

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**July 13, 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 Patriarca, Business Administrator Dennis Gonzalez, Solicitor Dave Clark and Deputy Township Clerk Sunshine Dashiell

CALL TO ORDER

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

CLOSED SESSION

144-2016 Authorizes Council to go into Closed Session - Not acted on

Council President Allen advised that there would be no closed session.

PUBLIC COMMENTS

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

Craig Augustoni, Pemberton Township Fire Chief - 1. Advised Council that he was there on official business in regard to an incident that occurred on June 22, 2016 between Councilman Tompkins and Jesus Evangelista during the Joint Base MDL forest fire. Noted that the fire was moving rapidly towards the Lakeshore Mobile Home Park and procedures that were initiated including the potential evacuation of the mobile home park due to the erratic behavior of the fire. Advised that the command post was at the old Acme parking lot on Pemberton-Browns Mills Road and that decisions were made with Chief Jantas to shut down Pemberton-Browns Mills Road with the anticipation of a back firing operation due to the fear that the fire would move in a direction that would require this tactic to mitigate it rapidly. Noted Chapter 3 of the Code of the Township of Pemberton which is the Administration of Government particularly 3.7 which articulates the duties of Council. Added that nothing in this code allows for Council to be involved in operations to include the assessment of property damages. Commented that a letter was given Council for review of the incident. Explained that the way that this government and Fire Department were formed there is a conduit and that is the Mayor and at no time was the Mayor unaware of what was going on. Noted that the Mayor let the professional staff handle the issue and stayed out of the way until things became more of a concern when he dispatched himself to the command post in the event that evacuations needed to take place. Chief Augustoni noted that he reports directly to the Director of the Fire Department who is Dennis Gonzalez who then transmits the information to the Mayor. Noted that the alleged incident included Councilman Tompkins who was attempting to come across one of the designated traffic posts that was closed by Chief Jantas. Noted the process of breaking into groups to tackle the many things going on. Advised on the discussion he and Chief Jantas had and agreed upon as to how to handle the situation. Commented that under NJ Title 15:8.4 is the Fire Police Authority code and explained the duties the Fire Police perform are of the same nature as police officers until they are relieved. Further explained the authority of the Fire Police officers including ticketing and arrest. Noted that he is not sure what Councilman Tompkins intentions were as there is a process for Council to contact Administration who will inform them what is going on. Noted that the Councilman does not offer anything of value to assist on the scene. Stated that evacuees were sent to the Senior Center and he could have talked to his constituents if he chose to do so there. Advised on incidents that can occur as directing traffic is a very dangerous job as there is a lot of bottlenecking. Commented that Chief Jantas advised him that he has been on several traffic posts with Mr. Evangelista and finds him to always be professional, courteous and helpful with the general

public and was concerned as to why this even happened. Commented that when you are someone who does not know what is going on, you become a risk to those that do. Mentioned that if Councilman Tompkins had been successful getting through the traffic post and they started back firing operations and it was unknown that he was there he would have had to have been rescued hindering operations and putting lives at risk. Stated that in his opinion this created an unsafe situation for all that were involved. Commented that the command post had to be interrupted and the Chief of Police was not very happy. Stated he feels that Councilman Tompkins is unfamiliar with the duties of his job and they are asking Council to ask Councilman Tompkins to use better judgment. Noted that he was disappointed as the actions of Councilman Tompkins were very unprofessional. Stated he understands the need to know and his concern but he has been doing this for 41 years and is very good at keeping those that are in need of the know knowing what is going on. Commented that he does not know how Council would like to address this but that the Fire Department is handling it on their end. Stated he is still unsure what value Councilman Tompkins thought he would offer to them especially disobeying a direct command and interfering with the operations of a Fire Police Officer.

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

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 150-2016.

CONSENT AGENDA

***CONSENT AGENDA RESOLUTIONS**

- | | |
|----------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 147-2016 | Authorizes the purchase of 700 Tons of DGA Stone from Scorer Sand and Stone under State Contract in the total amount of \$12,600.00 for the 2016 Road Program. |
| 148-2016 | Authorizes the 2016 payment pursuant to the agreement with the County of Burlington for 9-1-1 Services pursuant to the Integrated Law Enforcement Computer Project in the total amount of \$24,047.94. |
| 149-2016 | Authorizes the refund of a tax overpayment to Russella Depaul in the total amount of \$370.62. |
| 150-2016 | <i>Pulled and considered later in the meeting.</i> |
| 151-2016 | Authorizes the discharge of an RCA mortgage note for Lenora Burke at the premises known as 100-102 Delap Court. |

***MEETING MINUTES**

Regular Meeting, June 15, 2016.

NEW BUSINESS

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

1. Public Works - Installation of traffic striping from Traffic Lines, Inc. for the total amount of \$14,300.00
2. Public Works - Chlorine Testers from USA Bluebook in the total amount of \$2,756.00.
3. Public Works - Body Damage Repairs to Patrol Vehicle #1807 from Fante's Auto Body in the total amount of \$2,704.64.
4. Recreation & Senior Services - Sand for Bayberry Park from Tuckahoe Sand & Gravel in the total amount of \$3,300.00.

***b.** Social Affair Permits

Motion by Cartier and Tompkins to approve the Consent Agenda as amended.

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

OTHER RESOLUTIONS

145-2016 Recognition of Dedication of Public Service by Linda Eden.

Council President Allen read the Resolution into record and thanked Linda Eden for all of her hard work and dedication.

Motion by Cartier and Jackson to approve Resolution 145-2016. Cartier, yes; Jackson, yes; Tompkins, yes; Trueblood, yes; Allen, yes. Motion carried.

Mayor Patriarca commented that when he first was elected Mayor there was a lot he did not know about being the Mayor. Noted that when he was elected he found out that they needed to put together a budget in 11 days and he and Linda worked long hours for several days getting the budget together. Commented that he couldn't have done it without her and he will never forget how she helped him.

Linda Eden thanked Council for recognizing her years of employment with the Township. Wanted to thank the many Council members she had the pleasure of working with over the last nineteen years as well as Mayor Kay, Doug Ayer for believing in her, Mayor Patriarca for remembering and most of all, Louise Spigner, for taking her under her wing and teaching her a new set of skills when she was no longer able to be the CFO. Thanked all of her friends and co-workers from over the years and stated she is not saying goodbye but instead hello to retirement and goodbye to the time clock. Thanked all again and stated she really appreciated this tonight.

146-2016 Recognition of Dedication of Public Service by Arthur Baker.

Council President Allen read this Resolution into the record.

Motion by Trueblood and Cartier to approve Resolution 146-2015. Trueblood, yes; Cartier, yes; Tompkins, yes; Jackson, yes; Allen, yes. Motion carried.

RESOLUTIONS

150-2016 Authorizes the Place-to-Place Transfer of the Plenary Retail Consumption License trading as Magnolia Road Bar & Package to extend the premises to include the outdoor horseshoe area.

Councilman Cartier stated he had a question as to whether the jukebox would be located inside or outside of the building. It was noted that it would be inside the building.

Motion by Cartier and Tompkins to approve Resolution 150-2016. Cartier, yes; Tompkins, yes; Jackson, yes; Trueblood, yes; Allen, yes. Motion carried.

NEW BUSINESS

- c. NJ State Fireman's Association Membership Application for William J. Wood with the Pemberton Township Volunteer Fire Co.

Motion by Trueblood and Jackson to approve the Fireman's Membership Application. Trueblood, yes; Jackson, yes; Tompkins, yes; Cartier, abstain; Allen, yes. Motion carried.

- d. Discussion and possible introduction of an ordinance amending Chapter 142 regulating the placement and use of clothing donation bins.

Mr. Gonzalez advised that in many towns these bins are just being dropped on public and private property. Noted that there is a State Law on how to manage and control these situations. Commented on a gentleman who suffocated in a clothing bin last year in our town. Noted that the Fire Chief has also seen that they are put in places that can impede traffic safely going in and out of a location. Noted that Mr. Bayer had written the ordinance to say that this is a type of solicitation and this is how it should be managed and organized. Commented that this is to address any public safety issues and to require the owners of the bins to remove its contents on a regular basis to avoid any potential issues. Councilman Tompkins stated that this ordinance specifically states clothing but asked if they would want to open this up to other types of donation boxes. Mr. Gonzalez advised that they could

work on the definition to include any other type of container where other items could be included. Noted that a TV left outside of a container is considered littering which has greater penalties. Councilwoman Trueblood asked if there would be a limit as to how many could be left in the town and noted the several she has seen in the town already. Mr. Gonzalez advised that this ordinance does not regulate that but noted that the people who own the properties, that are allowing the bins, along with the owners of the bins, will be held responsible to ensure that all of the regulations are complied with. Stated he feels this will help control the amount of bins. Mr. Clark advised that the only limitations are in section 26 and advised on some of the limitations. Council President Allen asked if these bins could be put on private property. Mr. Gonzalez advised they could be on public or private. Mr. Clark noted that this covers both. Councilman Cartier asked why the Police Chief was chosen as the issuer of permits as he feels this would fall better on the zoning office. Mr. Gonzalez stated he did send an email to Mr. Bayer to look into a couple of things including this. Stated his suggestion would be that the permits be issued by the Clerk's office but that the Clerk's office would get the completed application for the permit and provide it to the Police Chief and the Fire Chief. Stated that there should be an opinion from each of these two entities as to any public safety issues with regard to the location. Added that as to the location it does make sense to have Zoning sign off as well. Stated that he feels these are three things that should be done prior to the issuance by the Clerk. Suggested that this be added to the ordinance and a final draft presented to the Council at the next meeting. Councilwoman Jackson asked for clarification of page 4a. Mr. Clark stated he believed this to be a typographical error. Councilwoman Jackson questioned the validity of the penalty amount on page 6. Mr. Gonzalez advised this was correct but was for a specific type of violation that was set forth in the statute. Council President Allen questioned if the \$25.00 renewal application fee was in addition to the \$25.00 annual permit fee. Mr. Gonzalez advised that it is \$25.00 annual payment. Councilman Cartier suggested adding late fees like we do for the dog licenses. Mr. Gonzalez noted that could be done. Council President Allen questioned page 5, the Revocation of Permit, and what happens if a permit is suspended. Mr. Gonzalez suggested that there be an Administrative process as opposed to Council participating. Council President Allen stated that process should be included in the ordinance. Mr. Clark stated that if they are terminated it is easy they are gone but if they are suspended the bin is still there. Mr. Gonzalez states that they will need to look into this and that it may need to be removed. Stated they will put together some language and come back to Council. It was mentioned that if terminated the bin would be removed at the owners expense not the Townships. Council President Allen stated that under 142-30A it should say seized by the appropriate municipal authority. Mr. Gonzalez stated they will make the language as clear as possible. Council was in agreement to table until the next meeting.

- e. Discussion and possible introduction of an ordinance amending Chapter 182-31 to establish a no parking area on a portion of Yale Road.

Mayor Patriarca advised that he had been getting several calls from the apartment complex that this area has been an issue and advised what the issues were including parking on both sides causing it to be a one lane roadway as well as a site triangle issue. Councilman Tompkins stated that he has used this road and it is very congested and suggested one-way roads. Mayor Patriarca stated that this would force all incoming traffic to come in through University and outgoing onto Yale Road. Stated the road can handle the traffic and the parking and that it is just the one section they want to fix. A discussion ensued on the various issues and concerns with this area. Council President Allen noted that there is a no parking sign already out there. Mr. Gonzalez advised that the sign is not covered under an ordinance so it will need to be removed and new signs will be put up. Councilwoman Jackson stated she lives in this area and is for this ordinance. Noted when you add snow to the equation it is even more dangerous. Councilman Cartier questioned if there were residents opposite the apartment complex between Colgate and Amherst. Mr. Gonzalez advised that the thought was for the ingress and egress for the apartment complex. Councilman Cartier noted his concern was the visitors that would be coming and where they would park. A discussion ensued on visitor parking. Councilman Cartier clarified he was talking about residential parking not the apartments. Mayor Patriarca suggested 75-100 feet each way or opening a little gap of no parking and on the other side can allow after so many feet. Also suggested no parking on the apartment field side of College Drive and then a certain distance maybe up to the alleyway. Mr. Gonzalez stated he needs markers to be able to write this and suggested the center point of the ingress and egress that is across the street from the apartment complex. Asked for Council to tell him how many feet in either direction. A discussion ensued on how many feet should be no parking and whether it should be both sides or one side. It was noted that Amherst would be a good starting point. Mr. Clark added that Mr. Gonzalez needs direction as to what Council thinks would be a sufficient distance so that he can put it together in the ordinance to propose at the next

meeting. Councilman Cartier confirmed that Dickinson is the main entrance to the apartment complex and opposite that is the alleyway. Mayor Patriarca confirmed that to be true. Councilman Cartier suggested 50 feet in either direction and stated he would like to go out and look at it before the next meeting. Mr. Gonzalez stated that the line of site that makes sense to him would be to focus it from the entrance to the property across the street and then give x number of feet to the right and the left. Mayor Patriarca stated they will provide Council with something less restrictive and will evaluate how many parking spots will remain on the road to give Council an idea. Councilman Cartier asked for a copy of the tax map in that area. Mayor stated they would get that and would look into the handicapped location as well for the next meeting. Council agreed to table until the next meeting.

REPORTS AND COMMUNICATIONS FILED WITH THE CLERK

Engineer's Report – July 13, 2016.

Council had no questions related to this report.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 7/8/2015.

Motion by Cartier and Jackson to approve the Bill List. Cartier, yes with the exception of all firehouse related bills on pages 6 and 7; Jackson, yes; Tompkins, yes; Trueblood; Allen, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Clark reported: No Report.

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

Mayor Patriarca reported: Commented that the Road Program is still moving along. Noted that Ridgeview was finished as well as a section of Burrs Mill Road. Stated he believes that they are very close to the linear footage from last year. Advised that the program has been stalled temporarily only to attend to other operational things that have to be attended to such as the Water Carnival. Commented that this will take place on July 23rd and invited all to come out and see all that will be going on as well as the Fireworks. Noted that part of the crew is also working up at Bayberry Park on the County grant we received to renovate the park. Noted that they will be putting a bid out for the floating dock which is part of the grant. Stated it is moving along and they hope to see it progressing shortly.

COMMENTS BY COUNCIL MEMBERS:

Councilman Tompkins - Asked Mayor Patriarca about the handicapped access on to the field for St. Ann's Carnival, that they had discussed earlier in the year, and how this was progressing. Mayor Patriarca advised that the County Freeholders were to be discussing the transfer of the property to the Township at their meeting this evening. Advised that he does not believe we will have it prior to the Carnival but that they will make accommodations to pull handicapped vehicles up into the field itself through the fuel facility area. Councilman Tompkins asked if they would be getting rid of the cars in the back. Mayor Patriarca advised that they would be. Noted that they usually keep for parts but at this point have to many cars back there. Commented that they sometimes like to keep for when the scrap prices go up but that haven't in the last few years. Councilman Cartier asked if Councilman Tompkins had any plans on addressing the Fire Chief's comments. Councilman Tompkins stated no.

Councilwoman Jackson - Thanked all for coming out and thanked Council for everything tonight. Noted that she was taken aback that Mr. Tompkins didn't have anything to say to Chief Augustoni but that is his right.

Councilman Cartier - Stated he does have something to say and apologized to the Chief as he knows he may not want him to say this but he was going to say anyway. Commented that as a Council member he found it to be appalling that another Council member decided to attempt to throw their weight around and their position to gain access to a dangerous situation. Stated this was not something he would ever consider doing and he can't believe that Mr. Tompkins tried to do that. Councilman Tompkins stated "allegedly". Councilman

Cartier stated that is why he asked him if he wanted to address it. Councilman Tompkins stated he never said he did this and was not going to debate or discuss this. Councilman Cartier stated he did not deny it either. Councilman Cartier advised Council that they have the authority to censure Council members and stated he felt this was an appropriate situation for a censure. Advised that it would be a written reprimand that would go on file with the State for his actions. Councilman Tompkins again stated his "alleged actions". Councilman Cartier stated he would have the opportunity to defend later if he liked. Councilman Cartier stated that this Council has done this before so it is not unknown to Council and would like Council to consider this. Councilwoman Jackson asked what takes place when this happens as she is unfamiliar with the process. Mr. Clark advised that when this was done previously a resolution was adopted by Council to formally censure that Council person for their actions which were felt to be unbecoming to a Council person. Stated that it was a written censure which was formally adopted by Council with the person being censured abstaining. Advised that it was placed in their file but he does not know if anything happens to it beyond that. Commented that any legislative body including the US Senate and House of Representatives, have the right to censure and to express its displeasure and ask for action. Expressed that Council as a body has the right to censure those that they feel are not living up to the Council's expectations and standards. Councilman Cartier thanked Mr. Clark for the explanation and again asked Council to consider this option.

Councilwoman Trueblood - Thanked all for coming out and stated she is looking for a good turn out on July 23rd for the Water Carnival.

Council President Allen - Stated he hopes all are enjoying there summer and hates to be Debbie downer but the cold stuff is right around the corner so enjoy the summer.

The meeting was adjourned at approximately 7:44 p.m.

Respectfully submitted by,

Sunshine Dashiell, Deputy Township Clerk