

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

August 19, 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
Norma Trueblood
Letha Jackson
Jason Allen

ABSENT

Also present: Mayor David Patriarca, Solicitor Andrew Bayer, Solicitor Emily Hinchman and Deputy Township Clerk Sunshine Dashiell.

CALL TO ORDER

Council President Allen called the meeting to order at 6:33 p.m.

CLOSED SESSION

Resolution No. 181-2015 Authorizes Council to go into Closed Session.
Attorney Client Privilege

Councilwoman Stinney advised that she had spoken to Solicitor Bayer earlier in the day and would like an update on that during Closed Session. Mr. Bayer advised that would be contract negotiations, Browns Mills Redevelopment Area.

Motion by Trueblood and Jackson to adopt Resolution 181-2015. Trueblood, yes; Jackson, yes; Stinney, yes; Allen, yes. Motion carried.

Council President Allen recessed the open meeting at approximately 6:36 p.m. to go into Closed Session and reconvened the open meeting at approximately 6:54 p.m.

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

Council President Allen advised that there would be no formal action pursuant to closed session.

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

CONSENT AGENDA ITEMS

MINUTES FILED BY CLERK

Regular Meeting, August 5, 2015

CONSENT AGENDA RESOLUTIONS

182-2015 Authorizes various routine refunds.

183-2015 Authorizing the refunding and/or closing of grading escrow sub-accounts.

184-2015 Authorizing the submission of an application to the New Jersey Division of Criminal Justice for a grant from the Body Armor Replacement Fund.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 8/14/2015

NEW BUSINESS

***a.** Purchases over \$2,000

1. Public Works – Purchase of T-Shirts from Premier Maintenance, in the amount of \$4,300.92.
2. Public Works - Purchase of replacement Tangent Beam Guide Rail Terminal for Choctaw Drive, in the amount of \$10,990.00.

***b.** Special Use Permit

1. Pemberton Lions Club, for Car Show/Flea Market to be held at 350 Lakehurst Road, Browns Mills on September 12, 2015 from 7:00 am – 3:00 pm.

Motion by Stinney and Trueblood to approve the Consent Agenda. Stinney; yes; Trueblood, yes; Jackson, yes; Allen, yes. Motion carried.

ORDINANCES FOR ADOPTION

ORDINANCE 13-2015

BOND ORDINANCE PROVIDING FOR IMPROVEMENTS TO THE WEST END ATHLETIC COMPLEX, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY; APPROPRIATING \$1,100,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$1,100,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COST THEREOF

Mr. Bayer advised Council and the Public that no public hearing was necessary as they already had one and the prior meeting and noted that due to the resignation of Councilwoman Scull there are only 4 remaining members of the Council. It was noted at the introduction of the ordinance, Council President Allen recused himself because he is employed by the DEP and advised this ordinance is in regards to a park project where Green Acres, a division of the DEP, is eventually going to pay the Township back after the park improvement. Mr. Bayer explained that given it is a Bond ordinance, it requires 4 affirmative votes of the governing body or it does not pass. Therefore Council President Allen asked him to do an analysis to see if he could participate in the vote. Mr. Bayer advised that his analysis was three fold. First while Council President Allen erred on the side of caution by recusing himself from the first vote, it is his legal opinion that there was not a conflict. Stated that the ordinance is borrowing money for a park project and there is no connection between the approval of the ordinance and the NJ DEP. Stated that the action that will involve the DEP is an agreement between the township and Green Acres whereby after the Township does the improvements, Green Acres will agree to pay back the township, and that is not before this Council and this ordinance does not involve that. Stated that second, Council President Allen works in the Division of Site Remediation and he was not involved in any way in the decision by the DEP to provide the Township the grant or the no interest loan nor is his section in any way related to that. Noted that Council President Allen would receive no personal benefit in his job because he works in a different section whether or not the township accepted the grant or not. Stated that for these reasons he does not feel that there is a conflict, but even if you assume for the sake of discussion he wants to continue to recuse himself there is something called the Doctrine of Necessity which says that if there are no means to proceed given the conflict of a particular member the law allows that member to vote. For this ordinance 4 votes are required, therefore even if the 3 remaining Council members vote yes, that would not be enough to authorize it and as a result he has advised the Council President of the Doctrine of Necessity.

Motion by Stinney and Jackson to adopt Ordinance 13-2015. Stinney, yes; Jackson, yes; Trueblood, yes; Allen, yes. Motion carried.

Councilwoman Stinney thanked Council for going through this assessment and seeing the importance of bringing this complex into the Township.

SOLICITOR'S REPORT:

Mr. Bayer reported: No Report.

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

Mayor Patriarca reported: Wanted to inform Council that at the intersection of Pemberton-Browns Mills Road and Emmons Avenue across from the bus stop in front of Sunbury Village, JCP&L put a new pole in and it went through one of our storm water systems. Noted this has created a sinkhole and the Engineers have gone out today to look at it and they may be declaring an emergency repair on this as early as tomorrow. Stated if deemed necessary they brought a contractor in to look at it and may have a solution to fix it. Advised he will keep Council informed.

Councilwoman Stinney asked Mayor Patriarca for a status on the Police Chaplains. Mayor Patriarca advised that they have met approximately 3 times and are working out a program and have made considerable progress.

Council President Allen asked for an update on the Country Lakes Dams. Mayor Patriarca advised they are still working on them and they are progressing. Advised that there have been some issues as the guide rails were approved tonight due to motorists hitting the ones that were out there. Advised they will be seeking reimbursement from the insurance companies for the cost but will need to pay deductible. They are moving forward and are on schedule and should be done by late November or early December. Also advised that Dam #3 will begin the sidewalk within the month and finish coat.

GENERAL PUBLIC COMMENTS

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

Anne Quinn, Country Lakes - 1. Asked about incidents at the Country Lakes Dams with kids getting into the work site and damaging equipment. Mayor Patriarca advised that there was some minimal vandalism but the contractor has taken steps to mitigate this. Advised that Police have been out there and have an idea of who is involved. **2.** Asked for clarification on the Bond Ordinance and the money not coming back until the work is done and for a possible timeline. Mayor Patriarca stated he does not have a timeline but they are planning a meeting to address some issues and preliminary plans that need to be worked out. **3.** Questioned if the soccer fields would, in any way, generate income. Mayor Patriarca stated that was not a part of the plan when he proposed this but when the opportunity came up they moved on it and got the grant from the County. Stated his thoughts at the time were that they were deficient in multi purpose fields in the community. Stated if there is an opportunity to generate revenue the question would be at what expense. Advised on the traffic generated by the Fort Dix tournaments. Ms. Quinn stated she knows the kids need something to keep out of trouble, but perhaps it could generate money. Mr. Bayer advised that travel soccer could potentially generate money and could bring to Paula Kosko's attention. Mayor Patriarca stated that Paula is very aware of the opportunities that may exist and they will evaluate them as they present themselves. **4.** Stated she was glad to see the youth group resolution was approved at the previous meeting for Faith in Action. Councilwoman Stinney advised of Westampton renting out their fields and if opportunities present themselves she is sure the Mayor will look into it. **5.** Advised that she delivered a care package to an Air Force family stationed on McGuire AFB for her employer's charity. Questioned why the Pemberton gate is closed more than it is open and it seems to be hurting our town as the servicemen are going in the opposite direction for their needs instead of coming here. Mayor Patriarca stated that he has had conversations with the base Commander since Joint Base MDL was established and he knows that the closing of the base impacted our town greatly. Advised that he understands that we were one of the only military bases that was insecure before 9/11 so when it closed it was a shock to all but he understands their position. Stated he has argued that there should be another way for at least the military to come out to the town. Stated if they had more available in the town they could use that as a bargaining tool but right now they cannot and the base cannot justify the cost of manning the gate all day unnecessarily. Ms. Quinn commented that the family support center on the base depends on the community for donations and we should look to the military community when discussing redevelopment.

America Phillips, Presidential Lakes - 1. Stated she has not heard anything from Administration or the DEP regarding the millings on her street. Stated her concern is for the residents of Presidential Lakes and the wells they are drinking from. Commented she is shocked she has not received a letter. **2.** Commented she has asked for drainage on her street and rain is coming and she needs it or her house will

be under water. Stated there is no money to do the drainage yet they passed this \$1.1 million dollar ordinance. Council President Allen asked Ms. Phillips to take a picture of her property the next time it rains to show Council the problem. Ms. Phillips advised she has already shown the engineer and he stated the township would take care of it before winter. Noted it is now August and nothing has been done. Stated she will be at the next meeting and hopefully Mr. Gonzalez will have answers. **3.** Asked about the Chaplains, the K9's and the lockers. Councilwoman Jackson stated that Chief Jantas advised he does not have anyone to train the dogs. Council President Allen advised we would re-evaluate this program in September, according to the Chief. Also advised that the Chaplains are ongoing as advised by the Mayor this evening. **4.** Ms. Phillips advised of an accident that happened last night that happened on Buddtown Road in Southampton killing a little boy. **5.** Asked Mr. Bayer for the total litigation costs that have come from the residents pockets. Mr. Bayer advised he does not have that total but the only thing in litigation right now is the PBA issue. Stated that she has heard of \$183,000 in overtime for the officers.

Jack Tompkins, Pemberton - 1. Stated he has heard Ms. Phillips come up about the same thing over and over and he drove over to Presidential Lakes to see for himself. Stated that the grading is tilted down and there is a drainage issue especially in a down pour like this afternoon. Stated maybe Council should drive over there to see for themselves. **2.** Questioned the Presidential Lakes Fire Station and asked where we are with that property. Mr. Bayer advised they have not closed yet and that the ordinance was effective 20 days after approval but that PLF&R asked for time to sell their remaining items still in the firehouse. Stated that the auction took place last Saturday and they are tentatively scheduled to close tomorrow but should close within the next week. Mr. Tompkins asked how long it would take to evaluate occupancy. Mayor Patriarca advised that they have looked in the building and obtained a preliminary assessment of the property. Added that a full assessment would be done once they obtain ownership. It was noted that the property is as bad as expected. **3.** Mentioned possibly putting solar on the facilities at the new soccer fields if a concession stand was going out there. **4.** Stated he came to the National Night out and the St. Ann's Carnival but had trouble accessing the field with his daughters wheelchair. Asked for potential ramps to be considered for disable accessibility to the field. Mayor Patriarca advised that once ownership of the land is taken by the Township they will address that issue. A discussion ensued on possible ways to address. **5.** Addressed the issue of speeders on his road and in the residential areas and the worry he has with school starting soon. Asked for police to be more vigilant. Councilwoman Jackson asked Mr. Tompkins if the signs he has posted on his property to slow down have worked at all. He advised it has helped some but not all adhere to the signs message.

Michelle Forman, Browns Mills - 1. Questioned the housing rehabilitation program and if they are still using Rehabco. Mayor Patriarca advised they no longer are using Rehabco but instead using the County's program. Advised that the Rehabco program has been challenging for many years and lead them to changing to the County at the advice of Mr. Benedetti. Ms. Forman stated that this made her very happy. Thanked the Mayor, Mr. Gonzalez and Dave Benedetti for all they had done to help her. **2.** Thanked Lt. Kreig for his assistance with an issue she had with her neighbors and their pitbulls.

Deacon Robert Bailey, Browns Mills - 1. Wanted to mention that he appreciates Woodlane Avenue being paved. Stated that a property went up for sale on his street and sold right away because the street was paved. Thanked Council again.

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

COUNCIL MEMBER COMMENTS:

Councilwoman Stinney - Stated to the Mayor that she knows his door is always open but wanted to go on the record to state that she would like to have a sit down discussion with him about potential affordable military housing for seniors on large lots within the Township including near the Post Office. Commented that Mr. Bayer advised that the time is right and maybe some people could be brought to the table for further discussion. Stated she knows that there are many retired military members that would love this and maybe they could sell this to the town. Mayor Patriarca advised they could certainly sit down but does not think it is legal to do affordable housing solely for military personnel and that he

believes it must be open to all with income issues. Advised there is a developer currently looking at a site here in town for potential affordable housing and he is hopeful it will come through. Stated they could look at some options and see how they can maybe structure something to assist military personnel. Councilwoman Stinney advised that she has heard of some discussion in Willingboro about affordable housing for military and also knows there is some in Vineland and in North Jersey. Mayor Patriarca advised that these are VA facilities. Councilwoman Stinney advised that the facility on Fort Dix is closing or may already have closed and would like the Mayor to incorporate this into his conversations. Asked all to have a good night and thanked them for coming out. Commented that she is happy the house sold on Mr. Bailey's street. Advised Mr. Bailey she will call him about another house for sale.

Councilwoman Jackson - Stated she was glad to see everyone come out and for their comments. Asked for prayer for the family of a 13 year old Helen A. Fort Middle School student that passed away due to an accident. Advised that counseling would be provided to the students. Stated that life is short and to take advantage and tell those you love that you love them. Asked all to keep safe.

Councilwoman Trueblood - Thanked all for coming out. Stated she is thankful to hear that there will be counseling for the students. Stated that the young lady was a joy to life and worked on some church events with her church and loved to make homemade lemonade. Stated it has been hard on the kids. Asked all to have a good night and to count their blessings.

Council President Allen - Thanked all for a short productive meeting tonight and to all for coming out. Introduced Inez Coleman, Chairman for Life Opportunities, one of the great mentoring programs in the Township, and thanked her for coming out to the meeting. Asked for all to drive safe and will them at the next meeting.

The meeting was adjourned at approximately 7:56 p.m.

Respectfully submitted by,

Sunshine Dashiell

Sunshine Dashiell, Deputy Township Clerk