

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**August 17, 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

Kenneth Cartier
Letha Jackson
Jack Tompkins
Jason Allen

ABSENT

Norma Trueblood

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Solicitor Andrew Bayer and Donna DiPalma.

CALL TO ORDER

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

CLOSED SESSION

162-2016 Authorizes Council to go into Closed Session
Workman's Compensation - Arthur Baker v. Pemberton Township

Councilman Cartier questioned why this was a Closed Session topic and is also on the agenda. Mr. Gonzalez advised that it was for Administration and Mr. Bayer to advise Council on how they arrived at this proposed settlement.

Motion by Tompkins and Jackson to adopt Resolution 162-2016. Tompkins, yes; Jackson, yes; Cartier, yes; Allen, yes. Motion carried.

Council President Allen advised that there would be no formal action pursuant to Closed Session.

PUBLIC COMMENTS

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

Anne Quinn, Country Lakes - 1. Asked for clarification on Resolution 163-2016, Council President Allen advised that the three Lieutenants would like to use their own personal cell phones for business and in doing so will receive a \$40.00 reimbursement per month. **2.** Questioned Resolution 165-2016 and if this is the same as the campaigns we have done in the past. Council President Allen advised that the funds are for Drunk Driving enforcement. Councilman Tompkins stated we have done this for the past several years. **3.** Questioned the TV being purchased under New Business for the Senior Center by Recreation and if they didn't just purchase one a few months back. Councilwoman Jackson advised that the original TV was never purchased as it was unavailable and this is being purchased in it's place and is cheaper.

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 Tompkins asked to pull Resolution 170-2016. Councilman Cartier asked to pull Resolutions 163-2016 and 177-2016.

CONSENT AGENDA

***CONSENT AGENDA RESOLUTIONS**

- 163-2016 *Pulled from the Consent Agenda and considered later in the meeting.*
- 164-2016 Authorizes a refund of a tax overpayment to Alfio K. Pennisi on Block 943, Lot 5 in the total amount of \$2,863.61.
- 165-2016 Authorizes an application to the NJ Department of Law and Public Safety for 2016 Drunk Driving Enforcement Fund in the amount of \$6,407.88.
- 166-2016 Authorizes the cancellation of taxes on properties foreclosed on by the Township in the total amount of \$10,373.01.
- 167-2016 Authorizes liens on certain private properties in violation of the Pemberton Township Property Maintenance Ordinance in the total amount of \$1,390.48.
- 168-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for Charles E. and Ruthann Bickler on Block 808, Lot 32.
- 169-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for Ricardo P. and Beatrice E. Climacosa on Block 653, Lot 13.
- 170-2016 *Pulled from the Consent Agenda and considered later in the meeting.*
- 171-2016 Authorizes various routine refunds in the total amount of \$162.40.
- 172-2016 Authorizes the assignment of Tax Sale Certificate 16-00149 on Block 286, Lot 42 in the amount of \$616.48 to Larry Bozarth.
- 173-2016 Authorizes the assignment of Tax Sale Certificate 16-00147 on Block 286, Lot 1 in the amount of \$638.90 to Larry Bozarth.
- 174-2016 Authorizes the assignment of Tax Sale Certificate 16-00032 on Block 52, Lot 69 in the amount of \$471.46 to Timothy S. Rogers.
- 175-2016 Authorizes the assignment of Tax Sale Certificate 16-00031 on Block 52, Lot 66 in the amount of \$144.33 to Timothy S. Rogers.
- 176-2016 Authorizes settlement in the matter entitled Arthur Baker V. Township of Pemberton in the amount of \$25,666.67.
- 177-2016 *Pulled from the Consent Agenda and considered later in the meeting.*
- 178-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for Samuel E. III and Carolyn M. Farrell on Block 706, Lot 11.
- 179-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for James P. and Lisa C. Shull on Block 18, Lot 29.
- 180-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for Romeo Rivers and M. Mendez-Rivers on Block 611, Lot 6.

NEW BUSINESS

*a. Purchases over \$2,000

1. Recreation & Senior Services - Purchase of Sony 75" Smart TV from Best Buy in the total amount of \$3,429.97.

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

RESOLUTIONS

- 163-2016 Approves a side letter agreement with PBA Local 260 - Superior Officers, modifying the current collective negotiations agreement solely regarding the use of personal cell phones. *Pulled from the Consent Agenda.*

Councilman Cartier questioned what we currently pay for the cell phone plan for these officers. Mr. Gonzalez advised that it was in excess of \$40.00 per officer per month with data and other charges. Noted that at worst it is a wash and at best it saves us a few dollars per month. Stated their preference is to use their phones so they do not have to carry 2 phones with them. Advised that they came to this agreement based on what they are currently doing for 3 other non-union employees. Council President Allen questioned what the other officers who are not Lieutenants are using. Mr. Gonzalez advised that patrol officers do not need phones because they have other communication equipment. Noted that if there is a specific need for, as an

example a Detective, to have to have a phone they would be issued one at our cost. Stated that the reason this came to Council in this way is because this was a sidebar agreement with a particular bargaining unit which consists only of the 3 Lieutenants. Added that this issue has not been discussed with the other bargaining units at this time.

Motion by Cartier and Jackson to approve Resolution 163-2016. Cartier, yes; Jackson, yes; Tompkins, yes; Allen, yes. Motion carried.

170-2016 Authorizes cancellation of property taxes on property qualifying for a Veterans Property Tax Exemption for Daniel E. and Rose Cykewick on Block 664, Lot 33. *Pulled from the Consent Agenda.*

Councilman Tompkins stated that he pulled this because would not be voting on this as he knows the gentleman involved with this and they belong to the same chapter of Disabled American Veterans.

Motion by Jackson and Cartier to approve Resolution 170-2016. Jackson, yes; Cartier, yes; Tompkins, abstain; Allen, yes. Motion carried.

177-2016 Authorizes a contract with CMI Limited, Co. for the purchase of a full float fishing dock in an amount not to exceed \$32,000.00. *Pulled from the Consent Agenda.*

Councilman Cartier questioned where this is proposed for. Mayor Patriarca advised that this was part of the County Parks Development Grant that we received for Bayberry Park. Stated that they are up there now redeveloping that park and advised on the progress. Noted that part of the submission was for a floating dock on the beach side of the park. Councilman Cartier advised that the Resolution did not specify. Mr. Gonzalez stated that it did not but should have, but does say the Burlington County Bay Bridge Mirror Lake Park. Noted that this did go out to bid and includes delivery costs but Public Works will be doing the installation which will save the Township \$5,700.00.

Motion by Cartier and Jackson to approve Resolution 177-2016. Cartier, yes; Jackson, yes; Tompkins, yes; Allen, yes. Motion carried.

Councilman Cartier asked how long the dock would be. Mayor Patriarca advised that the gangway would be 40 feet and then an 8 foot by 20 foot t-section out by the end. Councilman Cartier asked how much would be land based. Mayor Patriarca advised on the plans.

ORDINANCES FOR SECOND READING AND/OR PUBLIC HEARING

ORDINANCE 10-2016

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 182-31 OF THE CODE OF THE TOWNSHIP OF PEMBERTON, ENTITLED 'VEHICLES AND TRAFFIC, SCHEDULE A: NO PARKING'

Council President Allen opened this portion of the meeting to public comment. Seeing none this portion of the meeting was closed.

Motion by Cartier and Jackson to adopt Ordinance 10-2016. Cartier, yes; Jackson, yes; Tompkins, no; Allen, yes. Motion carried.

ORDINANCE 11-2016

BOND ORDINANCE AMENDING BOND ORDINANCE NUMBER 12-2012 FINALLY ADOPTED BY THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY ON SEPTEMBER 5, 2012, TO AMEND THE DESCRIPTION OF THE IMPROVEMENTS REFERRED TO THEREIN.

Council President Allen opened this portion of the meeting to public comment. Seeing none this portion of the meeting was closed.

Council President Allen advised on the original Bond Ordinance and that not all of the money was used and they would like to re-appropriate some of the funds to purchase two properties for the purpose of redevelopment. Mr. Gonzalez advised that the purpose

would be for recreational use to add to the park. Councilman Cartier noted that these funds actually started in 2006. It was noted that was correct.

Motion by Cartier and Jackson to adopt Ordinance 11-2016. Cartier, yes; Jackson, yes; Tompkins, yes; Allen, yes. Motion carried.

ORDINANCE 12-2016

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 16 MARKET STREET

Council President Allen opened this portion of the meeting to public comment. Seeing none this portion of the meeting was closed.

Council President Allen advised that these funds would be coming from the UEZ account and is contingent upon a property appraisal and environmental review. Mayor Patriarca advised that they have received the appraisal on the property and it came in at less than what they had offered to purchase and they negotiated with the seller on the change of price. Advised that the appraisal came in at \$85,000.00 and that is what we are now offering for the property.

Motion by Cartier and Jackson to adopt Ordinance 12-2016. Cartier, yes; Jackson, yes; Tompkins, no; Allen, yes. Motion carried.

ORDINANCE 13-2016

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE PURCHASE OF PROPERTIES LOCATED AT 11 COLUMBUS AVENUE AND 19 SOUTH LAKESHORE DRIVE IN THE TOWNSHIP FROM LESTER HODGSON

Council President Allen opened this portion of the meeting to public comment. Seeing none this portion of the meeting was closed.

Motion by Jackson and Tompkins to adopt Ordinance 13-2016. Jackson, yes; Tompkins, yes; Cartier, yes; Allen, yes. Motion carried.

ORDINANCE 14-2016

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE PURCHASE OF THE PROPERTY LOCATED AT 42 JULIUSTOWN ROAD

Council President Allen opened this portion of the meeting to public comment.

Charles DeCharleroy, Browns Mills - 1. Questioned if this was what is being allocated for now or is this already bargained out. Council President Allen advised that it was already negotiated. Mayor Patriarca stated that was correct and that the price was \$500,000.00 and it appraised for more.

George Petronis, Browns Mills - 1. Asked if the \$500,000.00 would be coming from the UEZ funds. Council President Allen advised that it would be. Mr. Petronis questioned what the remaining balance was in the UEZ account after this. Mayor Patriarca stated that before this purchase there is currently \$630,000.00 left in the account and this will pretty much empty the account. Added that they will sell the properties and use the money to replenish the account. Mr. Petronis questioned if the redevelopment plan had changed. Mayor Patriarca stated that they are implementing the same plan and that we are assembling the properties to assign a developer to develop it and then move on to the next phase of the plan. Noted the plan is to sell these properties as a bundle to a developer. Mr. Petronis asked that the plan is not to spend public funds for the redevelopment but assemble a single block to be turned over to a developer as one unit rather than them picking up individual properties. Mayor Patriarca confirmed that to be the plan. Council President Allen asked how long we have had the UEZ money. Mayor Patriarca advised that the program was stopped at least 4-5 years ago and we no longer get additional funds, so it has been there a long time.

Anne Quinn, Country Lakes - 1. Ms. Quinn asked for a timeline. Council President Allen advised that they would not have a timeline at this point. Ms. Quinn advised that her concern was purchasing all of these properties and then we don't have a developer and the lots sit empty and is not hearing a plan to say otherwise. Council President Allen advised that they do have a plan but this is the initial phase. Stated that we must first acquire the properties before anything else can be done. Ms. Quinn stated that how long is

this phase supposed to last and when will the next start. Councilman Cartier advised that he would say considerably shorter than the property sitting there vacant than when we own the property. Mayor Patriarca stated we could get into that but that this is about the property being purchased not the plan to develop it. Stated that they are negotiating with tenants to come into this area and develop this property through a redeveloper. Ms. Quinn asked for clarification on the timeframe of these negotiations. Mayor Patriarca stated he has been negotiating for the past 10 years and this is one of the places that they are talking to people who are interested in this site.

Seeing no other residents wishing to be heard this portion of the meeting was closed.

Motion by Cartier and Jackson to adopt Ordinance 14-2016. Cartier, yes; Jackson, yes; Tompkins, no, Allen, yes. Motion carried.

UNFINISHED BUSINESS

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

Council President Allen advised that this was on a previous agenda and establishes the use, regulations and guidelines for these bins. Noted that the requested changes Council had were worked into the ordinance.

Motion by Jackson and Cartier to introduce Ordinance 15-2016 with a Public Hearing to be held on September 7, 2016. Jackson, yes; Cartier, yes; Tompkins, yes; Allen, yes. Motion carried.

- b. Discussion and possible introduction of an ordinance banning the sale of puppy mill animals.

Council President Allen reminded that this was on a previous agenda and what it was for. Councilman Cartier questioned what the definition of a puppy mill was. Mr. Bayer advised that the restriction is that the pet shop may only offer for sale dogs and cats that they have obtained in connection either with an animal care facility or animal rescue organization and this is defined in the ordinance. Noted that according to the ASPCA anything else is a puppy mill. Councilman Tompkins questioned if he had a dog who had puppies if he wouldn't be able to sell them. Mr. Bayer stated he did not think that to be true as he has dealt with this exact issue in another town. Councilman Tompkins asked if private selling could be added to the ordinance to cover residents. Councilman Cartier stated to him a puppy mill is someone who has their dog impregnated sells the puppies and re-impregnates the dog immediately to keep the income. Mayor Patriarca clarified that this ordinance only applies to the sale of animals through pet stores not personal puppy store. Mr. Bayer confirmed that to be correct and advised on the definition of a pet shop. Councilman Cartier stated that it is troublesome to him to be dictating where a business can purchase their goods from. Mayor Patriarca stated that you wouldn't want them buying an animal smuggled in from foreign countries and feels that the idea of this is for pet stores to purchase animals from legitimate sellers. Councilman Tompkins asked how many legal pet stores we had in the town. Mayor Patriarca advised that there was one that they dealt with previously and that they do pop up from time to time. Council President Allen noted the definition of a puppy mill. Councilman Cartier clarified that the ordinance is limiting where the business can purchase from. Mayor Patriarca stated that the ordinance does not prohibit puppy mills it prohibits pet shops from buying from puppy mills. Councilman Cartier stated he does not condone puppy mills but thinks this ordinance goes too far and would like to see the wording changed to show them being restricted from buying a puppy from a puppy mill. Noted that as it stands they can not go out and buy a puppy from a private resident. Council President Allen asked Mr. Bayer to work this language into the ordinance for the next meeting. Councilman Tompkins asked if something could be added to state that the Township encourages residents to adopt a pet from a shelter. Mr. Bayer stated it could be a whereas clause. Mr. Bayer advised he would.

- c. Discussion of possible ordinance amendment to change the hours of sale for alcoholic beverages on Sundays.

Motion by Jackson and Tompkins to introduce Ordinance 16-2016 with a Public Hearing to be held on September 7, 2016. Jackson, yes; Tompkins, yes; Cartier, no; Allen, yes. Motion carried.

NEW BUSINESS

- b. NJ State Fireman's Association Membership Application for Jennifer M. Jakob and Peggy Ann Allen with the Pemberton Township Volunteer Fire Co.

Motion by Jackson and Tompkins to approve NJ State Fireman's Association memberships. Jackson, yes; Tompkins, yes; Cartier, abstain, Allen, yes. Motion carried.

- c. Parade Permit Application (**PUBLIC HEARING REQUIRED**)

1. Iva Klemick for First Baptist Church of Browns Mills at 201 Kinsley Road from 6:30 a.m. - 4:30 p.m. on September 17, 2016.

Councilman Cartier questioned what this was. Council President Allen advised that Pastor Klemick advised that it is a carnival type affair that takes place on a vacant lot located on the 200 block of Kinsley Road in Sunbury Village. Noted they will be having games, crafts and food and is a free event for the public. Stated it has been an annual event since 2011. Councilman Cartier asked who owns the lot. It was unknown who the owner was but Pastor Klemick did receive approval from the property owner.

Motion by Tompkins and Jackson to approve the parade permit. Tompkins, yes; Jackson, yes; Cartier, yes; Allen, yes. Motion carried.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 8/12/16.

Motion by Tompkins and Jackson to approve the bill list. Tompkins, yes; Jackson, yes; Cartier, yes with the exception of any fire department related bills which he abstains from; Allen, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: Stated that the fairness hearing of the Mount Laurel Plan is on September 14, 2016 at 3:00 p.m. with Judge Bookbinder in Mount Holly. Noted that the advertisement will be in the paper and that notices will be sent out to all potentially affected parties.

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

Mayor Patriarca reported: Commented that he had attended the funeral of Mr. William Stinney, the late Councilwoman Stinney's husband. Noted that the family lost both parents this year and asked for prayers for the family. Commented on the progress being made at Well #11 and that the filtration system is moving along nicely and on schedule. Commented that the Bayberry Park project is being worked on and Public Works is doing a phenomenal job. Encouraged all to go out and see it as it is unrecognizable. Stated it will be a small pocket park but will be one of the nicest parks in the Township. Asked all to be conscious of the heat we have been having and to look out for the elderly and animals. Mr. Gonzalez thanked Donna DiPalma for stepping up and helping out in the absence of the Township Clerk and Deputy Clerk. Mayor Patriarca noted that he had spoken to Deborah about a development project they have going on that they will be presenting to the Council that is currently before Pinelands. Noted that it will bring some really nice services to the community once it is completed. Stated they are hoping to break ground by the end of the year and be completed by the end of 2017. Noted he will get back to Council with more updates about that. Stated he is meeting tomorrow with the company that is doing the market study for the College property and will get back with more information on that as well. Council President Allen noted that he was in the Mirror Lake parking lot and noticed that the new parking lot lines were inconsistent with the old ones as well as a few problems with the asphalt patch and asked if some of the grant money could be used to redo this parking lot. Mayor advised that this is on the list to be patched but not too much will be done at this point. Mayor Patriarca reminded that "Movies on the Beach" is almost over and encouraged everyone to go out and see a movie and that this week is "Jaws".

COMMENTS BY COUNCIL MEMBERS:

Councilman Tompkins - Asked if they were still doing handicapped parking in the grass for the carnival. Mayor Patriarca stated that he could pull in just past the fuel facility but that there would be a distance but is wheel chair accessible. Noted that he had helped out with the "Grind in the Pines" over in Presidential Lakes. Stated he had never been involved before but that it was a great event and he was very impressed. Noted that the heat was tough but that the athletes still did it. Thanked everyone for coming out.

Councilwoman Jackson - Stated that she was offended by Councilman Tompkins comments at the last meeting stating that Council's vote was politically motivated in regards to his censure. Noted that as Council she believes they should support the hard working efforts of the volunteers of the EMT and Fire fighters. Stated that services that they provide to this community of their own free will and that we could not afford to pay for. Commented that we respect their expertise and have the confidence that they are qualified to do what needs to be done in an emergency situations. Stated she believes we are to hold each other accountable for any behavior that misrepresents the Council and that is what was done at the last Council meeting and she stands behind her decision. Thanked every volunteer, male and female throughout the Township. Asked the Mayor what is happening with the sidewalks in Lake Valley. Mayor Patriarca stated that they are applying for a CDBG grant and hopes to have that at the next meeting. Advised that this coming Saturday at the Dominique Johnson Center, there would be a free book bag giveaway with free food, games, a moon bounce and giveaways. Stated that it is scheduled from 12:00 p.m. until 3:00 p.m. and is sponsored by the Lifehouse Church and is open to all residents. Thanked all for coming out.

Councilman Cartier - Asked if Public Works was sill doing yard maintenance after hours. Mayor Patriarca stated they were. Councilman Cartier asked for them to check out a home on Coville Drive 1 block up from Berkley as the grass is taller than he is. Noted that school will be reopened before we meet again and asked all to be cognizant of the kids that will be out in the street again.

Council President Allen - Thanked all for coming out and thanked Donna DiPalma for helping out and advised she did a wonderful job.

The meeting was adjourned at approximately 7:31 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk