

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
NOVEMBER 7, 2012  
6:30 P.M.**

**FLAG SALUTE**

Council President Cartier 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**

Sherry Scull

Diane Stinney (arrived during closed session at approximately 6:33 p.m.)

Jason Allen

Ken Cartier

Richard Prickett

**ABSENT**

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitor Andrew Bayer, Township Engineer Kelly Willis, Township Planner Rick Ragan, and Township Clerk Mary Ann Finlay.

**CALL TO ORDER**

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

**CLOSED SESSION**

RESOLUTION NO. 222-2012

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:  
REDEVELOPMENT – BROWNS MILLS SHOPPING CENTER

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 Scull and Allen to approve Resolution No. 222-2012. Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:30 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

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

President Cartier advised the public that there was no formal action necessary pursuant to closed session.

**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.**

Mrs. Scull requested to add Resolution No. 229-2012 to the consent agenda and read the title for public record regarding the resolution for application of the 2012 Drunk Driving Law funding.

Mr. Allen requested several of the following bills pulled as they were for registrations for the cancelled League Conference: The following bills to have been paid to the League of Municipalities were for the following departments: Council: \$180.00, Vital Statistics: \$148.00, Municipal Clerk, \$100.00, Tax Collector, \$50.00, Planning Dept. \$100.00, Zoning Dept. \$50.00, Recreation Dept. \$100.00.

President Cartier opened the meeting to the public for comments on the consent agenda. There being no members of the public indicating a desire to be heard, he closed the meeting to public comments on the consent agenda.

**CONSENT AGENDA ITEMS**

**MINUTES FILED BY CLERK**

Regular Meeting, October, 17, 2012.

**CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 223-2012  
**WHEREAS**, N.J.S.A. 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND  
**WHEREAS**, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT,  
**NOW, THEREFORE, BE IT RESOLVED**, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2012 IN THE SUM OF \$33,257.61, WHICH IS NOW AVAILABLE FROM THE 2012 RECYCLING TONNAGE GRANT IN THE AMOUNT OF \$33,257.61  
**BE IT FURTHER RESOLVED**, THAT THE LIKE SUM OF \$33,257.61 IS HEREBY APPROPRIATED UNDER THE CAPTION 2012 RECYCLING TONNAGE GRANT.  
RESOLUTION AUTHORIZING THE REFUNDING AND/OR CLOSING OF TREASURER’S ESCROW SUB-ACCOUNTS  
WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND/OR HOME IMPROVEMENTS PROJECTS, THAT A TREASURER’S ESCROW SUB-ACCOUNT AND DEVELOPER’S ESCROW ACCOUNTS BE ESTABLISHED; AND  
WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND  
WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB-ACCOUNTS AND DEVELOPER ACCOUNTS.  
NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE TREASURER’S ESCROW SUB-ACCOUNTS AND DEVELOPER ACCOUNTS AND REFUND ANY REMAINING FUNDS:

Treasurer’s Escrow			
Account Number	Name	Block/Lot	Amount
E-26-56-286-250-162	Sun National Bank	406/25	\$77.00
E-25-56-286-250-170	Carol Summers	387/49	\$451.14
E-25-56-286-250-168	Michael Dugas	830/21	\$58.00
E-25-56-286-250-177	George Willich	516/23	\$20.00
E-25-56-286-250-182	Anthony Felix	835/10	\$65.56
E-25-56-286-250-183	Russell Ondusko	613/10	\$65.56
E-25-56-286-250-185	William Carl	823.01/2.02	\$65.11
E-25-56-286-250-186	Ian Wildman	401/2	\$65.11
E-25-56-286-250-188	Wilma Sachenbacher	830/5-6	\$167.11
	<b>Total</b>		<b>\$1,034.59</b>

RESOLUTION NO. 225-2012  
**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 THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS 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.  
ALEX ALMEIDA  
JOHN SHAW

**RESOLUTION NO. 226-2012**

**WHEREAS**, THERE IS A NEED TO PROMOTE THE HEALTH AND SAFETY OF OUR CHILDREN; AND  
**WHEREAS**, NEARLY ONE OUT OF THREE CHILDREN (31%) AGES 10-17 ARE OVERWEIGHT OR OBESE IN NEW JERSEY AND NEW JERSEY HAS THE SECOND HIGHEST RATE OF OBESITY (17.9%) FOR LOW-INCOME CHILDREN AGES 2-5; AND  
**WHEREAS**, LACK OF PHYSICAL ACTIVITY HAS HAD A SIGNIFICANT IMPACT ON CHILDREN'S HEALTH AND WELL-BEING, RESULTING IN HIGHER RATES OF OBESITY, DIABETES, HEART DISEASE, AND OTHER RELATED HEALTH CONCERNS COMPARED TO 30 YEARS AGO; AND  
**WHEREAS**, DRIVING CHILDREN TO SCHOOL BY PRIVATE VEHICLE AND IDLING IN THE SCHOOL VICINITY CONTRIBUTES TO TRAFFIC CONGESTION AND AIR POLLUTION NEAR THE SCHOOL; AND  
**WHEREAS**, AIR POLLUTION NEAR SCHOOLS CAN HAVE ADVERSE EFFECTS ON STUDENT HEALTH, INCLUDING DECREASED LUNG DEVELOPMENT, ALLERGIES AND ASTHMA, AS WELL AS ON THE LOCAL ENVIRONMENT; AND  
**WHEREAS**, CONGRESS HAS DESIGNATED FEDERAL FUNDING TO DEVELOP THE NATIONAL SAFE ROUTES TO SCHOOL PROGRAM TO ADDRESS THESE CHALLENGES; AND  
**WHEREAS**, BICYCLING AND WALKING TO SCHOOL CAN HAVE A POSITIVE MENTAL AND PHYSICAL IMPACT ON THE HEALTH OF CHILDREN AND YOUTH, AND HELPS THEM ARRIVE AT SCHOOL READY TO LEARN; AND **WHEREAS**, PROVIDING SAFER ROUTES TO AND FROM SCHOOLS AIMS TO DECREASE PEDESTRIAN AND BICYCLING RELATED INJURIES, NOT JUST FOR STUDENTS BUT FOR THE ENTIRE COMMUNITY; AND  
**WHEREAS**, THE SAFE ROUTES TO SCHOOL PROGRAM USES EDUCATION, ENCOURAGEMENT, INFRASTRUCTURE AND ENFORCEMENT STRATEGIES TO HELP MAKE WALKING AND BICYCLING TO SCHOOL SAFER AND MORE ATTRACTIVE TO CHILDREN; AND  
**WHEREAS**, A SUCCESSFUL SAFE ROUTES TO SCHOOL PROGRAM INVOLVES SCHOOLS, SCHOOL BOARDS, CITIZENS AND LOCAL GOVERNMENT TO COLLABORATE TO ENABLE AND ENCOURAGE CHILDREN, INCLUDING THOSE WITH DISABILITIES, TO WALK AND BICYCLE TO SCHOOL SAFELY.  
**NOW, THEREFORE BE IT RESOLVED**, THAT THE TOWNSHIP COUNCIL AND MAYOR OF PEMBERTON TOWNSHIP SUPPORT THE SAFE ROUTES TO SCHOOL PROGRAM AND ARE PROPONENTS OF DEVELOPING AND MAINTAINING SAFE WAYS TO WALK AND BICYCLE TO SCHOOL.

**RESOLUTION NO. 227-2012**

**RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION**

**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 758 LOT 3, 406 COLORADO TR. OWNED BY ROBERT LEE HAWKINS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF OCTOBER 11, 2012; 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 758 LOT 3 AS A RESULT OF THE GRANTED EXEMPTION; AND  
**WHEREAS**, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO OCTOBER 10, 2012 ARE \$3,423.44; AND  
**WHEREAS**, TOTAL TAX FOR 2012 - \$4,572.88 OF WHICH \$4,572.88 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2012 TAXES IN THE AMOUNT OF \$1,149.44 AND ISSUE A REFUND OF \$1,149.44 FOR OVERPAYMENT OF 2012 TAX YEAR.  
**WHEREAS**, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF OCTOBER 11, 2012.  
**NOW THEREFORE, BE IT RESOLVED**, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 758 LOT 3 AS OF OCTOBER 11, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$1,149.44 FOR ROBERT HAWKINS TO BAC TAX SERV CORP. ATTN: REFUND DEPT. 1757 TAPO CANYON RD., SIM VALLEY, CA 93063

**RESOLUTION NO. 228 -2012**

**RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION**

**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 1091 LOT 21, 442 DARTMOUTH AVE. OWNED BY KENNETH & SHIRLEY CREEDON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF OCTOBER 16, 2012; 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 1091 LOT 21 AS A RESULT OF THE GRANTED EXEMPTION; AND  
**WHEREAS**, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO OCTOBER 15, 2012 ARE \$2,009.14; AND  
**WHEREAS**, TOTAL TAX FOR 2012 - \$2,628.99 OF WHICH \$2,009.14 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2012 TAXES IN THE AMOUNT OF \$619.85.  
**WHEREAS**, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF OCTOBER 16, 2012.  
**NOW THEREFORE, BE IT RESOLVED**, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 1091 LOT 21 AS OF OCTOBER 16, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL THE BALANCE OF 2012 TAXES IN THE AMOUNT OF \$619.85.

**RESOLUTION NO. 229-2012**

**RESOLUTION AUTHORIZING THE TOWNSHIP OF PEMBERTON TO SUBMIT AN APPLICATION TO THE NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR PARTICIPATION IN THE 2012 DRUNK DRIVING ENFORCEMENT FUND IN ORDER TO REPLACE THE TOWNSHIP'S DRIVING WHILE INTOXICATED VIDEO SYSTEM**

**WHEREAS**, THE TOWNSHIP OF PEMBERTON (THE “TOWNSHIP”) IS EXPERIENCING PROBLEMS WITH THE VIDEO SYSTEM THAT THE TOWNSHIP USES IN ORDER TO RECORD DRIVING WHILE INTOXICATED (“DWI”) FOOTAGE WHICH IS AFFECTING THE PROSECUTION OF DWI CASES IN THE TOWNSHIP AS VIDEO EVIDENCE IS EXTREMELY VALUABLE IN THE PROSECUTION OF SUCH CASES; AND

**WHEREAS**, THE TOWNSHIP WISHES TO SUBMIT AN APPLICATION TO THE STATE OF NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR PARTICIPATION IN THE 2012 DRUNK DRIVING ENFORCEMENT FUND (“DDEF”) IN ORDER TO FUND REPLACEMENT OF THE TOWNSHIP’S DWI VIDEO SYSTEM AS WELL AS NECESSARY UPGRADES TO THE VIDEO RECORDERS AND COMPUTERS IN THE TOWNSHIP’S POLICE PATROL VEHICLES; AND

**WHEREAS**, THE TOWNSHIP RECEIVED A PROPOSAL FROM QUALITY COMMUNICATIONS OF LAKEWOOD, NEW JERSEY IN THE AMOUNT OF \$15,100.85 FOR PURCHASE OF THE NEW VIDEO EQUIPMENT WHICH IT SUBMITTED TO THE DDEF COORDINATOR; AND

**WHEREAS**, THE TOWNSHIP PRESENTLY HAS \$17,313.30 IN ITS CURRENT DDEF FUND WHICH SHALL AUGMENT THE FISCAL YEAR 2012 FUNDS WHICH THE TOWNSHIP IS CURRENTLY APPLYING FOR; AND

**WHEREAS**, THE TOWNSHIP COUNCIL BELIEVES IT TO BE IN THE BEST INTERESTS OF THE TOWNSHIP TO APPLY TO THE STATE OF NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR PARTICIPATION IN THE 2012 DDEF.

**NOW, THEREFORE, 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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN APPLICATION WITH THE STATE OF NEW JERSEY DIVISION OF HIGHWAY TRAFFIC SAFETY FOR PARTICIPATION IN THE 2012 DRUNK DRIVING ENFORCEMENT FUND IN ORDER TO FUND REPLACEMENT OF THE TOWNSHIP’S DRIVING WHILE INTOXICATED VIDEO SYSTEM AS WELL AS NECESSARY UPGRADES TO THE VIDEO RECORDERS AND COMPUTERS IN THE TOWNSHIP’S POLICE PATROL VEHICLES.

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

- A. CHIEF DAVID H. JANTAS
- B. TOWNSHIP ADMINISTRATOR
- C. GLUCKWALRATH LLP

## **NEW BUSINESS**

Purchases over \$2,000.00

Police Dept: **1.** for purchase of Arrowflow fingerprint powder station from Arrowhead Scientific, Inc., in the amount of \$2,420.00. **2.** for purchase of 4 laptop computers from Bob Johnson’s Computer Stuff, Inc., in the amount of \$4,069.91.

Administration: **1.** for purchase of Human Resources I software applications, from Edmunds & Associates, in the amount of \$10,500.00.

Acknowledgement of fire co. membership/relief association application for: Thomas Gemicrani, Robert Bolcavage, & Joshua Danka, Browns Mills Fire Co.

Approval by Council required for payment of vouchers on bill list dated 11/2/12.

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

## **ORDINANCES FOR INTRODUCTION**

### **ORDINANCE NO. 16-2012**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 86 OF THE TOWNSHIP CODE, ENTITLED “UNIFORM CONSTRUCTION CODES”, IN ORDER TO AMEND CERTAIN CONSTRUCTION PERMIT FEES (**NOTE: THIS WAS EMAILED TO COUNCIL ON 10/31/12 FOR ADVANCE REVIEW – IF INTRODUCED A PUBLIC HEARING SHOULD BE SCHEDULED FOR DECEMBER 5TH**)

Motion by Allen and Scull to introduce Ordinance No. 16-2012 with a public hearing to be held on December 5, 2012. Allen, yes; Scull, yes; Prickett, no; Stinney, yes; Cartier, yes. Motion carried.

### **ORDINANCE NO. 17-2012**

AN ORDINANCE AMENDING CHAPTER 190, ZONING, OF THE CODE OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY (**NOTE: THIS ORDINANCE RESPONDS TO**

**PINELANDS COMPREHENSIVE MGT. PLAN RELATED TO CLUSTER DEVELOPMENT, WETLANDS MGT. AND FORESTRY AND REQUIRES AT LEAST 10 DAYS PUBLICATION OF PUBLIC HEARING, REFERRAL TO PLANNING BOARD AND 200' NOTICES. IF THIS ORDINANCE IS TO BE ADOPTED THIS YEAR, IT WOULD HAVE TO BE INTRODUCED TONIGHT WITH A PUBLIC HEARING SCHEDULED FOR DECEMBER 19<sup>TH</sup> AS THIS IS THE ONLY COUNCIL MEETING FOR NOVEMBER, AND TO ALLOW TIME FOR PUBLICATION, 200' NOTICES AND REFERRAL TO THE PLANNING BOARD'S DECEMBER 6<sup>TH</sup> MEETING FOR RECOMMENDATION BACK TO COUNCIL FOR THEIR DECEMBER 19<sup>TH</sup> MEETING. THIS WAS EMAILED TO COUNCIL ON 11/1/12 FOR ADVANCE REVIEW.)**

Motion by Allen and Prickett to introduce Ordinance No. 17-2012 with a public hearing to be held on December 19, 2012. Allen, yes; Prickett, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

**ORDINANCE NO. 18-2012**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 145 OF THE TOWNSHIP CODE IN ORDER TO ESTABLISH PROVISIONS GOVERNING THE MAINTENANCE OF VACANT PROPERTIES IN THE TOWNSHIP AND ESTABLISHING REGISTRATION FEES FOR VACANT PROPERTIES (NOTE: THIS WAS EMAILED TO COUNCIL ON 10/31/12 FOR ADVANCE REVIEW - IF INTRODUCED A PUBLIC HEARING SHOULD BE SCHEDULED FOR DECEMBER 5TH)**

Motion by Prickett and Scull to introduce Ordinance No. 18-2012 with a public hearing to be held December 5, 2012.

Mr. Prickett asked if it is legal or can this ordinance be challenged, noting however, that he likes it. Mr. Gonzalez expressed confidence that not only was it reviewed by the Solicitor but Administration had looked at four or five other towns with ordinances that were either identical or similar and that it will help with the eye sores in the neighborhoods. Mr. Prickett asked where the monies will go. Mr. Gonzalez explained that it would come in as general revenue in the budget to offset any costs.

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

**ORDINANCE NO. 15-2012**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 145 OF THE TOWNSHIP CODE, ENTITLED "PROPERTY MAINTENANCE" IN ORDER TO ADDRESS INSECT INFESTATION CONCERNS**

Motion by Allen and Stinney to adopt Ordinance No. 15-2012.

Council President opened the meeting up for public comments on Ord. 11-2012. Those commenting were:

**Gorge Petronis, Browns Mills – 1.** Reminded that as he indicated at the last meeting, he does not agree with the door knockers issue. He is concerned with

the use of the International Code which deals with internal conditions of a building. He is concerned with entering a property and if the owner does not allow entry that Code Enforcement can then get an administrative order to enter. He questioned what the probable cause would be, to which the Solicitor was not sure. He feels they should set the ordinance aside until the question can be answered. The Mayor explained his experience of obtaining administrative search warrants, noting the Judge makes the decision and that this ordinance gives no authority for any official to just enter a home. He reiterated that Council should know what probable cause is and what the standards are before they act on the ordinance. The Mayor again explained that the Judge makes the decision and decides probable cause as indicated by the officials' application and there is not just one set of probable causes. Mr. Petronis expressed concern with future officials that will be here in office seeking out probable cause. The Mayor assured that the residents do not lose protection and the ordinance only provides a tool for them to legally enter when it is absolutely needed. Mrs. Scull asked if they have to notify the residents of the follow up procedure. Mr. Gonzalez shared that other towns never had to go as far as getting an administrative search order but by incorporating section 305 it gives them avenues to pursue when needed.

**America Phillips, Presidential Lakes – 1.** Expressed hope that they come for that house she has spoken of before. President Cartier explained that this public comments portion is only for Ordinance No. 15-2012. She noted she would come back later.

There being no other members of the public expressing a desire to speak on Ordinance No. 15-2012, President Cartier closed the meeting to public comments on the ordinance.

Mr. Prickett expressed that he shares his concerns with Mr. Petronis but also supports door knockers, noting it provides good will with the residents. Mr. Allen asked if they have received any complaints from Code Enforcement regarding the ordinance as it was written. Mr. Gonzalez shared that Code Enforcement, and Mr. Bennedetti are happy with the ordinance and feel that the ordinance which includes the first warning has no teeth. He advised that a notice of violation is a warning with a time frame to abate. He also noted that one of the Code Enforcement Officers has advised that it reduced her productivity. Mrs. Scull asked how the residents get the notices of violation. She wants to make sure they don't have cases of non-receipt. Mr. Gonzalez advised they would be hand delivered or mailed. Mr. Prickett expressed that they work for the residents and again advocated for the door knockers and giving the residents ample notice and assistance.

Allen, yes; Stinney, yes; Prickett, no; Scull, yes; Cartier, yes. Motion carried.

President Cartier asked Administration if there has been any progress with the County regarding 1030 Hanover Blvd., to which he was told that the County noted they have inspected and will be able to work together with the Township.

**Designates Council sub-committee for review of 2013 Professionals' RFPs.**

Mrs. Stinney and Mrs. Scull volunteered to be the sub-committee for review of

the RFPs.

### **General Public Comments**

President Cartier opened the meeting to the public for general comments. Those commenting were:

**America Phillips, Presidential Lakes – 1.** Asked the status of 200 New Hampshire Rd., noting it has been empty for three years. Mr. Gonzalez explained that the Township does not have an adopted ordinance to address this issue. Mr. Prickett relayed that the Township does have an ordinance in the property maintenance code for registrations. Mr. Gonzalez clarified that they do have a process for Code Enforcement to implement their process for liens and they will come back to check the status. President Cartier pointed out that Mrs. Phillips has been complaining about this property for quite some time. Mr. Gonzalez suggested she call Mr. Bennedetti to obtain the latest status. President Cartier reiterated that Mrs. Phillips has been complaining about this property for over a year. Mr. Gonzalez informed that Code Enforcement has been out there. Mr. Prickett advised that he has been out there himself and has noted several areas of concern. Mrs. Phillips acknowledged that Mr. Gonzalez is not to blame for this on-going matter and she knows she can meet with Administration, however she feels this is a meeting to which one can bring their concerns up.

There being no other members of the public indicating a desire to comment, President Cartier closed the meeting to public comments.

### **Solicitor's report**

Mr. Bayer relayed that he had nothing to report publicly tonight.

### **Engineer's report**

Mrs. Willis reported: **1.** Their firm was contacted by DEP following Hurricane Sandy who went with them and Public Works to inspect the Country Lakes Dams situation and found no major erosion problems. **2.** Bayberry Dam project is progressing. **3.** They are working on the last road of the road program. **4.** Country Lakes Dam design is underway and they have met with DEP regarding it.

### **Planner's report**

Mr. Ragan reported: **1.** That Dollar General's application is at the Pinelands. Mrs. Stinney asked the status of the Dialysis Center to which Mr. Ragan advised that they obtained their approvals and are in Engineering, then will be going back to the Planning Board for review. She asked if the storm water has been addressed, to which he advised yes that it is in their conditions.

### **Mayor's report**

Mayor Patriarca reported: **1.** In regards to the recent storm approximately 10,000 residents lost power. He attended a meeting and was advised that presently approximately 3 customers are left for restoration and he hopes to get a more up to date status. He commented that Public Works and JCP & L worked hard and did a

great job, noting they removed fallen trees quickly. He also commended Office of Emergency Management on their great job and praised all the volunteers involved. He advised they took proactive measures to hold back the water and they were well prepared. He gave thanks to the efforts of the police departments in helping crews from out of state find areas in need. He expressed hop in improvement with communication with JCP&L and thanked the Engineers for coming out and inspecting the dams. **2.** Announced they will be doing a ceremony at Veterans Park on Veterans Day at ten and then again at the Legion at eleven. Mrs. Scull asked if it is possible for the police to post break-in logs so the community is aware.

### **Business Administrator's report**

Mr. Gonzalez reported: **1.** Shared his experience dealing with major storms and emergencies from other towns he has worked in and expressed that everyone should be proud of the work performed by the Emergency Management team and that they have already identified areas they can improve. President Cartier asked if Jersey Central relayed which three houses are still without power so they can provide assistance.

### **Council Members' Comments**

Sherry Scull: **1.** Advised that she stopped by on Tuesday and sat in on the emergency management meeting and was proud of the team. **2.** In regards to lights companies she noted six or seven trucks from other states including North Carolina. **3.** Advised that she went to the Burlington County College shelter for the displaced, noting they have been through a lot. She relayed that the JROTC had done a tremendous job helping out and commended Major Cooke noting he gets the job done. She shared that they held a Halloween party for the children. She commented on items they need and programs they are starting such as reading programs and that they are still looking for hair dressers and barbers. **4.** Noted the 17<sup>th</sup> annual dinner for induction of members to the Hall of Fame noting there are some terrific graduates that do a lot. She also noted that many companies are giving out free meals for the veterans.

Diane Stinney: **1.** Thanked all the firefighters, first responders, staff and all those involved with helping out during the storm. She noted to Mr. Gonzalez that people were asking all though town what to do and where to go for assistance and thanked him for putting a message on the municipal sign with contact information. **2.** Asked the Mayor if he could prepare a proclamation for the annual Veterans Day event on November 18<sup>th</sup>.

Richard Prickett: **1.** Reiterated that in regards to vacant properties and in regards to the proposed new ordinance, that the Township has an ordinance requiring a report to the Township Council on January 15<sup>th</sup> of each year and commented that all towns have vacant property problems of some type. **2.** He commented on 12 million in cuts noting state aid is determined from the number of children in the system and emphasized that they must get these homes occupied and the properties maintained. He expressed hope that blight is addressed in their community and commended Council for wanting there to be liens on properties and hopes that Administration and Council will make this a priority.

Jason Allen: **1.** Commended everyone locally and nationally for going out and



volunteering. **2.** Announced that on Saturday Trey Simms spoke about the Federal Justice System and will do a presentation for TAG. **3.** Thanked the Mayor and his wife for helping him when his car battery died.

Kenneth Cartier: **1.** Thanked everyone for coming out and noted tonight's meeting is the only meeting for this month. He wished everyone a Happy Thanksgiving, noted the upcoming Winter Parade on December 8<sup>th</sup> and wished everyone a safe trip home.

The meeting was adjourned at approximately 8:40 p.m.

Respectfully submitted by,

MARY ANN FINLAY, MMC, TOWNSHIP CLERK