

# **TOWNSHIP OF PEMBERTON**

## **MEETING MINUTES OF REGULAR MEETING**

**OCTOBER 6, 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  
Tom Inge  
Diane Stinney (arrived at 6:52 p.m.)  
Richard Prickett  
Sherry Scull

#### **ABSENT**

None

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

### **CALL TO ORDER**

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

### **CLOSED SESSION**

Closed Session Res. No. 218-2010

#### **RESOLUTION NO. 218-2010**

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND  
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:  
PERSONNEL MATTERS – VOLK GRIEVENCE
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Resolution No. 218-2010.

Prickett, yes; Cartier, yes; Inge, yes; Scull, yes. Motion Carried

(Reference Note: Closed Session minutes are transcribed and filed separately and considered part of these minutes)

Council President Scull recessed the open meeting at approximately 6:30 PM for Council to go in to Closed Session and reconvened the open meeting at approximately 7:00 PM.

Council President Scull advised that there was no formal action necessary pursuant to closed session.

### **PRESENTATIONS**

**Fire Prevention Week Proclamation** -Mayor Patriarca presented a proclamation to the Firefighters present proclaiming October 3<sup>rd</sup>-9<sup>th</sup>, 2010 as Fire Prevention Week. The Mayor advised that Saturday, October 9<sup>th</sup> there will be demonstrations

done at the field adjacent to the Municipal Building from 9 a.m.-12noon, stressed the need to use smoke alarms and thanked the Firefighters for what they do and being there for the residents. Councilwoman Stinney then thanked and praised the Firefighters and Council President Scull on behalf of Council expressed thanks and support of the Firefighters.

**Marketing Study Results and Presentation of Revitalization Strategy for Downtown Browns Mills** – Mr. Getz from JGSC Group, presented the results of the marketing study done for the Downtown Browns Mills area. Mr. Getz explained that his firm was hired to conduct a market analysis study for the Downtown Revitalization Project. Mr. Getz went over the numbers that resulted from the study and explained what they meant for Browns Mills. The response rate to the survey was very high and the numbers were very positive for Browns Mills (a full copy of the presentation is attached as part of the minutes).

Ms. Scull noted she drives 15 miles to go to another grocery store.

Planner Rick Regan and Owen McCabe talked about the view of the town center. Mr. Regan expressed that this study is phenomenal and is a great first step in doing what the residents want to happen in Downtown Browns Mills. His firm will work on molding the revitalization plan to fit with the study done by JGSC Group. He expressed that they are very excited about Mr. Getz's study and thinks it is a phenomenal way to put economic data to their instincts, noting it is a statement of what the residents have said. He is looking forward to molding the Browns Mills plan into the recommendations that have been crystallized by Mr. Getz's firm but have come really from the residents. He relayed that part of the first step in doing that is trying to keep the unique architectural flair that exists in Browns Mills, they have modified the former rendering, prepared a sketch of the plaza area for part of the triangle, pulled in more of the architectural features with siding and more shutters and more items they would see generally fitting the Browns Mills architectural side. He expressed excitement about the recreational component noting a lot of residents in their master plan meetings have stated their suggestion that recreation is one of the most important things. They have always talked about having a sporting and fisherman's place to support those entities and wondered if they could ever have a big Cabelas, but they are huge and a little bit oversized for this community but rather is a great place to have a kayak, paddle boats and fishing supply would fall right in line with the kind of recommendations they have heard tonight. He relayed that with the economic data that he has presented he is able to go and talk to a potential buyer who would come into the community and with those economics show them they have an extremely great likelihood of making a profit and becoming successful by locating in Browns Mills which speaks volumes. He reflected that this gives the economic comfort to business to come into town.

#### **Public Questions:**

Council President Scull then opened the meeting up for public questions or comments on the presentation given. Commenting from the public were:

**George Petronis:** – 111 Palm Avenue, Browns Mills, and asked if this survey is available in hard copy or on cd and Mr. Getz advised the presentation will be available immediately and a more detailed report with all the numbers will be available in 4-6 weeks and can be obtained through the Township. Ms. Scull advised it will also be put on the website. Mr. Petronis noted that the report stated 24% of the respondents were from outside the Pemberton area so 1 in 4 comes in and leave their money then go away. He commented that there wasn't much interest in apartments over business. Mr. Getz explained that across the board more people were in favor of town houses. Mr. Petronis asked if any small business owners were surveyed. Mr. Getz noted that was a component of the survey. Mr. Petronis

expressed that the survey reflected there is not much support for an additional grocery store but asked if a survey was done of people at the Acme and how many of them came from outside the Pemberton area. Mr. Petronis additionally commented on horseback riding as a recreation component to the plan. Finally, Mr. Petronis felt that a Civil War cannon should be in the middle of the green on the downtown drawing. Mr. Ragan noted that Mr. Petronis has been a very active resident in the economic strategy meetings. **Ms. Phillips** – Presidential Lakes, commented on the supermarket noting that she does travel out of town and commented on the price of groceries in town. Ms. Phillips pointed out that they did not talk about transportation and Mr. Getz explained that was not a component of this study. Mrs. Scull explained that this Administration has approached other grocery stores but they will not come into town because as Mr. Getz has said, the economics can not support it.

### **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.

Councilman Cartier asked to have Resolution 220-2010 and 226-2010 pulled from the consent agenda and Councilman Inge asked to have Relolution 234-2010 pulled from the consent agenda.

Councilman Cartier advised that he has a list of items from Administration that needs to be added and moved to have the following items added to the consent agenda in their respective places **1.** Addition to bill list for funding of the Walter Stewart Worker's Compensation matter. **2.** Addition of Resolution 236-2010, adding Municipal Treasurer, Linda Eden, as authorized signatory on checks. **3.** Authorizing ARH to proceed with Construction Management Inspection for 2010 Road Improvement Program in the amount of \$45,000.00. **4.** Authorizes ARH to proceed with Construction Management Inspection for Lemmon Avenue Phase II in the amount of \$21,500.00.

Motion by Cartier and Stinney to add the listed items to the consent agenda. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

### **\*MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, September 1, 2010.

### **\*RESOLUTIONS**

#### **RESOLUTION NO. 219-2010**

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

CORE LOGIC, \$1,753.09, OVERPAYMENT OF 2010 PROPERTY TAXES, BLOCK 548, LOT 1

MONIKA HOOKS, \$12.00, OVERPAYMENT OF DOG LICENSES

PAMELA RUSSELL, \$112.00, SOLID WASTE BILL PAID FOR YEAR AND HOUSE WAS DEMOLISHED, BLOCK 854, LOT 66.01

SLOMIN'S, \$48.80, CUSTOMER CANCELLED ALARM INSTALLATION, BLOCK 1102, LOT 15

ODYSSEY LANE, \$35.00, REFUND FOR BASKETBALL PROGRAM

DIANE LAMMI, \$10.00, REFUND FOR YOGA CLASS

#### **RESOLUTION NO. 221-2010**

WHEREAS, THE TAX COLLECTOR, FOR THE WATER DEPARTMENT, HAS REQUESTED AUTHORIZATION TO REFUND THE SUBSEQUENT TAX AND INTEREST PAID BY THE LIEN HOLDER FOR WATER CHARGES BILLED 12/12/05 WHICH WERE PAID ON FEBRUARY 14, 2006 IN THE AMOUNT OF \$4,360.55 FOR BLOCK 234 LOT 48 DUE TO THE FACT THAT THE PROPERTY WAS CHARGED THE ABOVE AMOUNT IN ERROR FOR WATER USAGE AND WAS LATER ADJUSTED BY THE WATER DEPARTMENT IN 2008 CREATING AN OVERPAYMENT ON THE ACCOUNT.

WHEREAS, THE LIEN HOLDER, JOSEPH OR NANCY HASSAB, IS ENTITLED TO A REFUND OF THESE CHARGES PAID IN CONNECTION WITH THE LIEN AS OF OCTOBER 6, 2010 AND LEGAL INTEREST AT THE RATE OF TWO PERCENT (2%) FROM FEBRUARY 14, 2006 TO DECEMBER 31, 2006, FOUR PERCENT (4%) FROM JANUARY 1, 2007 TO DECEMBER 31, 2007, FIVE AND ONE HALF PERCENT (5.5%) FROM JANUARY 1, 2008 TO DECEMBER 31, 2008, EIGHTEEN PERCENT (18%) FROM JANUARY 1, 2009 TO OCTOBER 6, 2010 DUE TO THE ISSUE OF NOT REFUNDING MONEY IN A TIMELY MANNER; WHEREAS, IT IS THE DESIRE OF THE COUNCIL TO AUTHORIZE THE TAX COLLECTOR FOR THE WATER DEPARTMENT TO REFUND THE MONIES DUE TO THE LIEN HOLDER IN THE AMOUNT OF \$ 6,232.41 WHICH IS DUE FROM THE WATER DEPARTMENT;

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT THE COUNCIL DOES HEREBY AUTHORIZE THE TAX COLLECTOR, FOR THE WATER DEPARTMENT, TO REFUND \$6,232.41 TO THE LIEN HOLDER, JOSEPH OR NANCY HASSAB, 101 WEST CENTENNIAL DRIVE, MEDFORD, NEW JERSEY 08055.
2. THAT A CERTIFIED COPY OF THIS RESOLUTION IS FORWARDED TO THE TAX COLLECTOR, WATER DEPARTMENT AND THE CERTIFIED FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON.

#### RESOLUTION NO. 222-2010

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 748 LOT 19, 415 COLORADO TR. OWNED BY PURVIS & PAMELA COLEY, QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF SEPTEMBER 21, 2010; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 748 LOT 19 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO SEPTEMBER 20, 2010 IS \$3,424.20 ; AND

WHEREAS, TAXES LEVIED FOR 2010 IS IN THE AMOUNT OF \$4,740.12 ON BLOCK 748 LOT 19, OF WHICH \$3,716.86 HAS BEEN PAID, CREATING AN OVERPAYMENT. THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON TAXES IN THE AMOUNT OF \$292.66 TO THE HOMEOWNER.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL BALANCE OF TAXES DUE ON SAID PROPERTY AS OF SEPTEMBER 21, 2010 TOTALING \$1,023.26.

NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 PROPERTY TAXES ON BLOCK 748 LOT 19 AS OF SEPTEMBER 21, 2010, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$292.66 TO: PURVIS & PAMELA COLEY, 415 COLORADO TR., BROWNS MILLS, NJ 08015.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

#### RESOLUTION NO. 223-2010

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1097 LOT 1, 201 HARVARD AVE. OWNED BY ROSALIND MCFADDEN QUALIFIES FOR A WIDOW OF A VETERANS' PROPERTY TAX EXEMPTION AS OF SEPTEMBER 7, 2010; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1097 LOT 1 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO SEPTEMBER 6, 2010 IS \$1,984.50 ; AND

WHEREAS, TAXES LEVIED FOR 2010 IS IN THE AMOUNT OF \$2,913.55 ON BLOCK 1097 LOT 1, OF WHICH \$2,293.12 HAS BEEN PAID, CREATING AN OVERPAYMENT. THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON TAXES IN THE AMOUNT OF \$308.62 TO THE HOMEOWNER.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL BALANCE OF TAXES DUE ON SAID PROPERTY AS OF SEPTEMBER 6, 2010 TOTALING \$620.43.

NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 PROPERTY TAXES ON BLOCK 1097 LOT 1 AS OF SEPTEMBER 7, 2010, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A WIDOW OF A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$308.62 TO: ROSALIND MCFADDEN, 201 HARVARD AVE., PEMBERTON, NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

#### RESOLUTION NO. 224-2010

WHEREAS, APPLICATION HAS BEEN MADE BY DRAEL, INC. TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF INACTIVE PLENARY RETAIL CONSUMPTION LICENSE #0329-33-017-003 FOR THE LICENSING PERIOD OF JULY 1, 2010 TO JUNE 30, 2011; AND

WHEREAS, SAID APPLICATION HAS BEEN DULY ADVERTISED AND NO OBJECTIONS WERE FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE STATE OF NEW JERSEY, DEPARTMENT OF LAW AND PUBLIC SAFETY, DIVISION OF ALCOHOLIC BEVERAGE CONTROL HAS ISSUED A SPECIAL RULING ALLOWING THE MUNICIPALITY TO CONSIDER RENEWAL FOR THE 2010-2011 LICENSE TERM, WHICH PERMITS THE GOVERNING BODY TO NOW RENEW SAID LICENSE FOR THE LICENSING PERIOD OF JULY 1, 2010 TO JUNE 30, 2011;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE FOLLOWING INACTIVE PLENARY RETAIL CONSUMPTION LICENSE BE RENEWED FOR THE LICENSING PERIOD OF JULY 1, 2010 TO JUNE 30, 2011, SUBJECT TO A SPECIAL CONDITION IMPOSED THAT THIS LICENSE MUST BE ACTIVATED AT AN APPROVED SITE BY JUNE 30, 2011.

DRAEL, INC. 0329-33-017-003

#### RESOLUTION NO. 225-2010

WHEREAS, PEMBERTON TOWNSHIP CODE, SECTION 146-1, "SCHEDULE OF FEES" GOVERNS THE FEES TO BE CHARGED FOR DUPLICATION OF PUBLIC RECORDS; AND

WHEREAS, THE APPELLATE DIVISION OF THE NEW JERSEY SUPERIOR COURT HANDED DOWN A DECISION ON FEBRUARY 10, 2010 WITH RESPECT TO COPYING FEES THAT PUBLIC BODIES, INCLUDING MUNICIPALITIES MAY CHARGE WHEN COMPLYING WITH OPRA REQUESTS; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON IS REQUIRED UNDER THE DECISION TO ESTABLISH FEES FOR CHARGING GOVERNMENT RECORDS ACCORDING TO ACTUAL COST; AND

WHEREAS, THE ACTUAL COSTS FOR REPRODUCTION FEES WILL BE REVIEWED EACH YEAR; AND

WHEREAS, SUBSEQUENTLY THE NEW JERSEY STATE LEGISLATURE HAS PASSED ASSEMBLY BILL 559 AND SENATE BILL 1212 ESTABLISHING A FLAT FEE FOR PAPER COPIES EFFECTIVE NOVEMBER 9, 2010;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE FOLLOWING REPRODUCTION FEES SHALL BE CHARGED FOR THE YEAR 2010 TO FULFILL ALL REQUESTS FOR GOVERNMENT RECORDS MAINTAINED BY THE TOWNSHIP;

1. PAPER COPIES SHALL BE DONE AT THE RATE OF .05 CENTS PER LETTER SIZE COPY AND .07 CENTS PER LEGAL SIZE COPY.
2. VIDEOTAPES SHALL BE DONE AT A RATE OF \$2.00 PER TAPE.
3. AUDIO CD'S OF MEETINGS SHALL BE DONE AT A RATE OF .75 CENTS PER CD.
4. TOWNSHIP STREET MAPS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
5. TOWNSHIP ZONING MAPS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
6. BLUEPRINTS, SITE PLANS AND OTHER SIMILAR LARGE DOCUMENTS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
7. PHOTOGRAPHS SHALL BE PROVIDED ON DIGITAL MEDIA WHEN POSSIBLE AT THE RATE OF .75 CENTS PER CD. IF A COLOR PHOTO COPY IS REQUESTED IT SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.

#### RESOLUTION NO. 227-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS BEEN REQUESTED BY THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS TO FORMALIZE AN EXISTING ARRANGEMENT WHEREBY THE COUNTY OF BURLINGTON PROVIDES PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES "CENTRAL COMMUNICATIONS AND 911 CALL SERVICE;" AND

WHEREAS, THE TOWNSHIP HAS A PRESENT NEED AND FORESEES A CONTINUING NEED FOR SUCH SERVICES; AND

WHEREAS, THE TOWNSHIP DESIRES TO CONTINUE TO PARTNER WITH THE COUNTY IN AREAS SUCH AS EMERGENCY SERVICES AND COMMUNICATIONS.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE ATTACHED SHARED SERVICE AGREEMENT.

BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND THE TOWNSHIP CLERK IS AUTHORIZED TO WITNESS THE ATTACHED SHARED SERVICE AGREEMENT.

#### RESOLUTION NO. 228-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON ("THE TOWNSHIP") AND THE PEMBERTON TOWNSHIP EMPLOYEES UNION LOCAL 2783 AND DISTRICT COUNCIL 71 AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO ("THE UNION") ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT ("THE AGREEMENT") COVERING THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2011;

WHEREAS, THE AGREEMENT CONTAINS A COMPENSATORY TIME FORFEITURE CLAUSE IN ARTICLE VI (PARAGRAPH I);

WHEREAS, AFTER THE AGREEMENT WAS RATIFIED BY BOTH PARTIES THE TOWNSHIP AND UNION RECOGNIZED THAT THE FAIR LABOR STANDARDS ACT DOES NOT PERMIT EMPLOYEES TO FORFEIT ACCRUED COMPENSATORY TIME;

WHEREAS, THE TOWNSHIP AND UNION MUTUALLY ACKNOWLEDGE THAT THERE IS A NEED TO INTERPRET THE CLAUSE SUCH THAT EMPLOYEES ARE PAID FOR ACCRUED UNUSED COMPENSATORY TIME AND ARE NOT REQUIRED TO FORFEIT SAME; AND

WHEREAS, THE BUSINESS ADMINISTRATOR RECOMMENDS THAT THE TOWNSHIP COUNCIL APPROVE THE ATTACHED SIDE LETTER AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY:

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO EXECUTE THE SIDE LETTER AGREEMENT THAT IS ATTACHED HERETO.

2. THAT ALL OTHER WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN FULL FORCE AND EFFECT, AND UNAFFECTED BY THE SIDE LETTER AGREEMENT, UNLESS MODIFIED IN A SUBSEQUENT WRITTEN AGREEMENT BY THE PARTIES.

3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO AFSCME LOCAL 2783.

#### RESOLUTION NO. 229-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON ("THE TOWNSHIP") AND THE PEMBERTON TOWNSHIP EMPLOYEES UNION LOCAL 2783 AND DISTRICT COUNCIL 71 AMERICAN FEDERATION OF STATE, COUNTY, AND MUNICIPAL EMPLOYEES, AFL-CIO ("THE UNION") ENTERED INTO A COLLECTIVE BARGAINING AGREEMENT ("THE AGREEMENT") COVERING THE PERIOD JANUARY 1, 2007 THROUGH DECEMBER 31, 2011;

WHEREAS, THE AGREEMENT CONTAINS A CLAUSE IN ARTICLE VI (PARAGRAPH B) THAT DEFINES "TIME WORKED" FOR PURPOSES OF OVERTIME ELIGIBILITY;

WHEREAS, AFTER THE AGREEMENT WAS RATIFIED BY BOTH PARTIES THE TOWNSHIP AND UNION RECOGNIZED THAT THERE HAS BEEN A PAST PRACTICE OF ALSO INCLUDING COMPENSATORY TIME OFF, PAID BREAKS AND MEAL PERIODS, AND LINE OF DUTY INJURY LEAVE AS "TIME WORKED" FOR PURPOSES OF OVERTIME ELIGIBILITY;

WHEREAS, THE TOWNSHIP AND UNION MUTUALLY ACKNOWLEDGE THAT THERE IS A NEED TO INTERPRET THE "TIME WORKED" CLAUSE IN A MANNER THAT TAKES INTO ACCOUNT THE ALLEGED PAST PRACTICE AND AVOIDS COSTLY AND TIME CONSUMING GRIEVANCE ARBITRATION; AND

WHEREAS, THE BUSINESS ADMINISTRATOR RECOMMENDS THAT THE TOWNSHIP COUNCIL APPROVE THE ATTACHED SIDE LETTER AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY:

1. THAT THE MAYOR AND TOWNSHIP CLERK ARE AUTHORIZED TO EXECUTE THE SIDE LETTER AGREEMENT THAT IS ATTACHED HERETO.

2. THAT ALL OTHER WAGES, HOURS, AND OTHER TERMS AND CONDITIONS OF EMPLOYMENT SHALL REMAIN IN FULL FORCE AND EFFECT, AND UNAFFECTED BY THE SIDE LETTER AGREEMENT, UNLESS MODIFIED IN A SUBSEQUENT WRITTEN AGREEMENT BY THE PARTIES.

3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO AFSCME LOCAL 2783.

#### RESOLUTION NO. 230-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE 2010 PEMBERTON ROAD PROGRAM (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON ALTERNATE BIDS FOR IMPROVEMENTS TO MORRIS STREET ("ALTERNATE A"), AMHERST ALLEY ("ALTERNATE B"), MARIE DRIVE ("ALTERNATE C") AND COLLEGE DRIVE ("ALTERNATE D"), IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS AMERICAN ASPHALT COMPANY, INC. WITH A TOTAL BID OF \$685,248.15, WHICH INCLUDES THE BASE BID AND ALTERNATES A, B, AND C; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT AMERICAN ASPHALT COMPANY, INC.'S BASE BID ALONG WITH ALTERNATE A, B, AND C AND HAS DECIDED TO EXCLUDE ALTERNATE D; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED AMERICAN ASPHALT COMPANY, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE 2010 PEMBERTON ROAD PROGRAM BE AND HEREBY IS AWARDED TO AMERICAN ASPHALT COMPANY, INC. IN THE AMOUNT OF \$685,248.15, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND AMERICAN ASPHALT COMPANY, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 04-2010-201012-4024-4-91900; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. AMERICAN ASPHALT COMPANY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 231-2010**

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE PHASE II RECONSTRUCTION OF LEMMON AVENUE (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON ALTERNATE BIDS ("ALTERNATE A") AND ("ALTERNATE B") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS AMERICAN ASPHALT COMPANY, INC. WITH A TOTAL BID OF \$210,972.25, WHICH INCLUDES THE BASE BID AND ALTERNATES A; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT AMERICAN ASPHALT COMPANY, INC.'S BASE BID ALONG WITH ALTERNATE A AND HAS DECIDED TO EXCLUDE ALTERNATE B; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED AMERICAN ASPHALT COMPANY, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PHASE II OF THE LEMMON AVENUE RECONSTRUCTION BE AND HEREBY IS AWARDED TO AMERICAN ASPHALT COMPANY, INC. IN THE AMOUNT OF \$210,972.25, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND AMERICAN ASPHALT COMPANY, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 04-2009-200913-4020-4-91900; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. AMERICAN ASPHALT COMPANY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 232 -2010**

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE SURFACING OF NORTH WHITE'S BOG ROAD (THE "PROJECT") AS A BASE BID, AND ALSO TO BID ON ALTERNATE ("ALTERNATE A") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS AMERICAN ASPHALT COMPANY, INC. WITH A TOTAL BID OF \$155,078.50 WHICH INCLUDES THE BASE BID ONLY; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT AMERICAN ASPHALT COMPANY, INC.'S BASE BID ONLY DUE TO BUDGETARY CONSTRAINTS; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED AMERICAN ASPHALT COMPANY, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE SURFACING OF NORTH WHITE'S BOG ROAD BE AND HEREBY IS AWARDED TO AMERICAN ASPHALT COMPANY, INC. IN THE AMOUNT OF \$155,078.50, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND AMERICAN ASPHALT COMPANY, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 04-2009-200913-4020-4-91900; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. AMERICAN ASPHALT COMPANY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 233-2010**

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 PARKS, RECREATION, CONSERVATION AND FARMLAND PRESERVATION PURPOSES, AS WELL AS FOR MUNICIPAL PUBLIC PARK AND RECREATION DEVELOPMENT PURPOSES; AND

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, UPON THE RECOMMENDATION OF THE MAYOR AND DIRECTOR OF RECREATION, DESIRES TO OBTAIN COUNTY MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS IN THE AMOUNT OF \$250,000 FOR A PARK DEVELOPMENT PROJECT THAT WILL IMPROVE TENNIS AND BASKETBALL COURTS IN THE TOWNSHIP; AND

WHEREAS, THE TOTAL COST OF THE PROJECT INCLUDING ALL MATCHING FUNDS IS ESTIMATED TO BE \$300,000.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON THAT:

1. THE MAYOR, BUSINESS ADMINISTRATOR, AND RECREATION DIRECTOR ARE AUTHORIZED TO (A) MAKE AN APPLICATION TO THE COUNTY OF BURLINGTON FOR MUNICIPAL PARK DEVELOPMENT PROGRAM FUNDS, (B) TO 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 PERSONS AND CORRESPONDENTS OF THE ABOVE NAMED MUNICIPALITY;
2. THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THIS PROJECT AND WILL PROVIDE THE BALANCE OF FUNDING, IF 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 PROCEDURE MANUAL, AND APPLICABLE FEDERAL, STATE, AND LOCAL GOVERNMENT RULES, REGULATIONS AND STATUTES THERETO; AND
4. THE MAYOR IS AUTHORIZED TO EXECUTE AND THE TOWNSHIP CLERK TO WITNESS ANY REQUIRED DOCUMENTS, AGREEMENTS, AND AMENDMENTS THERETO WITH THE COUNTY OF BURLINGTON FOR THE APPROVED FUNDS; AND
5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

**RESOLUTION NO. 235-2010**

WHEREAS, PEMBERTON TOWNSHIP FIRE DEPARTMENT DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBER BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICER FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE CHIEF OF THE FIRE COMPANY.

JASON BAALMAN  
WALTER LEAP  
JEFF FRAKE  
ANDREW CLARK

**\*NEW BUSINESS**

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

- \*1.** Police Dept.: Supplies for DARE Program, from Tee's Plus Screen Printing, in the amount of \$4,723.89.
- \*2.** Public Works Dept.: Dept. uniforms, from Best Uniform Co., in the amount of \$6,814.25.
- \*3.** Public Works Dept.: Traffic striping, from Traffic Lines, Inc., in the amount of \$14,750.00.
- \*4.** Building & Grounds Dept.: Six decorative street lights from Penn Lighting Associates, in the amount of \$9,807.00.
- \*5.** Police Dept.: Ammunition from Eagle Point Gun, in the amount of \$10,914.60.

**b. Applications submitted for memberships, licenses, permits:**

- \*2.** Social Affair Permit Application: Burlington Co. College Alumni Assoc., Wine Tasting Scholarship Fund Raiser at Parker Center Student Lounge, 5PM-7:30PM, 11/11/10.
- \*3** 2010 Used Car Dealership License Application: Browns Mills Coaches Sales & Services, Inc.

**\*PAYMENT OF BILLS**

Approval by Council required for payment of vouchers on bill list dated 10/1/10.

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

**RESOLUTIONS PULLED FROM CONSENT AGENDA**

**Resolution 220-2010** Authorizes release of letter of credit no. 116, in the amount of \$344,000.00, posted for completed project, Beneficial Bank located on PBM Road, Block 531, Lots 6-13, 42-56.

**RESOLUTION NO. 220-2010**

WHEREAS, BENEFICIAL BANK HAD PREVIOUSLY POSTED A TWO-YEAR MAINTENANCE GUARANTEE BY IRREVOCABLE LETTER OF CREDIT #116, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 569, LOTS 1-20, 37-58 AND BLOCK 531, LOTS 6-13, 42-56, WHICH GUARANTEE WAS POSTED IN THE AMOUNT OF \$344,000.00. WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THAT THE MAINTENANCE GUARANTEE BE RELEASED; AND WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO GRANT THIS RELEASE; THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TWO-YEAR MAINTENANCE GUARANTEE BY IRREVOCABLE LETTER OF CREDIT #116, OF BENEFICIAL BANK FOR MAINTENANCE OF IMPROVEMENTS TO PROPERTY LOCATED AT BLOCK 569, LOTS 1-20, 37-58 AND BLOCK 531, LOTS 6-13, 42-56, IN THE AMOUNT OF \$344,000.00 IS HEREIN AUTHORIZED TO BE RELEASED.

Motion by Prickett and Stinney to approve Resolution 220-2010. Prickett, yes; Stinney, yes; Cartier, abstain; Inge, yes; Scull, yes. Motion carried.

**Resolution 226-2010** Authorizes sale of surplus fire truck to Friendship

Motion by Cartier and Prickett to table Resolution 226-2010 as requested by Administration. Cartier, yes; Prickett, yes; Stinney, yes; Inge, yes; Scull, yes. Motion Carried.

**Resolution 234-2010** Affirms Councils Consent to the Mayor's appointment of Michele Adams as temporary CFO.

**RESOLUTION NO. 234-2010**

WHEREAS, A VACANCY IN THE POSITION OF CHIEF FINANCE OFFICER WAS CREATED ON SEPTEMBER 30, 2010; AND WHEREAS, THE TOWNSHIP ADMINISTRATION HAS BEEN ENGAGED IN A STATEWIDE RECRUITMENT PROCESS FOR APPROXIMATELY TWO MONTHS AND EXPECTS TO CONTINUE THAT PROCESS INTO THE MONTHS OF OCTOBER AND NOVEMBER; AND WHEREAS, N.J.S.A. 40A:9-140.13(F) PROVIDES THAT THE GOVERNING BODY OR CHIEF EXECUTIVE OFFICER, AS APPROPRIATE, MAY APPOINT, FOR A PERIOD NOT TO EXCEED ONE YEAR AND COMMENCING ON THE DATE OF THE

VACANCY, A PERSON WHO DOES NOT HOLD A MUNICIPAL FINANCE OFFICER CERTIFICATE TO SERVE AS A TEMPORARY CHIEF FINANCIAL OFFICER; AND WHEREAS, THE TAX COLLECTOR OF PEMBERTON TOWNSHIP, WHO IS NOT CERTIFIED, BUT WHO HAS TAKEN NUMEROUS MUNICIPAL FINANCE COURSES THAT WOULD ALLOW HER TO APPLY FOR THE EXAMINATION, HAS AGREED TO SERVE AS TEMPORARY CHIEF FINANCIAL OFFICER IN ORDER TO PROVIDE THE TOWNSHIP ADMINISTRATION TIME IN WHICH TO COMPLETE ITS RECRUITMENT OF A CERTIFIED PERSON TO FILL THE VACANCY; AND WHEREAS, THE MAYOR OF PEMBERTON TOWNSHIP, HAS APPOINTED MICHELE ADAMS AS TEMPORARY CHIEF FINANCIAL OFFICER FOR A TERM COMMENCING OCTOBER 1, 2010, AND ENDING NO LATER THAN JANUARY 31, 2011. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY AS FOLLOWS:

1. THAT THE TOWNSHIP COUNCIL HEREBY GIVES ITS CONSENT TO THE MAYOR'S APPOINTMENT OF MICHELE ADAMS AS TEMPORARY CHIEF FINANCIAL OFFICER FOR A TERM COMMENCING OCTOBER 1, 2010, AND ENDING NOT LATER THAN JANUARY 31, 2011.

2. THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES IN THE DEPARTMENT OF COMMUNITY AFFAIRS PURSUANT TO N.J.S.A. 40A:9-140.13(F).

Mr. Inge asked Administration if the acting CFO is licensed by the State and what will happen with the current CFO and the license they hold. Mr. Vaz advised that the acting CFO does not have a license and will be doing this temporarily until a new CFO can be hired. He explained that the previous CFO resigned from her position and will be the Municipal Treasurer and that will allow her to continue to use and maintain her license and be compensated accordingly.

Motion by Inge and Cartier to approve Resolution 234-2010. Inge, yes; Cartier, yes; Prickett, yes; Stinney, yes; Scull, yes. Motion carried.

### **NEW BUSINESS**

b. Applications submitted for memberships, licenses, permits:

1. Parade Permit Applications: **(PUBLIC HEARING REQUIRED)** 1. PTHS Homecoming Parade, 10/23/10 10AM-12PM.

Council President Scull opened the meeting to public comments on the parade permit application and there being no members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to the public.

Motion by Stinney and Prickett to approve the PTHS Homecoming Parade Permit. Stinney, yes; Prickett, yes; Cartier, yes; Inge, 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:

**America Phillips:** Presidential Lakes, commented that she has observed drainage issues in Presidential Lakes and advised of the areas she noted. Ms. Phillips also commented on the paving of Kentucky Trail and asked how the streets were chosen. Mayor Patriarca advised of the procedure for the selection of roadways for repair. Ms. Phillips noted that she has seen Public Works trimming the trees in the park. Mrs. Scull asked if drainage improvements are included in the road program or if that is something separate. Mayor Patriarca noted that they have been doing drainage programs in town and are continuing to add new drainage systems into the program, doing in-house service on that. The Engineer noted there is some drainage work in the 2010 Road Program.

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**

**Kelly Willis:** Ms. Willis thanked Council for approving the 2010 Road Program along with North Whitesbog Road and Lemmon Ave., noting they are very happy to get these projects underway and that it will be with one contractor which will be a savings for the Township. Ms. Willis advised that they have broken ground on the Train Station.

## **MAYOR'S REPORT**

Mayor Patriarca expressed that Community Day went very well, seemed very well attended, noting the performances he attended were excellent. He reported that they opened the after school program at Dominique Johnson center, believes it is going to be another successful program and believes it will be well attended like the one at Nesbit Center. He then reported they have been getting a lot of flooding issues with the recent rains.

## **BUSINESS ADMINISTRATOR'S REPORT**

Mr. Vaz announced that he is going to get a link tomorrow to the presentation and will put it up on the website.

Mayor Patriarca commented that he received some inquiries about the recent low flying air craft over the community, he noticed on Saturday. He has placed a call over to the base and they are looking into it, to see if there was a flight path change.

Mr. Prickett asked Administration about Presidential Lakes, regarding the extensive seepage pit installations, and questioned if public works is cleaning out those seepage pits. The Mayor confirmed they are cleaned out on a regular basis. Commented that he was in the municipal building on Sunday notices buckets in the hallway and some of the tiles were down and there was leakage from the roof and heard there were drainage problems in the court room and wondered what was being done to correct those problems. The Mayor noted some leaks were identified, it is part of the roof drain system, public works took care of it, and the one down here is part of the warranty from the roof they had installed. He advised that the contractor will be out Thursday or Friday to see where the leak is coming from. Mayor is not aware of any leaks in the Court Room. He commented that the new ceiling is making it easier to address the problems.

Mr. Inge asked about Halloween and using the new projection screen. Mayor advised that he talked to Recreation Director yesterday about that. The Plan is weather permitting, after they do the Halloween festivities here throughout the day, in the evening in the field next door to the Municipal Building, weather permitting, they will hold a movie entitled Hocus Pocus. Mr. Inge asked that something be sent out the schools. Mayor relayed that kids will be coming over from the school, to paint the glass in the hallways with a Halloween theme.

## **COUNCIL MEMBERS' COMMENTS**

**Ken Cartier:** Commented on the after school program at the Nesbit center. He expressed they have some pretty intelligent students in this township, noting that a 12 year old. taught one of their residents how to play chess, keep that going and give the kids the kudos they deserve. He thanked everyone for coming out and seeing their survey unveiled, there were some pretty enlightening numbers in there and they have some pretty good ideas which could go a long way for Browns Mills and Pemberton Township. He pointed out that it is just going to take some time to get it going, it is not something that can happen overnight and it looks pretty interesting.

**Richard Prickett:** Expressed that Community Day was really a successful event

again this year, the weather was particularly beautiful, everyone was very friendly, and they all had a very good time. He expressed hope that this Sunday there will be another day just like last Saturday at Whitesbog wherein the Discovery Festival will take place October 10<sup>th</sup>, 11<sup>th</sup>, until 4pm. He explained it is mostly an educational event which is great for families with some vendors, food, a lot of wagon tours and other presentations. The event is put on by Pines Burlington County College, they are the major host of the event, but it is also hosted by Whitesbog Preservation Trust. Mr. Prickett then commented that DCA sent out a Best Practice Inventory, part of the tool kit, Pemberton Township filled one of these inventories out. He would like it to be on the web. Mr. Prickett explained the inventory noting it is connected to state aid. He reported having talked to Thelma from the after school program at the Dominique Johnson Center, noting it is a positive group out there. He expressed looking forward to seeing all the data noting it's a shame more people were not here to see that great presentation.

Chris Vaz explained the questions that Rick was reading about the budget preparation, that series of questions that had not applicable, it was not applicable because the whole check list came after their budget process was already done, no answers to those questions would penalize them, as they were advised by the state that if something didn't apply they should put "not apply" because they are not going to hold that against them when they do the final tally. The question about the general ledger was because that was the honest answer; they tried very hard to answer these honestly. He explained that his cover letter tried to point out the state that while they agree with having standards and goals and objectives that some of them simply could not be adhered to because they were setting the standard after the fact and they would like the opportunity to meet those standards moving forward but not be penalized for them now. The penalty is based on a score on the last payment of the state aid, even in the worst case scenario it is not going to add up to a lot of money, but their cover letter pointed out that the Pemberton Township tax payers should be penalized at all.

**Diane Stinney:** Congratulated on the shared services between the Board of Education and Pemberton Township noting how they came together for Community Day, and expressed beautiful the event was. She gave thanks to their Recreation Department, Public Works, Police Department and all those who volunteered and to Mrs. Scull for the tour, noting these are the things that sell their Community.

**Tom Inge:** Commented on the presentation, that in order for it to work they need to get gate 2 opened on Ft. Dix. He expressed that because of the amount of people that could come into Browns Mills after 6 in the evening from the new housing area, they will give them that many more customers coming into town and will raise up their demographics. He thinks that is the biggest thing they need to concentrate on, going to the base and getting that gate open and hopes Administration follows up. He also suggested they get a hold of Paula and contact the schools so it could get out on the phone calls for Halloween. He comes here every Halloween with his kids, and it's always a good turnout. He thanked all the employees, that put their money and stuff together, noting that with buying the candy and dressing up, they really make it interesting for the kids to come here. He expressed sadness that Linda Eden stepped down, and is happy that she is going to be able to be an employee for the Township and keep her license active. He expressed that is what they should do, if there is a way they can help an employee who has been devoted to the Township they should do that. He noted having commented at the last Council meeting, but was more so joking when he had asked the Engineer and the Solicitor to purchase something from his kids' fundraiser; it is a fundraiser for Stackhouse School that his daughter participated in the last 3 years. He relayed there were comments made that it was inappropriate for him to solicit for a fundraiser while he sits up here on Council. He explained

that he thought at the time that it was something benefiting the children of the school, noting they have over 300 students in that school, and wasn't looking at promoting anything for his child but was looking at promoting something for children that live in this township. He pointed out that he is not running for office, won't have anything to do with their appointments for next year, and never went to an employee of the township to ask for contributions to any of his kids' fundraisers at all, not for the last 4 years on Council. He asked everyone to have a nice evening.

**Sherry Scull:** Noted that the Chess club at Newcomb has been active for a couple of years so they do have students staying after school for things like that where they are learning to play games like that. Expressed that their Century 21 program that Diane is well aware of from Willingboro, they have that going on here, not only do they spend part of the day doing homework and tutoring but they do have part of that day doing different games and playing chess, sewing, things that the children are interested in. Mayor advised that he forgot about the International luncheon at the Senior Center, noting what a great day that was October 1<sup>st</sup>, the Mayor was again carving the turkey, and relayed they had over 100 senior citizens there as part of the pride grant I provided them with flags from about 100 different nations, they bring in their own little dish from their country or their culture and they share with each other. October 2<sup>nd</sup> Community Day, they did 3 bus tours, probably about 30 people took advantage of that, it was worthwhile, it was fun, a lot of history in this town that people are not aware of. There is a haunted trail at the hayrides at the North Pemberton station, several dates, and look on the web. For adults, not for little children. November 20<sup>th</sup> they have the train show at the high school, also have at Helen fort Middle School having a Dad and Me Day, Radio Disney will be there, activities, feed them breakfast and lunch, hoping for it to be quite successful. She thanked everyone for coming out tonight.

The meeting was adjourned at approximately 9:41 pm.

Respectfully submitted:

Mary Ann Finlay, MMC  
Township Clerk