

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**March 16, 2016
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
Kenneth Cartier
Jack Tompkins
Letha Jackson
Jason Allen

ABSENT

Also present: Mayor David A. Patriarca, Solicitor Dave 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

69-2016 Authorizes Council to go into Closed Session

Council President Allen advised that there would be no Closed Session at this meeting.

PUBLIC COMMENTS

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

Norma Watters, Pemberton Heights - 1. Ms. Watters read a statement regarding her disappointment in her perceptions of the Township and how business is handled at the Council meetings. Commented on what she believes to be insults and symptoms of larger problems within this structure of government that show in the lack of attendance at the meetings. Commented on the idea of having Council hire their own attorney and the benefit it could provide. Asked Council to stop gullibly surrendering their authority and instead uphold and defend the people of the towns, the township employees and the police department.

Mike Tamn, Mt. Holly - 1. Questioned the 3 minute rule and who came up with it. Council President Allen advised that Council discussed it and agreed upon it. Mr. Tamn expressed his displeasure with it and discussed democracy. **2.** Questioned Resolution 77-2016 and if there was a list of scrap metal being sold. **3.** Questioned the water department report that came out in 2015 for 2014 and he noticed that radium had not been tested for 3 years. Stated that a contract was done that would probably cost the town over \$1 million. Councilman Tompkins advised that on the agenda this evening there were line items for the well to be tested. **4.** Commented on the cement asbestos pipes in the Township and passed out a paper identifying the various hazards including the possibility of ingesting water contaminated with loose fibers that could potentially cause the development of Peritoneal Mesothelioma. Stated he feels the Township has not stayed up on the water testing. Councilman Tompkins asked the Mayor about these pipes. Mayor Patriarca advised that the Water Division does change the pipes daily and that it has not been forgotten since the 80's. Stated he does not know if we are still using that pipe and will inquire about it. Councilman Tompkins questioned if the Mayor could ask the division if they are testing for this as well as other things testing for. Mayor Patriarca advised he would ask for a full report from the Division Head for Council.

Andy Mull, Andy's Pro Auto Repair - 1. Stated he agrees with everything Ms. Watters said in her statement. Noted he was advised that there would be no discussion on the towing ordinance tonight and that any changes to the ordinance would be reflected in the new contracts. Stated he does not mind the wait and hopes that all of Council will review the changes he requested.

Terry Maldonado, Browns Mills - 1. Asked about the tax surveyors and if they have to be

allowed into the peoples homes. Asked what would happen if they are not allowed onto the property. Councilman Cartier advised that a survey of the surrounding properties would be done. Councilman Tompkins advised he believes they also assume you have all the upgrades in your home and will evaluate your home accordingly and you will be taxed at the highest rate possible. Ms. Maldonado stated that she has 5 empty homes around her so she should be evaluated lower. Explained her reluctance to allow someone into her home as she is a single female. Councilman Tompkins advised that this is a well established corporation from within the State and have been investigated by the Police and issued appropriate identification. Ms. Maldonado asked if there was a reprimand against the taxpayers if they do not allow the people on their premises. Council President Allen stated he was not aware and that a telephone number was provided on the letter sent to contact for any questions. A discussion ensued on the process of the revaluation and that if the home owners do not allow them into the home their assessment may not be entirely accurate and could be higher. Questioned how the Township can tax her at a fair market value when there are 5 Sheriff owned homes around her.

Bob Pelletier, Pemberton - 1. Commented that he had gone to the Township Clerk's office and she was not there. Commented on the website being kept up to date as it is a convenient resource. Councilman Tompkins advised he was looking for an ordinance as well on the website. Ms. Cosnoski advised she was on vacation when he came in and that the Deputy Clerk was in and could have helped him. He advised he did get the copies he needed. Commented on the noise ordinance done on the 16th and asked if it has been approved by the NJDEP. Stated he had spoken with Dave Twig and was advised the ordinance has to be approved by them. Asked if only the Police Officers would be Noise Control Officers. A discussion ensued on the noise ordinance and the various duties that the Police already have. Mayor Patriarca advised on the changes made to the ordinance to allow the officers to better enforce it. Council President Allen advised that they would look at the noise ordinance but did not have it at this time. Mr. Pelletier questioned the exemptions to the ordinance as well. **2.** Commented on coming out of his driveway on coming out of his driveway in November and seeing surveyors marking in front of his property. Was advised that it was for a County Sewer Line easement and asked if anyone knew anything about it. Contacted the MUA and the County and no one knew anything about it. Councilman Tompkins suggested asking Planning and Zoning. **3.** Asked about the new Zoning Map and the NCP designation and what this was. Mayor Patriarca advised that this was Pinelands. Commented on the American Legion being zoned commercial when it is non-profit. Mayor Patriarca advised that the zoning is not done based on existing use and that if the Legion was no longer there someone could come in and put in a commercial business. Noted he appreciated being given the time to come up and make comments and appreciates the change in comments being made to the beginning of the meeting because many people cannot stay until they end.

Sherry Scull, Browns Mills - 1. Noted that she has sat up at the Council desk and it is an extremely difficult and hard job. Stated it is hard to do anything in a leadership position as you are always wrong. Commented that she does not care what decision you make there will always be somebody that will tell you that you should have made a different decision. Commented that what Ms. Watters said about doing the right thing is very important and stated that sometimes it is very easy to sit back and not say anything when you know and see that things are not what they should be. Commented that not everyone has the fortitude or the ability to be able to disagree with someone and still respect them. Noted we are on the front page of the newspaper way to often. Commented on the empty houses and people not wanting to move here. Stated she does not want to argue or fight with anyone but she will fight for her town. Gave kudos to Ms. Watters for coming forward and making her statements. **2.** Commented on the appraisers coming out to reassess the homes and stated that people do not understand it. Noted that she has tried to explain on Facebook so people understand it better. Suggested Council having a town hall meeting to explain it to the public. **3.** Wished good luck to the Council on their future work on the budget.

OTHER RESOLUTIONS

70-2016 Recognition of Dedication of Public Service by Jay Saville.

Council President Allen read the statement and advised he was unable to attend. Thanked Mr. Saville for his leadership, service and dedication to the Township.

Motion by Cartier and Jackson to approve Resolution 70-2016. Cartier, yes; Jackson, yes; Tompkins, yes; Trueblood, yes; Allen, 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.

Councilman Cartier asked to pull Resolution 73-2016 and from the Bill List, page 8 and all bills relating to the Fire Department. Councilman Tompkins asked to pull #9a the Police Officers stats from Reports & Communications and from New Business, a purchase over \$2,000.00 for a new 80" TV.

CONSENT AGENDA

REPORTS AND COMMUNICATIONS FILED WITH THE CLERK

- a. *Pulled from the Consent Agenda and considered later in the meeting.*
- b. Police – Officer Stats by Shift, January 2016
- c. Police – Calls for Service, January 2016

CONSENT AGENDA RESOLUTIONS

- 71-2016 Authorizes refund of property taxes on property qualifying for a Veterans Property Tax Exemption for Battle on Block 706, Lot 25.
- 72-2016 Approves Release and Indemnification Agreement with the County of Burlington for 2016 Events, Road Closures.
- 73-2016 *Pulled from the Consent Agenda and considered later in the meeting.*
- 74-2016 Authorizes various routine refunds in the total amount of \$1,173.60.
- 75-2016 Authorizes refund of tax overpayment to Ocean Healthcare Partners in the amount of \$58,182.23 for Block 812, Lot 9.05.
- 76-2016 Authorizes Change Order #1 as to Resolution 224-2015 which authorized the use of Small Cities Community Development Block Grant Funds for Housing Rehabilitation Program for Wasilewski and Bacus at 29 Third Avenue, Pemberton for an increase of \$850.00.
- 77-2016 Authorizes the sale in CY2016 of Scrap Metal not needed for public purposes.

NEW BUSINESS

- *a. Purchases over \$2,000 (*Pulled from the Consent Agenda and considered later in the meeting*)
 - 1. Recreation & Senior Services - for the purchase of a Vizio M Series 80" TV from Vizio in the total amount of \$3,699.99.
- *b. Social Affair Permit
 - 1. VFW Post 6085, for Beef and Beer to be held at 247 Mt. Misery Road, Browns Mills, NJ on April 16, 2016 from 12:00 pm – 6:00 pm.
- *c. 2016 Used Automobile Licenses
 - 1. Stanley Danley t/a Danley's Used Auto Sales
 - 2. Andy's Pro Auto Repair
 - 3. Pine View Terrace
 - 4. Garden Homes Management

*** BILL LIST**

Approval by Council required for payment of vouchers on bill list dated 3/11/2015.

Motion by Cartier and Trueblood to approve the Consent Agenda as amended. Cartier, yes; Trueblood, yes; Tompkins, yes; Jackson, yes; Allen, yes. Motion carried.

REPORTS AND COMMUNICATIONS FILED WITH THE CLERK

- a. Police – Officer Stats, January 2016 *Pulled from the Consent Agenda.*

Councilman Tompkins questioned what Other was for on this report for hours worked. Council President Allen explained that on the legend on the back page, other, is listed as, workman's comp, or unpaid leave. A discussion ensued on the officers and how many are out and for what. Councilman Cartier noted that 2 officers on the list have retired. Mayor Patriarca advised that at the time the report was done they were still here and that there is one on military leave. Councilman Tompkins asked if the other 4 were on leave. It was noted yes. Councilman Tompkins asked how many officers were left. Mayor Patriarca stated he would see how many officers were at work. Councilman Tompkins stated the low number

scares him and feels this could have various negative impacts. Asked if we had reached out to other agencies for assistance during our shortage. Mayor Patriarca stated the town was not in crisis and advised that in the report he does not see the activity in the town requiring more officers. Stated we have enough officers to handle the calls that are coming in and the calls can be reviewed. Believes we are adequately staffed and they are working diligently to increase the staff at this time. Added that the process is difficult due to the civil service requirements and noted that Administration and the Police Chief both support the hiring of officers. Councilman Cartier noted the ordinance on the agenda tonight will help alleviate some of that issue. Mayor Patriarca explained the changes and how it will affect hiring through the civil service. Councilman Tompkins asked how long we have been civil service. Mayor Patriarca noted since the 1970's. Council President Allen asked for the highest number of officers we have ever had. Mayor Patriarca noted it was 57 and commented that number is what is authorized by Council and noted how the budget handles officers.

A discussion ensued on whether or not there was a legal need to vote to accept reports. It was determined by Mr. Clark that he did not believe there was any legal need to have a vote to accept the reports. Council President Allen stated that for consistency they would make a vote on this report.

Motion by Tompkins and Trueblood to accept Report 9a, officer stats. Tompkins, yes; Trueblood, yes; Cartier, yes; Jackson, yes; Allen, yes. Motion carried.

RESOLUTIONS

73-2016 Appoints Ken Cartier and Dorothy Wilde as Fire Police Officers. *Pulled from the Consent Agenda.*

Motion by Trueblood and Jackson to approve Resolution 73-2016. Trueblood, yes; Jackson, yes; Tompkins, yes; Cartier, abstain; Allen, yes. Motion carried.

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

ORDINANCE 3-2016

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING THE RESIDENCY HIRING CRITERIA AND PREFERENCE FOR THE SELECTION OF POLICE OFFICERS FOR EMPLOYMENT WITH THE TOWNSHIP OF PEMBERTON.

Council President Allen opened this portion of the meeting for public comments.

Norma Watters, Pemberton Heights - 1. Noted that she feels there have been some very valid reasons as to why the Police force is down in numbers and accepts the reasons explained as to why they should reach outside of the Township. Stated she would ask Council and Administration that when they have a sufficient amount of officers, to increase the community outreach within the town to increase the mentoring of young people by the officers and inspire them to consider a career in law enforcement. Noted she would like to see some incentives for our officers to live in the Township and discussed some options for those incentives to include relocation bonuses. Councilwoman Jackson stated that one of the questions she would ask is why these officers are leaving the Township once they are hired.

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

Motion by Trueblood and Cartier to adopt Ordinance 3-2016. Trueblood, yes; Cartier, yes; Tompkins, yes; Jackson, yes; Allen, yes. Motion carried

ORDINANCE 5-2016

AN ORDINANCE ESTABLISHING SALARIES FOR CERTAIN EMPLOYEES AND ELECTED OFFICIALS OF THE TOWNSHIP OF PEMBERTON.

Motion by Trueblood and Jackson to Introduce Ordinance 5-2016 with a Public Hearing on March 16, 2016. Trueblood, yes; Jackson, yes; Tompkins, no; Cartier, yes with the option of changing them; Allen, yes with the option of changing them. Motion carried.

Council President Allen opened this portion of the meeting for public comments.

Mike Tamn, Mt. Holly - 1. Noted he does not see the Court Clerk's position listed on the ordinance. Mayor Patriarca noted that she falls under the CWA contract. Questioned the rationale behind certain benefits the Chief of Police does not receive. Mayor Patriarca explained that the Chief is a Department Head and is a non-union employee which gives the Township the ability to have a different standard for his benefits. Noted his salary is higher than the Lieutenants which is by law. Further explained the various reasons for certain benefits not received including the Chief's weapon and his clothing allowance. Advised he is not given a specific clothing allowance but is provided uniforms and cleaning services for those uniforms. Mr. Tamn questioned what the percentage of increase was. Mayor Patriarca noted that on average it is 2%. It was further explained that this is just a salary range.

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

Councilman Tompkins noted he is still unhappy with this ordinance and believes the minimums should be lowered as it limits our negotiating ability. Councilwoman Jackson noted she agrees with Councilman Tompkins.

Motion by Cartier and Trueblood to adopt Ordinance 5-2016. Cartier, yes; Trueblood, yes; Tompkins, no; Jackson, no; Allen, yes. Motion carried.

Councilman Tompkins read a letter he had prepared for Human Resources declining the increase to his salary for 2016 and remain at the 2015 salary of \$7,730.00 per year. Asked that the letter be handed to Ms. Cosnoski for her to give to Human Resources in the morning.

NEW BUSINESS

***a.** Purchases over \$2,000 (*Pulled from the Consent Agenda*)

1. Recreation & Senior Services - for the purchase of a Vizio M Series 80" TV from Vizio in the total amount of \$3,699.99.

Councilman Tompkins noted he was not in favor the last time this was presented and believe that this money could be spent more wisely. Stated he did look into some TV's online and that a 65" curved TV could be purchased for \$2,000.00. It was noted that this was on the Best Buy website. Councilman Tompkins noted that the mounting and the warranty are not included. Councilwoman Jackson asked if the mounting was something the Township could do. Councilman Tompkins stated no. Mayor Patriarca advised that to his understanding they were still going to purchase the mount for the TV through Costco but that the TV would be purchased through Vizio which is \$200 cheaper than the Costco price. Commended the Recreation Director for her efforts in finding a substitute. A discussion ensued on the size of the TV and the benefits of smaller versus larger and vice versa. Councilwoman Trueblood asked if this TV would still come with a warranty. Mayor Patriarca stated it would. Councilman Tompkins asked if this was listed in the budget. Mayor Patriarca advised that it is in the bottom line of the budget. Councilwoman Jackson noted that with the number of seniors in the TV room she does not see any reason for Council not to approve this.

Motion by Trueblood and Jackson to approve Purchase over \$2,000 for an 80" TV for the Senior Center. Trueblood, yes; Jackson, yes; Tompkins, no; Cartier, yes; Allen, yes. Motion carried.

UNFINISHED BUSINESS

a. Discussion of possible amendments to Towing Ordinance.

Council President Allen stated that as he had discussed with each of Council the Solicitor was in the hospital and was unable to review the ordinance and Council has agreed to move this to the next meeting. Advised that Administration has made Council aware that any changes to the ordinance will be reflected in the contracts.

BILL LIST

Page 8, Fire Company Bills. (*Pulled from the Consent Agenda*)

Motion by Tompkins and Trueblood to approve Bill List page 8, Fire Company bills.

Tompkins, yes; Trueblood, yes; Cartier, abstain; Jackson, yes; Allen, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: No report other than that Mr. Bayer is back to work part time and recovering.

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

Mayor Patriarca reported: Stated he has no report but would like to comment that he disagrees with Ms. Maldonado's comment on Administration giving false information to the public.

COMMENTS BY COUNCIL MEMBERS:

Councilwoman Trueblood - Thanked everyone for coming out. Commented on the revaluation and that maybe it would be good to have something for the residents to give better information to them. Noted she has been asked many questions by the public and has advised them as best she can. Noted this was mandated by State Law and is not by the Township.

Councilman Tompkins - Commented on the chicken ordinance and that he was unable to find anything that stated he could not find anything stopping someone from having them in their back yard. Asked if he could be pointed in the right direction. Mayor Patriarca stated it was the Zoning section 190. Mrs. Cosnoski advised that she has a list of codes she needs to review that she will be sending to Council on this very subject. Commented that warmer weather has seen more speeding vehicles passing his home in the school zone. Suggested focusing law enforcement in school zones during school hours. Noted there was a Police officer running radar out in front of his home the other day. Noted an open bid for plumbing supplies and asked why we are looking for a 1/2 mile of PVC piping. Mayor Patriarca advised this was to replace old water lines throughout the town. Councilman Tompkins noted the Police Officers putting on their gear in the parking lot and wonders why they are not using the locker room. Questioned if an ordinance could be passed to authorize the officers to get into the locker room. Mr. Clark advised they would look into it and get back to Council. Stated he would like to see the officers be able to be in the locker rooms for 30 minutes before and up to 30 minutes after their shift with a dedicated locker room for them and their gear. Councilwoman Jackson questioned why he believed they would need 30 minutes, noted she was not agreeing or disagreeing but just asking. A discussion ensued on the amount of time needed to get dressed. Councilman Tompkins commented that all of our officers look very professional and it takes them time to look that way.

Councilwoman Jackson - Asked the Mayor about the scrap metal and where it is collected from. Mayor Patriarca noted that it can come from anywhere including street signs and items collected on the side of the road. Noted that when the bin gets full they look for the highest bidder and sell to the highest paying company. Stated there is no inventory as it could be nuts, bolts or pieces of wire. Councilwoman Jackson asked how much we get for this. Mayor Patriarca noted that it can range from a couple of hundred dollars to maybe a little more and is below the bid threshold which is what has to be abided by. Councilwoman Jackson questioned if any residents get an incorrect tax assessment are they able to dispute it. Mayor Patriarca stated that there is an appeal process through the Revaluation company before they submit. Councilwoman Jackson thanked Councilman Tompkins for agreeing to disagree and Sherry Scull for acknowledging the difficulty of sitting up there. Thanked everyone for their comments and for coming out. Noted our athletic teams have done a fabulous job this year. Noted we have Leah Taylor, who is the fastest runner in the State. Noted the girls basketball team did fabulous this year as well and made it to the championship. Noted the boys basketball team won the South Jersey State Championship for the first time in the history of Pemberton Township. Stated the sports teams are doing a fabulous job at both the High School and within the district. Also noted the bowling team won a championship as well.

Councilman Cartier - Thanked everyone for their comments and to have a safe trip home.

Council President Allen - Noted that on April 4th at 7:00 p.m., TAG will be having a 15 minute presentation geared towards learning how to talk to your children about drugs and alcohol at the Country Lakes Clubhouse.

Councilman Cartier - Noted that on Saturday March 26th at 10:00 a.m. at the Country Lakes Firehouse there will be the annual Easter Egg Hunt and invited all to come out.

The meeting was adjourned at approximately 9:13 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk