

TOWNSHIP OF PEMBERTON

MEETING MINUTES OF REGULAR MEETING

OCTOBER 20, 2010

6:30 P.M.

FLAG SALUTE

Council President Scull announced that notice of this meeting was given in accordance with the Open Public Meetings Act and led the assembly in the Pledge of Allegiance, followed by roll call.

ROLL CALL

PRESENT

Ken Cartier
Thomas Inge (arrived at 6:34 pm)
Diane Stinney
Richard Prickett
Sherry Scull

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, and Township Clerk Mary Ann Finlay.

CALL TO ORDER

Council President Scull called the meeting to order at 6:30 PM.

CLOSED SESSION

There was no closed session held at this meeting. Resolution No. 237-2010 was not acted upon.

Council President Scull recessed the meeting at approximately 6:31 PM and reconvened the meeting at approximately 7:00 PM.

PRESENTATIONS

Sun National Bank proposed donation of subdivided parcel – Mr. John Gillespie, attorney for Sun National Bank, advised Council that Sun National Bank would like to donate to the Township an 8/10th of an acre parcel that connects to the Veteran's Memorial that would be deed restricted for Township use only. Council was of the consensus that this would be good for the Township however had some concerns regarding future use and lighting and agreed to have the Township Solicitor and the Sun National Bank's attorney discuss the details and this can be further discussed during closed session at the next Council Meeting.

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.

Council President Scull opened the meeting to public comments on consent agenda items only. There being no members of the public indicating a desire to be heard,

Mrs. Scull closed the meeting to public comments on consent agenda items.

Councilwoman Stinney asked to have Resolution 240-2010 removed from the consent agenda.

***MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, October 6, 2010.

***RESOLUTIONS**

RESOLUTION NO. 238-2010

WHEREAS, BY RESOLUTION NO. 170-2010, ADOPTED JULY 7, 2010, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO A. C. SCHULTES, 664 S. EVERGREEN AVENUE, WOODBURY HEIGHTS, NJ 08097, FOR \$192,330.00, FOR THE PUMP/PIPING MODIFICATIONS CONTRACT FOR WELLS 8A AND 12; AND
WHEREAS, BY RESOLUTION NO. 193-2010, ADOPTED AUGUST 18, 2010, THE TOWNSHIP COUNCIL AWARDED CHANGE ORDER NO. 1 TO A. C. SCHULTES FOR 2,746.00; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL INCREASE IN THE CONTRACT PRICE BY \$921.00, WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$195,997.00; AND
WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 2; AND
WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ENGINEER AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND
WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS CONTRACT IN THE AMOUNT OF (\$921.00), IN LINE ITEM # 05-2010-001-0512-2-05502; AND
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 2, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

RESOLUTION NO. 239-2010

WHEREAS, THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS HAS APPROVED THE OPEN SPACE, RECREATION, FARMLAND AND HISTORIC PRESERVATION TRUST FUND ("TRUST FUND") AND ESTABLISHED A MUNICIPAL PARK DEVELOPMENT PROGRAM ("PROGRAM") TO PROVIDE GRANT FUNDS IN CONNECTION WITH MUNICIPAL ACQUISITION OF LANDS FOR COUNTY PARK, RECREATION, CONSERVATION AND FARMLAND PRESERVATION PURPOSES, AS WELL AS FOR MUNICIPAL PUBLIC PARK AND RECREATION DEVELOPMENT PURPOSES; AND
WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON DESIRES TO OBTAIN MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS IN THE AMOUNT OF \$250,000 TO FUND SCRAPETOWN ROAD OPEN SPACE ACQUISITION, SCRAPETOWN ROAD, PEMBERTON, NEW JERSEY, BLOCK(S)/LOT(S) 827.01/7.03; 827.03/1; 1111/5.01 & 5.02; 1112/1-7; 1113/1-11; 1114/1-22; 1115/1-12; 1116/1-32; AND
WHEREAS, THE TOTAL COST OF THE PROJECT INCLUDING ALL MATCHING FUNDS IS ESTIMATED TO BE \$250,000; AND
WHEREAS, THE TOWNSHIP OF PEMBERTON WILL BE THE HOLDER OF ANY INTEREST ACQUIRED WITH COUNTY FUNDS;
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON THAT:

1. PEMBERTON TOWNSHIP IS AUTHORIZED TO (A) MAKE AN APPLICATION TO THE COUNTY OF BURLINGTON FOR MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS, (B) PROVIDE ADDITIONAL APPLICATION INFORMATION AND FURNISH SUCH DOCUMENTS AS MAY BE REQUIRED FOR THE MUNICIPAL PARK DEVELOPMENT PROGRAM AND (C) ACT AS THE MUNICIPAL CONTACT PERSON AND CORRESPONDENT OF THE ABOVE NAMED MUNICIPALITY.
2. PEMBERTON TOWNSHIP IS COMMITTED TO THIS PROJECT AND WILL PROVIDE THE BALANCE OF FUNDING NECESSARY TO COMPLETE THE PROJECT IN THE FORM OF NON-COUNTY MATCHING FUNDS AS REQUIRED IN THE POLICY AND PROCEDURES MANUAL FOR THE PROGRAM; AND
3. IF AWARDED A GRANT BY THE COUNTY OF BURLINGTON UNDER THE MUNICIPAL PARK DEVELOPMENT PROGRAM, THE MUNICIPALITY WILL USE THE APPROVED FUNDS IN ACCORDANCE WITH THE MUNICIPAL PARK DEVELOPMENT PROGRAM POLICY AND PROCEDURES MANUAL, AND APPLICABLE FEDERAL, STATE, AND LOCAL GOVERNMENT RULES, REGULATIONS AND STATUS THERETO; AND
4. THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO SIGN AND EXECUTE ANY REQUIRED DOCUMENTS, AGREEMENTS, AND AMENDMENTS THERETO WITH THE COUNTY OF BURLINGTON FOR THE APPROVED FUNDS; AND
5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

***NEW BUSINESS**

a. Purchases at \$3,900.00 or over:

- *1. Police Dept.: purchase of equipment for three police vehicles from State contract vendor Winner Ford, in the total amount of \$17,545.50.

***PAYMENT OF BILLS**

Approval by Council required for payment of vouchers on bill list dated 10/15/10.

Motion by Stinney and Cartier to approve the consent agenda as amended.
Stinney, yes; Cartier, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

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

ORDINANCE NO. 18-2010

BOND ORDINANCE OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,730,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS, AND APPROPRIATING THE PROCEEDS OF SUCH BONDS TO SUCH PURPOSE

Mrs. Scull advised that the Council has been asked to table the adoption and public hearing for the Ordinance until the November 3, 2010 meeting. Mr. Vaz advised it is being tabled pending an application by the Bridge Commission before the Local Finance Board. It was determined that the public hearing will be re-advertised.

Motion by Cartier and Inge to table Ordinance No. 18-2010 until November 3, 2010 with the public hearing to be at such time. Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes; Scull, yes. Motion carried.

NEW BUSINESS

b. Authorization for Clerk to solicit RFPs for 2011 professionals.

It was the general consensus of Council to authorize the Township Clerk to solicit RFP's for the 2011 professionals.

c. Authorization for ARH, Engineer for:

1. Construction management of Phase I for Well #12 modification at \$34,600.00.
2. Engineering, bidding and CM for Gravel Pack Removal at Well #13 at \$7,200.00.
3. Engineering, bidding and CM for Phase II of the Well #12 project at \$37,000.00.

Mr. Prickett questioned if there was certified funding for the projects and it was confirmed that the Mayor did have the signed certification of funds from the Chief Financial Officer for these projects.

Motion by Cartier and Stinney to approve construction management of Phase I for Well #12. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

Mr. Rehmann gave a brief explanation of the need to remove the gravel pack at Well #13 and advised Mr. Inge that the contract was terminated with the original contractor and the Township will be using the remaining monies under that contract to fund this work that needs to be done.

Motion by Inge and Stinney to approve engineering, bidding and construction management for Gravel Pack Removal at Well #13. Inge, yes; Stinney, yes; Prickett, yes; Cartier, yes; Scull, yes. Motion carried.

Motion by Stinney and Cartier to approve engineering, bidding and construction management for Phase II of the Well #12. Stinney, yes; Cartier, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were:

Michael Tamn: President of Pemberton Township Historic Trust. Expressed his concerns over the work being done at the Pemberton Township Train Station. Mr. Tamn noted that he does not believe the specifications are being followed and that the Engineer is letting them divert from the specifications on order from the Mayor.

Mayor Patriarca expressed his disturbance over the accusations by Mr. Tamn and assured Mr. Tamn that he was not pulling any strings and the Mayor believes our professionals always do a fine job for Pemberton Township. The Mayor further explained the reasons for the changes and why they were handled the way they were. Mr. Rehmann, Township Engineer, further explained that there has been no change orders issued for this project and takes offense to Mr. Tamn accusing him of committing the crime of being in collusion with the Mayor and the contractor. Mr. Rehmann also noted that this is not the first SHIPO project their office has worked on and is well aware of the procedures.

John Shaw: North Pemberton Train Station. Expressed his concern and disappointment over some of the work being done at the train station. Mr. Shaw noted some complaints about the contractor; a can of paint left on the windowsill, some damaged brick, a possibly damaged sewer pipe, a step that was pulled away from the building, sump pump drainage pipe placement and the use of poor fill for lot grading. Mr. Rehmann advised that the contractor did make a mistake with the lot grading and fill and he will be rectifying that and the other items the Engineer's office would look into.

Louis DiGirolamo: 71 Brandywine Road, Pemberton. Expressed his worry over the contractor at the Railroad Station not being concerned with the historic value of the train station. Mr. Rehmann advised that he would speak with the contractor and explain to him the historic importance of the project.

Mrs. Scull noted that the train show is November 20th at the Pemberton Township High School.

Jack Tompkins: Commented that he was unable to locate the recent Council Meeting minutes on the website. The Township Clerk assured him that they were on the site and the Mayor offered to help him locate them on the site. Mr. Tompkins noted having seen the list of "accomplishments" on the website and expressed that it looked like a campaign tool.

Sharon Hawkins: Browns Mills. Informed the Council that the sign that is normally in the triangle park at West Lakeshore and Clubhouse Road is now missing and now there are just two stakes sticking up. It was not able to be determined when the sign was removed or who removed it. The Mayor said he would direct to have the stakes removed.

John M. Shaw: Browns Mills. Expressed his concern about the intersection of Hanover Blvd. and East Lakeshore, the white line for people to stop at has faded and needs to be replaced as people are pulling out into the intersection and causing a dangerous situation.

Beatrice Black: Commented on the sign at the park and noted that it said some things the community did not like and maybe that is why it is missing.

Steven L. Skulimoski: Browns Mills. Commented on the lack of candidate

forums for the upcoming election. Mr. Prickett advised that there is one on October 24th at the BMIA building at 2pm. Mrs. Scull further noted that they do not set up the forums, they go to the ones they are invited to and they only received two invitations this year. Mr. Skulimoski wished all the candidates luck in the upcoming election and if they are fortunate enough to get re-elected or elected they should remember to put the residents of Pemberton Township first.

Adrienne Leonard: 60 Clubhouse Road, Browns Mills. Restated that there will be a Candidate Forum at the BMIA Building at 2pm along with a cranberry bake off. Ms. Leonard also noted that the sign at West Lakeshore and Clubhouse Road had been vandalized and was taken down because of the content of the sign. She has a picture of the sign that she will bring into the Mayor to see. Ms. Leonard wished everyone good luck in the upcoming election.

Joey Harvey: Senior at Pemberton Township High School. Mr. Harvey advised that for the past 3 years he has participated in the cross country club and was not able to compete in as many events this year due to funding. He wanted to express his appreciation to Mrs. Stinney for speaking on his behalf with Superintendent Gorman and Coach Bell so he would be able to compete in the upcoming State Sectional on November 6th. Mrs. Stinney expressed that she was happy to be able to lobby for Mr. Harvey.

Raymond Wells: Pemberton Township School Board Liaison. Noted that at the last meeting he attended he was asked two specific questions, the first about the young lady that had to go to the hospital. Mr. Wells advised that the school had talked to the mother and the young lady did not seek help from the teacher. Mr. Inge noted that the students thought they were not supposed to seek help because of the lack of a nurse. Mr. Wells further noted that the students have been advised that if they do not feel well they are to seek help and if no nurse is available they will call 911. Mr. Wells noted that Mrs. Stinney had asked him a question regarding the enrollment numbers and he does know that 104 students will be going to the charter school in the spring. Mr. Wells noted that he found studies from 2007 where the numbers were incorrectly reported and those studies were done by professionals. Mr. Wells commented that at the last meeting he attended the Mayor noted that the Township senior bus was leaking and the School District sells buses each year and sees no reason why the School District can not transfer a bus or two over to the Township for \$1.00.

Ray Wells: Resident. Mr. Wells advised that he is a Rotarian and they produced a little brochure on what the Rotary does. Mr. Wells asked what happened to the gate that was at the beginning of the Rails to Trails that was taken down by the Township. There was discussion as to who took the gate down and what happened to it, the Mayor advised he will be looking into it. Mrs. Stinney thanked Mr. Wells for getting that data to her.

Karl Smith: Commented on the Contractor at the Train Station and their lack of use of forms when pouring concrete. Mr. Smith also noted that the sign that Ms. Leonard was discussing said "Welcome to Pemberton Township Parks, please keep them clean, let no one say it to your shame, it was always clean before you came."

Michael Tamn: President of Pemberton Township Historic Trust. Expressed that the contractor bid on the contract after reviewing the specifications and should follow the specifications. Mr. Tamn went on to read specific language from the bid specification documents.

There being no additional members of the public indicating a desire to be heard,

Council President Scull closed the meeting public comments.

SOLICITOR'S REPORT

Andy Bayer: No report.

ENGINEER'S REPORT

Chris Rehmann: Advised that in accordance with the New Jersey Local Public Contracts Law requires the Township to take the lowest qualified bidder and the only qualification that a contractor has today is apparently that they can produce a bid bond. Mr. Rehmann noted that he will make the Rail Road Station contract comply with the specifications.

MAYOR'S REPORT

Mayor Patriarca reported: **1.** That the Water Department has been working on the Pemberton side of town off of Sheldon and one of our Water Department employees has been assisting Pemberton Borough with a water leak they could not locate and our employee has done a wonderful job with that assistance to the Borough. **2.** The Department of Public Works has been patching roads throughout town. Mac Rose has installed the water separator system for the Public Works Garage to collect the water and separate it to dispose of the contaminants and they will be moving the lifts to the larger garage area tomorrow. **3.** That the Recreation Department will be having their annual trick or treat at the Municipal Building, October 29th, between 2:00pm and 4:30pm, there will also be a movie shown at 6:00pm in the field adjacent to the Municipal Building on the new inflatable screen. **4.** The Mayor reported that the Dominique Johnson after school program has started and is averaging 15-25 kids a day and there will be an open house on the 27th from 5:00pm to 7:00pm for the parents. **5.** The Township is taking suggestions for the Grand Marshall for this year's Winter Parade. **6.** The Mayor commented on the sign that Ms. Leonard has the picture for and said he would have the sign put back up. **7.** The Mayor gave a history on the Township accomplishments listed on the website, noted that the Business Administrator had seen this done on other township websites and has been putting the information together for a while. The Mayor encouraged everyone to look at the website and see what has been going on in the Township to see the forward motion the township has.

Mr. Inge asked if there was transportation available to the Dominique Johnson Center for the kids from school and it was noted that there is not as the center does not open until 4:00pm. The Mayor advised to keep in mind that this is not an extended child care service, it is meant to be a safe place for the kids to go and get homework help and have recreational activities.

COUNCIL MEMBERS' COMMENTS

Thomas Inge: Thanked everyone for coming out and wished everyone good luck at the upcoming election. Mr. Inge expressed that it has been a pleasure to represent the people of Pemberton Township and went on to note that the job is difficult but you must always look out for what is best for the majority of the residents.

Diane Stinney: Asked the Solicitor if it was permissible for her to donate candy for the Trick or Treating at the Municipal Building and was advised that she could donate to the Township. Mrs. Stinney thanked Mr. Inge for his kind words, wished everyone well and encouraged everyone to go out and vote on November 2nd. Mrs. Stinney expressed concern about what is going on at the Train Station noting she would see them on Sunday.

Rick Prickett: Commented that the residents deserved to know where approximately \$90,000,000 was spent over the last four years, however he understands Mr. Tompkins concern that all this information was coming to the public within several weeks of the election. Mr. Prickett advised that the next administration release the accomplishments on a yearly basis. Mr. Prickett commented on his visit to the Dominique Johnson After School program and how happy the children were at the program and what a wonderful thing it was for Pemberton Township. Mr. Prickett encouraged everyone to join the BMIA, noting they do a great service for the Township. Mr. Prickett reported that the Whitesbog Discovery Day on October 10th was very successful and was joined by other organizations such as Burlington County College and the Whitesbog Preservation Trust and he further announced that Whitesbog will be offering a history symposium on November 6th, then wished everyone a good night.

Ken Cartier: Thanked everyone for coming out and wished them a safe trip home.

Sherry Scull: Announced that homecoming parade is this Saturday. Mrs. Scull commented that Mr. Inge has been a great asset on Council. Mrs. Scull went on to express that they need people in this town that care for the town and people on Council that will put the residents of the town first and can learn to disagree and move on.

The meeting was adjourned at approximately 8:51 pm.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk