

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING**

**October 17, 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, Business 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**

257-2018 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.

**Brandy Boyington, 7 Center Street – 1.** Read a statement regarding the Solstice program on Birmingham Road and the issues they are having. Stated she is not passing judgement but is asking Council to enforce upon her new neighbors and their guests to respect the shared vicinity and making proper parking arrangements to facilitate their needs without interrupting the rest of the community. Advised that she uses the trails for her runs and walking the dogs and that she is concerned with the amount of trash that is now in the area. Stated her son's bus stop is at the same corner and she is concerned. Advised that she had submitted an OPRA and did receive it back. Advised on her findings and that it is not a safe location for a bus stop due to the high volume of traffic all day and night. Stated it is not a safe place anymore and she has been a resident for 16 years. Commented on an ad in the Burlington County Times noting that Solstice had plans to add ambulatory detox to their site. Asked if plans for an ambulatory detox move forward will Solstice have to resubmit an application and will the application identify if Solstice are licensed with the State to actually perform such a monumental job and will residents be notified. Asked Council to take the safety and welfare of the residents as well as the employees and guests of the Solstice by providing no parking signs along Birmingham Road and Indian Trail. Asked if that corner could also be made a drug free zone. Stated she had pictures for Council to review of the intersection and the number of cars Stated she believed that if the ambulatory care would be established there it would call for more than just a land use change because of the nature of

the business. Stated she was not looking for trouble but is concerned over the disruption this change has called all of their lives. Councilman Allen asked if this Ordinance goes through, how the Township will make sure this area is designated as a no parking zone. Mayor Patriarca advised that this was brought to Administration attention and they determined that the applicant originally applied for no change in use and that it would be office space. Noted that the space had previously been used by Sybron Chemicals as office space. Advised that this company is using the space for counseling services which requires a large influx of patients and they recognize this as a violation of the zoning in the application and that they have been issued a zoning violation. Advised that what they are proposing with this ordinance is no parking along the roadways but admits it may be stretched too far and could affect the residents. Stated that the resolution to this situation is not all in this ordinance. Advised that n parking signs would be put up and would authorize the Police to enforce this. Councilman Allen asked if- this area was being monitored more closely. Mayor Patriarca stated he would not say there are increased patrols. Noted that the cars are currently legally parked off of the roadway. Stated that the question is do we want legal parking there which is impacting the community. A discussion ensued on the parking issues and the safety concerns for the bus stop. Mayor Patriarca stated the recommendation would be to make it a no parking zone and see how the public feels during the public hearing.

**Megan Park, 5 Center Street – 1.** Noted that her concern was also for the bus stop area. Stated that there are certain times when she needs to use on street parking so she would like to see a solution where residents can still utilize on street parking if needed. Advised that there are also issues with the people that have to walk along the street to get to their cars and it is a hazard for them and the people driving. Stated there are no streetlights and people are out there walking in the dark.

**Bill Thompson, Birmingham Road – 1.** Advised that his wife was almost run off the road when another car swerved into her lane trying to avoid the parked cars. Stated he believes they were in clear violation of parking regulations. Councilman Allen explained Ordinance 25-2018 that was on the agenda this evening for consideration of introduction. Mayor Patriarca explained the vehicles and the legality of the cars parking along the side of the roadways.

**Perry Doyle, 303 Birmingham Road – 1.** Stated he lives directly across the street from the business. Addressed the question of more Police presence and that Police could be doing better with other issues that are happening throughout the town. Advised what legal parking was defined as. Stated that on his way to the meeting there were 13 cars. Advised on the issues with the parking and the driving cars having no where to go. Stated that the kids stand on his property for the bus stop. Stated the residents are bringing a serious problem that can be remedied before it gets worse. Noted the article and that the person running it wants it to grow much bigger. Stated he has lived in his house for 26 years and invested his life's income into this house. Advised that in his line of work he does support what they are trying to do but there are a lot of people there that are not there of their own will but to protect their drivers license or to keep their families and jobs. Supports the business and them getting help, but there is a place and a location for a business of this magnitude and traffic and he can assure that it is not this location. Stated that Sybron was a fully functioning business for many years and ran 24 hours a day with tractor trailers and tanker trucks and 150 employees and never once was there a traffic issue. Stated this business has been open for 3 months and the traffic is out of control. Commented on the issue with traffic apps bringing you down Birmingham to avoid traffic. Stated he has tire tracks on his grass from cars trying to get around. Mr. Bayer asked if he had an opinion about the no parking. Mr. Doyle stated there was not a single resident that would be opposed to no

parking. Mr. Doyle asked Mr. Bayer if this ordinance would be able to be revisited to be modified in a year or so if it deemed necessary. Mr. Bayer advised that it could.

**James Boland, 226 Filbert Ave. – 1.** Commented that he is familiar with the Birmingham area. Stated he started walking in that area because of the speeding on Bishop Street. **2.** Commented on the tragedy on Willow Boulevard. **3.** Advised that his road did get graded. Stated he has not heard anything about the branches and vines but he is not going to make a big deal and will move them himself. **4.** Commented on the empty buildings downtown. Noted that Williams Paving Company is up for sale for \$3,000.00 and no one has purchased it. Mayor Patriarca advised that was a misprint. Commented on the money used from UEZ funds to buy properties, but that there are no businesses operating. **5.** Wanted to mention that his experiences with Code Enforcement showed a hinderance of their potential with a concentration on selective enforcement. Stated he wants to see the town more on its feet. Asked if the Pineland's Commission is the only place saying no to developers or is the Township saying no. Asked if the Township said no to businesses that wanted to expand. Councilwoman Jackson stated that the businesses are not leaving because they cannot expand, but because the residents are not patronizing those businesses. It was noted that the town has not said no to businesses that wanted to open or expand. Mr. Bayer advised that we would not have a right to do that unless there was a matter of land use which would cause them to have to go before the Planning or Zoning Board for approval. Noted that as long as it is a permitted use the government does not have the right to say a business cannot operate. A discussion ensued on what government could or could not do with businesses. Mayor Patriarca advised that any permitted use is permissible and anything not would need to be reviewed by Planning and Zoning. Advised what the UEZ funds were used for and on the plans for redevelopment. Mayor Patriarca noted that there is a plan but that things take time. A discussion ensued on the various businesses and properties throughout the town. **6.** Mr. Boland commented on the PVC for Reflections Park and that it cracks. Stated he felt that iron fencing would be better. Mayor Patriarca advised where the fencing was going. Councilman Allen asked who would be installing the fence. Mayor Patriarca advised that it would be Public Works. Councilwoman Jackson commented on the time it takes for government to get things done.

**America Phillips, Presidential Lakes – 1.** Asked about the accident in front of Presidential Lakes and one of the signs that were destroyed. Stated that the Civic Association took it on themselves and paid \$100.00 to have the sign fixed and she is now here asking if the Association can be reimbursed for this. Stated that the person involved in the accident should have to pay. **2.** Stated she takes care of the entrance and noted the trash at the entrance that she cleans and hauls to the Township. Commented on the impression we are leaving with the people that want to move into Presidential Lakes. **3.** Commented on the intersection at Route 70 and Route 530 and Oregon Trail. **4.** Stated she agrees with the other residents that the only way to get things done is to come out to meetings. **5.** Commented on the carports and them not being a permanent structure. Stated she pays her taxes. Mayor Patriarca stated he is unaware of any money that was received for sign damage in Presidential Lakes that is on State property.

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

Council President Trueblood advised that Resolution 266-2018 would need to be added to the Consent Agenda.

**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 Allen asked to pull New Business item A2, A3, A4 and A6 from the consent agenda.

Motion by Jackson and Gardner to add Resolution 266-2018 to the Consent Agenda. Jackson, yes; Gardner, yes; McCartney, yes; Allen, yes; Trueblood, yes. Motion carried.

## **CONSENT AGENDA**

### **\*CONSENT AGENDA RESOLUTIONS**

- 258-2018 Authorizes various routine refunds in the total amount of \$65.00.
- 259-2018 Authorizes the use of Regional Contribution Agreement Funds for the Emergency Housing Repair Program for Lawrence at 51, Lobelia, in the amount of \$23,335.00.
- 260-2018 Authorizes the renewal of a Plenary Retail Consumption License for the 2018-2019 licensing period.
- 261-2018 Authorizes the cancellation of property taxes on property qualifying for a Veteran's Property Tax Exemption for Johnson, 429 Cornell, Block 1091, Lot 2 in the amount of \$962.03 and refunding \$145.11.
- 262-2018 Authorizes the award of a contract to Arawak Paving Company for the 2018 Sepulga Drive Phase II Road Project not to exceed \$218, 900.00.
- 263-2018 Awarding a contract for Architectural Services for the Browns Mills Shopping Center with CME Associates in the amount of \$21,500.00
- 264-2018 Requests permission from DLGS for insertion of a special item of revenue in the 2018 Budget in the amount of \$195,000.00 from the Federal Emergency Management Agency - Homeland Security Grant.
- 265-2018 Authorizes a contract with Adams, Rehmann & Heggan for Construction Management services related to the reconstruction of a portion of Sepulga Drive (Phase II) in an amount not to exceed \$25,000.00.
- 266-2018 Appoints Robert Herskowitz as Fire Police Officer for the Pemberton Township Fire Department. *Added at meeting.*

### **NEW BUSINESS**

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

1. Public Works - Almond PVC Fencing for Reflections Park from Diamond M. Lumber in the amount of \$3,578.95.
2. Public Works - 1-week rental of John Deere Excavator from Jesco in the amount of \$4,850.00. *Pulled from the Consent Agenda and considered later in the meeting.*
3. Public Works - 1-month rental of temporary fence panels for Old Acme Demolition Project from Sonco in the amount of \$3,337.50. *Pulled from the Consent Agenda and considered later in the meeting.*
4. Public Works - 1-week rental of Rubblemaster RM70 from Groff Tractor NJ, LLC. in the amount of \$9,900.00. *Pulled from the Consent Agenda and considered later in the meeting.*
5. Public Works - Fire Hydrant Identification Tags from USA Bluebook in the amount of \$2,676.37.

6. Public Works - Temporary Laborers for 2018 Leaf Collection from Workflow Integrated Systems Inc. in the amount of \$15,500.00. *Pulled from the Consent Agenda and considered later in the meeting.*
7. Public Works - 95 Gallon Recycling Totes from Occupational Training Center in the amount of \$8,163.00.
8. Public Works - 4 Clean Communities Shows at Township schools from Illusion Maker in the amount of \$2,300.00.
9. Public Works - Purchase and Installation of 1 new Rotary 9,000 lb. Rolling Jack from S.A.R. Automotive Equipment in the amount of \$3,516.54.
10. Public Works - Uniforms from Action Uniform Co., in the amount of \$14,948.75.
11. Public Works - Two 25' Flagpoles for the Municipal Building from Acme Lingo Flagpole, LLC, in the amount of \$2,488.00.
12. Police Department - 2 Dell OptiPlex 7450 AIO Computers from Dell in the amount of \$2,412.86.
13. Township Clerk - Dog Licensing Software from Edmunds & Association in the amount of \$3,500.00.

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

### **MEETING MINUTES**

Regular Meeting, October 3, 2018

Motion by Allen and McCartney to approve the Meeting Minutes. Allen, yes; McCartney, yes; Gardner, yes; Jackson, abstain; Trueblood, yes. Motion carried.

### **ORDINANCES FOR INTRODUCTION**

#### **ORDINANCE 23-2018**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPROVING REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS ROWAN COLLEGE AT BURLINGTON COUNTY, ALSO KNOWN AS BLOCK 843, LOT 1 AND LOT 10 AND BLOCK 843.01, LOT 1.01.

Mr. Bayer provide a background on the Ordinance and noted that the Planner would be at the November 14<sup>th</sup> meeting to give a presentation. Noted that Council had voted to make this an Area in need of Redevelopment. Advised that this would help to encourage developers and provide them with incentives to develop the property. Advised Council that this information was also for Ordinance 24-2018. Mayor Patriarca gave a history of the property and the college choosing to leave the community as well as the minimum-security jail. Advised that it was the town's prerogative to decide the zoning for the town and what best fits the town and what we most need. Mr. Bayer advised the residents that they will most likely hear from the County's representatives as well at the November 14<sup>th</sup> meeting as they appeared before the Board as well. A discussion ensued on the current use of the college property.

Motion by McCartney and Gardner to Introduce Ordinance 23-2018 with a Public Hearing at the November 14<sup>th</sup>, 2018 meeting. McCartney, yes; Gardner, yes; Jackson, yes; Allen, yes; Trueblood, yes. Motion carried.

ORDINANCE 24-2018

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY APPROVING REDEVELOPMENT PLAN FOR THE PROPERTY KNOWN AS THE FORMER BURLINGTON COUNTY MINIMUM SECURITY CORRECTIONS AND WORK RELEASE CENTER, ALSO KNOWN AS PART OF BLOCK 812, PART OF LOT 9.01, AND LOT 9.03.

Motion by Gardner and McCartney to introduce Ordinance 24-2018 with a public hearing to be held at the November 14<sup>th</sup>, 2018 meeting. Gardner, yes; McCartney, yes; Allen, yes; Jackson, yes; Trueblood, yes. Motion carried.

ORDINANCE 25-2018

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'

Councilwoman Jackson noted that no one in the audience had an issue with this ordinance. Councilman Allen reiterated that if changes were needed this could be amended at a future time.

Motion by Jackson and Gardner to introduce Ordinance 25-2018. Jackson, yes; Gardner, yes; McCartney, yes; Allen, yes; Trueblood, yes. Motion carried.

NEW BUSINESS

a. Purchases over \$2,000

2. Public Works - 1-week rental of John Deere Excavator from Jesco in the amount of \$4,850.00. *Pulled from the Consent Agenda.*

3. Public Works - 1-month rental of temporary fence panels for Old Acme Demolition Project from Sonco in the amount of \$3,337.50. *Pulled from the Consent Agenda.*

4. Public Works - 1-week rental of Rubblemaster RM70 from Groff Tractor NJ, LLC. in the amount of \$9,900.00. *Pulled from the Consent Agenda.*

Councilman Allen advised that he pulled these 3 items as they were all in relation to the old Acme building and he wanted clarification as to where we were in the process of the redevelopment. Mayor Patriarca advised on the project and that asbestos remediation had been approved and that they should be complete in 3 to 6 weeks. Added that they are ramping up for the demolition and received permission today from PSE&G to move forward as the gas lines have been disconnected. Stated as soon as the asbestos remediation is done they would like to move forward with the demolition. Noted that this same machine was used to demolish other buildings on Juliustown Road. Stated we are on course but that things do take time.

Motion by Allen and McCartney to approve New Business items A2. Allen, yes;

McCartney, yes; Gardner, yes; Jackson, yes; Trueblood, yes. Motion carried.

Motion by Allen and Gardner to approve New Business item A3. Allen, yes; Gardner, yes; Jackson, yes; McCartney, yes; Trueblood, yes. Motion carried.

Motion by Allen and Jackson to approve New Business item A4. Allen, yes; Jackson, yes; Gardner, yes; McCartney, yes; Trueblood, yes. Motion carried.

6. Public Works - Temporary Laborers for 2018 Leaf Collection from Workflow Integrated Systems Inc. in the amount of \$15,500.00. *Pulled from the Consent Agenda.*

Councilman Allen asked how long we anticipated using the temporary workers. Mayor Patriarca advised that we would use them for the entire amount of the contract. Advised on how the process works.

Motion by Allen and McCartney to approve New Business item A6. Allen, yes; McCartney, yes; Gardner, yes; Jackson, yes; Trueblood, yes. Motion carried.

## **REPORTS & COMMUNICATIONS**

### **a. Engineer's Report – 10/12/2018**

Council had no discussion.

## **BILL LIST**

Approval by Council required for payment of vouchers on bill list dated 10/12/2018.

Motion by Gardner and Jackson to approve the Bill List. Jackson, yes; Gardner, 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 including State Body Armor on page 20 G-02-41-896-000-001 to which he abstains; Trueblood, yes. Motion carried.

## **SOLICITOR'S REPORT:**

**Mr. Bayer reported:** Nothing to report.

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

**Mayor Patriarca reported:** Advised that DPW was on Johnson Court and should be finishing up tomorrow. Noted that a new water main was put in by the Water Department. Commented on the new water facility in the same area. Advised that there would be an access road off of the trail so the test well company can have access. Noted that the Fire Department had a good turn out at Imagination Kingdom for Fire Prevention week. Commented that he had gone to Crichton school to have lunch with a group of kids that qualified to have lunch with the Mayor. Advised on what the requirements were from the school. Noted that the Township will be having their Halloween activities here at Imagination Kingdom this year. Commented that Recreation and several volunteers are working together to get this ready. Noted some of the activities that would be happening including movies. Advised that there had been a fatal fire here in town and asked to keep the family of the victims in our prayers. Also advised that Paul Tuliano Sr. who was a very active and long-standing member of the community had been laid to rest today. Advised on

many of the projects and work that Mr. Tuliano had been involved with throughout the years including doing people's taxes for free.

#### **COMMENTS BY COUNCIL MEMBERS:**

**Councilman Gardner** – Commented on the fire that occurred on Willow. Stated that he took his hat off to the Fire Department and the work that they had done. Noted the heat was so intense he had to step back while they were running towards it. Mayor Patriarca apologized for not praising the Firefighters and Police for the work that they did trying to save these victims.

**Councilwoman Jackson** – Asked for everyone to keep the family of the victims in prayer. Thanked everyone for coming out and speaking tonight. Stated that they hear you and wish there was something that could be done instantaneously but that this ordinance is a start in helping. Commented on the Fall Festival at Emmons School on October 25<sup>th</sup> from 5:30 p.m. to 7:00 p.m. Stated they are looking for people who would like to participate in the Trunk or Treat and could see her if anyone is interested. Noted that she had gone to the Nesbit Center which is now being run by BCCAP. Stated that they held a town hall meeting that was very informative and advised on the many services they will be providing. Noted that child care would be there for children 0 - 3 years old. Advised on some of the services. Encouraged all to get the word out. Thanked all for coming and to have a good evening.

**Councilman Allen** – Stated he had no comments other than to send his thoughts and prayers to the family of those that were lost in the fire.

**Councilwoman McCartney** – Stated that her thoughts and prayers were the victim's family as well. Thanked the residents for coming out and she is in support of moving forward with no parking on Birmingham Road. Commented on the entrance of Presidential Lakes and explained that there are ways of getting things done through Civic organizations with their goal or mission to do service to the community. Noted that they had met with the Mayor who is open to any of the organizations willing to improve our community, regarding a project for the triangle area. Commented that the cranberry bakeoff would be held on Sunday October 28<sup>th</sup> at 2:00 p.m. at the B.M.I.A. building.

**Council President Trueblood** – Thanked everyone for coming out. Noted she felt the same as Councilwoman Jackson wishing they could snap their fingers and make things happen but that there is a process. Commented on the BCCAP town hall. Stated it was a great meeting, but that the Director had wished more residents would have been there. Stated they were on hand to take applications. Noted she believed they would be ready in December. Stated that the kitchen was state of the art. Stated one of the things that stood out was that they would have services to help people become home owners. Commented on the triangle area and it being done through the B.M.I.A. Civic Association. Asked to keep the family members and the first responders in our prayers. Discussion ensued on if money could be used from Clean Communities.

The meeting was adjourned at approximately 7:51 p.m.

Respectfully submitted by,

Amy P. Cosnoski, RMC, Township Clerk