

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**April 4, 2018
6:00 P.M.**

FLAG SALUTE

Council President Trueblood 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

Elisabeth McCartney
Jason Allen
Letha Jackson
Norma Trueblood

ABSENT

Donovan Gardner

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

CALL TO ORDER

Council President Trueblood called the meeting to order at approximately 6:00 p.m.

CLOSED SESSION

75-2017 Authorizes Council to go into Closed Session - Not Adopted

Council President Trueblood advised that there would be no Closed Session.

PUBLIC COMMENTS

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

Alan Cantrell, Browns Mills – 1. Asked who the appraiser was that provided the value of the Browns Mills Shopping Center. Stated that he feels his tax dollars are being wasted on stuff like this and that the appraiser should be reported to the Ethics Committee of the Banking Commission. Commented on the value of the property and asked why we were not working with the owner to build a mix use project just like the one they built in Eastampton. Stated he doesn't understand why everyone is butting heads and not working together. Councilwoman Jackson asked the Mayor how long we have been going through this with Mr. Berardi. Mayor Patriarca advised that he met with him personally his first week in office and continued to meet with him many times after that. Councilwoman Jackson confirmed the owner of the shopping center is unwilling to work with us. Mayor Patriarca stated the owner has approved plans for the property and could develop it if he wanted but he doesn't wish to develop it. Council President Trueblood advised she has been here for close to 25 years and after the old Acme closed everyone started asking what the town was going to do with the old ugly site. Noted in her two terms she has heard this repeatedly and feels we are now headed in some kind of direction.

Jack Tompkins, Pemberton Township – 1. Stated he agreed with some of the things that Mr. Cantrell said but will wait until the public hearing to discuss. **2.** Commented on Resolution 77-2018 and if that is part of the \$2.1 million-dollar bond. Questioned why we are preapproving spending on a bond we do not have yet. Mr. Gonzalez explained the funding authorization for the two resolutions for equipment are contingent upon the adoption of the bond ordinance and if therefore the bond ordinance is not adopted then the resolutions are automatically ineffective as a matter of law and is the way one normally does it.

Terry Maldonado, Browns Mills - 1. Questioned if we had reached out to find out the hidden costs that would come from the purchase of the old Acme through this bond to include clean up and soil issues and if the taxpayers would bare the burden of these costs. Mr. Gonzalez advised that there is a small portion underneath one of the units and in the back of one of the units that are under investigation for contamination. Noted it is something that would have to be done within the context of construction and is a matter of having it removed and taken to an approved site. Stated he did not expect that it would cost a huge amount of money but that ultimately when the property is developed all of these things are a part of the agreement with the developer. Ms. Maldonado asked if we are building a pole barn for the Township equipment on this property. Mayor Patriarca advised

that this ordinance was not just for the Browns Mills Shopping Center but for various items that we are in need of including a pole barn. Ms. Maldonado asked where the pole barn would go. Mayor Patriarca stated that they are hoping if we have the funding in place for this and acquire a negotiated property it will go on the said negotiated property. Ms. Maldonado asked again who would be paying for all of the hidden costs if the Township acquires the shopping center. Mr. Bayer advised that the goal was to include this cost in talks with the developer as part of the deal. Mr. Gonzalez advised that the end goal was for a developer to enter into a contract with the Township where the developer will pay us back for the money we will put into the condemnation. Advised this is funding to be able to move the process along in a way that will allow for the property to be more likely developed in a way that the town want it to be developed and not intended to be given to a developer but sold to a developer who will do something with it unlike it's current owner. Ms. Maldonado asked if it would be kept as a commercial property. Mr. Bayer advised that it is zoned commercial.

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

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.

Council President Trueblood advised that there was a Resolution that needed to be added to the Consent Agenda.

RESOLUTIONS

84-2018 Approving a release and indemnification agreement with the County of Burlington for the use of the County owned building at 630 Pemberton-Browns Mills Road for a Pemberton Volunteer Fire Company training event.

Motion by Allen and Jackson to add Resolution 84-2018 to the Consent Agenda. Allen, yes; Jackson, yes; McCartney, yes; Trueblood, yes. Motion carried.

Councilman Allen asked to pull Resolutions 77-2018, 78-2018 and 81-2018. Councilwoman McCartney asked to pull Resolution 79-2018.

CONSENT AGENDA

MEETING MINUTES

Special Meeting, March 22, 2018.

***CONSENT AGENDA RESOLUTIONS**

76-2018 Authorizes the Mayor to execute a discharge of mortgage and note for Christine Schneider, as to the premises known as 3 Shore Circle, Block 666, Lot 33 in the amount of \$16,300.00.

77-2018 *Pulled from the Consent Agenda and considered later in the meeting.*

78-2018 *Pulled from the Consent Agenda and considered later in the meeting.*

79-2018 *Pulled from the Consent Agenda and considered later in the meeting.*

80-2018 Authorizes various routine refunds in the total amount of \$120.00.

81-2018 *Pulled from the Consent Agenda and considered later in the meeting.*

82-2018 Authorizes the use of Small Cities Community Development Block Grant Funds for Housing Rehabilitation Program for Ida Tanner at 450 Dennis Avenue, Block 233, Lot 57 in the amount of \$20,000.00.

83-2018 Authorizes the use of Small Cities Community Development Block Grant Funds for Housing Rehabilitation for Valerie Pankey at 439 Dartmouth Ave., Block 1092, Lot 2 in the amount of \$19,900.00.

**84-2018 Approving a release and indemnification agreement with the County of Burlington for the use of the County owned building at 630 Pemberton-Browns Mills Road for a Pemberton Volunteer Fire Company training event. *Added at the meeting.*

NEW BUSINESS

*a. Purchases over \$2,000

1. Community Development - Annual Software for Code Enforcement, Zoning Enforcement, Vacant Property Registration and Rental Registration from Comcate in the total amount of \$11,218.53.

2. Recreation & Senior Services - Basketball Referee fees for 2017/2018 Youth Basketball Season from Westampton Recreation in the total amount of \$4,436.17.

- *b. NJ State Fireman's Association Membership Application for Adam J. Behr with the Pemberton Township Volunteer Fire Co.

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

RESOLUTIONS

77-2018 Authorizes the purchase of a Bomag BM1300/30 Milling Machine for \$3,49,391.01 from Jesco through the National Joint Powers Alliance Cooperative Purchasing Agreement.

78-2018 Authorizes the purchase of a Bomag BW117D-5 Roller for \$82,254.08 from Jesco through the National Joint Powers Alliance Cooperative Purchasing Agreement.

Councilman Allen asked if there would be any training for Public Works employees that will be utilizing the equipment. Mr. Gonzalez advised that every time a new piece of equipment is purchased the Director and Assistant Superintendent of Public Works ensure that the company we are buying the equipment from provide training. Advised on the Road Program and how these machines will assist with that program. Councilman Allen asked if the new equipment is purchased will the old equipment be utilized. Mayor Patriarca advised that some of it will be but some will not be used as much including the milling machine.

Motion by Allen and McCartney to approve Resolutions 77-2018 and 78-2018. Allen, yes; McCartney, yes; Jackson, yes; Trueblood, yes. Motion carried.

79-2018 Authorizes the purchase of equipment for the repair and upgrade of the Public Works two-way radio system from Midstate Mobile Radio under State Contract #83927 in the amount of \$5,038.81.

Councilwoman McCartney questioned the purchase of mowers noted in the resolution. Mr. Gonzalez advised that this was a mistake on his part. Noted it should say that the Mayor is authorized to sign any and all documents with the respect to the purchase of the equipment identified which is the two-way radios.

Motion by McCartney and Jackson to approve Resolution 79-2018. McCartney, yes; Jackson, yes; Allen, yes; Trueblood, yes. Motion carried.

81-2018 Appoints Andrew Gingery as Fire Police Officer.

Councilman Allen asked for Administration to explain the process for someone to become a Fire Police Officer. Mr. Gonzalez advised on the process. Councilman Allen advised he had pulled this to allow the public to know the process and the training included to know what they should and should not do.

Motion by Allen and McCartney to approve Resolution 81-2018. Allen, yes; McCartney, yes; Jackson, yes; Trueblood, yes. Motion carried.

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

ORDINANCE 3-2018

AN ORDINANCE AUTHORIZING THE ACQUISITION BY GIFT OF THE PROPERTY DESIGNATED AS BLOCK 139, LOT 20 ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY.

Council President Trueblood opened this portion of the meeting to the public. Seeing no one wishing to be heard this portion of the meeting was closed to the public.

Councilman Allen noted this was a gifted property and asked if a site investigation or an

inspection of the property had been done. Mr. Gonzalez advised that there was no site investigation for contamination because it is an undeveloped property with other undeveloped property surrounding it.

Motion by Allen and Jackson to adopt Ordinance 3-2018. Allen, yes; Jackson, yes; McCartney, yes; Trueblood, yes. Motion carried.

ORDINANCE 4-2018

BOND ORDINANCE PROVIDING FOR THE PURCHASE OF PROPERTY AND VARIOUS OTHER CAPITAL IMPROVEMENTS AND ACQUISITIONS, BY AND IN THE TOWNSHIP OF PEMBERTON, THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$2,100,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$2,000,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE THE COSTS THEREOF.

Council President Trueblood opened this portion of the meeting to the public.

Jack Tompkins, Pemberton Township – Questioned the down payment of \$50,000.00 for every \$1 million dollars borrowed and if this was budgeted money or if it was borrowed money. Mr. Bayer advised it could not be borrowed and was in the budget. Questioned the purchase of the old milling machine and if it was bonded for, when it was purchased and how long the bond was for. Stated he is asking because the bond is for 21 years and the machine not living up to the length of the bond. Commented on the pickup trucks with the plows. Stated he has no doubt that we need these things but cannot see how anything on the list has a life expectancy of more than 20 years other than the building. Stated he feels this bond should be divided into 2 things. One for the building and one for the capital improvements. Questioned if we sell this building how we would pay it off early since there is usually a penalty. Councilwoman Jackson asked if we bond for the building and someone comes in and buys it how does it work. Mayor Patriarca stated it would go into a reserve to pay back debt. Mr. Gonzalez advised how the bond ordinance is calculated by the Bond Attorney. Noted that the life expectancy is an average total and explained the difference between bonds and notes and how they work. Explained that the milling machines are not equivalent as the original one was a lot less than the new one. Mr. Tompkins asked if the property for the pole barn is in the budget or if it would be bonded again. Mayor Patriarca advised that it is currently in negotiations and there is no anticipation to have to bond for it. Mr. Tompkins commented that the asphalt should be budgeted and not bonded for. Questioned what the current debt is. Mayor Patriarca noted it was \$24.5 million dollars. Mr. Tompkins noted when you add in the utilities it is \$27 million dollars. Councilwoman Jackson asked why we are bonding for asphalt. Mayor Patriarca explained budgeting would equate to a tax increase of roughly \$45.00 per resident as opposed to roughly \$2.00 if it is spread out over a period of time.

Terry Maldonado, Browns Mills – Asked how much we have in outstanding bonds. Mr. Gonzalez advised we do not have that total off the tip of our tongue's but that all bonding and debt information is listed on the Township website. Ms. Maldonado asked how much we pay per square foot of asphalt. Mayor Patriarca advised we pay approximately \$27.00 per lineal foot in road paving cost, that is total cost including salaries and materials. Ms. Maldonado asked all of this paving has increased our JIF insurance. Mayor Patriarca noted there has been no increase to the JIF insurance due to road paving. Ms. Maldonado asked if Mr. Berardi was even selling the old Acme property. Mayor Patriarca stated we would know once we start negotiations with him. Ms. Maldonado commented that we are taking a \$2 million-dollar bond in hopes he will negotiate. Mr. Bayer stated that is not how this works, advising this would only authorize the issuance of the bond and the ordinance would allow for the acquisition of the property by agreement or by eminent domain. Stated if the Council approved the ordinance we would then send a letter to Mr. Berardi's attorney, who he has been talking to for the last 3 to 6 months, with the appraisal and an offer to purchase and under law we have to engage in a good faith negotiation. Stated we should know in the next 2 to 4 weeks whether they are going to agree to sell it or not and if they don't we can initiate condemnation proceedings to buy it. Advised that the money is not spent until there is either an agreement or the Township is going to condemn. Ms. Maldonado asked what would be done with the bond if Mr. Berardi does not sell. Mr. Bayer advised that the goal is to acquire the property either way through purchase or eminent domain. A discussion ensued on the acquisition of the property and Mr. Berardi's lack of care for the property. Ms. Maldonado stated she does agree that the property is an eyesore but that her pockets can't afford this debt. Mayor Patriarca stated that he previously noted we pay approximately \$27.00 per lineal foot with our own in-house road crew and also pay \$131.00 per lineal foot through our bid process when we get grants through the

State each year, we bid that out to contractors and equates to the difference in cost. Mr. Gonzalez added that we only do that because the State requires us to do that. Ms. Maldonado asked if we are still leasing a piece of equipment. Mayor Patriarca advised we have a lease-purchase agreement on one of the pavers.

Alan Cantrell, Browns Mills – Asked what the difference was for Mr. Berardi to develop his property under the towns guidelines verses his own. Mayor Patriarca advised that Mr. Berardi was granted an approval by the Planning Board to develop his property which has since expired and he has been told to come back to the Planning Board with a revised plan for approval which he has every right to do but he does not seek to do so. Mr. Allen asked if restrictions on architectural design been developed by the Mayor or his Administration recently, to tell businesses what they have to do to build new buildings. Mayor Patriarca advised that the Planning Board and Council have approved redevelopment plans that consist of architectural designs that are different than previous approvals or plans and yes anyone who wants to develop has to conform to the redevelopment plan which is a common practice amongst any municipality or should be, to plan development within their community. Mr. Cantrell asked if the Town had to have a developer lined up before you do eminent domain. Mr. Bayer stated you are not required to. Mr. Cantrell commented on the vacancy registration on the commercial properties and does not see a developer wanting to come here if they build a property and can't get it rented they'll be charged for that. Councilwoman Jackson asked what would be the negative in separating the bond as Mr. Tompkins stated. Mr. Bayer stated that as a matter of law you cannot do that. Mayor Patriarca advised why it was not feasible. Mr. Gonzalez advised that Bond Attorney's charge per Bond Ordinance and if this was split up into 4 it would 4 times the cost. Also noted that approving the bond ordinance does not increase our debt. Stated that it is borrowing through a note or selling the bonds that will increase the debt. Advised that we cannot use that money but for the specific things that are in the bond ordinance and nothing else without coming back to Council for an amendment which also has to go back to the Bond Council for a recalculation of the life of the things your buying.

Seeing no one else wishing to be heard this portion of the meeting was closed to the public.

Motion Jackson and McCartney to adopt Ordinance 4-2018. Jackson, yes; McCartney, yes; Allen, yes; Trueblood, yes. Motion carried.

ORDINANCE 5-2018

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE ACQUISITION OF THE PROPERTIES LOCATED AT BLOCK 775, LOTS 18 AND 19 (COMMONLY REFERRED TO AS THE BROWNS MILLS SHOPPING CENTER) BY NEGOTIATED PURCHASE OR EMINENT DOMAIN IN AN AMOUNT NOT TO EXCEED \$920,000.00

Council President Trueblood opened this portion of the meeting to the public.

Jack Tompkins, Pemberton Township – Noted that as he had indicated earlier he is opposed to this but agrees it is an eyesore. Commented that his thought is that local government should not be purchasing properties. Stated that just because a property is an eyesore doesn't mean we should be taking it over. Commented that we could be sitting with this property for years being empty and losing tax revenue from it. Commented that people could think his house was an eyesore and take his house. Mr. Bayer advised that was not possible and explained the process for eminent domain. Stated he feels that the Administration before this one should have followed through. Mr. Tompkins stated he feels we should be bringing the developers to the owner for negotiations. Councilwoman Jackson stated that we have tried to negotiate with the owner but he refuses to work with us and asked if we should continue to wait another 5 to 20 years leaving the property as is. Mr. Tompkins stated he has never talked to Mr. Berardi and never informed on any discussions in the year he sat on Council. Councilwoman Jackson stated we all can agree on it being there is not good and it is not bringing anything to us and everyone is wanting this Council and the Council before to do something about it, but when they try there is an issue. A discussion ensued on how to further handle this. Councilwoman Jackson asked if we have a strong possibility of a buyer for this property if we do eminent domain. Mayor Patriarca advised we are currently in negotiations with a developer which is one prospect for this property. Stated this does not mean they wouldn't seek additional options for this property to see if they can get the best developer and options brought into this property. Councilwoman Jackson asked what the formula is in getting certain types of developers in here such as an Aldi's. Mayor Patriarca commented on the discussions he has had with developers regarding this property. Mr. Tompkins stated he had heard rumors on social

media that we are unable to put another grocery store in this town because of an agreement with the new Acme. Mayor Patriarca stated that is absolutely false and stated you should not pay too much attention to social media and there is no truth to that whatsoever. Mr. Tompkins stated he understands it is an eyesore commented on spending the remaining UEZ money on other properties and that has not gone anywhere. Stated it seems like we put our fingers into something and then nothing happens and we go somewhere else. Mr. Bayer stated that some years ago the Council approved an Ordinance for acquisition and then the appraisal came in at \$2.2 million dollars. Commented that he feels in part what has guided Administration partially to present this to Council for consideration is that the value has gone down so much it is almost too good not to act on. Mr. Tompkins stated he believes it is an election year and that is what changed. Mayor Patriarca stated it is opportunity that changed and you have to act upon opportunity and is the same opportunity that was used on Juliustown Road. Stated they are taking steps to improve downtown Browns Mills. A discussion ensued on the property.

Seeing no one wishing to be heard this portion of the meeting was closed to the public.

Motion by Jackson and Allen to approve Ordinance 5-2018. Jackson, yes; Allen, yes; McCartney, yes; Trueblood, yes. Motion carried.

REPORTS & COMMUNICATIONS

a. Engineer's Report – 3/29/2018

Council President Trueblood asked if Council had any questions. Council had no questions.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 3/29/2018.

Motion by Jackson and Allen to approve the Bill List. Jackson, yes; Allen, yes with the exception of any and all grants and bills pertaining to the NJ State Police or the Attorney General's office; McCartney, yes; Trueblood, yes. Motion carried.

SOLICITOR'S REPORT:

Mr. Bayer reported: Nothing to report.

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

Mayor Patriarca reported: Stated he had nothing.

Business Administrator, Dennis Gonzalez: Thanked Council, on behalf of Chief Augustoni for putting the Resolution on the agenda.

COMMENTS BY COUNCIL MEMBERS:

Councilwoman Jackson – Thanked everyone for coming out and to have a safe trip home. Will see all at the next meeting.

Councilman Allen – Commented on a previous comment he had at the last meeting regarding the Presidential Lakes lifeguard funding and clarified why we are budgeting less. Mr. Gonzalez explained the way the budget was done and the way the CFO did these accounts and how it was changed. Explained the budgeting for the lifeguards at the beaches and that there is no reduction in the budgeting. Mayor Patriarca commented on the Fire Chief and complimented his department on all the work they have done including several structure fires and the recent storms. Chief Augustoni explained the training that the Fire Police Officers go through and their function. Advised that they go through the same application process as everyone else for the Fire Company. Noted that during March the Fire Department had 327 responses, with 6 structure fires and the bulk of the calls being during the storm with crews on for 48 hours. It was noted this included Fire and EMS. Chief Augustoni noted they are putting a report together for the Mayor to share with Council. Noted a carbon monoxide call and stated he is very proud of the men and women of the Fire Department that due to their due diligence and how they do their job every single day. Council President Trueblood asked if there has been more interest in volunteering. Chief Augustoni noted there has been a little uptick. Stated they have a solid core of volunteers for firefighters and EMT's. Stated he is very proud that we support the EMS at night so your EMS branch of the Fire Department, runs duty crews 7 days a week, 365 days

a year from 6 p.m. until 6 a.m. and they don't skip a beat. Councilman Allen recognized that 50 years ago today Dr. Martin Luther King, Jr. gave his final speech and was assassinated. In recognition Councilman Allen read a quote from the late Dr. King's daughter Bernice King. "The most authentic way to honor my Father is to commit the work of creating a more peaceful, just, humane world. Today let quotes coincide with conscious efforts to eradicate poverty, militarism and racism." Stated he just wanted to share that with everyone. Will see all at the next meeting.

Councilwoman McCartney – Wanted to extend thanks to Chief Augustoni and all the men and women of the Fire Department and EMS. Stated she has a tremendous amount of respect for the dedication that he and his crew show our community by keeping us safe while we are all sleeping. Noted some thought provoking comments on the purchase of the Browns Mills Shopping Center. Stated we may lose some revenue now, but stated she remembers when it was thriving shopping center and would take her kids from one end to the other and we do need more opportunity in our town for people to want to come here and be proud to be here. Thanked all for their thought provoking comments.

Council President Trueblood – Thanked everyone for coming out. Stated she heard there may be another storm coming. Commented that she truly believes in the movement on the shopping center and moving forward with it and feels it is time. Noted Mr. Berardi's property in Colt's Neck being beautiful but doing nothing about this property. Would love to see the military families staying here instead of being taken directly to Eastampton, Westampton or other areas by the realtors. Commented that she feels we should make a commitment to make this town and this area something, this town needs redevelopment. Stated she believes the developers will be there.

The meeting was adjourned at approximately 7:15 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk