

**TOWNSHIP OF PEMBERTON
REGULAR MEETING**

**May 16, 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
Donovan Gardner
Letha Jackson
Norma Trueblood

ABSENT

Also, present: Mayor David Patriarca, 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

105-2018 Authorizes Council to go into Closed Session
Litigation – Dunn Wright v. Pemberton Township

Council President Trueblood advised that there would be Closed Session.

Motion by Allen and Jackson to approve Resolution 105-2018 for Litigation, Dunright Properties v. Pemberton Township. Allen, yes; Jackson, yes; Gardner, yes; McCartney, yes; Trueblood, yes. Motion carried.

Council returned from Closed Session at approximately 6:15 p.m. Council President Trueblood advised that there was a Resolution in the Consent Agenda regarding the Closed Session matter.

PUBLIC COMMENTS

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

James Boland, 226 Filbert Street – 1. Commented on the garbage and junk on Press Avenue. Noted a section of 6 houses on Press Avenue that are overflowing with trash constantly. Stated that they do not want this in their neighborhood. Stated he has looked throughout the neighborhood and cannot find anything worse. Commented that he has complained to Code Enforcement and the Business Administrator with no success. Advised he has been getting answers through OPRA Requests. Noted that he has learned through the OPRA requests that none of the properties in question have been issued violations, notices or warnings for these violations. Asked Council what they think is behind this and why nothing is being done because there has to be a reason. Councilman Allen questioned the 2 vacant properties. A discussion ensued on the Ordinance and the placement of the trash. Councilman Gardner confirmed that trash was still located in the area before and after trash pickups. Council President Trueblood asked if the Mayor could discuss this with Code Enforcement. Mayor Patriarca stated this has been an ongoing issue and discussed in length and he will speak with Code Enforcement. Advised that if there are no violations he will find out why. Councilman Allen questioned Mr. Boland's meaning of property maintenance issues. Mr. Boland advised the houses were dilapidated but livable with signs of roof damage and other issues.

Sandy Glausen, 302 Bluebird Street – 1. Introduced herself as the temporary liaison to the Board of Education. Provided her business card and thanked everyone for letting her be here tonight. Councilwoman Jackson asked why she was temporary. It was noted that she was temporary as Terry Maldonado had a conflict of interest while she is running for Mayor.

Mark Dultz, 313 Blackfoot Trail – 1. Advised he had purchased his home 32 years ago

and noted the comments he gets on how nice his yard looks. Explained he has concerns with his new neighbor who recently purchased the vacant home next door to him. Commented that they are scrapping and have various items out front. Noted that he has contacted Code Enforcement and was told not to take pictures and was told that they had to wait 10 days and he does not understand why. Advised that he had emailed the officer pictures and was told they could not use them and that the officer cannot go out there without her boss. Mayor Patriarca advised that they cannot go out and issue a summons without their supervisor because they are still Trainees and that he had just gone through this with another resident off of Hunter Boulevard. Stated he will have them out there tomorrow. Advised that they can issue a notice as soon as they see the violation. Noted that the Code requires that they give a 10-day notice which can be issued immediately and the violation 10 days later if not corrected. Advised they would have a notice tomorrow. Explained that it was possible the person he had spoken with was one of the trainees which would need a supervisor with them. Advised on the issues from Hunter Boulevard and it was noted that the home in question was 311 Blackfoot Trail. Discussion ensued on the property and the issues. Mayor Patriarca noted that a scarp yard is not a permitted business and they would look into it. Mr. Dultz stated he would like to see an ordinance passed about parking vehicles over 8,000 lbs. on streets. Advised that in East Windsor Township there are no parking signs all over for vehicles over 8,000 lbs. between 9 p.m. and 6 a.m. Mayor Patriarca stated he would support that and they would look into it but it is a challenging ordinance to pass. Advised it is an issue and an eyesore. Councilman Allen gave kudos to Mr. Dultz and his family for taking pride in their property.

Mike Holman, 412 Sassafras Street - 1. Noted he has lived here for 14 years and after he got out of active duty military decided to stay here. Stated he would be looking to sell his home in the next 4 years and feels the values are down due to the lack of enforcement by the Township. Noted some of the issues he has seen just along East Lakeshore Drive. Advised his neighbor is a part time scrapper who has a 30' x 30' garage right in front of his front doors and he is not sure how that happened without him getting a variance notice. Noted the scrap behind the fence and that he has to look at this scrap every day. Stated that scrapping in our neighborhoods is an issue and it is bringing property values down. Noted various other issues including a tree. Councilman Allen thanked everyone that came forward with their code enforcement issues. Noted he sees the Mayor is taking notes. Advised that he had read an article on scrapping on NJ.com and it being on the increase throughout the State due to the down economy.

Robert Ball, 95 Monroe Avenue – 1. Commented on a house next to him being foreclosed on last month and is now a garbage heap. Advised he had called Wells Fargo, the company that took over the property, and they were very responsive. Advised he spoke with code enforcement and they were very nice over the phone and explained the process to him. Advised that Wells Fargo contacted him back and he advised them of the trash and leaves still on the property. Stated it seems like it takes forever to get things done. Asked if he could get a timeframe as to when this would be addressed and if Wells Fargo does not clean it up if the Township will take action. Mayor Patriarca advised he would look into it to see what actions have already been taken and if Wells Fargo has been noticed by code enforcement. Stated that Wells Fargo would generally come out once noticed but if not after all avenues have been traveled we would send Public Works out there to address the issues. Asked Mr. Ball to contact him back and he would provide him an update. Councilwoman McCartney stated that she appreciates everyone coming forward and stated that while she knows the Mayor will follow up she asked that he email Council to keep them in the loop.

America Phillips, Presidential Lakes – 1. Commented on the empty homes in Presidential Lakes and asked for all to take a ride to see. Noted that Councilman Gardner had asked the Mayor to look into getting Porta Potties in the park. Noted the ball field is used by people from several other towns and it is embarrassing that they have nowhere for their children to go to the bathroom. Advised that the Mayor told her there would never be Porta Pots in the park. It was noted she would like Porta Pots in all the parks in Pemberton Township at least for the summer. **2.** Asked the Mayor about the firehouse in Presidential Lakes as it has been 5 years since it closed. Mayor Patriarca commented on what he had actually told her and that was when he was young and went to the playground and went home to go to the bathroom. Advised he may have told her that he had no intention of putting Porta Pots in but cannot speak as to what may happen in the future. Noted that Administration did look into this and just for the summer months of would have cost \$3,000 - \$4,000 just for a couple of the parks, not all of them. Noted that at this point they are not doing this but it is something being evaluated. Mayor Patriarca advised that the firehouse was not closed by the Township but rather the Fire Company stopped responding and serving the community, so the Township stopped their funding. Stated to him that makes good sense, if you are not

providing a service why should you get the funding. Stated that obviously the fire company cannot operate without funding, so ultimately, they ended up closing but ultimately it was the fire company that chose to do that and we are working very hard to bring a new fire station on that property. Stated he had received an email from the contractor today that he should be getting the revised number with adjustments that were made and then we will know where we are in the budgeting of this project so we can move forward and award a contract. Ms. Phillips noted her feelings on the closing of the firehouse. **3.** Asked the Council about the problem with the garbage in the community. Advised she cleans the entrance to Presidential Lakes. **4.** Asked who owns the Emergency Squad in Browns Mills. Mayor Patriarca noted that it is the Browns Mills Emergency Squad. Ms. Phillips confirmed that they still own it and the Mayor agreed that the Township does not own it. **5.** Asked what is going to happen with the old Acme. Mr. Bayer advised that the Township made an offer to purchase the property and the owner rejected it and the Township has now filed a verified complaint in condemnation so the Township does not own the property yet, but the process to obtain ownership is in the works and before the court. Ms. Phillips asked what will happen with that area. Mr. Bayer advised that there is a redevelopment plan in place for what is allowed, but there is no developer in place for this project as of yet. Councilwoman Jackson asked the Mayor how long we have been working on the building in Presidential Lakes. Mayor Patriarca stated that it has been since it closed. Councilwoman Jackson confirmed that Ms. Phillips is aware that a new building is coming along with a community center, and noted she is confused as to her comments as it sounds like they are doing nothing, but she knows these things are coming. A discussion ensued on the firehouse and being a taxpayer. Mayor advised the funding has already been authorized and a developer has been selected. Advised he has not seen this much activity since he came here in 1978. Ms. Phillips stated she will continue to harp the Mayor until he flies the coop. Councilwoman Jackson asked the Mayor about the weed whacking at the entrance to Presidential Lakes. Mayor Patriarca stated that Public Works will occasionally weed whack there but that the entrance is a State property and does not belong to the Township. Councilwoman McCartney noted that the BMIA had taken ownership of the triangle and Public Works did help with sodding. Suggested since Presidential Lakes has a civic association they should look into taking ownership especially since it is not owned by the Township.

Patty Dultz, 313 Blackfoot Trail – 1. Asked if the trees would be picked up throughout the developments and when that would be done from all that came down during the storms. Stated she was advised she had to call and put on a list but the residents really don't know that. Mayor Patriarca noted it was to get on the list so your brush could be picked up. Noted it is a very cumbersome process in-between all the other things they are doing. Ms. Dultz stated she asked them to come down Spring Lake and Blackfoot and they did Spring Lake but not Blackfoot. Mayor Patriarca noted he would inquire about this. A discussion ensued on the upkeep of properties.

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.

Councilman Gardner asked to pull Resolutions 106-2018 and 108-2018.

CONSENT AGENDA

MEETING MINUTES

Regular Meeting, May 2, 2018.

***CONSENT AGENDA RESOLUTIONS**

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| 106-2018 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 107-2018 | Authorizes the purchase of Hot Mix Asphalt from American Asphalt Company, Inc., in an amount not to exceed \$300,000.00 under Burlington County Cooperative Contract No. 4-BUCCP-17004. |
| 108-2018 | <i>Pulled from the Consent Agenda and considered later in the meeting.</i> |
| 109-2018 | Authorizes the purchase of two 2018 Ford F-250 4x4 Super Cab Pick Up Trucks with Plows from Bayer Ford, LLC, under State Contract #88727 in the total amount of \$63,675.00. |

- 110-2018 Requests permission from the New Jersey Department of Labor, Division of Workplace Standards, for the conduct of a public fireworks display at the 2018 Pemberton Water Carnival.
- 111-2018 Authorizes an agreement with Fantasy Island Properties, LLC for the 2018 Water Carnival Fireworks Display.
- 112-2018 Authorizes settlement agreement of Dunn Wright vs. Pemberton Township Litigation.
- 113-2018 Appoints Andrew Bayer, Esq., as Pemberton Township Solicitor for CY2018.

NEW BUSINESS

- *a. Purchases over \$2,000

1. Township Clerk - Codification of Ordinances from General Code in the amount of \$4,595.00.

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

RESOLUTIONS

- 106-2018 Adopts procurement card program with policies and procedures. *Pulled from the Consent Agenda.*

Councilman Gardner asked who would get these cards. Mayor Patriarca advised they would be maintained by the Recreation Director and Administration. Stated that these were the two departments that have the most need for this and advised on how the process works. Councilman Allen advised that this process is authorized through DCA and went over some safeguards in place in the program.

Motion by Gardner and Jackson to approve Resolution 106-2018. Gardner, yes; Jackson, yes; McCartney, yes; Allen, yes; Trueblood, yes. Motion carried.

- 108-2018 Authorizes the lease of nine copiers for Township offices from Kyocera Document Solutions America, Inc., under State Contract No. G2075/40465. *Pulled from the Consent Agenda.*

Councilman Gardner asked if the total price for the 4 years included maintenance. It was noted this included maintenance and toner replacement. Mayor Patriarca explained the plan. Councilman Gardner asked where they would be going. Mayor noted they were the larger copiers and would be replacing those copiers throughout the offices. Councilman Gardner asked about buying them after the lease is up. Mayor Patriarca noted the issues with purchasing the copiers and being responsible for the maintenance being very costly.

ORDINANCES FOR INTRODUCTION

ORDINANCE 6-2018

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 148 OF THE TOWNSHIP CODE, ENTITLED "RENTAL PROPERTIES"

Councilwoman Trueblood read the title into record.

Motion by Allen and Gardner to introduce Ordinance 6-2018 with a Public Hearing to be held at the June 6th meeting. Allen, yes; Gardner, yes; Jackson, yes; McCartney, yes; Trueblood, yes. Motion carried.

ORDINANCE 7-2018

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING ARTICLE XIV, CHAPTER 145 OF THE TOWNSHIP CODE GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP.

Councilwoman Trueblood read the title into record.

Motion by McCartney and Allen to introduce Ordinance 7-2018 with a Public Hearing to be held at the June 6th meeting. McCartney, yes; Allen, yes; Gardner, yes; Jackson, yes; Trueblood, yes. Motion carried.

REPORTS & COMMUNICATIONS

a. Engineer's Report – 5/10/2018

Council President Trueblood asked if Council had any questions. Councilwoman Jackson questioned under Parks & Recreation if plans had been submitted to the Pinelands for the work being done at the Dominique Johnson Center. Mayor Patriarca advised he did not believe that they had been submitted yet. Councilman Allen questioned the emergency repairs to West End Park and if the final walk through had been done. Mayor Patriarca stated it had and that the local contractor did a very nice job over there.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 5/11/2018.

Motion by Jackson and McCartney to approve the Bill List. Jackson, yes; McCartney, 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; Gardner, 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: Thanked the residents for coming out tonight and noted it is nice to have community involvement in government. Reminded everyone that Memorial Day is coming. He was told there is going to be a parade and they will have more information on that. Noted that the Water Carnival is coming up which is one of the town's feature events. Encouraged the residents to get involved with building a float and advised that there is some major prize money this year. Stated he always hears there is nothing to do in this town, but we know different. Advised if you go to the Recreation Department or go on their website they always have things going on. Commented on the residents getting involved. Noted that the Water Carnival is July 14th with a rain date of July 15th. Noted the meeting he had today with BCCAP to have them come back and operate in one of our buildings. Stated he would hopefully be coming to Council at the next meeting with a contract. Advised on the meeting and what it entailed.

COMMENTS BY COUNCIL MEMBERS:

Councilman Allen – Thanked the public for coming out and for their input, thoughts and suggestions.

Councilman Gardner – Commented that when he first started there was no manpower in code enforcement and there are people there now and some of these issues will be taken care of. Thanked all for coming out.

Councilwoman Jackson – Thanked all for coming out and talking to Council. Stated that like the Mayor said give him your number so he can follow up.

Councilwoman McCartney – Thanked everyone for coming out. Noted that there does seem to be more houses being flipped and cleaned up which are good things, but that there is work that needs to be done and asked that they keep Council in the loop. Noted the town being embedded with the Military and the importance of Memorial Day. Noted that at 2:00 p.m. at the BMIA on Sunday, May 20th, Tony Miehle would be talking about Social Security and other financial planning. Commented on the fish derby being right around the corner and would be at all of the lakes. Noted the comedy/mystery dinner at the BMIA building and the tickets being \$12.00 each and they have a limit of 100 tickets. Noted this was a combination of the Rotary Club and the Recreation Department.

Council President Trueblood – Thanked everyone for coming out and addressing the issues they have. Stated we are going to get it moving. Commented on the BMIA and the Rotary Club putting the triangle together because she sees it every day and it is beautiful. Suggested this again to Ms. Phillips as an option for the entrance of Presidential Lakes. Councilwoman McCartney added that there would be a memorial service at the high school on May 30th.

The meeting was adjourned at approximately 7:35 p.m.

Respectfully submitted by,

Amy P. Cosnoski

Amy P. Cosnoski, RMC, Township Clerk