

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

November 4, 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

Norma Trueblood
Thomas Cathers
Jason Allen

ABSENT

Diane Stinney
Letha Jackson

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

CALL TO ORDER

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

MINUTES FILED BY CLERK

Regular Meeting, October 21, 2015

Motion by Trueblood and Cathers to table the minutes until the December 2nd meeting. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

REPORTS AND COMMUNICATIONS FILED WITH THE CLERK

- a. Police Reports – September 2015
 - Attendance
 - Productivity
- b. Public Works – October 22-28, 2015
 - Streets & Roads
 - Buildings & Grounds
 - Fleet Status
 - Water Division
- c. Planning & Zoning Board Projects Report
- d. Fire Prevention Program Report
- e. Engineer's Report

Motion by Trueblood and Cathers to accept the reports and communication filed with the clerk. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

**ORDINANCES FOR SECOND READING, PUBLIC HEARING
AND/OR ADOPTION**

Council President Allen advised that the public hearing would be held as advertised but that the vote would be moved to the December 2nd meeting.

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

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

Mike Tamn, Mt Holly - 1. Asked about the clean up process for the well water as the explanation is broad. Mr. Gonzalez advised that this ordinance is for the construction of a treatment facility to remove radium from the well. Noted that we would receive a loan through the New Jersey Environmental Infrastructure Fund and this is for the construction financing

and when the project is complete and approved by NJDEP and the NJ Infrastructure Trust, we will then be reimbursed. Noted that they would issue short term notes to fund the project. Mr. Tamn asked about the yearly costs after the facility is built. Mr. Gonzalez advised that you do not know the cost up front as the cost to pay off the loan will be after NJEIT provides us with their loan documents and tells us how much of the cost will actually be a grant. Mr. Tamn clarified he meant the yearly operating costs. Mayor Patriarca advised that the cost is unknown at this time and that it will depend on how much water is used from that well. Council President Allen asked the Mayor to explain why we are going through this process. Mayor Patriarca advised that we had tested positive for radium in the well and that this is one of the highest production wells we have. Noted that the cost to remediate it outweighs the cost to decommission it and dig a new well coming up with the same contamination.

Craig Augustoni, Fire Chief - 1. Encouraged Council to pass this ordinance noting it would give the additional water supply needed during fire suppression as it is connected to a million gallon surface tank which in the past has augmented the water situation in the town due to low water pressures due to other issues. Stated that this well is their best pumping well and in the event of multiple fires, the water department is able to engage this pump and tank and allows them to do their job more efficiently. Noted the upgrade on the ISO and added that this could affect that.

Anne Quinn, Country Lakes - 1. Asked how often this well tests positive for radium. Asked how often we test this well and had it tested positive before. Mayor Patriarca noted that it is tested whenever it is turned on and that it has tested positive which is why they turned it off. Ms. Quinn questioned if the radium will come back. Mayor Patriarca explained the treatment system and how it works to remove radium through a medium filter system. Noted that this is an ongoing problem in many towns and this area of New Jersey.

Seeing no other resident wishing to be heard, Council President Allen closed this part of the meeting to public comments.

Mr. Bayer advised that 4 votes would be needed for a Bond Ordinance. Council President Allen asked if there was any discussion from Council and all agreed none at this point.

Motion by Cathers and Trueblood to table Ord 17-2015 until the December 2nd meeting. Cathers, yes; Trueblood, yes; Allen, yes. Motion carried.

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

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

Jack Tompkins, Pemberton - 1. Stated that he understood that this was directed through the County and we did not have a choice. Asked what a Special Emergency Appropriation is and where the money is coming from. Council President Allen noted it was another bond.

Seeing no other resident wishing to be heard, Council President Allen closed this part of the meeting to public comments.

Council President Allen asked if Council had any questions. All agreed they did not. Council President Allen advised the public that he knows we have had some bond issues but there are certain times when these things are needed and this is mandated by the County.

Motion by Trueblood and Cathers to table until the December 2nd meeting. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

None for this meeting.

RESOLUTIONS

- 242-2015 Authorizes release of the performance bond for the Preserve at Rancocas Creek Project condition upon the posting of a five-year maintenance bond and a two-year cash bond.
- 243-2015 Authorize Renewal of Plenary Retail Consumption Licenses for the Year 2015-2016.
- 244-2015 Authorizes the use of Small Cities Community Development Block Grant funds for Housing Rehabilitation Program for Wasilewski & Bacus, Block 835, Lot 9, in the total amount of \$18,856.00
- 245-2015 Requests permission from DLGS for insertion of a special item of revenue into the 2015 Budget in the amount of \$4,709.71 from the State Body Armor Replacement Fund.
- 246-2015 Authorizes the transfer of funds within the CY 2015 Budget.
- 247-2015 Authorized the award of a five year contract for Basic Life Support Emergency Medical Services to Virtua at no cost to the Township.
- 248-2015 Authorizes a contract with McGrath Municipal Equipment for the purchase of a Four Ton Diesel Fired Asphalt Hauling Trailer for an amount not to exceed \$36,495.00. *Pulled from Agenda and not voted on.*
- 249-2015 Authorizes a contract with Hunter Keystone Peterbuilt, L.P., for the purchase of one specialized 16' Tandem Dump Truck for an amount not to exceed \$173,921.00.
- 250-2015 Authorizes change order #1 and final closeout for the contract awarded to All Vinyl Fencing , LLC for the Mirror Lake Fencing (Phase 1) Project, for a net increase of \$4,247.60, thereby increasing the total contract amount to \$59,664.10.
- 251-2015 Authorizes change order #1 and final closeout of the contract awarded to All Vinyl Fencing, LLC, for the Mirror Lake Beach Fencing (Phase 2) Project, for a net decrease of \$367.16, thereby decreasing the total contract amount to \$21,288.84.
- 252-2015 Authorizes change order #4 of the contract awarded to Loftus Construction, Inc. for the Reconstruction of Country Lakes Dams, for a net decrease of \$1,585.46, thereby reducing the total contract amount to \$6,194,524.91.
- 253-2015 Authorizes the purchase of a Multi-Purpose Bucket for a John Deere 644 Loader from Groff Tractor of New Jersey, LLC in the amount of \$17,499.99.
- 254-2015 Authorizes Council to go into Closed Session.
- 255-2015 Authorizes the purchase of Electricity Supply Services for public use on an online auction website. *Added during meeting.*
- 256-2015 Authorizes the purchase of Electricity Supply Services for public use on an online auction website. *Added during meeting.*

Motion by Trueblood and Cathers to add Resolution 255-2015 to the agenda. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

Motion by Trueblood and Cathers to add Resolution 256-2015 to the agenda. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

Council President Allen advised that Resolution 248-2015 was being pulled from the Agenda. Advised that Scott Kasper was in the audience, from Virtua, and asked for a brief description of the contract for Resolution 247-2015.

Mr. Kasper introduced himself and advised he was the Vice President of Emergency Services for Virtua. Noted that they had responded to a bid for EMS Services and explained their response. Council President Allen asked for clarification on no subsidy meant. Mr. Kasper noted that there would be no payment required from the town for a period of 5 years.

Council President asked Council if they had any questions at this time. Councilman Cathers stated he did not. Councilwoman Trueblood asked when this contract would become effective. Mr. Gonzalez noted it would begin November 20th for the day shift. Council President Allen asked what the major changes were in the contract. Mr. Gonzalez advised that, if speaking in comparison to Lourdes, they provided in their expired contract one ambulance dedicated to the Township and the Borough, 24 hours a day, 7 days a week, 365 days per year. Noted that part of the Lourdes contract was also for a second ambulance during the day which is not part of the current contract with Virtua. Stated they will be exploring additional options both an increase in capacity by the volunteer fire company and

a number of models being continually discussed. Commented that they are also considering putting out another bid for a second ambulance and will be ready to discuss with Council during the next Council meeting. Council President Allen asked if the next bid would go out soon. Mr. Gonzalez noted that the bid would go out soon and that the current situation with Virtua would not change from Lourdes with respect to the volunteer services as they will continue at night and weekends. Mr. Kasper added that Virtua also has a paramedic unit that is stationed in Browns Mills during the day and they have discussed, internally, using them as should the first ambulance be occupied. Stated he is confident they will take care of the residents in a timely and effective fashion.

Council President Allen asked Council if they had any further questions. Council agreed they did not.

Council President Allen asked if there was anything for closed session. Mr. Bayer advised that there was not.

Motion by Trueblood and Cathers to approve the Resolutions collectively with the exclusion of 248-2015 and 254-2015. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

UNFINISHED BUSINESS

None for this meeting.

NEW BUSINESS

- a. Review and discussion of Council By-Laws.

Council President Allen recommended tabling this until the return of the 2 absent Council members.

Motion by Cathers and Trueblood to table the discussion of the Council By-Laws until the December 2nd meeting. Cathers, yes; Trueblood, yes; Allen, yes. Motion carried.

- b. Discussion and possible introduction of proposed Ordinance to amend Chapter 132 of the Code of the Township of Pemberton, Entitled 'Noise'.

Council President Allen recommended tabling this until the return of the 2 absent Council members.

Motion by Cathers and Trueblood to table the discussion and possible introduction of an amendment to Chapter 132 of the Code of the Township of Pemberton, entitled 'Noise'. Cathers, yes; Trueblood, yes; Allen, yes. Motion carried.

- c. Discussion and possible introduction of proposed Ordinance to establish residency criteria and preference for the selection of Police Officers for employment within the Township of Pemberton.

Council President Allen recommended tabling this until the return of the 2 absent Council members. Councilman Cathers stated that he wanted to comment that this is a good ordinance and he is in support of it.

Motion by Cathers and Trueblood to table the discussion and possible introduction of a proposed ordinance to establish residency criteria and preference for the selection of Police Officers for employment. Cathers, yes; Trueblood, yes; Allen, yes. Motion carried.

- d. Social Affair Permit Applications (one day liquor license)

1. American Legion Eden-Stanley Post 294, for Super Bowl 50 Party, at 39 Ft. Dix Road, on February 7, 2016 from 1:00 p.m. until 2:00 a.m

Motion by Trueblood and Cathers to approve the American Legion Social Affair Permit. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

- e. Purchases over \$2,000

1. Public Works - for the purchase of extended plow hitches with hydraulics and lights for trucks #27 & #28 from H.A. DeHart in the total amount of \$13,980.00

Councilman Cathers questioned if this was a replacement. Mr. Gonzalez advised that these were new to be installed on the trucks purchased this past year to expand the Townships snow plowing capability.

Motion by Trueblood and Cathers to approve the purchase of extended plow hitches with hydraulic lights for trucks #27 and #28. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

2. Public Works – for the purchase of Building Survey for Asbestos services for #34 & #50 Juliustown Road from EPC Technologies, Inc. in the total amount of \$2,600.00.

Council President Allen asked if this would be coming from the UEZ fund. Mr. Gonzalez confirmed that it would be and this must be done prior to the demolish to ensure safety.

Motion by Trueblood and Cathers to approve the purchase over \$2,000 for asbestos services. Trueblood, yes; Cathers, yes; Allen, yes. Motion carried.

APPROVAL OF VOUCHERS

Approval by Council required for payment of vouchers on bill list dated 10/30/2015.

Motion by Cathers and Trueblood to approve the vouchers on bill list dated 10/30/2015. Cathers, yes; Trueblood, yes; Allen, yes. Motion carried.

ENGINEER'S REPORT:

Council President Allen advised that this was listed as it is listed in the by-laws, but was already received at the beginning of the meeting.

SOLICITOR'S REPORT:

Mr. Bayer reported: No report.

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

Mayor Patriarca reported: Noted that the hole on the corner of Emmons and Pemberton-Browns Mills Road has been repaired and they will be seeking reimbursement from JCP&L for the damage they caused. Commented that the Hallow Eve Party was well attended and very successful. Noted the pavement on the south side of Spring Lake Boulevard has been completed and milled Kent and Orange Avenue is next and will continue to do as much as they can. Stated there is a section of Scammell Drive where a sinkhole has started again and the contractor came out and fixed that. Scammell is now scheduled to be paved next week. Council President Allen asked if the 2 inch gap would be fixed during paving of Scammell Drive. Mayor Patriarca advised that it would be filled in and it would be milled out prior to make a cleaner cut. Council President Allen asked about a low hanging tree branch where Clubhouse Road and East Lakeshore meet and asked if someone from Public Works could investigate.

INVITATION FOR PUBLIC COMMENTS

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

Anne Quinn, Country Lakes - 1. Noted that Tecumseh Trail is near here sand when it was paved they stopped short and now there is a lip there. Stated she is concerned with potholes and cracks there with the weather getting ready to change. Mayor Patriarca noted they are aware of the spot she is talking about and it is being looked into. **2.** Questioned the Country Lakes Dams and rumors she heard that the Dams could be done by the end of this month. Mayor Patriarca said to keep fingers crossed but it is a possibility as contractors are on schedule and he will be meeting with them on the 10th. **3.** Noted that we are starting the budget process again and commented that with the additional bonds and the fact that we are being reassessed, her concern is that the taxpayers will get smacked with a huge tax increase. Asked that Council and Administration keep this in mind when doing the budget for 2016.

Sherry Scull, Country Lakes - 1. Congratulated Council President Allen on his election and induction into the Pemberton Township High School Hall of Fame as it was well deserved. Noted he is very active and has given back to the community and her opinion he is the epitome of what should be. **2.** Questioned the Virtua contract and noted that the reason they went with Lourdes the first go round, they advised that as a religious hospital they would not hound our residents for payment after insurance paid what they would pay. Advised that she did go out and speak to Mr. Kasper and he advised her that they are a hospital and will be going after payment. Advised she was concerned about this for our residents and wanted to be sure that Council and the residents are well aware of that. Noted there are residents that will not call an ambulance because they are concerned they will get a bill. **3.** Commented on the change in the format of the agenda and that it was originally changed because of the long hours they would go to under this format. Thanked all and asked them to have a great Thanksgiving.

Terry Maldonado, Browns Mills - 1. Here as the Board Liaison. Wanted to let everyone know that the school spirit is high as the football team is still undefeated. Explained that the game was moved to Friday because the SAT's are on Saturday. **2.** Thanked Mayor Patriarca for being a buddy on the bench at Harker Wylie. **3.** Stated they are looking at finding ways to promote the school and the good that they do. Advised that the school system came up

with a pamphlet and she handed them out to Council. **4.** As a resident she is glad that the issue on Scammell Drive will finally be fixed and thanked Council. Council President Allen noted that the tailgate after the game was excellent.

Jack Tompkins, Pemberton Heights - 1. Noted that the tailgate was a phenomenal event and he could see that growing into a nice annual event. **2.** Thanked Councilman Cathers for a clean campaign and that it was a pleasure. Stated he could not believe the outcome. **3.** Noted he does not like the format of the meeting. **4.** Stated he agrees with Ms. Scull about her concerns over the cost of the ambulance to the residents and wishes it would have been explored further. Noted that one ambulance for a town this size is concerning. Referenced a previous family incident needing multiple responses. Council President Allen advised they will be bidding again to see what can be done about that. **5.** Asked for an update on Presidential Lakes Fire house. Mayor Patriarca noted he is supposed to hear from the Engineer's and the Architect's next week about the roof. Stated that until they get the roof under control they cannot put any equipment in there.

America Phillips, Presidential Lakes - 1. Noted that nothing has been done on her street. Asked about the drainage and has not gotten an answer. Mr. Gonzalez noted that it is on the list and they have been out there several times and due to the lateness of the funding it will most likely be deferred until 2016. **2.** Asked about the Presidential Lakes Firehouse. **3.** Noted that the fence on Chippewa Trail is not up. Council President Allen asked if the fence will be put up before the Dams project is done. Mayor Patriarca noted that it is possible. Stated that it is on the schedule and the items have been purchased and will be out up as they have planned. **4.** Questioned what is happening with the dilapidated homes in the community. Stated nothing has been done with 200 New Hampshire Road and that there are more than 100 hoses in Presidential Lakes that are empty. Commented that this affects the value of her home. Asked all to enjoy the holiday and congratulated the election winners.

Mike Tamn, Mt. Holly - 1. Questioned Resolution 246-2015 and what funds are being transferred and where they are going. Council President Allen gave an explanation of what the funds were and where they were going. Mr. Tamn stated that was a lot of money and why it was not going into surplus. Complained about the lack of transparency in government. **2.** Questioned the purchase of the extended plow hitches and asked why it wasn't combined with the plows bid at the last meeting. Stated he feels it should have been done in one shot. Mr. Bayer advised on the process and reasoning as to why. **3.** Stated that in May he had questioned the cost of paving per linear foot. Noted he was given a cost of \$22.11 per running foot. Stated he was hoping that Administration would provide actual costs as the original quote was inaccurate.

Glenn Malpetta, Presidential Lakes - 1. Questioned the vacant properties and noted the registration is \$500 and the amount of military. Noted the increase in costs after so many years. Asked about those that are out of state and how that will be reflected. Mr. Bayer advised that Mr. Benedetti, head of Planning and Zoning, oversees this program and if they have to go after someone legally it is referred to Mr. Bayer's office. Noted if the registration is not paid they then have to go to court. Mr. Bayer explained how the process works. Mayor Patriarca explained that most fees are paid for by the mortgage companies. Mr. Malpetta questioned how much has been collected. Mayor Patriarca noted it is approximately \$250,000 this year. Mr. Malpetta asked if there is a list of vacant properties including those that are up for sale. Mr. Gonzalez stated it is any residential property that is vacant. Noted that Code Enforcement officers identify certain properties and they also receive calls from people regarding these properties to include residents. Noted that a vacant property is considered to be a property that is unoccupied for a certain amount of time. Mr. Malpetta noted there are many vacant homes near him. Mr. Gonzalez encouraged him to let Mr. Benedetti know so they can be looked into **2.** Questioned who replaces the light bulbs in the cast iron light fixtures. Mayor Patriarca asked if this was by the 7/11 and explained that it depends on where the light fixtures are located. Noted this instance was from a connection that was severed and is being worked on. **3.** Commented on the new Superintendent and the budget and that it would be nice for him to come to a Council meeting. Stated it would be nice if he were asked to submit a cost saving analysis as well. Commented on trash being dumped by the school. Council President Allen encouraged Mr. Malpetta to meet with Terry Maldonado after the meeting to further discuss this as she is the Board Liaison. Mr. Malpetta asked if they do a budget summary at the Board of Education meeting. It was noted that they do. **4.** Questioned the Presidential Lakes Firehouse status for the Presidential Lakes Civics Association.

Terry Maldonado, Browns Mills - 1. Here as Board Liaison, forgot to comment that there was a Pep Rally at the High School on October 30th and there special guest was Ed Smith, a graduate of Pemberton in 1987. Stated that Mr. Smith was also a professional NFL Player who was a tight end and won a super bowl ring with the Atlanta Falcons. Noted he presented the Hornets with a gold football during his visit. **2.** Noted that in regard to the Superintendent, he is new and only in the position for 4 months. Noted he did say he would be happy to come to a meeting and introduce himself. Advised she will do her best to take Mr. Malpetta's questions back to the Superintendent.

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

COMMENTS BY COUNCIL MEMBERS:

Councilwoman Trueblood - Wished everyone a happy holiday to come. Commented that Councilwoman Stinney sends her regards and she is currently recuperating and thanks all for their well wishes and prayers. Commented that Councilwoman Jackson is also doing very well.

Councilman Cathers - Stated he sits on the Veteran's Advisory Committee and they are working on the Memorial Day parade for 2016 and it is progressing well. Noted his hometown is Browns Mills and he is proud to be a 1964 graduate of Pemberton Township High School. Stated he is proud of the football team and what they are doing. Stated it has been an honor to serve for this short period of time, as a Council member. Thanked all for the opportunity and asked all to have a happy Thanksgiving and God bless America.

Council President Allen - Commented to Dr. Cathers that in a short time on Council he did an excellent job and he was very impressed with how he conducted extensive research and worked well with all. Wished him the best of luck in the future and stated it was a pleasure to serve with him. Noted that Council looks forward to working with their new Council member, Mr. Tompkins. Stated he is looking forward to Councilwomen Stinney and Jackson hopefully being back for the next meeting. Commented he looks forward to all being back at the next meeting as well.

CLOSED SESSION AND FORMAL ACTION PURSUANT TO CLOSED SESSION

The meeting was adjourned at approximately 7:50 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk