ORDINANCE 17-2015

ORDINANCE OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP") PROVIDING FOR A SPECIAL EMERGENCY APPROPRIATION IN AN AMOUNT NOT TO EXCEED \$750,000 TO FUND THE PREPARATION AND EXECUTION OF A COMPLETE PROGRAM OF REVALUATION OF REAL PROPERTY IN THE TOWNSHIP

Councilman Cathers noted that this is required by State law. Mr. Gonzalez advised that it was and more importantly it is ordered by the County Tax Board and explained the process, noting the new assessments and tax rate would go into effect for the 2017 tax year.

Motion by Trueblood and Stinney to introduce Ordinance 17-2015 with Public Hearing to be held on October 21, 2015. Trueblood, yes; Stinney, yes; Cathers, yes; Jackson, yes; Allen, yes. Motion carried.

Note: It was later determined that the public hearing would be scheduled for November 4, 2015.

PRESENTATION

A Proclamation was made by Mayor Patriarca for Fire Prevention Week. Mayor Patriarca noted that they were here to recognize the outstanding service of our Fire Service Volunteers and that their service is second to none. Noted that it is Fire Prevention Awareness Week and referred to the content of the Proclamation. Chief Augustoni accepted the Proclamation and advised on the activities being held Saturday at Imagination Kingdom.

ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR ADOPTION

ORDINANCE 6-2015 (*Tabled from March 4, 2015 meeting. Public Hearing was held on March 4, 2015.*)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF PEMBERTON, ENTITLED 'POLICE DEPARTMENT'.

Council President Allen explained that this was tabled from the March 4, 2015 meeting and that a Public Hearing was held at that time. Councilwoman Stinney thanked Mr. Bayer for taking the time to explain the ordinance to her. Councilman Cathers noted he had researched much of this and asked questions and has the piece of mind to understand much of this, stating he does vote with reluctance and would have enjoyed hearing public comments. Discussion ensued on the need for a second public comment and it was determined to proceed with the vote on the ordinance.

Motion by Jackson and Cathers to adopt Ordinance 6-2015. Jackson, yes; Cathers, yes; Trueblood, yes; Stinney, no; Allen, yes. Motion carried.

NEW BUSINESS

Discussion of Planning Board and Zoning Board recommendation for GCLI zone code changes.

Council President Allen noted that he reached out to the Director of Community Development, Mr. Benedetti regarding these changes and explained the requested changes and the design to make it easier for the homeowners and asked Council if they had any questions for discussion. It was noted that if Council was in agreement, the next step would be to have an ordinance presented with the changes and the Solicitor would work with the Planning Board Planner, Mr. Regan, to have a draft ordinance presented to Council.

SOLICITOR'S REPORT:

Mr. Bayer reported: Mr. Bayer advised of two matters that were before court in which the Township was successful in defending. The first involving a suspension imposed on Andy's Auto Repair regarding their towing contract which the court upheld. The second involving the claim by the Browns Mills Emergency Squad that the Township owed them money from 2012 which was found in the Township's favor and no money was owed.

ENGINEER'S REPORT:

Mr. Rehmann reported: Mr. Rehmann advised that Country Lakes dam made it through the storm with no damage to the facility and they should be substantially completed the first week in December. Advised the Township will be getting a \$600,000.00 reimbursement from FEMA for Bayberry Dam. Noted they Nesbitt park issue with the entrance from the County road is coming to an end.

Council President Allen advised that Council would be taking a 5-minute recess at this time.

Council President Allen called the meeting back to order at 7:51 p.m.

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

Mayor Patriarca reported: Mayor Patriarca advised the progress on the Presidential Lakes Firehouse, noting the Engineers will be out to evaluate the roof and Public Works has already been out and gutted the inside. Advised the Road program will be starting up again and will finish as many roads as possible before the weather turns. Mayor Patriarca explained the Wellness Fair recent held for the employees and advised another fair would be held for the Township Volunteers in the evening. Mayor Patriarca reported on the Domestic Violence Vigil held by the Soroptimist Organization this Friday at 5:30 p.m. at the Peace Garden at South Lakeshore Drive gazebo and encouraged everyone to attend. Councilwoman Stinney requested the Mayor communicate with the County regarding their roads that intersect our roadways. The Mayor advised he does speak with the County Engineers often regarding the roadways.

GENERAL PUBLIC COMMENTS

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

Terry Maldonado, Browns Mills - 1. At meeting as Board Liaison and cordially invited Council to attend the Pemberton Township High School game with kickoff being at 11:00 a.m. and noted that the Hornets are currently undefeated with a record of 4-0. **2.** Commented that as a Township resident she is disgusted with the Police ordinance and the money being spent on the water. Council President Allen asked if she had any information about the attendance programs success and was advised by Ms. Maldonado they are doing well meeting their goals and attendance increasing. Councilwoman Jackson asked Ms. Maldonado how the parents are reacting with the new School Superintendent. Ms. Maldonado noted that all she has heard is very favorable. Ms. Maldonado thanked the Fire Department for coming out and speaking to the students.

Susan Wills, Pemberton Township - 1. Asked where the FEMA reimbursement for Bayberry Bridge is going. Mr. Rehmann noted that money goes back into Capital Surplus to use for other projects or it is used to retire debt. It was noted that Council will be informed when the money comes in and it would be public information. **2.** Questioned Ordinance 17-2015 and asked if the inspections will be done inside the homes as well and will everyone be notified. Mr. Gonzalez advised that people will get multiple notices and every effort made to accommodate the property owners. Stated it has not gone out to bid yet and will hopefully start in January 2016. **3.** Stated she is also here on behalf of the Won by One organization and gave an update on the various events going on in the Sunbury Village revitalization project and commented on getting cameras installed in the neighborhood. **4.** Noted an elderly resident wanted to thank the Mayor for rebuilding the fence behind the basketball court on North Lakeshore Drive and is very thankful it was done. Councilwoman Stinney noted that the Mayor has graciously agreed to sit down with the Organization and with the Administrator and thinks all should be at the table when discussing the cameras.

Jack Tompkins, Pemberton Heights - 1. Commented on deleting the Public Comments due to the length and stated if you do not want to listen to the public and what they have to say, then he recommends not running for office again. Stated some of his questions were already answered including one by the Mayor. **2.** Questioned the elected officials taking

classes and who is paying for this, it was noted the classes are free. 3. Asked when the last reevaluation for property taxes was done, it was noted that it had been a very long time since it was done. 4. Commented on the Police retirement at the last meeting, noted his family was with him and it would have been nice for Council to also present something to the spouse and children to show appreciation to them as well. 5. Noted he has been walking around the town and commented on drainage issues. 6. Questioned if the Scammel Drive construction area was fixed and it was noted by the Mayor that the Township would be finalizing that and were waiting on settlement to occur before final paving. 7. Commented on Presidential Lakes and projects from the beginning of the year that were postponed including drainage, and asked are they still on track. Mayor Patriarca noted they are still on the schedule but they are delayed. Mr. Tompkins noted it was nice having the Engineer here to explain that and nice to hear that \$500,000 for the wells might come back. 8. Questioned where his speed humps were and noted he has been coming to the meeting for a year regarding the speeding issue. Discussion ensued on the installation of speed humps.

Mike Tamn, Mt. Holly - 1. Commented on Pledging to the Flag when democracy is not here and questioned Council President Allen's authority to remove a public comment section. **2.** Questioned if the truck purchased is replacing a vehicle or an additional vehicle. **3.** Questioned Resolution 226-2015 and the license approved and commented on not enough information being on the agenda. **4.** Questioned Resolution 228-2015 and if this is a State requirement. **5.** Questioned item 11A in the Consent Agenda and asked what J&J Staffing Resources was and it was noted they are used for leaf collection. Discussion ensued on the use of a staffing company. **6.** Mr. Tamn questioned what is left in the RCA funds and UEZ funds.

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

COUNCIL MEMBER COMMENTS:

Councilwoman Jackson – Expressed her concern over tone of the meeting and Council being continually drilled and attacked for the decisions they make and not in a respectful manner. Noting she agrees Council is here to listen to the public comments, but they should be done in respectfully and not as an attack. Noted it is breast cancer awareness month and reminded everyone to get their mammograms. Questioned the Mayor and Administrator on the progress with the Clergy program and guard rails in Country Lakes. Administration advised the Clergy Committee has provided them with a draft document for review and the guard rails will be installed soon by the Township's Public Works Department. Councilwoman Jackson thanked everyone for coming out and have a safe drive home.

Councilman Cathers - Stated they do the very best they know how and the very best they can and need to keep doing so until the end. Stated that everybody's voice is heard and respected. Thanked those that came up to speak for exercising their constitutional rights for freedom of speech as he applauds them. Stated the voting is difficult as it involves a lot of qualitative listening and research. Stated he would enjoy listening to the people speak. Noted they make mistakes as everyone does but tonight when he voted he did not make a mistake and knows things will turn out okay. Commented on the Veteran's Organizations he works with and they are working on the Memorial Day parade. Noted he will give an unofficial report each month. Noted he had rode around the Township listening to what everyone said, advised he went to Oak Pines and asked Administration to look into light pole #163 on Oak Pines Boulevard. Noted it has been an interesting day and he does enjoy listening to the people. Stated that when complaints are made and attitudes become more tempered it is because there are issues and noted it is the Council's responsibility to listen and not judge. Stated although there is active conversations take into consideration the people on the bench are donating their time and attempting to help those on the audience and beyond. Thanked Council for their diligent work and Administration for their views and their ability to go forward even when in times when it looks as though the ship is going to wreck. Thanked all the individuals for coming. God bless all.

Councilwoman Stinney - Thanked everyone for coming out tonight, and hopes the words that were said were not discouraging. Stated she listens to the people all of the time, never hurrying away because you never know what you might learn by listening. Commented on Dr. Cathers understanding the ordinance and it having her floored and needing to meet with the Solicitor to understand. Noted she will do the best she can as long as she is here. Stated everyone makes mistakes and she is here to listen to the people. Noted the people on Apple Street said thank you to the Administration for taking care of issues with the stones. Stated

she is here to do the best she can for the residents of this town. Thanked everyone and God Bless all and have a safe trip home.

Councilwoman Trueblood - Thanked everyone for coming out. Stated they do care and they want to see this Township move forward as that is what they have been elected to do and everyone will not always be happy. Asked all to keep in mind the tragedy that happened at the Community College in Oregon. Commented on the police doing rounds and the local college and being on alert that day. Stated that there has been a larger police presence at all the schools. Commented on worrying about minimal things when larger things are going on and will continue if we don't stay active. Asked all to have a great night and will see all at the next meeting.

Council President Allen - Thanked all for coming out.

Councilwoman Stinney added that she had called Council President Allen a couple of weeks ago regarding promoting the town and they got an email stating that they are the number one playground in New Jersey.

The meeting was adjourned at approximately 9:07 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk