

TOWNSHIP OF PEMBERTON

REGULAR MEETING

DECEMBER 2, 2009

6:30 P.M.

1. Council President Stinney 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.

PRESENT

Richard Prickett
Sherry Scull
Ken Cartier
Tom Inge
Diane Stinney

ABSENT

Also present: Business Administrator Chris Vaz, Township Solicitor Representative David Clark, Township Engineer Chris Rehmann, Township Planner Rick Ragan, Township Deputy Clerk Amy Cosnoski

2. Chairwoman Stinney called the meeting to order at 6:30 PM
3. Closed Session Res. No. 249-2009

RESOLUTION NO. 249-2009

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:
CONTRACT NEGOTIATIONS
PBA CONTRACT UPDATE
BROWNS MILLS SHOPPING CENTER PENDING OR FUTURE LITIGATION
WORKERS COMPENSATION CASES FOR ART BAKER AND JILLIAN KLATT
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mr. Clark requested to add Browns Mills Shopping Center pending or future litigation to Closed Session topics. Mrs. Scull advised that Mr. Vaz would like to add Workers Compensation Cases for Art Baker and Jillian Klatt to the Closed Session topics.

Motion by Cartier and Scull to approve Resolution No. 249-2009. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

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

Mrs. Stinney recessed the meeting at approximately 6:31 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:01 pm.

5. Formal action as necessary pursuant to closed session.

Council President advised there will be no formal action necessary pursuant to closed session.

6. Public comments on consent agenda items only.

Mrs. Stinney 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. Stinney closed the meeting to public comments.

***7. 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.**

***9. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Regular Meeting, November 4, 2009 and Special Meeting, November 5, 2009.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 250-2009

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:

NICK & TANIA MARSH, OVERPAYMENT OF WATER BILL, \$124.50, BLOCK 677, LOT 69

ESTATE OF ALBERT T. MYERS, OVERPAYMENT OF 3RD QUARTER PROPERTY TAXES, \$872.99, BLOCK 907, LOT 21

FRED TAYLOR, OVERPAYMENT OF 4TH QUARTER PROPERTY TAXES, \$1,064.54, BLOCK 656, LOT 10

SAMUEL GARCIA, DUPLICATE PAYMENT FOR RENTAL INSPECTION, \$25.00, BLOCK 854, LOT 57

KLUK CONSULTANTS, OVERPAYMENT OF OPRA REQUEST, \$7.00.

RESOLUTION NO. 251-2009

RESOLUTION OF THE TOWNSHIP PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF TAX SALE CERTIFICATE 2009164

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL TAX SALE CERTIFICATE 2009164 WHICH WAS SOLD ON SEPTEMBER 22, 2009 AGAINST BLOCK 442 LOT 1. THE TAX SALE CERTIFICATE WAS SOLD IN ERROR ON PROPERTY WHICH IS UNDER CHAPTER 13 BANKRUPTCY PROTECTION.

WHEREAS, THE TAX COLLECTOR WAS INFORMED OF THE BANKRUPTCY STATUS ON NOVEMBER 16, 2009 AND THE BANKRUPTCY WAS FILED ON AUGUST 8, 2009.

WHEREAS, THE LIEN HOLDER PAID \$262.42 IN SOLID WASTE CHARGES FOR THE LIEN. THE TOTAL DUE THE LIEN HOLDER IS \$282.10 WHICH INCLUDES FEES AND INTEREST ON THIS AMOUNT FOR THE PERIOD OF SEPTEMBER 22, 2009, THE DATE OF THE TAX SALE, TO DECEMBER 16, 2009, THE DATE THE REFUND WILL BE ISSUED.

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

1. THE TAX COLLECTOR IS AUTHORIZED TO REFUND \$282.10 TO US BANK CUST FOR PRO CAPITAL FUNDING I LLC, TAX LIEN SERVICE GRP, 2 LIBERTY PLACE, 50 SOUTH 16TH ST, SUITE 1950, PHILADELPHIA, PA 19102.
2. THE TAX COLLECTOR IS AUTHORIZED TO CANCEL TAX SALE CERTIFICATE 2009164 WHICH WAS SOLD IN ERROR ON SEPTEMBER 22, 2009 FOR BLOCK 442 LOT 1

RESOLUTION NO. 252-2009

RESOLUTION AUTHORIZING THE SALE OF TAX SALE CERTIFICATE 2009388 BY ASSIGNMENT

WHEREAS, THE TOWNSHIP OF PEMBERTON IS THE HOLDER OF TAX SALE CERTIFICATE NUMBER 2009388; AND, WHEREAS, IT IS DEEMED FINANCIALLY BENEFICIAL TO AND IN THE BEST INTERESTS OF THE MUNICIPALITY TO SELL SUCH TAX SALE CERTIFICATE.

WHEREAS, THE TAX COLLECTOR HAS FULFILLED THE REQUIREMENTS WHEREBY NOTICE OF POTENTIAL ASSIGNMENT HAS BEEN MAILED TO THE OWNER AT THE ADDRESS AS APPEARING ON THE TAX DUPLICATE; AND, WHEREAS, NOTICE OF ASSIGNMENT HAS BEEN POSTED IN THREE PUBLIC PLACES WITHIN THE TOWNSHIP OF PEMBERTON AND PUBLISHED IN THE BURLINGTON COUNTY TIMES AS REQUIRED BY LAW.

NOW THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY ON THIS 2ND DAY OF DECEMBER 2009, HEREBY AUTHORIZE THE SALE BY ASSIGNMENT OF THE TAX SALE CERTIFICATE NUMBER 2009388 IN THE AMOUNT OF ONE THOUSAND SIXTEEN DOLLARS AND TWELVE CENTS (\$1,016.12) TO:

MICHAEL WILLIAMSON

3 SIOUX TRAIL

BROWNS MILLS, NEW JERSEY 08015

FOR THE CONSIDERATION THEREIN SET FORTH, WHICH SUM INCLUDES THE LIEN FOR UNPAID SUBSEQUENT TAXES FOR THE PERIODS SET FORTH, ALL AS PROVIDED FOR AND PERMITTED UNDER N.J.S.A. 54:5-113,

BE IT FURTHER RESOLVED, THAT THE MAYOR AND MUNICIPAL CLERK BE AND ARE HEREBY AUTHORIZED AND EMPOWERED TO MAKE, EXECUTE AND DELIVER ANY AND ALL ASSIGNMENT FORMS OR OTHER LEGAL DOCUMENTS WHICH MAY BE NECESSARY OR DESIRED TO EFFECTUATE THE SALE PERMITTED BY THIS RESOLUTION.

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR.

RESOLUTION NO: 253- 2009

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AUTHORIZING THE INSERTION SPECIAL OF ITEMS OF REVENUES AND APPROPRIATIONS, N.J.S. 40A:4-87

WHEREAS, N.J.S. 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 ADOPTION OF THE BUDGET: AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF THE FOLLOWING AWARD FOR A TOTAL OF \$ 234,411.01 FROM THE STATE OF NEW JERSEY, AND WISHES TO AMEND THE 2009 BUDGET TO INCLUDE THIS AMOUNT AS REVENUE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF 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 2009 FOR THE FOLLOWING SUM:

1. STATE OF NEW JERSEY,
DIVISION OF HIGHWAY TRAFFIC SAFETY,
OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT # AL-09-410
\$ 5,850.00
2. STATE OF NEW JERSEY, SOLID WASTE ADMINISTRATION

- 2007 RECYCLING TONNAGE GRANT
\$31,646.01
3. STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2009, LEMMON AVENUE
\$196,915.00

BE IT FURTHER RESOLVED, THAT THE LIKE SUM(S) OF \$ 234,411.01 ARE HEREBY APPROPRIATED UNDER THE CAPTION:

GENERAL REVENUE:

MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT OFFSET WITH APPROPRIATIONS:

1. STATE OF NEW JERSEY, DIVISION OF HIGHWAY TRAFFIC SAFETY,
OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT # AL-09-410
\$ 5,850.00
2. STATE OF NEW JERSEY, SOLID WASTE ADMINISTRATION
2007 RECYCLING TONNAGE GRANT
\$31,646.01
3. STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2009, LEMMON AVENUE
\$196,915.00

BE IT FURTHER RESOLVED THAT THE SAME AMOUNTS BE APPROPRIATED AS FOLLOWS:

GENERAL APPROPRIATIONS:

(A) OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:

STATE OF NEW JERSEY, DIVISION OF HIGHWAY TRAFFIC SAFETY,
OVER THE LIMIT UNDER ARREST 2009 STATEWIDE CRACKDOWN GRANT # AL-09-410
\$ 5,850.00
STATE OF NEW JERSEY, SOLID WASTE ADMINISTRATION
2007 RECYCLING TONNAGE GRANT
\$31,646.01
STATE OF NEW JERSEY, DEPARTMENT OF TRANSPORTATION
FISCAL YEAR 2009, LEMMON AVENUE
\$196,915.00

RESOLUTION NO. 254-2009

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 379 LOT 34, 67 BRIAR ST. OWNED BY FELTON & ROSA MAE GALLON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF OCTOBER 14, 2009; 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 379 LOT 34 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO OCTOBER 13, 2009 ARE \$3,141.72; AND WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 379 LOT 34 IN THE AMOUNT OF \$3,141.72 FOR THE YEAR 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF TAXES FROM OCTOBER 14, 2009 TO DECEMBER 31, 2009 IN THE AMOUNT OF \$815.48 ON THE PROPERTY, AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF OCTOBER 14, 2009. 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 2009 PROPERTY TAXES ON BLOCK 379 LOT 34 AS OF OCTOBER 14, 2009, 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 CANCEL TAXES IN THE AMOUNT OF \$815.48.
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.
- 4.

RESOLUTION NO. 255-2009

TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF CURRENT FUND APPROPRIATION BALANCES TO SURPLUS

WHEREAS, N.J.S.A. 40A:4-60 AUTHORIZES ANY UNEXPENDED BALANCES OF APPROPRIATIONS BE CANCELED PRIOR TO THE END OF THE FISCAL YEAR:

WHEREAS, THE FOLLOWING ACCOUNTS IN THE CURRENT FUND BUDGET HAVE APPROPRIATION BALANCES WHICH REMAIN UNEXPENDED, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED TO FUND BALANCE:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE UNEXPENDED BALANCES FROM THE 2009 CURRENT FUND BUDGET, AND THE UNEXPENDED BALANCES FROM THE 2004 SPECIAL EMERGENCY LISTED BELOW BE CANCELED:

OTHER EXPENSES:

JUDGMENTS # 01-2009-0001-0480-2-09100	\$ 255,000.00
2004 SPECIAL EMERGENCY # 01-9999-0000-2876-2-20400	\$ 193,079.58

RESOLUTION NO. 257-2009

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO THE RODGERS GROUP, LLC FOR POLICE ACCREDITATION CONSULTING SERVICES

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR POLICE ACCREDITATION CONSULTING SERVICES IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND

WHEREAS, THE TOWNSHIP WISHES TO HAVE AN ACCREDITED POLICE DEPARTMENT IN ORDER TO IMPROVE OPERATIONAL EFFICIENCY WITHIN THE PEMBERTON TOWNSHIP POLICE DEPARTMENT AS WELL AS ADOPT PERFORMANCE STANDARDS WHICH SERVE TO REDUCE RISK EXPOSURES ASSOCIATED WITH LAW ENFORCEMENT ACTIVITIES; AND

WHEREAS, THE TOWNSHIP RECEIVED ONE (1) BID FROM THE FOLLOWING VENDOR IN THE FOLLOWING AMOUNT:

- (1) THE RODGERS GROUP, LLC
P.O. BOX 831
ISLAND HEIGHTS, NJ 08732
BID: \$34,000.00

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO THE RODGERS GROUP, LLC AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED THE RODGERS GROUP, LLC 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 POLICE ACCREDITATION CONSULTING SERVICES IS HEREBY AWARDED TO THE RODGERS GROUP, LLC AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR IN AN AMOUNT NOT TO EXCEED \$34,000.00 AND IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY THE RODGERS GROUP, LLC; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER _____; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. THE RODGERS GROUP, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 258-2009

WHEREAS, THE TOWNSHIP OF PEMBERTON DESIRES TO APPLY FOR A GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS FOR APPROXIMATELY \$200,000 TO CARRY OUT A HOUSING REHABILITATION PROJECT TO REPAIR HEALTH AND SAFETY VIOLATIONS IN HOMES OF LOW AND MODERATE INCOME RESIDENTS.

BE IT THEREFORE RESOLVED,

- 1) THAT THE TOWNSHIP OF PEMBERTON DOES HEREBY AUTHORIZE THE APPLICATION FOR SUCH A GRANT; AND,
- 2) RECOGNIZES AND ACCEPTS THAT THE DEPARTMENT MAY OFFER A LESSER OR GREATER AMOUNT AND THEREFORE, UPON RECEIPT OF THE GRANT AGREEMENT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, DOES FURTHER AUTHORIZE THE EXECUTION OF THE GRANT AGREEMENT; AND, ALSO, UPON RECEIPT OF THE FULLY EXECUTED AGREEMENT FROM THE DEPARTMENT, DOES FURTHER AUTHORIZE THE EXPENDITURE OF FUNDS PURSUANT TO THE TERMS OF SAID AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.

BE IT FURTHER RESOLVED, THAT THE MAYOR AND CLERK ARE AUTHORIZED TO SIGN THE APPLICATION, AND THAT THEY OR THEIR SUCCESSORS IN SAID TITLES ARE AUTHORIZED TO SIGN THE AGREEMENT AND ANY OTHER DOCUMENTS NECESSARY IN CONNECTION THEREWITH:

RESOLUTION NO. 260-2009

A RESOLUTION AUTHORIZING SETTLEMENT IN THE MATTER ENTITLED ARTHUR BAKER V. PEMBERTON TOWNSHIP, C.P. #2006-30232

WHEREAS, THE PETITIONER, ARTHUR BAKER, FILED A WORKERS COMPENSATION CLAIM PETITION, C.P. #2006-30232 (THE "LITIGATION") AGAINST THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND
WHEREAS, THE TOWNSHIP CONTESTED THE ALLEGATIONS RAISED BY AND THROUGH THE LITIGATION; AND
WHEREAS, IN THE MEANTIME, THE PARTIES HAVE AGREED TO SETTLE THE LITIGATION THROUGH AN ORDER APPROVING SETTLEMENT (PERMANENT DISABILITY OF 35% OF THE LEFT LEG), A COPY OF WHICH IS ATTACHED HERETO; AND

WHEREAS, THE TOWNSHIP'S CLAIMS ADMINISTRATOR AND SPECIAL COUNSEL FOR WORKERS' COMPENSATION CASES HAVE BOTH RECOMMENDED THE SETTLEMENT; AND

WHEREAS, IN LIGHT OF THE RISKS AND COSTS ASSOCIATED WITH LITIGATION, THE BUSINESS ADMINISTRATOR AND MAYOR HAVE RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE THE SETTLEMENT OF THE LITIGATION.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE SETTLEMENT OF THE LITIGATION FOR THE TOTAL SUM OF \$21,515.25 (110.25 WEEKS X \$195.15 = \$21,515.25) PLUS THE TOWNSHIP'S SHARE OF MEDICAL FEES, ATTORNEY'S FEES, AND STENOGRAPHIC SERVICE FEES (\$2,865) IS HEREBY APPROVED;

2. THE TOWNSHIP'S SPECIAL COUNSEL FOR WORKERS' COMPENSATION CASES, THOMAS E. KUNZ, ESQ., IS HEREBY AUTHORIZED TO SETTLE THE CLAIMS THAT WERE RAISED OR THAT COULD HAVE BEEN RAISED BY PETITIONER THROUGH THE LITIGATION IN ACCORDANCE WITH THE TERMS OF THIS RESOLUTION.

3. THE SPECIAL COUNSEL IS HEREBY AUTHORIZED TO SIGN ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE LITIGATION ON BEHALF OF THE TOWNSHIP.

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

- A. THOMAS E. KUNZ, ESQ.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. VERONICA GEORGE @ INSERVCO

RESOLUTION NO. 261-2009

WHEREAS, BY RESOLUTION NO. 258-2008, ADOPTED DECEMBER 17, 2008, THE TOWNSHIP COUNCIL AWARDED A CONTRACT FOR THE WELL # 11 PUMP AND REHABILITATION TO A. C. SCHULTES, INC., WOODBURY HEIGHTS, NJ, FOR \$47,285.00; AND

WHEREAS, BY RESOLUTION NO.102-2009, ADOPTED APRIL 1, 2009, THE TOWNSHIP COUNCIL AWARDED CHANGE ORDER NO. 1 TO A. C. SCHULTES, INC FOR 42,270.00; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 2 SUBMITTED BY ADAMS, REHMANN & HEGGAN, DATED OCTOBER 20, 2009; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A DECREASE OF \$5,858.00, 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 CHANGE ORDERS WILL BE \$83,697.00; AND

WHEREAS, THE PROJECT ENGINEER AND THE 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 CHANGE ORDERS 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 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 -\$5,858.00; 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 ADAMS, REHMANN & HEGGAN FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

13. NEW BUSINESS

***a. Requests from various departments to expend funds in excess of \$2,000.00:**

***2. Public Works Dept.:**

Purchase of uniform shirts and sweat shirts for fleet dept. from Best Uniform in the amount of \$4,142.50.

- *3. Public Works Dept.:** Purchase of 750 tons of rock salt from County contract vendor Ocean Port Industries in the amount of \$42,480.00.
- *4. Public Works Dept.:** Purchase of 500 tons of sand from County contract vendor Dun-Rite Sand and Gravel in the amount of \$7,250.00.
- *5. Public Works Dept.:** Purchase of 4,000-Watt Trailer Mounted Light Towers from state contract vendor Alas Flasher & Supply Co., in the amount of \$14,998.00.
- *6. Public Works Dept.:** Purchase of Allison MT653 Reman Transmission for dump truck #21 from state contract vendor Johnson & Towers, in the amount of \$4,970.00.
- *7. Public Works Dept.:** Purchase of 1.25 cubic yard pin on mount for 410D front loader bucket, with replaceable bolt on cutting edge, from Standard Equipment Co., in the amount of \$3,300.00.

***14.** Approval by Council required for payment of vouchers on bill list dated 12/23/09.

Mr. Prickett requested to pull Resolution Numbers 256-2009, 259-2009, 264-2009, 265-2009 and 266-2009. Mr. Cartier requested to pull 13A1, Tax Assessor's department under New Business. Mr. Inge requested to pull Resolution Numbers 262-2009 and 263-2009.

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

8. PUBLIC HEARING

- a. Public Hearing** to explain federal and state guidelines, review eligible and proposed program activities, and to consider a proposal for an application under the Small Cities Community Development Block Grant Program Housing Rehabilitation Project.

Council President Stinney informed that by law, Council has to read certain things in to the public record and a hearing is to give the public an opportunity to discuss other projects that could be done by the grant. Resolution No. 258-2009 is also tied in to this grant and our grant writer, Janet, is here tonight through the Bridge Commission. Mrs. Stinney asked Mr. Vaz to explain and further introduce Janet. Mr. Vaz pointed out that Janet works for a grant writing firm, CGP&H and they have a contract with the Burlington County Bridge Commission. The Bridge Commission offers the resource of CGP&H at no cost to municipalities and Pemberton Township has been able to take advantage of that in a number of ways and developed a three way partnership with the Bridge Commission and CGP&H. An application to the small cities program that Administration is proposing is a rehabilitation program to try to do about ten homes to get some people who desperately need that help a chance to have some money to do some much needed repair to their homes. Pemberton Township has been in the small cities program for many years and has not taken advantage of the grant program. Mr. Vaz continued that we did not make the deadline for the public facilities program which was in the beginning of November but we are planning to apply for the next small cities round for public facilities. Administration looked at the other available programs through small cities and in talking to Janet and David Girken from CGP&H, determined that a rehabilitation program would work. Mr. Vaz conveyed

that initially he and the Mayor were very resistant because the RCA rehab program although it did benefit people, the administrative side of the program was a disaster. CGP&H is taking all of our RCA program files and reviewing them for us, inputting the data in to the COAH database and helping us get our arms around the three RCA programs that Pemberton has done over the years. This is being done at no cost to the Township. Mr. Vaz remarked that we are very thankful to the Bridge Commission and CGP&H for helping us. Mr. Vaz reiterated that this is not costing the Township anything and it would have been a very substantial amount just by way of comparison a year ago before preparing this current year's budget he was told by a different firm that the cost for a small cities grant would be approximately \$15,000. Janet explained the purpose of the public hearing is to discuss the community development block grant, small cities program funded under the housing the community development act of 1974 as amended and as administered through the NJ Department of Community Affairs. The general purpose of the act is to meet urgent community development and housing needs. Eliminates and prevents slums and blights and expands economic opportunities. Principally, for persons of low and moderate income. The Township of Pemberton is eligible to apply to the small cities program under both the public facilities fund and the housing rehabilitation fund categories. The maximum grant awards are \$400,000 for public facilities and \$200,000 for housing rehabilitation. The Township intends to file a small cities public facilities grant application for up to \$200,000 for the purpose of housing rehabilitation of housing units and code violations for low and moderate income families. The specific objectives of the state's small cities program can be found in the agenda received in section 3. The specific objective targeted by this application is E, to support housing rehabilitation programs that will increase the supply of safe, decent and affordable housing. In order for the Township to possibly receive these funds, it is necessary to first prepare an application which provides information on needs and objectives, describes the proposed activities and explain how the selective program will benefit low and moderate income residents. The application is to be submitted by December 31, 2009. If approved, funding will be available in early 2010. Information regarding the evaluation criteria and a description of all eligible activities can also be found in the agenda in section 6 and 7. The specific eligibility activity in this application is number 21, housing services designed to assist homeowners, tenants and others participating or seeking to participate in eligible housing activities. At this time, the public hearing is open for comments by the public. Mrs. Stinney thanked Janet and also thanked Council for passing Resolution No. 258-2009 this evening. Mrs. Stinney asked the public to come forward for public comments and added that Janet will be open for any comments. Mrs. Stinney reported that by law, the microphone must be open for fifteen minutes. Mr. Vaz added that in the meantime, Council can continue its business and if anyone walks in they will be asked if they are attending for the small cities program.

ITEMS PULLED FROM THE CONSENT AGENDA

Resolution No. 256-2009:

Mr. Prickett explained Resolution No. 256-2009 is the acceptance of bids received from the public auction and authorizes the sale of municipal land. A number of meetings ago this came before the Council and he opposed selling the land at this point because the planner wasn't involved in the selection of the lots and there wasn't a Council committee involved with the selection of the properties. Mr. Prickett expressed a Council committee is important to have oversight over this process to ensure these properties are not of value to the Township in themselves in that they might be a drainage lot that drains a road or an area of the Township and that evaluation wasn't completed by the planner or the engineer. Mr. Prickett reiterated he opposed this and Mr. Inge recused himself and this passed by a vote of two to move forward with this. Mr. Prickett noted there is only one final bid

that is more than the minimum bid and that was \$1.00 more. Mr. Prickett expressed concern that perhaps some of the minimum bids are too low.

Motion by Scull and Cartier to approve Resolution No. 256-2009. Scull, yes; Cartier, yes; Inge, abstain; Prickett, no; Stinney, yes. Motion carried.

RESOLUTION NO. 256-2009

RESOLUTION AUTHORIZING SALE OF MUNICIPAL LAND AS A RESULT OF PUBLIC AUCTION

WHEREAS, BY RESOLUTION NO. 229-2009, THE TOWNSHIP COUNCIL AUTHORIZED THE SALE OF CERTAIN MUNICIPALLY OWNED LANDS; AND

WHEREAS, A PUBLIC AUCTION WAS CONDUCTED ON NOVEMBER 10, 2009 RESULTING IN THE OFFER OF CERTAIN BIDS FOR THE PURCHASE OF SAID LANDS; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS REVIEWED THOSE PROPOSALS, AND HAS DETERMINED TO ACCEPT THE BIDS SET FORTH IN SCHEDULE A, ATTACHED HERETO AND MADE A PART HEREOF THIS RESOLUTION; AND

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREIN ACCEPTS THE BIDS FOR THE PROPERTIES DESCRIBED IN SCHEDULE A, AND THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE DEEDS TO THE GRANTEEES, SUBJECT TO RECEIPT OF ALL PAYMENTS DUE;

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL BE RESPONSIBLE, ONCE PAYMENT HAS BEEN RECEIVED, TO RECORD SAID DEEDS AND, FOLLOWING RECORDATION BY THE BURLINGTON COUNTY CLERK'S OFFICE, TO COMMUNICATE WITH THE GRANTEEES NAMED HEREIN SO THAT THEY CAN RETRIEVE THESE DEEDS; AND

Mrs. Stinney noted two residents just arrived for the meeting and she invited them to comment on the small cities grant which they declined.

Resolution No. 259-2009:

Mr. Prickett informed Resolution No. 259-2009 is an application for a grant for a redevelopment study at the Breen Capital Investment Property, Block 802, Lot 5. Mr. Prickett stated this study is not on a piece of Township property but would take place on a piece of property adjacent to Township property. Mr. Prickett did review the engineer reports and agendas through July and he could not find a place where Council agreed to have the engineer write this grant. Mr. Prickett noted that it seems the grant has already been written and asked if there is a cost factor to the Township for this grant and if so why was it moved forward without possibly the Council's consent. Mr. Vaz explained Council did approve \$1,000 for this and also \$1,000 for the old gas station, Manson's garage, on Lakehurst Road. Mr. Prickett reiterated that he has not been able to locate that approval and he would like to review that approval to see what Council agreed to at that point because doing a grant for a private individual with Township funds is inappropriate. If this grant was for Lot 4, Block 802 which is Township property and is next to it on the point, it would be the appropriate road to take. That property is next to Lot 4 which this resolution is written for and he understands that property was a gasoline station at one time and there are possible tanks there and it might be a pollution plume and suggested we investigate Township property and the Breen Capital Investment Corporation should be spending their own money to get a grant to do this work on their property. Mr. Vaz stated they won't and they are not going to. Mr. Vaz explained the property, Manson's garage, was offered to Pemberton Township as a gift and the Township hesitated because of the known contamination issue. We are in a state of being stuck on that property and the Fort Dix road property. Mr. Vaz added that Breen is not going to do it so what will happen is Breen stops paying the property taxes and this property stays in the state of disrepair that it's in perpetually unless the Township steps in to do it. The grants are set up to do just that and the fact that it's private property is irrelevant to this grant. What is looked for in the grant application is an indication from the town that the Township intends to redevelop the property, acquire the property and do the remediation and then have it sold for development. Mr. Vaz added that is the whole point in doing these types of grants. Mr. Prickett noted that is not clear in the resolution and Council did not have an opportunity to read the full grant. He would like to know that after this effort is put forth that the Township actually ends up with the property if that is the situation. Mr. Prickett expressed the Township would end up with the property because of the tax lien with the money that the Township puts in to clean up the site. Mr. Vaz added or if the Township is accepting the donation. Mr. Prickett asked Mr. Vaz where the grant is. Mr. Vaz replied they are DEP grants and Administration just received an announcement of some federal brown field money that is also available and will be looked in to. Mr.

Prickett commented that he would like to be able to read how the grant works. Mr. Prickett stated what Mr. Vaz stated makes sense but he would like to see it in writing if that is available. Mr. Prickett suggested if the material is available he could read it during break. Mr. Vaz replied he has the packet of information that Chris' office prepared which contains the scope of work, preliminary assessments and basically it is very preliminary. The owners were interviewed, public records have been reviewed and those type of investigations to get us to a certain point of knowing which direction we want to go. Mr. Prickett appreciated the chance to look at those documents before voting and suggested to bring this resolution back at the end of the meeting.

Resolution No. 262-2009:

Mr. Inge asked Administration how far along we are with the courtroom renovations. Mr. Vaz replied that we are still doing some of the in house work. We were held up due to the asbestos issue and that work was done within the last two weeks and we were able to move the court employees from their office to their new location which was the old UEZ office. The middle room is being worked on now which will become office space for the Public Defender and Prosecutor. The court room itself also had to undergo the asbestos removal which has been completed. Our DPW employees are doing the work they needed to finish and the contractor hasn't been in full force but has been doing the work he can around our resources but he really couldn't do a lot because of the asbestos. This change order has to do with the portion of the work that was intended to be done through DPW and because of issues that came up in the course of the asbestos removal, things that were unknown because they were behind walls and so on, DPW recommended that someone else come in and do that work. Mr. Inge stated we are still in the beginning stages and this is our second change order for the courtroom. Mr. Vaz commented this is actually the first change order. Mr. Inge remarked the first change order would have been the removal of asbestos. Mr. Vaz stated that wasn't a change order that was a separate contract but he understands Mr. Inge's point. Mr. Inge continued that we were suppose to be saving money by Public Works being able to do a lot of the work and now we are contracting the work out. The courtroom will end up costing the Township a lot of money and he thought it was costing the Township too much money in the very beginning and it seems like every meeting there is another cost to contribute to that room. Mr. Inge commented it was a bad idea to get involved in doing that room and the room if anything the heating and air conditioning system should have been looked at and maybe a different floor but anything other than that for cosmetics it wasn't worth spending taxpayer's money. Mr. Inge stated he is not approving this change order. Mr. Cartier stated in other words Council shouldn't approve the change order and leave the room in the state of disrepair it is in now. Mr. Inge replied he is not going to because he hasn't supported this from the very beginning. If it was going to be bad management to work on this room, then it shouldn't have been done and it should have been looked at more carefully.

Motion by Scull and Cartier to approve Resolution No. 262-2009.

Mr. Cartier stated he is seconding the motion but we should go with Mr. Inge's suggestion and leave the room in the state of disrepair. Let's not approve this change order and just leave the room the way it is. Mr. Inge commented what should have been done is Council should have never have approved it in the first place. Mrs. Stinney noted the comments have been made, Mr. Inge pulled the resolution and Mrs. Scull moved on the resolution with Mr. Cartier seconding.

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

RESOLUTION NO. 262-2009

WHEREAS, BY RESOLUTION NO. 213-2009, ADOPTED SEPTEMBER 16, 2009, THE TOWNSHIP COUNCIL AWARDED A CONTRACT FOR THE MUNICIPAL COURT ROOM AND OFFICE RENOVATION PROJECT TO PILGRIM CONSTRUCTION CORPORATION IN THE SUM OF \$186,171.00; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 1 SUBMITTED BY THE GIBSON TARQUINI GROUP, INC., DATED SEPTEMBER 23, 2009; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS AN INCREASE OF \$26,486.00 AND INVOLVES FURNISHING ALL DOORS, FRAMES AND FINISH HARDWARE AND RELATED MASONRY WORK AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE NEW CONTRACT SUM INCLUDING CHANGE ORDERS WILL BE \$212,657.00; AND
WHEREAS, THE PROJECT ARCHITECT AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1; 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 CHANGE ORDERS IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ARCHITECT AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ARCHITECT'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 212,657.00; 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. 1, AS SUBMITTED BY THE GIBSON TARQUINI GROUP, INC. FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED.

Resolution No. 263-2009:

Mr. Inge expressed this is the third change order and this is what he is talking about. We are getting in to projects and we are paying professionals to provide advice on these projects and the advice that is given to us is very poor. Change orders cost the Township money and cost a lot more than if they were in the original bid. Mr. Inge continued that once a contractor is on the job they can almost name their price for what they want for a change order because they are already in doing the job. It's very hard to get another contractor to come in and do a little bit of work when there is already a contractor in there doing the work. This project is a project that has been needed. Work on the building has been neglected for years and years, and he understands the work has to be done. Mr. Inge commented that there are going to be more jobs and more buildings that need repairs in the Township and we need to make sure everything is looked over before we put these things out to bid.

Motion by Inge and Prickett to approve Resolution No. 263-2009. Inge, yes; Prickett, yes; Scull, yes; Cartier, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 263-2009

WHEREAS, BY RESOLUTION NO. 200-2009, ADOPTED AUGUST 19, 2009, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO ROCON CONTRACTING, INC., 705 UNION AVENUE, BRIELLE, NJ 08730 FOR THE DOMINIQUE JOHNSON CENTER PROJECT; AND
WHEREAS, BY RESOLUTION NO. 240-2009, ADOPTED NOVEMBER 4, 2009, THE TOWNSHIP COUNCIL APPROVED CHANGE ORDER NO. 1 TO ROCON CONTRACTING INC., IN THE SUM OF \$2,240.66; AND
WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 2 SUBMITTED BY ROCON CONTRACTING, INC., DATED OCTOBER 21, 2009; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS AN INCREASE OF \$1,096.00 AND IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 3 SUBMITTED BY ROCON CONTRACTING, INC., DATED OCTOBER 21, 2009; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 3 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS AN INCREASE OF \$1,019.15 AND IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 4 SUBMITTED BY ROCON CONTRACTING, INC., DATED NOVEMBER 2, 2009; AND
WHEREAS, A COPY OF CHANGE ORDER NO. 4 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS AN INCREASE OF \$1,373.40 AND IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND
WHEREAS, THE NEW CONTRACT SUM INCLUDING ALL CHANGE ORDERS WILL BE \$194,729.21; AND
WHEREAS, THE PROJECT ARCHITECT AND THE BUSINESS ADMINISTRATOR HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDERS NOS. 2 TO 4; 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 CHANGE ORDERS IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND
WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE PROJECT ARCHITECT AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ARCHITECT'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 INCREASE TO THE CONTRACT IN THE AMOUNT OF \$3,488.55.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDERS NOS. 2 TO 4, AS SUBMITTED BY ROCON CONTRACTING, INC. FOR THE PROJECT NOTED ABOVE, ARE HEREBY APPROVED.

Resolution Numbers 264-2009, 265-2009 and 266-2009:

Mr. Prickett informed that Resolutions 264-2009, 265-2009 and 266-2009 all deal with the same topic, borrowing \$4, 246,000 through a bond auction. Mr. Prickett

noted this was on the consent agenda and deserves more than the consent agenda and should be a presentation so this can be discussed and explained to the public. \$4,246,000 of money that we are going to have to pay back. Mr. Prickett conveyed he was part of the RFP Committee to check out a Financial Advisor and this will save some money but it hasn't been demonstrated in the three documents that he pulled and he has some questions regarding that. Mr. Prickett expressed concern that we now have three fingers in the pie. Before we had just Bond Counsel and now we have Bond Counsel, Financial Service Group and the Auditor in preparing all of these documents and obtaining this money for the Township. The residents need to understand why this is being done. Earlier today Mr. Prickett requested some information and wanted to know how much this will increase our debt and he has not received an answer. Mr. Prickett stated these documents talk about decreasing the debt through paying off some bond anticipation notes. He did not get a clear answer as to how many bond anticipation notes will be paid off and how that might reduce the debt. Mr. Prickett asked how much our debt will go up and how much it will go down. It will go up more than it's going to go down. Mr. Prickett remarked he did receive an answer as far as how the interest will be set which will be set at auction. The larger the bid, the more interest will be owed by the Township to the people that win the bid. Mr. Prickett reported another concern he has is in Resolution No. 265-2009, section 4, and suggested some amendments to this resolution and maybe the solicitor can assist.

Mrs. Stinney interrupted and closed the public portion of the small cities grant at this time. No other residents or members of the public came to the mic to comment. Mrs. Stinney thanked Janet for coming to tonight's meeting and explaining the grant.

Mr. Prickett continued that unfortunately the public does not have these resolutions and if there was an ordinance up for public hearing it would be out there and if it were a bond ordinance where the Township was borrowing \$4.2 million, the public would be able to read it over. Unfortunately these documents have not been available to the public unless they requested them and understood what was happening in the consent agenda. Mr. Prickett noted Resolution No. 265-2009, section 4, page 2. Mr. Prickett read, "The following additional manners are hereby determined, declared, recited and stated". Mr. Prickett commented it's the Council who will vote on this that has determined, declared, recited and stated and these are the things that they are doing that with. Mr. Prickett continued to read, "B. To hereof are purposes for which bonds may be issued lawfully pursuant to the local bond law and are purposes for which no deduction may be taken in any annual or supplemental debt statement". Mr. Prickett does not have direct access to the financial office; he can't state or declare that this is going to happen and not that it's not going to happen but he can't be responsible for it the way it is written. Mr. Prickett continued, "C. No funds from sources other than the proceeds have been or are reasonably respected to be reserved allocated on a long term basis or otherwise set aside by the Township or any members of the same control group as the Township within the meaning of the treasury regulation 1.150-1. The proceeds used to reimburse the Township for the expenditures for project costs for said bond ordinance will not be used directly or indirectly i. to refund an issue of governmental obligation with a meaning of section 148 code". Mr. Prickett noted that the point he is trying to make is this should be certified by the CFO as a CFO does when we authorize funds to be spent in the Township and it should also be verified by the auditor and that's what he is interested in seeing in section 4, "the following additional manners are hereby determined, declared, recited and stated as certified by the CFO and verified by the auditor". It's not our expertise to be able to assure anyone that this is being done without a professional doing it for us. Mrs. Stinney advised she spoke about Resolution Numbers 264-2009, 265-2009 and 266-2009 and is glad Mr. Prickett requested they be pulled and she has asked Mr. Vaz to provide a synopsis of them. Mr. Vaz explained that we have a note in the amount of \$6,216,000 that is due on January 7, 2010. Approximately

\$2,000,000 of that has to do with the Presidential Lakes dam project and that is money that is ultimately going to be through the state. That amount has been pulled out of what we are proposing to go to permanent financing on because that will be a loan with the state and there is also a grant involved. Obviously we don't want to permanently finance at a certain interest rate when we get a much better interest rate with the state. Mr. Vaz added that is the difference between the \$6.2 million and the \$4.2 million that the permanent financing would involve. These projects have already been approved by Council and many have already been completed by either Public Works or contractors. The \$4.2 million is not new debt in the sense that we are asking Council to approve a new expenditure of \$4.2 million. It's debt that already exists and for the most part with the exception of probably the 2009 and the 2009 money would still be included in our current debt status because every time an ordinance is done a new supplemental debt that shows the debt at the current time. Mr. Vaz explained that the purpose of having the financial advisor on board was to look at our debt structure, look at the amortization tables that we have from a prior auditor, shows the schedule of what is coming due when and help us make the decision of whether now is the time to permanently finance it if the interest rates are good and they happen to be good at this point in time or to carry us through another note and the note would typically be year to year. Mr. Vaz remarked that we lock in at that rate then but do not know where it will be down the road and it's always subject to world events and our own economy, etc.,. Mr. Vaz continued that in terms of the process that we're in at this point, the first resolution has to do with approving an application to the Local Finance Board for approval on a non-conforming annual principal maturity schedule for its bonds. The financial advisor looked at our debt schedule and noticed that we are retiring one of our bigger bond issues at the end of next year so she proposed instead of carrying the full amount of the principal and interest while we still have the remaining time on that prior bond permanent financing, she suggested going to the Local Finance Board and asked them for permission to say when we retire that debt at the end of 2010, then we will fit this debt in to that debt structure otherwise we would be carrying a principal payment and an interest payment while still having the principal and interest payment with the debt that is going to be expired. That's the only reason we had to go to the Local Finance Board because technically it's considered non-conforming under the bond law. Mr. Vaz stated that all three resolutions were prepared by Bond Counsel and not prepared in house. This area of municipal law is very complicated and bond work is a specialty and the underwriters look to the bond firm to see if they know what they're doing because they are preparing all of the documents. Much of the language that is in the three resolutions are verbatim from statutory requirements and are just copy and paste because the statute states the language has to be in the resolutions. It's the kind of stuff that the underwriters look for to make sure we are doing things the same way as everybody else. Mr. Vaz pointed out that the auditor Pemberton Township hired is a professional that is hired to audit the books. They are not supposed to be doing day to day work for us because the auditor cannot audit their own work. Some towns hire a separate accounting firm to do accounting work and accounting advice and their auditor actually does the auditing and they are two separate people. Most towns don't do that because that would be paying another professional and the need for accounting advice is only every so often. Mr. Vaz did not know if it would upset the cookie cart to actually add the auditor to the language because he doesn't know if the auditor should be certifying anything at this point. There is not any problem having the CFO do that. Mr. Prickett clarified that he suggested the auditor verify not certify. Mr. Vaz added that Mrs. Eden can do whatever Council wants her to do but the reality and he is being very honest and practical is that none of us know what all of this means. That is why we have bond counsel advising us and whatever Mrs. Eden does at Council's request, she will pick up a phone and ask the bond attorney if it's okay to do. Mrs. Eden does not understand this any more than any of them and that's why bond attorneys are hired to prepare this and it involves the tax code. That is not what Chief Financial Officers generally do on a day to day basis. Mr. Prickett

clarified that when he mentioned verification by the auditor he didn't mean that the auditor would verify the documents here but rather they would verify that the monies were used correctly in their yearly audit. That is what he is looking for and that is what they would normally do with the other finances and look at the finances and state they are being used in the correct way and being deposited in the correct way. Mr. Prickett wants to be sure that they will look at this resolution and make sure the money is being used according to the requirements in the resolution. He bets they will do that but he just wants to be assured that will happen. Mr. Vaz stated that is what he doesn't understand; if the money has already been used according to the appropriation given through the ordinances that are approved by Council, they get audited and an auditor is not going to know any more than anybody else whether we actually took \$600,000 and paved a road. The auditor is not in a position to do that. From an accounting perspective or an auditing perspective they pull purchase orders and contracts and they do tests when they do an audit. They don't even do a complete review of everything because there wouldn't be enough time and we certainly wouldn't want to pay an auditor to do that because that auditor would be redoing the prior 365 days that we pay people in house to do. Mr. Vaz stated maybe he doesn't understand what Mr. Prickett wants. Mr. Prickett explained on section 4 of page 2 on resolution number 265-2009, there are a number of requests through law that we can't use that money in ways that are inappropriate according to these laws. You can't pay certain debt down, supplemental debt statement and as an example local bond law and purposes for which no deduction may be taken in the annual or supplemental debt statement. Mr. Prickett asked who would verify that. Mr. Vaz asked who has to verify that and it's been done through the audit process and when a capital ordinance is done. Mr. Vaz continued that in the note process and bond sale process, the attorney has to review the legality of the proceedings of each one of those ordinances and it's a process that Mrs. Finlay and Mrs. Cosnoski are involved in because they have to accumulate all of the background information that gets sent to the attorney and he reviews it. Ultimately a big part of this process is dependent upon the reputation of the law firm that does the bond work with the bond underwriters so that there is a certain level of comfort ability on the part of underwriters that somebody has looked at that type of stuff, the legalities and proceedings but that is different from saying that we took the \$200,000 and used it for the purpose that was stated in the ordinance because the bond attorney doesn't do that; he wouldn't know that. He would only know the paperwork that is provided to him through the Clerk's office. Mr. Prickett stated there are a lot of stipulations and he is wondering how anybody will know whether they are followed. Mr. Vaz clarified that there are two different things. If Council has any concerns about anybody in the municipal government spending money the way it is appropriated, that's a separate issue from the resolution that the attorney prepared stating this is the form of the resolution he needs Council to adopt in order to get the bond sale taken care of. The other concerns if there are any, need to be addressed separately. The auditor can look at certain things and give a report and that is certainly within Council's rights but that doesn't have anything to do with these particular resolutions. Mr. Prickett stated they are stipulations and section 4 has stipulations on how the money that is borrowed should be used. Mrs. Scull asked if the auditor would find that out at the end of the year when he looks at the books. He should be able to tell us that we took this much and paid for a new truck. Mr. Vaz stated they don't go to the back yard and look for the truck. That's not how the process works. It's done based on the paperwork for the most part through receipts, purchase orders, the software program that generates reports and the level of detail that the auditor would have is not as great as one would think and a lot of what they do is a test sample. They randomly pull 25 purchase orders to check out the purchasing system to ensure it is what it is. But that's not to say that the 25 that they pull as a representative sample that in one of the other thousands of them there is not something wrong. The system is set up a certain way and the system is separate from what the bond attorney prepared for adoption and he doesn't know if we are mixing them and hold it up quite frankly. We have to go to the Local Finance Board on the 8th or 9th

and this is one of those times where he can state there is no time to sort through things that may not be related. Mrs. Scull stated the Mr. Vaz, the bottom line if we don't do this.....Mr. Vaz interjected with if we don't do this, if we are locking ourselves in to a new note forMrs. Scull interjected with that could cost us a lot more money.....Mr. Vaz continued with the bond rate is good and the financial advisor and the bond attorney have said if we are going to permanently finance, now is the time to do it. Mr. Vaz added the interest rate is not so bad either on the temporary financing and it's just that if we don't take advantage of the low interest rate now, who knows that it won't be two points higher when the note comes due again. Mr. Vaz stated there are towns that hold on to their notes for as long as they possibly can before they ever permanently finance for whatever reason. They don't look at with the same analysis that we've gone through with the financial advisor. They just keep renewing the notes for the maximum time that they are allowed. Mr. Vaz remarked that Mr. Prickett's language pertaining to the CFO certifying does not materially change the resolution to the point where the bond attorney would question what we did and if we changed things to the point where he has to spend time as the bond attorney. Mr. Vaz added that he would question the auditor part of it because the auditor has not been involved in this process and it's really been the bond attorney, the CFO and financial advisor. Mrs. Scull stated Mrs. Eden supports this and she knows she is not here but Mrs. Eden and Administration both feel this is the best thing we can do to save money for the tax payers. Mr. Vaz clarified that based on the advice of the financial advisor, now is the time to do permanent financing. Mr. Prickett commented that part of his concern is we have a ledger that hasn't been balanced for six out of the last seven years so that comes in to his mind when he is asking these questions. If we were able to change section 4 and say as certified by the CFO he would feel a lot better about that and would hope the auditor would review this when doing the yearly audit. Mr. Prickett stated on Resolution No. 265-2009, section 4, the following additional matters are hereby determined, declared, recited and stated as certified by the CFO. Mr. Cartier stated he thought Mr. Prickett wanted to use the word verified. Mr. Prickett replied he stated verified by the auditor. Mr. Vaz replied he can't speak as the bond attorney but he doesn't personally see that upsetting the resolution in any way and doesn't think Mrs. Eden would or should have any problem doing that. In regard to the treasury regulation, Mrs. Eden is going to do the certification based on the advice of the bond attorney stating it is what it is. As far as the bond ordinances go, that falls within Mrs. Eden responsibilities anyway so she wouldn't have a problem doing that. Mr. Prickett stated someone needs to be accountable for section 4 and it can't directly be the Council and has to be a professional that has some understanding of this and has the financial expertise. Mrs. Stinney asked Council for their desire on resolution numbers 264-2009, 265-2009 and 266-2009. Mr. Prickett stated on the back of resolution 264-2009 in section 2 it states, "The Local Finance Board is hereby respectfully requested to consider such application, record its findings, recommendations and/or approvals as provided by the applicable New Jersey statutes". Mr. Prickett asked if Council will get to see the Finance Board's recommendations and approvals. Mr. Vaz answered that is done through a resolution and there has already been preliminary discussions through the financial advisor and the local finance board so we have already answered any questions that they may have had. When we show up at the Local Finance Board meeting, it's pretty much proforma by that point in time and their findings are set forth in the resolution that the board adopts and either that day or shortly thereafter we will get a copy of that.

Motion by Prickett and Cartier to adopt Resolution No. 264-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 264-2009

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY AUTHORIZING THE MAKING OF AN APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A 40A:2-26(E) WHEREAS, THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP") DULY ADOPTED VARIOUS BOND ORDINANCES TO AUTHORIZE THE ISSUANCE OF BONDS OR BOND ANTICIPATION NOTES TO UNDERTAKE VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP DESIRES TO ISSUE GENERAL OBLIGATION BONDS, SERIES 2009 IN THE AGGREGATE PRINCIPAL AMOUNT OF \$4,244,000 (THE "BONDS") TO (I) PROVIDE FOR THE CURRENT REFUNDING OF A PORTION OF THE TOWNSHIP'S PREVIOUSLY ISSUED BOND ANTICIPATION NOTES, WHICH NOTES WERE ISSUED TO TEMPORARILY FINANCE THE COST OF VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP, AND (II) PERMANENTLY FINANCE THE COST OF VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP, WHICH COSTS, TO DATE, HAVE NOT BEEN FINANCED THROUGH THE ISSUANCE OF BONDS OR BOND ANTICIPATION NOTES; AND

WHEREAS, N.J.S.A. 40A:2-26 REQUIRES THE TOWNSHIP TO UTILIZE A "CONFORMING" DEBT SERVICE REPAYMENT SCHEDULE FOR ITS BONDS, ABSENT APPROVAL OF A "NON-CONFORMING" DEBT SERVICE REPAYMENT SCHEDULE BY THE LOCAL FINANCE BOARD (THE "LOCAL FINANCE BOARD"), IN THE DIVISION OF LOCAL GOVERNMENT SERVICES, NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS; AND

WHEREAS, N.J.S.A. 40A:2-26(E) PROVIDES THAT IF THE TOWNSHIP DETERMINES THAT A "CONFORMING" MATURITY SCHEDULE FOR THEIR BONDS WOULD ADVERSELY AFFECT THE FINANCIAL POSITION OF THE TOWNSHIP, THE TOWNSHIP MAY MAKE WRITTEN APPLICATION TO THE LOCAL FINANCE BOARD TO REQUEST ITS APPROVAL OF THE ISSUANCE OF SUCH BONDS WITH A "NON-CONFORMING" ANNUAL PRINCIPAL MATURITY SCHEDULE; AND

WHEREAS, THE TOWNSHIP DESIRES TO MAKE APPLICATION TO THE LOCAL FINANCE BOARD, PURSUANT TO N.J.S.A. 40A:2-26(E), FOR THE APPROVAL OF A "NON-CONFORMING" ANNUAL PRINCIPAL MATURITY SCHEDULE FOR ITS BONDS; AND

WHEREAS, THE TOWNSHIP BELIEVES:

(A) A "CONFORMING" MATURITY SCHEDULE FOR ITS BONDS, PURSUANT TO N.J.S.A. 40A:2-26, WOULD ADVERSELY AFFECT THE FINANCIAL POSITION OF THE TOWNSHIP; AND

(B) IT IS IN THE PUBLIC INTEREST TO STRUCTURE A "NON-CONFORMING" MATURITY SCHEDULE FOR ITS BONDS; AND

(C) SAID VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP AND THE ISSUANCE OF THE BONDS ARE FOR THE HEALTH, WELFARE, CONVENIENCE OR BETTERMENT OF THE INHABITANTS OF THE TOWNSHIP; AND

(D) THE AMOUNTS TO BE EXPENDED FOR VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP AND THE ISSUANCE OF THE BONDS ARE NOT UNREASONABLE OR EXORBITANT; AND

(E) THE VARIOUS CAPITAL IMPROVEMENTS BY AND IN THE TOWNSHIP AND THE ISSUANCE OF THE BONDS ARE AN EFFICIENT AND FEASIBLE MEANS OF PROVIDING SERVICES FOR THE NEEDS OF THE INHABITANTS OF THE TOWNSHIP AND WILL NOT CREATE AN UNDUE FINANCIAL BURDEN TO BE PLACED UPON THE TOWNSHIP.

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

SECTION 1. THE TOWNSHIP'S BOND COUNSEL, WILENTZ, GOLDMAN & SPITZER, P.A., WOODBRIDGE, NEW JERSEY (THE "BOND COUNSEL") AND THE TOWNSHIP'S FINANCIAL ADVISOR, ACACIA FINANCIAL GROUP, INC., MARLTON, NEW JERSEY (THE "FINANCIAL ADVISOR"), ARE EACH HEREBY AUTHORIZED AND DIRECTED TO MAKE AND PREPARE AN APPLICATION (THE "APPLICATION") TO THE LOCAL FINANCE BOARD FOR THE BONDS, ALONG WITH THE BUSINESS ADMINISTRATOR, CHIEF FINANCIAL OFFICER AND OTHER OFFICIALS, OFFICERS AND PROFESSIONALS OF THE TOWNSHIP, INCLUDING BUT NOT LIMITED TO, THE MAYOR, TOWNSHIP CLERK AND THE TOWNSHIP ATTORNEY (COLLECTIVELY, THE "TOWNSHIP OFFICIALS"), AND EACH SUCH TOWNSHIP OFFICIALS ARE HEREBY AUTHORIZED AND DIRECTED TO SUBMIT SUCH APPLICATION AND TO REPRESENT THE TOWNSHIP IN MATTERS PERTAINING THERETO.

SECTION 2. THE LOCAL FINANCE BOARD IS HEREBY RESPECTFULLY REQUESTED TO CONSIDER SUCH APPLICATION AND TO RECORD ITS FINDINGS, RECOMMENDATIONS AND/OR APPROVALS AS PROVIDED BY THE APPLICABLE NEW JERSEY STATUTES.

SECTION 3. THE TOWNSHIP CLERK IS HEREBY DIRECTED TO FILE A CERTIFIED COPY OF THIS RESOLUTION WITH THE LOCAL FINANCE BOARD AND TO FORWARD A CERTIFIED COPY OF THIS RESOLUTION TO BOND COUNSEL OR THE FINANCIAL ADVISOR TO SUPPLEMENT THE APPLICATION THEREWITH.

SECTION 4. THE TOWNSHIP'S CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO DETERMINE ALL MATTERS IN CONNECTION WITH THE TOWNSHIP'S ISSUANCE OF THE BONDS NOT DETERMINED BY THIS OR A SUBSEQUENT RESOLUTION, ALL IN CONSULTATION WITH BOND COUNSEL AND THE FINANCIAL ADVISOR, AND THE MANUAL OR FACSIMILE SIGNATURE OF THE CHIEF FINANCIAL OFFICER UPON ANY DOCUMENTS SHALL BE CONCLUSIVE AS TO ALL SUCH DETERMINATIONS. THE TOWNSHIP OFFICIALS AND ANY OTHER TOWNSHIP REPRESENTATIVES, INCLUDING BUT NOT LIMITED TO, BOND COUNSEL AND THE FINANCIAL ADVISOR, ARE EACH HEREBY AUTHORIZED AND DIRECTED TO TAKE SUCH ACTIONS OR REFRAIN FROM SUCH ACTIONS AS ARE NECESSARY TO CONSUMMATE THE TRANSACTIONS CONTEMPLATED BY THE TOWNSHIP'S ISSUANCE OF THE BONDS AND ANY AND ALL SUCH ACTIONS OR INACTIONS TAKEN BY THE AFORESAID TOWNSHIP OFFICIALS, BOND COUNSEL AND FINANCIAL ADVISOR HERETOFORE ARE HEREBY RATIFIED AND CONFIRMED.

SECTION 5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Motion by Prickett and Inge to amend Resolution No. 265-2009 by adding to Section 4, to the end of the statement, "as certified by the CFO".

Mrs. Scull asked Mr. Clark if that is okay. Mr. Clark replied he is not a bond attorney but he does agree with Mr. Vaz in that it doesn't seem as if it materially changes things so long as the CFO was able to do what Council is asking to be done. Mr. Clark is sure that statutorily these things do have to be in there and it only sounds as if a layer of CFO responsibility is being added. If the CFO can do it and it doesn't materially delay anything else in what's happening, it doesn't sound as if it should have a legal impact.

Prickett, yes; Inge, yes; Cartier, no; Scull, no; Stinney, no. Motion dies.

Motion by Scull and Cartier to approve Resolution No. 265-2009.

Mr. Prickett stated the town journal hasn't been verified and hasn't been accurate six out of the last seven years. Mrs. Stinney stated there is a motion on the floor. Mrs. Scull stated to Mr. Prickett that he is out of line. Mr. Prickett continued that Council does not have any verification ofMrs. Stinney again stated there is a motion on the floor. Mr. Cartier stated there can be discussion. Mr. Prickett stated that is all he is trying to do is have a discussion after the motion. Mr. Prickett expressed concern about that and if we can't have the other documents in order he is really concerned that this is not going to be kept in line. Mr. Cartier stated we pay our bond attorney a lot of money to prepare these documents and if we don't trust our bond attorney to put the language in the resolution that needs to be in the resolution to get it approved and make it legal, then why are we paying him the

money. Mr. Prickett replied the language is important and he wants to make sure the language and the stipulations that are reflected by the language are carried through within our finances. Mr. Cartier commented they have done this numerous times repeatedly for a number of years and know what they are doing. Mr. Prickett asked if they are going to come in and review that we are using the money appropriately. Mr. Cartier stated this is the language that they have repeatedly used over and over again and he doubts there has been a problem yet. Mrs. Scull stated she has total faith in our CFO. Mr. Cartier stated he does too. Mr. Prickett stated he does too and that is why is asked for the CFO to certify it. Mrs. Scull interjected that the CFO inherited a heck of a mess that was allowed to continue for several years and it's been 8 years since those books were right and she has come a long way and has done one heck of a job. Mrs. Scull continued that she has all the faith in the CFO that she will make sure things are done legally and that's inferred as she is our CFO and we don't have to put it in the middle of the ordinance. Not only do we have the CFO but we also have Mr. Vaz and the Mayor who penny pinches everything. Mr. Prickett commented penny pinches so that we all have a balanced ledger. Mrs. Scull stated to Mr. Prickett that we didn't have a balanced ledger and he's just sore.....Mrs. Stinney interjected and stated we are having public discussion not debate. Mr. Inge commented that he didn't know the CFO was being brought in to this conversation.....Mrs. Scull interrupted and it was brought in to it.....Mr. Inge continued that he didn't know it was brought as a negative toward the CFO. Mrs. Scull stated to Mr. Inge that is his opinion. Mr. Inge continued that he didn't see anything that was a negative. Mrs. Stinney asked if there is anything left for the resolution.

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

RESOLUTION NUMBER 265-2009

RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,244,000 IN PRINCIPAL AMOUNT

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"), HAS HERETOFORE ADOPTED BOND ORDINANCES AUTHORIZING BONDS TO FINANCE PART OF THE COSTS OF CERTAIN CAPITAL IMPROVEMENTS THROUGHOUT THE TOWNSHIP TO BE BORNE BY THE TOWNSHIP AT LARGE; AND

WHEREAS, IT IS NECESSARY TO ISSUE BONDS PURSUANT TO SAID BOND ORDINANCES IN AN AGGREGATE PRINCIPAL AMOUNT OF \$4,244,000 AND IT IS DEEMED ADVISABLE AND IN THE BEST INTERESTS OF THE TOWNSHIP, FOR THE PURPOSE OF ISSUING AND MARKETING OF SAID BONDS, TO COMBINE THE BONDS AUTHORIZED UNDER SAID BOND ORDINANCES INTO ONE CONSOLIDATED ISSUE IN AN AGGREGATE PRINCIPAL AMOUNT OF \$4,244,000, PURSUANT TO THE PROVISIONS OF THE LOCAL BOND LAW, N.J.S.A. 40A:2-1 ET SEQ., AS AMENDED AND SUPPLEMENTED (THE "LOCAL BOND LAW");

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

SECTION 1. PURSUANT TO THE PROVISIONS OF N.J.S.A. 40A:2-26(F), THE BONDS OF THE TOWNSHIP, AUTHORIZED PURSUANT TO THE BOND ORDINANCES OF THE TOWNSHIP HERETOFORE ADOPTED AND DESCRIBED IN SECTION 2 HEREOF, SHALL BE COMBINED INTO A SINGLE ISSUE OF GENERAL OBLIGATION BONDS (THE "BONDS") IN AN AGGREGATE PRINCIPAL AMOUNT OF \$4,244,000.

SECTION 2. THE PRINCIPAL AMOUNT OF BONDS AUTHORIZED BY EACH ORDINANCE TO BE COMBINED INTO A SINGLE ISSUE AS ABOVE PROVIDED, THE BOND ORDINANCES AUTHORIZING THE BONDS DESCRIBED BY REFERENCE TO THE ORDINANCE NUMBER, DESCRIPTION AND DATE OF FINAL ADOPTION, AMOUNT OF ISSUE AND AVERAGE PERIOD OF USEFULNESS DETERMINED IN EACH OF THE BOND ORDINANCES ARE RESPECTIVELY AS FOLLOWS:

<u>ORDINANCE NUMBER</u>	<u>DESCRIPTION AND DATE OF FINAL ADOPTION</u>	<u>AMOUNT OF ISSUE</u>	<u>USEFUL LIFE</u>
22-2006	PROVIDING FOR VARIOUS 2006 CAPITAL IMPROVEMENTS, FINALLY ADOPTED 11/1/06	\$1,461,900	11.53 YEARS
7-2007	PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS, FINALLY ADOPTED 7/11/07	\$1,947,500	10.45 YEARS
17-2008	PROVIDING FOR VARIOUS CAPITAL IMPROVEMENTS AND GENERAL PURPOSES, FINALLY ADOPTED 8/20/08	\$361,539	14.18 YEARS
13-2009	PROVIDING FOR VARIOUS ROAD AND DRAINAGE IMPROVEMENTS, FINALLY ADOPTED 5/20/09	\$473,061	10 YEARS

TOTAL \$4,244,000

SECTION 3. THE FOLLOWING MATTERS ARE HEREBY DETERMINED WITH RESPECT TO THE COMBINED ISSUE OF BONDS: (A) THE AVERAGE PERIOD OF USEFULNESS, COMPUTED ON THE BASIS OF THE RESPECTIVE AMOUNTS OF BONDS PRESENTLY AUTHORIZED TO BE ISSUED PURSUANT TO EACH OF THE BOND ORDINANCES AND THE RESPECTIVE PERIODS OR AVERAGE PERIODS OF USEFULNESS THEREIN DETERMINED, IS NOT MORE THAN 11.09 YEARS.

(B) THE BONDS OF THE COMBINED ISSUE SHALL BE DESIGNATED "GENERAL OBLIGATION BONDS, SERIES 2009" AND SHALL MATURE WITHIN THE AVERAGE PERIOD OF USEFULNESS HEREINABOVE DETERMINED.

(C) THE BONDS OF THE COMBINED ISSUE SHALL BE SOLD IN ACCORDANCE WITH THE PROVISIONS OF THE LOCAL BOND LAW THAT ARE APPLICABLE TO THE SALE AND ISSUANCE OF BONDS AUTHORIZED BY A SINGLE BOND ORDINANCE AND ACCORDINGLY MAY BE SOLD WITH OTHER ISSUES OF BONDS.

SECTION 4. THE FOLLOWING ADDITIONAL MATTERS ARE HEREBY DETERMINED, DECLARED, RECITED AND STATED:

(A) NONE OF THE BONDS DESCRIBED IN SECTION 2 HEREOF HAVE BEEN SOLD OR ISSUED HERETOFORE, AND THE SEVERAL BOND ORDINANCES DESCRIBED IN SECTION 2 HAVE NOT BEEN RESCINDED HERETOFORE AND NOW REMAIN IN

FULL FORCE AND EFFECT AS AUTHORIZATIONS FOR THE RESPECTIVE AMOUNTS OF BONDS SET OPPOSITE THE DESCRIPTIONS OF THE BOND ORDINANCES SET FORTH IN SECTION 2 HEREOF.

(B) THE SEVERAL PURPOSES OR IMPROVEMENTS AUTHORIZED BY THE RESPECTIVE BOND ORDINANCES DESCRIBED IN SECTION 2 HEREOF ARE PURPOSES FOR WHICH BONDS MAY BE ISSUED LAWFULLY PURSUANT TO THE LOCAL BOND LAW AND ARE PURPOSES FOR WHICH NO DEDUCTION MAY BE TAKEN IN ANY ANNUAL OR SUPPLEMENTAL DEBT STATEMENT.

(C) THE TOWNSHIP REASONABLY EXPECTS TO REIMBURSE ITSELF FOR ALL OR ANY PORTION OF ANY EXPENDITURES FOR ANY PROJECT COSTS UNDER THE AFORESAID BOND ORDINANCES INCURRED AND PAID PRIOR TO THE RECEIPT OF THE TAX-EXEMPT PROCEEDS FROM THE BONDS (THE "PROCEEDS") WITH THE PROCEEDS. NO FUNDS FROM SOURCES OTHER THAN THE PROCEEDS HAVE BEEN, OR ARE REASONABLY EXPECTED TO BE, RESERVED, ALLOCATED ON A LONG-TERM BASIS OR OTHERWISE SET ASIDE BY THE TOWNSHIP OR ANY MEMBER OF THE SAME "CONTROLLED GROUP" AS THE TOWNSHIP, WITHIN THE MEANING OF TREASURY REGULATION SECTION 1.150-1(E), PURSUANT TO ITS BUDGET OR FINANCIAL POLICIES WITH RESPECT TO THE EXPENDITURES TO BE REIMBURSED.

(D) THIS RESOLUTION IS INTENDED TO BE AND HEREBY IS A DECLARATION OF THE TOWNSHIP'S OFFICIAL INTENT TO REIMBURSE THE EXPENDITURES OF ANY PROJECT COSTS UNDER THE AFORESAID BOND ORDINANCES INCURRED AND PAID PRIOR TO THE RECEIPT OF THE PROCEEDS BY THE TOWNSHIP WITH THE PROCEEDS, IN ACCORDANCE WITH TREASURY REGULATION SECTION 1.150-2(E)(1), AND NO ACTION (OR INACTION) WILL BE AN ARTIFICE OR DEVICE IN ACCORDANCE WITH TREASURY REGULATION SECTION 1.148-10 TO AVOID, IN WHOLE OR IN PART, ARBITRAGE YIELD RESTRICTIONS OR ARBITRAGE REBATE REQUIREMENTS. THE PROCEEDS USED TO REIMBURSE THE TOWNSHIP FOR THE EXPENDITURES FOR PROJECT COSTS UNDER THE AFORESAID BOND ORDINANCES WILL NOT BE USED DIRECTLY OR INDIRECTLY (I) TO "REFUND" AN ISSUE OF GOVERNMENTAL OBLIGATIONS WITHIN THE MEANING OF SECTION 148 OF THE CODE, (II) TO CREATE OR INCREASE THE BALANCE OF A "SINKING FUND" WITHIN THE MEANING OF TREASURY REGULATION SECTION 1.148-1(C)(2) WITH RESPECT TO ANY OBLIGATION OF THE TOWNSHIP, OR TO REPLACE FUNDS THAT HAVE BEEN, ARE BEING OR WILL BE USED FOR SINKING FUND PURPOSES, (III) TO CREATE OR INCREASE THE BALANCE IN A "RESERVE OR REPLACEMENT FUND" WITHIN THE MEANING OF TREASURY REGULATION SECTION 1.148-2(F) WITH RESPECT TO ANY OBLIGATION OF THE TOWNSHIP OR TO REPLACE FUNDS THAT HAVE BEEN, ARE BEING OR WILL BE SO USED FOR RESERVE OR REPLACEMENT FUND PURPOSES, OR (IV) TO REIMBURSE THE TOWNSHIP FOR ANY EXPENDITURE OR PAYMENT THAT WAS ORIGINALLY PAID WITH THE PROCEEDS OF ANY OTHER OBLIGATION OF THE TOWNSHIP (OTHER THAN BORROWING BY THE TOWNSHIP FROM ONE OF ITS OWN FUNDS OR THE FUNDS OF A MEMBER OF THE SAME "CONTROLLED GROUP" WITHIN THE MEANING OF TREASURY REGULATION SECTION 1.150-1(E)).

SECTION 5. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

Motion by Prickett and Scull to adopt Resolution No. 266-2009. Prickett, yes; Scull, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

RESOLUTION NO. 266-2009
RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$4,244,000 GENERAL OBLIGATION BONDS, SERIES 2009 OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP") AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AS FOLLOWS:

SECTION 1. THE \$4,244,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION BONDS, SERIES 2009 OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP") REFERRED TO AND DESCRIBED IN THE RESOLUTION DULY ADOPTED BY THE TOWNSHIP COUNCIL PURSUANT TO THE LOCAL BOND LAW, N.J.S.A. 40A:2-1 ET SEQ., AS AMENDED AND SUPPLEMENTED (THE "LOCAL BOND LAW"), ON DECEMBER 2, 2009 ENTITLED, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,244,000 IN PRINCIPAL AMOUNT", SHALL BE ISSUED AND DESIGNATED AS GENERAL OBLIGATION BONDS, SERIES 2009 OF THE TOWNSHIP (THE "BONDS"). THE BONDS SHALL MATURE IN THE PRINCIPAL AMOUNTS ON NOVEMBER 1, IN EACH OF THE YEARS AS FOLLOWS:

<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>	<u>YEAR</u>	<u>PRINCIPAL AMOUNT</u>
2012	\$400,000	2017	\$490,000
2013	415,000	2018	505,000
2014	435,000	2019	530,000
2015	450,000	2020	549,000
2016	470,000		

THE BONDS SHALL BE NINE (9) IN NUMBER, UNLESS THE PURCHASER SHALL STRUCTURE A PORTION OF THE SERIAL MATURITIES AS ONE OR MORE TERM BONDS IN ACCORDANCE WITH THE LOCAL BOND LAW AND THE NOTICE OF SALE (AS DEFINED HEREIN) AUTHORIZED HEREIN, WITH ONE BOND CERTIFICATE BEING ISSUED FOR EACH YEAR OF MATURITY AND SHALL BE DESIGNATED AND NUMBERED FROM GO-1 UPWARDS.

SECTION 2. THE BONDS WILL BE ISSUED IN FULLY REGISTERED BOOK-ENTRY ONLY FORM, WITHOUT COUPONS. ONE CERTIFICATE SHALL BE ISSUED FOR THE AGGREGATE PRINCIPAL AMOUNT OF THE BONDS MATURING IN EACH YEAR. BOTH PRINCIPAL OF AND INTEREST ON THE BONDS WILL BE PAYABLE IN LAWFUL MONEY OF THE UNITED STATES OF AMERICA. EACH CERTIFICATE WILL BE REGISTERED IN THE NAME OF CEDE & CO., AS NOMINEE OF THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK ("DTC"), WHICH WILL ACT AS SECURITIES DEPOSITORY (THE "SECURITIES DEPOSITORY") FOR THE BONDS. THE CERTIFICATES WILL BE ON DEPOSIT WITH DTC. DTC WILL BE RESPONSIBLE FOR MAINTAINING A BOOK ENTRY SYSTEM FOR RECORDING THE INTERESTS OF ITS PARTICIPANTS ("PARTICIPANTS") OR THE TRANSFERS OF THE INTERESTS AMONG ITS PARTICIPANTS. THE PARTICIPANTS WILL BE RESPONSIBLE FOR MAINTAINING RECORDS REGARDING THE BENEFICIAL OWNERSHIP INTERESTS IN THE BONDS ON BEHALF OF INDIVIDUAL PURCHASERS. INDIVIDUAL PURCHASES MAY BE MADE IN THE PRINCIPAL AMOUNT OF \$1,000 OR ANY INTEGRAL MULTIPLE THEREOF, WITH A MINIMUM PURCHASE OF \$5,000, THROUGH BOOK ENTRIES MADE ON THE BOOKS AND RECORDS OF DTC AND ITS PARTICIPANTS. THE BONDS WILL BE DATED THEIR DATE OF DELIVERY AND SHALL BEAR INTEREST FROM SUCH DATE, WHICH INTEREST SHALL BE PAYABLE SEMIANNUALLY ON THE FIRST DAY OF MAY AND NOVEMBER IN EACH YEAR UNTIL MATURITY, COMMENCING NOVEMBER 1, 2010, AT A RATE OR RATES PER ANNUM AS PROPOSED BY THE SUCCESSFUL BIDDER IN ACCORDANCE WITH THE NOTICE OF SALE AUTHORIZED HEREIN. THE BONDS OF THIS ISSUE ARE NOT SUBJECT TO REDEMPTION PRIOR TO THEIR STATED MATURITIES. THE PRINCIPAL OF AND THE INTEREST ON THE BONDS WILL BE PAID TO THE SECURITIES DEPOSITORY BY THE TOWNSHIP, OR SOME OTHER PAYING AGENT AS THE TOWNSHIP MAY DESIGNATE AND APPOINT, ON THE MATURITY DATES AND DUE DATES AND WILL BE CREDITED ON THE MATURITY DATES AND DUE DATES TO THE PARTICIPANTS OF DTC AS LISTED ON THE RECORDS OF DTC AS OF EACH APRIL 15 AND OCTOBER 15 (THE "RECORD DATES") PRIOR TO THE PAYMENT OF PRINCIPAL OF AND/OR INTEREST ON THE BONDS. THE BONDS SHALL BE EXECUTED BY THE MANUAL OR FACSIMILE SIGNATURES OF THE MAYOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP UNDER THE OFFICIAL SEAL (OR FACSIMILE THEREOF) AFFIXED, PRINTED, ENGRAVED OR REPRODUCED THEREON AND ATTESTED TO BY THE MANUAL SIGNATURE OF THE CLERK OF THE TOWNSHIP. THE FOLLOWING MATTERS ARE HEREBY DETERMINED WITH RESPECT TO THE BONDS:

DATE OF BONDS:	DATE OF DELIVERY
PRINCIPAL PAYMENT DATE:	NOVEMBER 1, 2012 AND EACH NOVEMBER 1 THEREAFTER UNTIL MATURITY
INTEREST PAYMENT DATES:	SEMIANNUALLY ON EACH MAY 1 AND NOVEMBER 1 UNTIL MATURITY, COMMENCING NOVEMBER 1, 2010
PLACE OF PAYMENT:	CEDE & CO., NEW YORK, NEW YORK

SECTION 3. THE BONDS SHALL BE SUBSTANTIALLY IN THE FORM SET FORTH IN EXHIBIT A ATTACHED HERETO WITH SUCH ADDITIONS, DELETIONS AND OMISSIONS AS MAY BE NECESSARY FOR THE TOWNSHIP TO MARKET THE BONDS IN ACCORDANCE WITH THE REQUIREMENTS OF DTC, UPON ADVICE OF WILENTZ, GOLDMAN & SPITZER, P.A., WOODBRIDGE, NEW JERSEY, BOND COUNSEL TO THE TOWNSHIP ("BOND COUNSEL").

SECTION 4. THE BONDS SHALL BE SOLD UPON RECEIPT OF ELECTRONIC BIDS ON THURSDAY, DECEMBER 17, 2009 AT 11:00 A.M. BY THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP ON GRANT STREET GROUP'S MUNIAUCTION WEBSITE ("MUNIAUCTION"), IN ACCORDANCE WITH THE NOTICE OF SALE AUTHORIZED HEREIN. THE USE OF THE SERVICES PROVIDED BY MUNIAUCTION AND THE FEES ASSOCIATED THEREWITH ARE HEREBY APPROVED. BOND COUNSEL TO THE TOWNSHIP, ON BEHALF OF THE CLERK OF THE TOWNSHIP, IS HEREBY AUTHORIZED AND DIRECTED TO ARRANGE FOR THE PUBLICATION OF A SUMMARY OF SUCH NOTICE OF SALE TO BE PUBLISHED NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE DATE OF SALE IN THE BOND BUYER, A FINANCIAL NEWSPAPER PUBLISHED AND CIRCULATING IN THE CITY OF NEW YORK, NEW YORK AND THE FULL TEXT OF SUCH NOTICE OF SALE IN THE BURLINGTON COUNTY TIMES, SUCH NOTICE OF SALE TO BE PUBLISHED NOT LESS THAN SEVEN (7) DAYS PRIOR TO THE DATE OF SALE. PURSUANT TO N.J.S.A. 40A:2-34, THE TOWNSHIP HEREBY DESIGNATES THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP AS THE FINANCIAL OFFICER AUTHORIZED TO SELL AND AWARD THE BONDS IN ACCORDANCE WITH THE NOTICE OF SALE AUTHORIZED HEREIN, AND SUCH FINANCIAL OFFICER SHALL REPORT IN WRITING THE RESULTS OF THE SALE TO THE TOWNSHIP COUNCIL AT ITS NEXT REGULARLY SCHEDULED MEETING THEREAFTER. THE CHIEF FINANCIAL OFFICER IS HEREBY FURTHER AUTHORIZED AND DIRECTED TO DO AND ACCOMPLISH ALL MATTERS AND THINGS NECESSARY OR DESIRABLE TO EFFECTUATE THE OFFERING AND SALE OF THE BONDS.

SECTION 5. THE NOTICE OF SALE IS AUTHORIZED IN THE FORM SET FORTH IN EXHIBIT B ATTACHED HERETO WITH SUCH ADDITIONS, DELETIONS AND OMISSIONS AS MAY BE NECESSARY FOR THE TOWNSHIP TO MARKET THE BONDS, UPON ADVICE OF BOND COUNSEL AND THE FINANCIAL ADVISOR (AS HEREINAFTER DEFINED) TO THE TOWNSHIP.

SECTION 6. THE BONDS SHALL HAVE ATTACHED A COPY THERETO OF THE WRITTEN OPINION WITH RESPECT TO SUCH BONDS THAT IS TO BE RENDERED BY BOND COUNSEL TO THE TOWNSHIP. THE CLERK OF THE TOWNSHIP IS HEREBY AUTHORIZED AND DIRECTED TO FILE A SIGNED DUPLICATE OF SUCH WRITTEN OPINION IN THE OFFICE OF THE CLERK OF THE TOWNSHIP.

SECTION 7. BOND COUNSEL IS HEREBY AUTHORIZED AND DIRECTED TO ARRANGE FOR THE PRINTING OF THE BONDS AND FOR THE PRINTING AND ELECTRONIC POSTING OF THE PRELIMINARY OFFICIAL STATEMENT (AS HEREINAFTER DEFINED) AND THE FINAL OFFICIAL STATEMENT (AS HEREINAFTER DEFINED), WHICH PRELIMINARY OFFICIAL STATEMENT AND FINAL OFFICIAL STATEMENT ARE EACH HEREBY AUTHORIZED TO BE PREPARED BY BOND COUNSEL, BOWMAN & COMPANY LLP, VOORHEES, NEW JERSEY, AUDITOR TO THE TOWNSHIP (THE "AUDITOR"), ACACIA FINANCIAL GROUP, INC. (THE "FINANCIAL ADVISOR") AND OTHER TOWNSHIP OFFICIALS. BOND COUNSEL AND THE FINANCIAL ADVISOR ARE ALSO AUTHORIZED AND DIRECTED TO ARRANGE FOR THE DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT ON BEHALF OF THE TOWNSHIP TO THOSE FINANCIAL INSTITUTIONS THAT CUSTOMARILY SUBMIT BIDS FOR SUCH BONDS. THE MAYOR, CHIEF FINANCIAL OFFICER AND CLERK OF THE TOWNSHIP ARE EACH AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER ANY CERTIFICATES NECESSARY IN CONNECTION WITH THE DISTRIBUTION OF THE PRELIMINARY OFFICIAL STATEMENT AND THE FINAL OFFICIAL STATEMENT. BOND COUNSEL AND THE FINANCIAL ADVISOR ARE HEREBY FURTHER AUTHORIZED AND DIRECTED TO OBTAIN RATINGS ON THE BONDS, TO PREQUALIFY THE BONDS FOR MUNICIPAL BOND INSURANCE AND TO PREPARE AND SUBMIT FINANCIAL AND OTHER INFORMATION ON THE TOWNSHIP TO RATING AGENCIES AND MUNICIPAL BOND INSURERS.

SECTION 8. THE TOWNSHIP HEREBY COVENANTS THAT IT WILL COMPLY WITH ANY CONDITION SUBSEQUENT IMPOSED BY THE INTERNAL REVENUE CODE OF 1986, AS AMENDED (THE "CODE"), TO PRESERVE THE EXEMPTION FROM TAXATION OF INTEREST ON THE BONDS, INCLUDING THE REQUIREMENT TO REBATE ALL NET INVESTMENT EARNINGS ON THE GROSS PROCEEDS ABOVE THE YIELD ON THE BONDS, IF NECESSARY.

SECTION 9. THE TOWNSHIP IS HEREBY AUTHORIZED TO MAKE REPRESENTATIONS AND WARRANTIES, TO ENTER INTO AGREEMENTS AND TO MAKE ALL ARRANGEMENTS WITH DTC, AS MAY BE NECESSARY TO PROVIDE THAT THE BONDS WILL BE ELIGIBLE FOR DEPOSIT WITH DTC AND TO SATISFY ANY OBLIGATION UNDERTAKEN IN CONNECTION THEREWITH.

SECTION 10. IN THE EVENT DTC MAY DETERMINE TO DISCONTINUE PROVIDING ITS SERVICES WITH RESPECT TO THE BONDS OR IS REMOVED BY THE TOWNSHIP AND IF NO SUCCESSOR SECURITIES DEPOSITORY IS APPOINTED, THE BONDS WHICH WERE PREVIOUSLY ISSUED IN BOOK-ENTRY ONLY FORM SHALL BE CONVERTED TO REGISTERED BONDS (THE "REGISTERED BONDS") IN DENOMINATIONS OF \$1,000 OR ANY INTEGRAL MULTIPLE THEREOF, WITH A MINIMUM PURCHASE OF \$5,000. THE BENEFICIAL OWNER UNDER THE BOOK-ENTRY SYSTEM, UPON REGISTRATION OF THE BONDS HELD IN THE BENEFICIAL OWNER'S NAME, WILL BECOME THE REGISTERED OWNER OF THE REGISTERED OBLIGATIONS. THE TOWNSHIP SHALL BE OBLIGATED TO PROVIDE FOR THE EXECUTION AND DELIVERY OF THE REGISTERED OBLIGATIONS IN CERTIFIED FORM.

SECTION 11. THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO "DEEM FINAL" THE OFFICIAL STATEMENT (THE "OFFICIAL STATEMENT") PREPARED WITH RESPECT TO THE ISSUANCE OF THE BONDS AND, PURSUANT TO THE PROVISIONS OF THE RULE (AS HEREINAFTER DEFINED), EXECUTE A CERTIFICATE REGARDING SAME. THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO AUTHORIZE AND APPROVE THE USE AND DISTRIBUTION OF THE OFFICIAL STATEMENT IN PRELIMINARY FORM (THE "PRELIMINARY OFFICIAL STATEMENT") IN CONNECTION WITH THE OFFERING AND SALE OF THE BONDS. UPON THE SALE OF THE BONDS, THE PRELIMINARY OFFICIAL STATEMENT SHALL BE MODIFIED, IN CONSULTATION WITH BOND COUNSEL AND THE FINANCIAL ADVISOR, TO REFLECT THE EFFECT OF THE SALE OF THE BONDS AND SAID MODIFIED PRELIMINARY OFFICIAL STATEMENT SHALL CONSTITUTE THE FINAL OFFICIAL STATEMENT (THE "FINAL OFFICIAL STATEMENT"). THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER THE FINAL OFFICIAL STATEMENT TO THE PURCHASER OF THE BONDS IN ACCORDANCE WITH THE PROVISIONS OF THE RULE, FOR ITS USE IN THE SALE, RESALE AND DISTRIBUTION OF THE BONDS, WHERE, AS AND IF APPLICABLE.

SECTION 12. THE TOWNSHIP HEREBY COVENANTS AND AGREES THAT IT WILL COMPLY WITH AND CARRY OUT ALL OF THE PROVISIONS OF A CONTINUING DISCLOSURE CERTIFICATE FOR THE BONDS (THE "CERTIFICATE"), WHICH WILL SET FORTH THE OBLIGATION OF THE TOWNSHIP TO FILE, AS APPLICABLE, BUDGETARY, FINANCIAL AND OPERATING DATA ON AN ANNUAL BASIS AND NOTICES OF CERTAIN ENUMERATED EVENTS DEEMED MATERIAL WITH RESPECT TO THE BONDS, IN ACCORDANCE WITH THE PROVISIONS OF RULE 15C2-12 (THE "RULE") PROMULGATED BY THE SECURITIES AND EXCHANGE COMMISSION PURSUANT TO THE SECURITIES EXCHANGE ACT OF 1934, AS AMENDED AND SUPPLEMENTED. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER THE RESPECTIVE CERTIFICATE TO THE PURCHASER OF THE BONDS EVIDENCING THE TOWNSHIP'S UNDERTAKING WITH RESPECT TO THE RULE. NOTWITHSTANDING THE FOREGOING, FAILURE OF THE TOWNSHIP TO COMPLY WITH THE CERTIFICATE SHALL NOT BE CONSIDERED A DEFAULT ON THE BONDS; HOWEVER, ANY BONDHOLDER MAY TAKE SUCH ACTIONS AS MAY BE NECESSARY AND APPROPRIATE, INCLUDING SEEKING MANDAMUS OR SPECIFIC PERFORMANCE, TO CAUSE THE TOWNSHIP TO COMPLY WITH ITS OBLIGATIONS HEREUNDER AND THEREUNDER.

SECTION 13. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY AUTHORIZED AND DIRECTED TO SELL THE AFORESAID BONDS AND TO DETERMINE ALL MATTERS IN CONNECTION WITH THE BONDS (INCLUDING ADJUSTING THE MATURITY SCHEDULE OR ANY OTHER MATTERS SET FORTH IN THIS RESOLUTION THAT ARE DEEMED NECESSARY AND ADVISABLE TO CHANGE BY THE CHIEF FINANCIAL OFFICER, PRIOR TO THE SALE OR CLOSING OF THE BONDS, ALL IN CONSULTATION WITH THE FINANCIAL ADVISOR AND BOND COUNSEL), AND THE MANUAL OR FACSIMILE SIGNATURE OF THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP UPON ANY DOCUMENTS SHALL BE CONCLUSIVE AS TO ALL SUCH DETERMINATIONS. THE MAYOR, THE CHIEF FINANCIAL OFFICER, THE CLERK OF THE TOWNSHIP AND ANY OTHER TOWNSHIP OFFICIAL OR PROFESSIONAL, INCLUDING BUT NOT LIMITED TO BOND COUNSEL, THE AUDITOR, THE FINANCIAL ADVISOR, THE TOWNSHIP ENGINEER AND THE TOWNSHIP ATTORNEY (COLLECTIVELY, THE "TOWNSHIP OFFICIALS"), ARE EACH HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AND DELIVER SUCH DOCUMENTS AS ARE NECESSARY TO CONSUMMATE THE SALE AND CLOSING OF THE BONDS, AND TO TAKE SUCH ACTIONS OR REFRAIN FROM SUCH ACTIONS AS ARE NECESSARY FOR THE ISSUANCE OF THE BONDS AND ALL SUCH ACTIONS OR INACTIONS TAKEN BY THE AFORESAID TOWNSHIP OFFICIALS HERETOFORE ARE HEREBY RATIFIED AND CONFIRMED.

SECTION 14. THE BONDS ARE "QUALIFIED TAX-EXEMPT OBLIGATIONS" FOR PURPOSES OF SECTION 265(B)(3)(B)(II) OF THE CODE.

SECTION 15. THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

EXHIBIT A

UNITED STATES OF AMERICA TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON STATE OF NEW JERSEY
GENERAL OBLIGATION BOND, SERIES 2009
NUMBER GO-____

<u>DATE OF ORIGINAL ISSUE</u>	<u>MATURITY DATE</u>	<u>RATE OF INTEREST PER ANNUM</u>	<u>CUSIP NUMBER</u>
<u>DATE OF DELIVERY</u>	<u>NOVEMBER 1, ____</u>	<u>____%</u>	<u>_____</u>
<u>REGISTERED OWNER:</u> CEDE & CO., NEW YORK, NEW YORK			

PRINCIPAL SUM: _____ DOLLARS
(\$ _____)

THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, A BODY POLITIC AND CORPORATE OF THE STATE OF NEW JERSEY (THE "TOWNSHIP"), HEREBY ACKNOWLEDGES ITSELF INDEBTED AND FOR VALUE RECEIVED PROMISES TO PAY TO CEDE & CO., AS NOMINEE OF THE DEPOSITORY TRUST COMPANY, NEW YORK, NEW YORK, WHICH WILL ACT AS SECURITIES DEPOSITORY ("SECURITIES DEPOSITORY"), ON THE MATURITY DATE SPECIFIED ABOVE, THE PRINCIPAL SUM SPECIFIED ABOVE, AND TO PAY INTEREST ON SUCH SUM FROM THE DATE OF ORIGINAL ISSUE OF THIS BOND AT THE RATE OF INTEREST PER ANNUM SPECIFIED ABOVE SEMIANNUALLY ON THE FIRST DAY OF MAY AND NOVEMBER (EACH AN "INTEREST PAYMENT DATE") IN EACH YEAR UNTIL MATURITY, COMMENCING NOVEMBER 1, 2010. PRINCIPAL OF AND INTEREST ON THIS BOND WILL BE PAID TO THE SECURITIES DEPOSITORY BY THE TOWNSHIP OR A DULY DESIGNATED PAYING AGENT AND WILL BE CREDITED TO THE PARTICIPANTS ("PARTICIPANTS") OF THE DEPOSITORY TRUST COMPANY AS LISTED ON THE RECORDS OF THE DEPOSITORY TRUST COMPANY AS OF THE FIFTEENTH DAY OF APRIL AND OCTOBER PRECEDING EACH INTEREST PAYMENT DATE (THE "RECORD DATES" FOR SUCH PAYMENTS).

THIS BOND IS NOT TRANSFERABLE AS TO PRINCIPAL OR INTEREST EXCEPT TO AN AUTHORIZED NOMINEE OF THE DEPOSITORY TRUST COMPANY. THE DEPOSITORY TRUST COMPANY SHALL BE RESPONSIBLE FOR MAINTAINING THE BOOK-ENTRY SYSTEM FOR RECORDING THE INTERESTS OF ITS PARTICIPANTS OR THE TRANSFERS OF THE INTERESTS AMONG ITS PARTICIPANTS. THE PARTICIPANTS ARE RESPONSIBLE FOR MAINTAINING RECORDS REGARDING THE BENEFICIAL OWNERSHIP INTERESTS IN THE BONDS ON BEHALF OF INDIVIDUAL PURCHASERS.

THE BONDS OF THIS ISSUE ARE NOT SUBJECT TO REDEMPTION PRIOR TO THEIR STATED MATURITIES.

THIS BOND IS ONE OF AN AUTHORIZED ISSUE OF BONDS ISSUED PURSUANT TO THE LOCAL BOND LAW, N.J.S.A. 40A:2-1 ET SEQ., AS AMENDED AND SUPPLEMENTED (THE "LOCAL BOND LAW"), A RESOLUTION OF THE TOWNSHIP COUNCIL DULY ADOPTED DECEMBER 2, 2009 ENTITLED, "RESOLUTION PROVIDING FOR THE COMBINATION OF CERTAIN ISSUES OF GENERAL OBLIGATION BONDS OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY INTO A SINGLE ISSUE OF BONDS AGGREGATING \$4,244,000 IN PRINCIPAL AMOUNT", AND THE VARIOUS BOND ORDINANCES REFERRED TO THEREIN, ALL FINALLY ADOPTED, DULY APPROVED AND PUBLISHED AS REQUIRED BY LAW AND A RESOLUTION OF THE TOWNSHIP COUNCIL DULY ADOPTED DECEMBER 2, 2009 ENTITLED, "RESOLUTION DETERMINING THE FORM AND OTHER DETAILS OF THE OFFERING OF \$4,244,000 GENERAL OBLIGATION BONDS, SERIES 2009 OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP") AND PROVIDING FOR THEIR SALE AND DETERMINING CERTAIN OTHER MATTERS WITH RESPECT THERETO".

THE FULL FAITH AND CREDIT OF THE TOWNSHIP ARE HEREBY IRREVOCABLY PLEDGED FOR THE PUNCTUAL PAYMENT OF THE PRINCIPAL OF AND THE INTEREST ON THIS BOND ACCORDING TO ITS TERMS.

IT IS HEREBY CERTIFIED AND RECITED THAT ALL CONDITIONS, ACTS AND THINGS REQUIRED BY THE CONSTITUTION OR THE STATUTES OF THE STATE OF NEW JERSEY TO EXIST, TO HAVE HAPPENED OR TO HAVE BEEN PERFORMED PRECEDENT TO OR IN THE ISSUANCE OF THIS BOND EXIST, HAVE HAPPENED AND HAVE BEEN PERFORMED AND THAT THE ISSUE OF BONDS OF WHICH THIS IS ONE, TOGETHER WITH ALL OTHER INDEBTEDNESS OF THE TOWNSHIP, IS WITHIN EVERY DEBT AND OTHER LIMIT PRESCRIBED BY SUCH CONSTITUTION OR STATUTES.

IN WITNESS WHEREOF, THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY HAS CAUSED THIS BOND TO BE EXECUTED IN ITS NAME BY THE MANUAL OR FACSIMILE SIGNATURES OF ITS MAYOR AND ITS CHIEF FINANCIAL OFFICER, ITS CORPORATE SEAL TO BE HEREUNTO IMPRINTED OR AFFIXED TO THIS BOND, AND THE SEAL TO BE ATTESTED TO BY THE MANUAL SIGNATURE OF THE ITS CLERK, AND THIS BOND TO BE DATED THE DATE OF ORIGINAL ISSUE AS SPECIFIED ABOVE.

Mrs. Stinney recessed the meeting at approximately 7:57 pm for a short break for Mr. Prickett to review his requested documents. Mrs. Stinney reconvened the meeting at approximately 8:09 pm.

Continuation of Resolution No. 259-2009:

Mr. Prickett conveyed that he would like more time to think about all that he has found out about this resolution. Mr. Prickett reiterated that this resolution should not have been on the consent agenda and should have been out for discussion so it could have been discussed. There are certain risks associated with the Township with this grant and that is what he is considering and Council should be considering those as well. Mr. Cartier asked Mr. Prickett what he is asking for with this resolution. Mr. Prickett asked if we are talking about the resolution.....Mrs. Stinney interjected and replied that Council is talking about Resolution No. 259-2009 and she would appreciate it if Council as good Council members representing our constituents and public if Council could possibly get these items and ask for these documents and if Council needs the information there is not a problem with removing something or making sure that Council reads something. Mrs. Stinney felt bad that Mr. Prickett had to try to digest four or five pages in two seconds but Council should be considerate to our public to move forward with the information that was put before Council that the public entrusts Council to take care of and she does not have a problem with Mr. Prickett asking any question or any other Council member asking questions or documentation but to please ask Administration to get the information for him. Mrs. Stinney conveyed that Mr. Prickett is entitled to ask a million questions and she will have it removed and taken off and is sure the other Council colleagues would do the same thing but this is ridiculous. Mr. Prickett replied to Council President Stinney that his concern is she puts the agenda together and put this on the consent agenda and that is his concern and his question and it should not have been put on the consent agenda and should have been out for discussion. Mrs. Stinney interjected and stated to Mr. Prickett that is his opinion. Mr. Prickett continued that is his discussion and that was his same concern with the last three resolutions that Council talked about. This is a complex document and it needs thorough consideration.....Mrs. Stinney interrupted as the last three that she stated for the record that she is glad that he asked to have it pulled because Mr. Vaz was very

prepared to discuss this and Mr. Prickett is absolutely right, she does put the agenda together and they had spoke about that. Mrs. Stinney continued that she wants Mr. Prickett to understand that he is entitled to his question....Mr. Prickett interjected that it's not for him, it's for the public and the public deserves to know these things as they are the ones that are going to pay this back.....Mrs. Stinney continued the public also has the opportunity to pick up the telephone. She just saw a resident tonight that emailed her and she stated to the resident to not be stagnant and she can't get back to the email right away, and we have Mrs. Cosnoski, Mrs. Finlay and Mrs. Jarvis so we don't have to wait on her to answer the email, and she wants the resident to get their answers. She is not trying to hide a thing. Mr. Prickett stated he wants the public to get the answers and it should be discussed and not on the consent agenda and it should be out there as a discussion topic. Mrs. Stinney stated resolution numbers 264-2009, 265-2009 and 266-2009 were discussed tonight. Mr. Prickett conveyed that Mr. Cartier asked him a question and he would like to answer it. Mr. Prickett clarified Mr. Cartier's question of what he would like to do with this resolution at this time. Mr. Prickett relayed that he would like to give it some further thought and asked when the date was to hand this to the DEP. Mr. Vaz answered he doesn't have the specific date but it is in December sometime. Mr. Rehmann informed it is his understanding that it must be in by the end of the year and is not aware of a date sooner than that. Mr. Rehmann replied to Mr. Prickett's question of what are the risks that the Township is taking with Council is making a policy decision that states there are contaminated properties within the Township that will never be cleaned up by the property owners and we are attempting to define the issue under this grant; how bad is the property contaminated. It could be that once the tanks are removed there is only a small amount of contamination that can be removed by just removing the dirt that is there. The risk falls with the next step. If we state there is a plume of gasoline contamination, how much money does it take to remove that plume and that's where the engineer's expertise comes in. Mr. Rehmann continued that it will only be an estimate. This step is to define what the issues are and it's a grant and there are no obligations for the Township to pay this back. Mr. Rehmann reiterated that the Township will be taking steps to define what the contamination is and how to handle the run down property in the Township. Mr. Prickett noted that in conversations it was talked about the risks that the Township is taking and if the Township expends this money and puts a municipal lien on the property, this property could then become the Township's responsibility and the Township could be held accountable to clean it up for the advanced cost that Mr. Rehmann just spoke about. The discussion was about how to protect the Township in pursuing the grant. Mr. Rehmann commented that this particular step is without risk to the Township in his opinion and it's the next step if the Township makes the decision to take the property over that involves the risk. Mr. Prickett asked if the solicitor concurs that once the Township spends money from the grant to do the preliminary investigation is the Township in any way responsible for further clean up on the property. Mr. Clark replied if the Township is studying an area to determine if it's in need of redevelopment and determine what type of contamination is out there, that is not obligating the Township to do anything; it is only finding out what is out there so then the Township could make an informed decision as the next step of what they will do then. The only question he does not know the answer to is when the Township takes the grant monies, whether there are any concurrent obligations once the money is expended to then clean up. Mr. Clark assumes that the grant money can be used for the study and doesn't obligate the Township to take the next step of acquiring it and that would only be taken once the Township determines what is out there. If it is studied and found to have \$5 million of contamination then obviously that would be a different scenario from having \$200,000 wherein the one scenario the Council may elect to the proceed to the next step and acquire the property where in the other scenario they would not. Mr. Clark continued that it would generally not obligate the Township and only thing he is not sure about is if there are any particular grant terms and his assumption would be no that the Township can take grant monies to study something but it does not necessarily

obligate the Township to undertake the responsibility and that's why the Township is studying it to find out what's there. Mr. Clark asked Mr. Rehmann if that is his understanding as well. Mr. Rehmann responded that his understanding is to find out what is there and there is no obligation to go further. Under the same program they would be looking to get additional money from the state and they have to look at their resources also. Mr. Rehmann's firm has done this in other towns and there is a clean break between the study and the next step associated with it. Mrs. Stinney read the title of Resolution Number 259-2009, "Supports a redevelopment study at the Breen Capital Investment property, 203 Fort Dix Road, Block 802, Lot 5". Mr. Prickett advised he would like some other language and would like the solicitor to research the points that he was not sure of and perhaps add the additional language in the resolution to protect the Township from any possible responsibility for continued clean up of the site as well as the Mason site. Mr. Prickett added he would like to see the sites cleaned up but he would like to see the Township protected. Mr. Inge stated to Mr. Vaz regarding his statements earlier regarding redevelopment in that part of town in that there really aren't any developers interested in developing that part of town and asked if there is any interest. Mr. Vaz replied the DEP uses the words development and redevelopment very broadly because he had the same question when speaking to Chris Gardener regarding the Mason Garage property. Mr. Vaz didn't see too much happening there in terms of development and thinks the better potential to bring a piece of property back to economic viability is the Fort Dix property once it is cleaned up and the buildings are raised. Mr. Vaz added that no one has been banging on the door and it's obviously a mess. The Township has hesitated in actually tearing the building down and doing certain things because we are not so sure ourselves what we are dealing with. There are tires all over the place, barrels with unknown contents and we are hesitant to start the normal demolition process without having some sort of preliminary assessment done to tell us what is there. Mr. Prickett stated if we did that, we would be putting a lien on the property. Mr. Vaz agreed. Mr. Prickett continued that the Township would end up with the property and the responsibility. Mr. Vaz stated sooner or later that's the problem. Sooner or later it will end up going out to tax sale and that is what Breen does. Mr. Prickett conveyed if the Township doesn't foreclose on the property, it won't be the Township's responsibility. Mr. Vaz expressed that his concern would be that inadvertently foreclosing and not knowing what is being foreclosed upon. He has seen that happen and agrees with Mr. Prickett's concern about getting in to something that would be a burden for the tax payers. Mr. Vaz stated he has had the same discussion with Chris Gardner from ARH in terms of property ownership and committing ourselves to doing something down the road if we are not prepared to do that financially. The sentiment from Chris Gardener that Mr. Rehmann support tonight is that we are not at that stage yet. Mr. Prickett asked if there is further legal language that can be put in the resolution to protect the Township. Mr. Vaz replied he doesn't know that because he doesn't know if this is a resolution that is part of the application package which he suspects it might be. It might be a model resolution that is in the DEP application package but he is not totally sure. Mr. Prickett commented if Council has the time at the next meeting and all of the extras can be added and protect the Township, he would like to do that. If there is a time limitation at this point, that would be another consideration. Mr. Vaz commented that he would hate to say there isn't a time limitation other than the one that Mr. Rehmann mentioned at the end of the year, but evidence that we might have until the next meeting is.....Mr. Cartier interrupted that Council has to have until at least the next meeting because this was just received. Mr. Vaz continued that he just received the second one today and Chris knew this wouldn't be on the agenda for tonight's meeting. Mr. Prickett stated they can both be on the agenda for the next meeting. Mr. Vaz confirmed. Mrs. Stinney asked Mr. Vaz to make sure that all of the information is out to all Council members and to not email it and put it in the packet. Mr. Rehmann added he will also email the solicitor the contacts at the Bureau of Ground Water Remediation so he can follow up and see there is a clean break between this grant and that the Township is not obligated to either pay this

back or go forward. Mr. Clark added the grant documents are also needed to see that this grant whatever the conditions are would not necessarily condition or require the town to do anything further for the next phase. Mr. Rehmann replied he will email the solicitor both packages.

Motion by Prickett and Cartier to table Resolution No. 259-2009 until the December 16th Council meeting. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes out of courtesy to accept the table. Motion carried.

RESOLUTION NO. 259-2009

RESOLUTION SUPPORTING A REDEVELOPMENT STUDY AT THE BREEN CAPITAL INVESTMENT PROPERTY, 203 FORT DIX ROAD, BLOCK 802, LOT 5, PEMBERTON TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

WHEREAS, PURSUANT TO N.J.S.A. 40A:12A-6, THE MAYOR AND TOWN COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIRES TO UNDERTAKE PRELIMINARY INVESTIGATIONS TO DETERMINE WHETHER THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY IDENTIFIED AS BLOCK 802, LOT 5, LOCATED AT 203 FORT DIX ROAD (HEREIN REFERRED TO AS THE "PROPERTY") IS AN AREA IN NEED OF REDEVELOPMENT ACCORDING TO THE CRITERIA SET FORTH IN N.J.S.A.40A:12A-5; AND

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HAVE DETERMINED THAT THERE HAS BEEN, OR IT SUSPECTS THAT THERE HAS BEEN, A DISCHARGE OF HAZARDOUS SUBSTANCES OR A HAZARDOUS WASTE ON THE PROPERTY.

WHEREAS, THE TOWNSHIP OF PEMBERTON IS APPLYING FOR FUNDING FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE INVESTIGATION OF THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY IN ORDER TO DETERMINE THE EXTENT OR THE EXISTENCE OF ANY HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL FOR THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THE REDEVELOPMENT OF THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY FOR THE PURPOSE OF RETURNING THE PROPERTY TO A VIABLE PRODUCTIVE PART OF THE COMMUNITY, WHICH NOT ONLY STIMULATES FURTHER ECONOMIC GROWTH BUT ALSO PROTECTS THE ENVIRONMENT. FURTHERMORE, THE TOWNSHIP OF PEMBERTON FINDS THAT A REALISTIC OPPORTUNITY EXISTS FOR THE REDEVELOPMENT OF THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY WITHIN A THREE-YEAR PERIOD AFTER THE COMPLETION OF THE REMEDIATION OF THIS SITE EITHER THROUGH THE PLANNED REDEVELOPMENT PROJECT, OR THROUGH ALTERNATE REDEVELOPMENT.

11. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 33-2009 AMENDING FIRE CO MEMBERSHIP ORD

Mrs. Stinney informed Ordinance No. 33-2009 has one change in section C and asked Mr. Vaz to comment. Mr. Vaz stated that is Council's change and there are more amendments to the ordinance as far as the public perspective and the one he presented to Mrs. Stinney tonight before the meeting was to supersede the ordinance in the meeting package. That change was the number of years of minimum certified fire fighter for battalion chief. Mr. Vaz noted there are several other changes and he can list them. Mr. Vaz advised the process done after the ordinance was adopted last February, by the summer time the Advisory Committee was formed and met privately as an Advisory Committee on many occasions. They selected a Chairman, Bill Dougherty, and a secretary, Mike Robertson, who is a paid fireman in Evesham. The Committee met and discussed the ordinance that Council adopted in February and then offered the opportunity on two separate occasions for members of the fire companies to come and give their input. Those two meetings were not well attended by the volunteer fire fighters. Presidential Lakes came out strong and a few members from Browns Mills. The Advisory Committee interpreted that to mean that the general membership was either disinterested in the ordinance or satisfied with it. They ultimately presented to Administration a memo of proposed changes to the ordinance. Chief Augustoni, Andre McClain and Mr. Vaz looked at the recommendations internally and met with Bill Dougherty on the draft that was presented to Council on Friday. They are basically not major changes but one of the changes was to have a section that very specifically sets forth what the fire department is authorized to do and Mr. Prickett had also mentioned this as a concern. The number of Chiefs and Captains were reduced by two because the original ordinance contemplated the Goodwill Fire Company joining the fire department and in the meantime they have opted not to do that. The phrase of what is intended to be rules and regulations to fire department rules and regulations. Mr. Vaz conveyed it was suggested that each Chief have a certain minimum number of years that was above the number of years in the original ordinance. The Advisory Committee recommended more experience be required to be a Fire Chief, Captain or Lieutenant and those changes were made. The term of the Fire Chief, Assistant Chief and Deputy Fire Chief was

changed. They were running concurrent to the Mayor's term and the Advisory Committee did not want to see the Fire Chief, Assistant Chief and Deputy Fire Chief get caught up in politics. That has now been changed so that the terms expire at the end of the second year of the Mayor. That way that team of Fire Administration has an opportunity to build a relationship with whoever is the Mayor at that particular time. Especially if it is a new Mayor that had just come in two years prior. One of the recommendations made by the Advisory Committee that was not accepted, the existing ordinance had an English speaking requirement for volunteer firefighters and the Committee recommended that be removed. That was looked at internally and we were not supportive of that for a number of reasons. Although these positions are not civil service because they are volunteer, even our most basic labor title requires that the employee be able to speak English sufficiently to perform the duties of their job. Internally if our laborers have to speak English to sufficiently perform their job, our volunteer fire fighters should also have to do that. It's also a matter of safety. Although the Advisory Committee recommended removing it, individually these feel it is a good idea but they recalled that was an issue at one of the fire companies at the time the original ordinance was adopted. That recommendation was not adopted but the language was changed so it's not very broad. It doesn't just state you have to speak English anymore it states English sufficient to perform the duties of a volunteer fire fighter. If there is presently a volunteer fireman in Pemberton Township who can't speak any English, they are grandfathered. It does not affect an present members, only any prospective members. The Advisory Committee put a lot of time in to this and were under very good leadership. Bill Dougherty who is a resident of Country Lakes and has been in the volunteer fire service for many, many years and sits on the Board of Trustees of the State Relief Association and is very respected. Mr. Dougherty knows what goes on in volunteer fire companies, knows the personalities and was very good in keeping the Advisory Committee focused to get the job done. Mr. Dougherty and Mr. Robertson both brought a very good sense of objectivity to the process. Mr. Robertson not being a resident but being a paid fireman and Mr. Dougherty not really being involved with volunteers in Pemberton so he was sort of an outsider from that perspective and didn't have any personal issues like some of the volunteers may have been perceived to have. The Committee has asked if there was anything else they could be used for and there probably isn't at the moment but they will probably be asked to serve continually year to year as long as they are interested in doing that. Mrs. Stinney stated she is glad Mr. Dougherty served on the committee. Mr. Prickett noted 25-17 Discipline, and read, "Each volunteer fire company organization that is governed by this ordinance shall adopt disciplinary procedures consistent with those found in rules and regulations". Mr. Prickett asked to receive a copy of the rules and regulations in order to consider this section of the proposed ordinance. He doesn't mind introducing it tonight but he would like a copy of the rules and regulations. Mr. Prickett reminded that he asked for the Chief's report a few meetings ago and has not received it yet. Mr. Prickett stated he also asked the Mayor at the last meeting who replied he would send the report but he has not. Mr. Vaz commented he thought Mr. Prickett requested the Police Chief's report and he did ask someone to start on that internally and the Mayor did mention that to him before going away. Mr. Prickett asked if the report is done monthly for Administration. Mr. Vaz agreed and added that the report is emailed to Administration and then a paper copy goes in to a file. Mr. Prickett asked if that can be emailed to Council as well. Mr. Vaz continued that his staff complied with one month's report and didn't understand that he wanted from January forward. Mr. Prickett again asked for the Chief's report and a copy of the rules and regulations.

Motion by Prickett and Cartier to introduce Ordinance No. 33-2009 with a public hearing on December 16th.

Mr. Cartier stated to Mr. Vaz that he mentioned changing the number of Chiefs, Captains and Lieutenants by two and it's actually by one. Mr. Vaz agreed. Mr.

Cartier noted that before he agrees to that change he would like to know where we stand with Goodwill because he was under the impression that we were headed in the right direction and now we have this change. Mr. Vaz responded that Administration received a letter from Goodwill stating in so many words, thanks for the offer but we're quite happy not being a part of anything and they want to just continue the relationship on a contractual basis. Mr. Vaz continued that they have met with the Boro, before the November election, because we had not heard from them and we recently received from their Clerk the request for the 2009 payment. Mr. Vaz advised the meeting was fairly good, before the election; the fire company was not present but as far as the Boro attorney and the Boro Clerk, who was speaking on behalf of the Council, were concerned, they are looking for a contract where all three of us would be parties to the fire company in the two towns. Have a very similar arrangement to the one that has existed all of these years and language would be in the contract that required the Goodwill Fire Company to accept our fire department table of organization, etc., so that when they are in Pemberton Township covering fire calls, they understand they are under the jurisdiction of our officers under our ordinance. There were only a few loose ends and we had been waiting for the Boro attorney to supply our solicitor with a draft contract that we have not received. Mr. Vaz noted that he was hoping the delay was related to the election and some of the changes in the Boro. As far as the ordinance goes, the Boro has indicated unequivocally that they don't have any intention of being part of the fire department. Mr. Cartier commented on 25.6 membership regulations and read, "A member has not been removed or resigned under duress. A removal as a member of any volunteer company, organization, inside or outside of Pemberton Township within the preceding as it stands now 48 months and wants to be changed to 12 months". Mr. Cartier asked what the consideration is. Mr. Vaz answered they wanted it as an option in the sense that even though they want to say 12 months; they want to give that person after 12 months the opportunity to at least apply. It doesn't mean the applicant gets approved or accepted in to the fire department just because they apply. The Advisory Committee is saying four years to a volunteer fire man is almost an eternity, sitting out and waiting for four years to go by before they can apply can to be a volunteer fire fighter. The Advisory Committee suggested making it 12 and then that person can apply and we can access the applicant and look at why that person was removed in the first place and determine if that person has rehabilitated sufficiently to come back in to one of the fire companies. Mr. Cartier noted 25-13 fire chief, III, and didn't know why there was three when there is no one. Mr. Vaz replied Mr. Dougherty also pointed that out to him. Mr. Vaz explained that the only thing one is seeing in this ordinance are the changes to the present ordinance. Anything that is not here like section one, is preserved and is not being deleted. Mr. Vaz reiterated that the only things that are changing are what is specifically mentioned here. Mr. Prickett asked Mr. Cartier if Council is really ready to introduce this tonight and suggested going back to the Committee and make sure the clarifications are addressed.....Mrs. Stinney interrupted and asked if Mr. Cartier could finish talking and we can make that decision later and she doesn't want to lose the train of thought. Mr. Cartier stated his only concern with that is the part where the term of service for the Fire Chief is imposing an employee, it is unpaid, but it is imposing that employee on to the next Administration. Mr. Vaz stated there was a lot of discussion regarding that internally and with the Advisory Committee. If it was a paid fire department, the Chief would be a civil servant and would not change but through being fired, retired or resignation. The Fire Director would be the appointed individual that would come and go with whoever the new Mayor is. The Police Chief doesn't change with Administrations and ultimately that is the argument that won the day. Although there is an expiration of the term and we are not making a volunteer Fire Chief for life in Pemberton, the idea was to not have those individuals become wrapped up in an election process because they are doing a public service as volunteers. They didn't apply for a paid job and the feeling was that once a new Mayor gets elected, there should be some time where that Mayor gets to learn the fire service and the individuals in the administration in

the fire service and it may turn out at the end of the two year period that everybody is happy with one another. At the end of the day, the Fire Chief is accountable to the Director and Mayor anyway. There were other ways to do this and other options on the table, but this is the more everyone felt more comfortable with. It was unanimous that no one wanted it tied in with the term of the Mayor. Whatever other options existed, they all agreed on that. Mr. Inge stated it is not a civil service appointment and the Mayor does appoint the Chief so he doesn't see why it should be any different now. The Mayor that comes in should be the Mayor that appoints the Chief. Mr. Vaz then asked then why shouldn't the new Mayor appoint a Police Chief or Superintendent of Public Works. Mr. Inge replied because they are a civil service employee. Mr. Vaz stated the only thing that separates our guys from being civil service is that we are not paying them. Mr. Inge stated they are volunteers. Mr. Vaz added they are set up the same way as a department and as far as the organization, they are set up the same way as our other departments. Mr. Inge commented it should be the right of the Mayor that comes in to make that decision. Mr. Vaz again asked why the Fire Chief and not the Police Chief. Mr. Inge again replied because the Police Chief is civil service. Mr. Vaz agreed and added but it is set up like civil service. Mr. Inge stated that's the difference. Mr. Vaz reiterated it is set up like civil service and the only difference is they are not getting paid and technically they are not civil service. Mrs. Scull stated they are volunteers. Mr. Vaz agreed and stated the way it is set up is the Business Administrator is the Fire Director unless the Mayor chooses someone else to be the Fire Director. The Fire Director is the person who should really serve for the term of the Mayor and the Fire Chief should be removed from that process just like a Police Chief is removed from that political process. The other people are all on the same footing. Mr. Vaz commented that he is playing devil's advocate because he has heard so many arguments regarding this. One argument is why should the Fire Chief be any different from all of the other employees and why should that one position become a political appointment. Mr. Inge stated he is not stating it would be. Mr. Vaz noted that is the fear of a lot of people that it would become tangled in that process. Mr. Cartier commented that was the extent of his questions.

Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

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

- a. ORDINANCE NO. 24-2009 (Title Read By Mrs. Stinney)**
ORDINANCE AUTHORIZING THE EXECUTION OF FINANCIAL AGREEMENT WITH AUTO ZONE, INC. FOR A TAX EXEMPTION FOR THE PROPERTY SHOWN ON THE OFFICIAL TAX MAP OF THE TOWNSHIP OF PEMBERTON AS BLOCK 530, LOT 11.10 AND FOR PAYMENT IN LIEU OF TAXES

Council President Stinney opened the meeting to the public for comments. Those indicating a desire to be heard were: **Bob Cushmeyer: 1.** Mr. Cushmeyer asked if someone could explain the tax exemption and pilot program or how this will impact the taxes on the town. Mr. Cushmeyer stated usually tax abatement means a waiver is granted on taxes for a certain period of time and a pilot program is payment in lieu of taxes. Mr. Cartier interjected that he can explain it the way it was explained to Council at the last meeting. Mr. Vaz commented that he was not at the last Council meeting. Mr. Clark explained there is a statute which authorizes towns to do five year tax exemptions and basically what happens is it is to promote businesses or entities or individuals to make improvements on their property without necessarily getting hit with full taxation on those improvements during the first five year phase. Essentially what happens under the five year tax exemption statute is the land taxes continue to be paid as they were already but as an incentive

to have the property owner develop the property and develop improvements on it, they have a phased in payment in lieu of taxes on the improvement. Once the certificate of occupancy is issued, the first year there is 0 on the improvements, the second year it is 20%, third year 40%, fourth year 60%, fifth year 80% and as of the sixth year it goes to full taxation. That's the statutory scheme and it is there to provide incentives to property owners and businesses to make improvements on properties. Mr. Clark advised his firm was involved in negotiating with Auto Zone based on Administration's request and they were hoping Auto Zone would make improvements on this parcel. The land taxes are being paid and will continue to be paid and the agreement will call for an exemption or abatement on the improvement tax. Instead of that, there will be a phased in pilot payment for the five years followed at the end of five years with full taxation. Mr. Vaz asked Mr. Clark if that is what was done in this particular. Mr. Cushmeyer informed he understands the tax abatement and it has been done before in the Township but he is not familiar with the pilot program. Mr. Vaz noted the caption of the ordinance says for a tax exemption for the property. Mr. Clark stated what was done was...Mr. Cartier interrupted and stated he could put it in laymen's terms. We still receive the existing taxes on the land and it's the improvements that the abatement is on; the 20%, 40%, 60%, 80%, and 100%. Mr. Cushmeyer stated at the end of five years, they pay full taxes. Mr. Cartier continued that it is the pilot program phased in at 20%, 40%, 60%, 80% and 100% where the pilot program the county still gets their 5% and the Township gets the rest. This is on the improvements. Mr. Cushmeyer asked what happens at the end of five years. Mr. Cartier replied it goes back to full taxation; the school board gets their cut, the county gets their cut and the Township gets their cut. Mr. Cushmeyer commented that the improvements are the Auto Zone building that was built on the corner next to McDonalds. Mr. Cartier agreed. Mr. Cushmeyer asked what the taxes are going to be and what the assessed value is. Mr. Cartier did not know. Mr. Clark replied at the moment the improvements have not been installed yet and what happens is once the improvements are made the assessor goes out and then values those improvements and if there had been full taxation at that point once the C/O is issued, there will be full taxation based on what was built. They know generally what is proposed to be built but it has not been valued by the assessor yet as to what it may ultimately be. Mr. Cushmeyer stated that during the entire five year process, the County gets only 5% instead of their normal 24%. Mr. Cartier agreed. Mr. Cushmeyer asked how much the school gets and they get no percent. Mr. Cartier stated whatever the Township decides to give to them and that's the way the pilot program works. Mr. Cushmeyer continued that over the course of six years, the county is not going to get a significant amount of money and asked if the county decreases their spending during that time and then asked where the money comes from that they will not be getting from this and will they consider raising the taxes on the rest of the residents. Mr. Cartier stated the county is still getting the taxes on the land that they originally received before the construction started. Mr. Cushmeyer interjected plus the 5% and the school is likewise. Mr. Cartier stated the school is still getting their cut on the land...Mr. Cushmeyer interjected with the school is basically getting cheated out of six years of funds and asked if they are going to lower their expenditures. Mr. Cartier interjected unless the Auto Zone came in and didn't put that building in, they weren't going to get it anyway. Mrs. Stinney commented that it wasn't there. Mr. Cushmeyer asked if that was the site we wanted to put the Red Lobster. Mrs. Stinney and Mrs. Scull both replied yes. Mr. Inge noted the one good thing about that is they have to be a member of the UEZ so we will be getting money in to the Township through the UEZ fund. Mr. Cushmeyer stated that is the sales tax part of it which is another tax issue. Mr. Inge reiterated they have to be a member of the UEZ. Mr. Cushmeyer noted the tax abatement sounds good because Council will get some extra money to spend but the schools are going to get less so they are really be cheated....Mr. Cartier interrupted and stated the schools are not getting any less. They are still getting the same amount as they got before and are just not seeing the bump on the improvements. Mr. Cushmeyer replied it is a trick. Mr. Vaz noted on this property

because it was vacant. Mr. Cushmeyer asked if it is always five years. Mrs. Stinney stated yes. Mrs. Scull stated no, the WalMart in Lumberton is 25 years. Mr. Cartier replied it is negotiated. Mr. Clark informed there is a 5 year statute and a 30 year statute. This is being done under the 5 year statute. Mr. Vaz asked if the Clerk's office has the actual contract. Mr. Clark advised he did bring a copy with him and does not know if a copy is in the packet. Mrs. Scull advised Council had copies at the last meeting that explained that. **George Petronis: 1.** Did not have a chance to read the ordinance until he got to the meeting. Asked if there are any legal requirements for posting the text of the proposed ordinance for any given period prior to the public hearing on the Township website. Mr. Clark advised the ordinance after it is introduced has to then be published but it can be published by title only or by summary or by full text and it has to be available in the Clerk's office for anyone who wants to review it and there is a time frame by which it must be published and by which it must be available. Mr. Vaz stated to Mr. Petronis but not on the website. Mr. Clark added not necessarily on the website. Mrs. Stinney informed the website is a courtesy. Mr. Petronis confirmed that the only place that it is required to be available is in the Clerk's office. Mr. Cartier stated it has to be published in the newspaper and not the text and only the title. Mr. Petronis stated in other words unless someone comes to the Township building prior to a public meeting, they may be in no position to make intelligent comments on a proposed ordinance because they haven't had a chance to read it. Mrs. Stinney commented that once it is introduced, the public has that chance. That's their privilege. Mr. Petronis commented that anyone in the public that wants to read the text can come to the Township building but there are no other legal requirements to make it available without physically coming to the Township building and picking up a copy of the text. Mr. Vaz replied it is not a legal requirement, but we are pretty good at getting the ordinances on the website pretty quickly. Mrs. Cosnoski advised there is no legal requirement because not every Township has a website. It is not a legal requirement to put it on the website; however, if he would email her, call the office or in any other way, the Clerk's office could email it to him or mail it and it is not necessary for him to physically come to the building and the Clerk's office will make arrangements to get the ordinance to him if he could not physically come to the building. Mr. Petronis informed that as of 5:40 pm this evening, this ordinance was not on the website under proposed ordinances; ordinances 27 through 31 were on the website. Mr. Petronis noted that he understands that legally everything was fulfilled and now that it has been explained to him he'll know that he can contact the Township to have it faxed to him but he would submit that since you can't go on the website and find out how to get a copy, there could be a lot of people with a position on a proposed ordinance who won't be able to establish that position because they don't understand the entire procedure. Mr. Vaz replied the procedure can be added to the website. Mr. Petronis stated it wasn't clear to him until receiving this explanation on how he could find out about this ordinance so he could speak intelligently about it when coming to a meeting. Mr. Vaz did not know why this was not on the website. Mr. Petronis suggested if it's feasible to put a comments section on the proposed ordinance page suggesting people can contact the Township to get a copy of the ordinance if they can't get it off the website. **2.** It is his understanding that the purpose of a tax abatement is to encourage a necessary business, something that is useful and helpful to the community, to come in and establish itself. In return for getting them to do that we give them a tax break as a kind of mutual deal. Mr. Petronis questioned what public value there is in giving a tax break to bringing in the third auto parts store in to our town. Mr. Petronis asked if the public is being well served by encouraging a third member of an existing business community to come in as opposed to some other business. Mr. Petronis asked if Auto Zone is given a tax break and the same tax break is not given to the other two auto parts stores, the government is in fact engaged in offering a potentially unfair business advantage to one member of a competitive business group. Mr. Petronis stated it is a bad idea to give the third auto parts store in town a tax break and it's bad for the existing businesses who have been here doing business and he is not involved with

them and doesn't know the people who run the auto parts stores and he has never bought a part from either of them and he doesn't fix his own car. Mr. Petronis noted from his own experience as a business man, it seems that the Township is creating a disadvantage for people who have been here and have been doing business with the local community to give an advantage to a newcomer and that's not fair. Mr. Prickett stated the ordinance that the public has as well as Council has a provision that there is an attached the document, exhibit A and he did not have that attachment and asked if the public has exhibit A to review. Mr. Prickett supposed that Council had it in the packets when it was introduced, but Council does not have it now. Mr. Prickett asked if that is something the public can look at when they come to the Clerk's office and was told yes. Mr. Prickett expressed concern that this artificially inflates the municipal budget. This is taking money from the schools and keeping it in the municipal coffers and after the five year period, you lose half of that money in the municipal coffers. Mr. Prickett stated Mr. Cartier brought up that somebody here decides whether the schools get some of this money or not. Mr. Prickett asked who makes that decision. Mr. Cartier replied he does not know. Mr. Prickett asked if it is Administration or Council and added that there should be considering the economic times we are going through and we have a new governor and we don't know the kind of support the governor is going to give our schools whether he will cut back on any of the school funding and we may have more municipally but taxes may have to go up for the schools and the residents are going to have to pay for that. Mr. Prickett conveyed those are his concerns and that is why he voted against introducing this the last time. Mr. Prickett again stated he would like to know who makes those decisions as to how much the school gets and how much the municipality gets. Mrs. Scull commented that she didn't think the schools or the county got anything until year six. Mr. Cartier stated the county would have to get their 5%. Mr. Inge noted the only reason he supported this at the previous meeting was due to the fact that the business had to be a member of the UEZ and funds from that will add money to the UEZ funds. UEZ funds paid for Police Officers for the schools and if looking at it that way, instead of residents paying for Police Officers in the schools, the UEZ pays for these things. Instead of residents paying for Police cars, the UEZ paid for a couple of Police cars. The money is being brought back to the residents through this program. The residents might not be getting the money in the school taxes, but they are getting money that business in other ways that support the schools and other businesses in the town. That's one of the reasons he did support it.

Motion by Cartier and Scull to adopt Ordinance No. 24-2009.

Mr. Prickett address Mr. Inge's comments regarding the UEZ. Mr. Prickett stated if the business was not in the UEZ, would they lose their competitiveness with the other two auto parts stores. At this point, since we have two other auto parts stores in the Township, it would be a wise thing to be in the UEZ so that their customers would get that reduction in sales tax. Mr. Inge expressed that having another auto parts store in the Township, he would not have supported it but that's what came in. Council had nothing to do with that and that would not have been his choice of a business coming in to the town as we already have two auto parts stores. Since they are here, we can make the best of it. Mr. Inge reiterated that they will contribute to the Township through taxes that would be going to the state, we would be receiving them and it goes beyond five years. Once they do start paying all of their taxes after five years, they will still be a member of the UEZ and funds will continue to come in to the UEZ program if they are still in business. Mrs. Stinney commented that Mr. Inge is right on target and through her travels throughout the Township, many residents questioned if we really needed another auto store. Mrs. Stinney also questioned if we really needed another auto store. Mrs. Stinney conveyed that we certainly cannot discriminate if a business comes in and meets the criteria for that area or building.

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

13. NEW BUSINESS

***a. Requests from various departments to expend funds in excess of \$2,000.00:**

***1. Tax Assessor's Dept.: Purchase of Notification of Assessment Post Cards from Micro systems-NJ.com, LLC, in the amount of \$6,826.60.**

Mr. Cartier pulled item 13a. from the consent agenda and he tried to get his questioned answered prior to the meeting but Mr. Vaz was running around for information. Mr. Cartier conveyed the estimate received was for \$5,735.00 but \$6,826.60 is being requested. Mr. Vaz replied he can't explain it having not spoken to the Tax Assessor but can conclude based on the back up provided that there was an estimated cost and the larger amount if being requested to be encumbered in case the estimated cost ends up being more. Mr. Cartier commented with that being said, we already have the signed estimate from the company looking to propose the service so they will have to do it for that amount and the only question is the postal rate. Mr. Vaz agreed. Mr. Cartier added the postal rate will not change that much for the postal rate. Mr. Vaz commented it does seem high and stated he is fine if Council is comfortable approving the request for less. Mr. Cartier expressed if Mr. Vaz is concerned about postal rates, if \$250.00 is enough of a cushion. Mr. Vaz agreed. Mr. Cartier suggested approving the request for \$6,000.00.

Motion by Cartier and Prickett to approve the Tax Assessor's request for \$6,000. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to add 13a8 to the agenda for DPW, Best Uniform for \$4,515.00 for winter uniforms. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to add to the agenda for DPW, Jesco in the amount of \$5,189.20 for the purchase of hardware for the John Deere Loader. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to add to the agenda, payment #3 to Rocon Contracting, Inc., in the amount of \$70,225.90 for improvements to the Dominique Johnson Center.

Mr. Prickett asked where is the documentation and the approval by the CFO. Mr. Vaz informed he copied the original purchase order that was approved by the CFO and the letter requesting the payment. Mr. Prickett had the letter and the voucher, purchase order and asked where the CFO's signature was or who is the authorizing agent. Mr. Vaz explained the Mayor signed on the bottom and he did not see where the CFO signed the purchase order but she would have had to have been involved in signing the original requisition in order to get to this point. Mr. Prickett agreed.

Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Scull to approve the three bills added to the agenda. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

b. 2010 Annual License Renewals:

Trailer Park Licenses: Pine View Terrace
Lakeshore Mobile Village
Belaire Trailer Park
Hilltop Mobile Village

Gold Licenses: Jay's Studio Jewelers
Fashion Bug
Peebles Dept. Store

Body Art Establishments: Tattoo Everything

Mr. Prickett asked if these were recommendations from the Clerk. Mrs. Cosnoski advised these are all annual renewals that applications were received for. Mr. Prickett asked if there were any financial problems then they would not be on the agenda. Mrs. Cosnoski informed she spoke with Mrs. Finlay regarding this today and asked if when the motion was made if something could be added stating contingent on all financial requirements which would include that all municipal charges be paid and the Clerk will not issue the license until such time that is insured. Mrs. Stinney informed this pertains to one in particular, Belaire Trailer Park. Mr. Prickett asked how far in arrears they are. Mrs. Cosnoski replied it is just under \$50,000 in water charges and close to \$80,000 in sewer charges. Mr. Cartier asked what happens if their license is not approved. Mrs. Cosnoski answered nothing and this has been a question brought up by the Clerk's office before and it's just never been settled. Belaire doesn't have their 2008 or 2009 license at this time because they are never up to date on their municipal charges when they come up for renewal. Mrs. Scull commented that this discussion comes up every year. Mr. Prickett commented it is \$130,000. Mr. Vaz asked if there is a penalty in the ordinance for operating without a license and if the license is not issued if there is something in the ordinance that allows code enforcement to go out or the Clerk's office to issue some sort of administrative penalty. Mrs. Cosnoski replied she would have to research that. Mr. Cartier asked if nothing happens then what good is the license and this is similar to the noise ordinance. If you can't grant a permit, what good is the permit. Mr. Prickett asked why is Council approving it. Mrs. Stinney asked what good is it on the agenda for approval and that is what she asked. Mrs. Cosnoski remarked that part of the license allows them to have a certain amount of pads on the property. Mr. Cartier expressed that was granted when they came before the planning board. Mrs. Cosnoski advised it is stated on the yearly renewal, on the license and she doesn't know the exact penalties if there are any stated in the ordinance. At one point, the Clerk's office did look in to it and brought the question to the solicitor's office. Mr. Cartier asked Mrs. Cosnoski to pull the ordinance and forward a copy to him. Mr. Vaz recalled the solicitor did do a memo regarding this. Mr. Cartier stated something has to be able to be done to bring this organization up to current but his only concern is the residents that are there. If they are not granted their license and they are forced to stop doing what they provide some place for the people to live, what happens to the residents that are there. Mrs. Cosnoski remarked that was the full question. Mr. Clark vaguely recalled that just like with many licenses, if you don't do what you need to do in order to have the license, your license can be revoked and you can be compelled to stop operating but if stop operating means all of those people have to leave then you're not just punishing the entity, you're punishing the people and that was the concern the town had when this was done before. Mr. Clark advised he can locate this memo if there was a memo and provide it to Council. Mr. Cartier added it also has an impact on every other tax payer in this Township who has to foot the \$130,000 bill for this trailer park. There has to be some give somewhere. Mr. Prickett asked Mr. Clark if a lien is put on the property, how would it fit this case and at some point we might get compensated. Mr. Vaz asked if there was already a lien by virtue of the non-payment of the sewer and taxes. Mrs. Cosnoski stated the taxes are paid, it's the sewer and water. Mr. Vaz answered the sewer is a lien. Mrs. Cosnoski added that

it's usually their taxes that aren't paid too. Mr. Clark stated that normally especially with taxes they automatically become a lien but then there is the issue of what is being done to enforce the lien. One way of enforcing is foreclosing and taking it but given the residents there that may not be an option. Mr. Clark suggested he can look at it more fully and pull out whatever research was done before. Liens automatically are imposed when municipal charge such as taxes, water and sewer are not paid but then the question becomes what are we doing about that lien. Mr. Inge asked if it can be sold at tax sale and they can get 18% on their money. Mr. Prickett conveyed there must be a reason why Council didn't want to do that in the past and this needs to be considered. Mr. Vaz recalled that it boiled down to....Mr. Cartier interrupted that we need to start getting the information because this is becoming a problem. Mr. Prickett suggested Council pass this with a provision that the monies need to be paid before the license can be issued by the Clerk's office. Mrs. Stinney conveyed that is what is done every year. Mrs. Scull expressed what bothers her is they are getting that money from the trailer park residents already in their rents so there is no reason these bills should not be up to date. Mr. Vaz confirmed with Mrs. Cosnoski that we collect a license fee and then asked if we inspect. Mrs. Cosnoski informed there is a code enforcement inspection done and the Clerk's office has that information and there were no violations noted. Mr. Inge asked if these were put on the tax liens when we had the tax sales. Mrs. Cosnoski informed they end up paying but then let it go again for along time. Mr. Vaz stated they use us like a bank. Mr. Rehmann expressed one of the joys of being an engineer is he attends other municipal meetings and sometimes some jewels come out of it and recalled a similar situation where the Mayor and Council authorized the solicitor to make a recommendation as to whether they would go to court to have the mobile park residents pay their fee to an escrow account to be used to pay the outstanding fees. Mr. Rehmann commented it may just be threat but sometimes you don't want to dislocate people out of a mobile home park and the Township probably doesn't want to operate a mobile home park but if the residents are paying their fee to an escrow to be paid to reduce the municipal properties, it might be something to consider. Mrs. Cosnoski asked if that case was successful. Mr. Rehmann replied it just started and they haven't gone to court and it may as well be a point of leverage in negotiations and he has heard this in homeowner's associations where they are not happy and pay their rent to an escrow account so that there are ways of gaining leverage over the people that they don't have leverage over. Mr. Cartier commented that he likes that idea. Mr. Cartier stated he is not comfortable approved Belaire's license and would like to pull it. The remaining Council members agreed to pull Belaire's license.

Motion by Cartier and Scull to table Belaire Trailer Park's license application until such time that they can prove that they are paid. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

Motion by Cartier and Prickett to approve the remaining trailer park licenses, gold licenses and body art establishment licenses subject to the Clerk requiring that all fees be paid. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Steve Skulimoski: 1.** Did not have any comment for this evening until about the last fifteen minutes. Under item 13 on the agenda, Mr. Cartier added two items, 8 and 9 and then on item 14 he added a bill payment. Mr. Cartier stated they were all actually added to item 13. Mr. Skulimoski expressed that his concern is number 13 is a consent agenda item which at the beginning of the meeting the public had an opportunity to comment on consent agenda items and did not have an opportunity to comment on the three items added. Mr. Cartier stated they were not consent agenda. Mr. Skulimoski stated number 13 is a

consent agenda item. Mr. Cartier informed each individual item is added to new business. Mr. Skulomoski commented that Best Uniforms for \$4,000 for sweatshirts and carharts and an item on the consent agenda, 13, 2 was an additional \$4,000 to Best Uniforms for sweatshirts and it seems like a lot of sweatshirts; it's \$8,000. Mr. Cartier stated it is contractual. Mr. Skulomoski asked when the last time money was approved for uniform purchases for the Township. Mr. Cartier stated it is contractual, yearly. Mr. Skulomoski asked why it was not under the original 13,8. Mrs. Scull commented it might be a different department. Mr. Cartier stated the bid probably came in after the packets were published. Mr. Prickett commented it states attention Larry for Jesko. Mr. Skulomoski conveyed that it is not Jesko and is Best Uniform. Mrs. Stinney asked Mr. Skulomoski to clarify his request. Mr. Skulomoski asked why it was added and was not originally in 13, b. Mr. Vaz replied it was because of the Thanksgiving holiday where there was a shortened period of time for department heads to submit their request because the meeting packets went out last Tuesday. Mr. Vaz added that he has impressed upon the department heads that anything they had planned in their budget requests in the beginning of the year, to get them in so we could close out spending for the year so we knew if we needed to do budget transfers or not. Internally we need to see an encumbrance on the computer system so we know that money is tied up somewhere else before we start thinking about spending it somewhere else. A lot of it is end of the year stuff. Mr. Skulomoski stated the \$8,300 is all for Public Works. Mr. Vaz reported for the two requisitions, yes. Mrs. Scull advised the first order was sweatshirts and regular shirts and the second order was for pants. Mr. Skulomoski remarked when it was read in the record, it was stated sweatshirts. Mr. Cartier commented he is correcting it to pants. Mr. Skulomoski understands and he has been in the construction business, the environmental field and unless you have a large turnover of employees, Carharts are a durable item and is not something that is needed every year. Mrs. Scull commented it's probably in the contract that they get it every year. Mr. Skulomoski suggested Council looking in to that. Mrs. Scull added the Water Department is included also. **Keith Skulomoski:** Noted that a Council member commented tonight that one of the things Council should be doing is to be courteous and respectful to everyone including John Q. Public. Mrs. Stinney agreed. Mr. Skulomoski stated it is un-courteous and disrespectful to interrupt people. He has seen every on Council interrupt people time and time again. He hears people speaking loudly in to the microphone and it's very rude. Mr. Skulomoski was thinking of bringing his daughter here tonight and she is afraid of loud noises and if someone is speaking in to the microphone loud, that would scare her and it's very disrespectful. Mrs. Stinney conveyed that what happens is when other people are talking and she is sorry if he thinks it is disrespectful but in order to get the taping because it is so sensitive, it picks up the other volumes so one has to try to over talk so it can bring in the comments that are being said through the microphone other than that, we won't get a clear pick up with the system. Mr. Skulomoski remarked that he understands that and noticed that there were a few times when people were speaking loudly but the times when it was stated it was time for discussion and not debate but a certain Council person was speaking loudly when there was no one else in the room talking. Mrs. Stinney thanked him for his comments. **Jim Wasnewski:** 1. Spoke regarding resolution 262-2009. Asked about the asbestos removal and asked if that was a surprise. Mr. Vaz answered it was a surprise to us. Mr. Wasnewski asked what kind of material it was. Mr. Vaz replied he doesn't know what particular type it was, but the material was tested by an independent lab in Moorestown. The glue and the tiles. Mr. Wasnewski stated the 12x12 floor tiles should be tested and asked if the building ever had an asbestos inventory. Mr. Vaz replied not that he is aware of. Mr. Wasnewski stated all state and federal buildings are required to have an asbestos inventory started by 1992 and finished by 1997 so an asbestos inventory should have been done and the asbestos should not have been a surprise. Mr. Wasnewski suggested checking in to that because if there are any other renovations done to the building, there should not be any surprises and by law it should have been done.

Mr. Vaz stated he can't speak for 1992 or 1997. Mr. Wasnewski commented the record should exist. Mr. Vaz added if it is done. Mr. Wasnewski added then the Township is in violation just like Belaire Trailer Park is. Mr. Wasnewski asked what the additional money for the renovations was for. Mr. Vaz informed it was labor and materials to furnish all of the doors, frames and finish hardware for certain specific door openings in the court, set the door frames, hang the lead to the door, set hardware and masonry work that was involved for setting the frames for the doors and openings. Mr. Vaz continued that Public Works had intended to do this work initially and at a certain point when they started the demolition they thought it would be better to have an outside crew come in to do it because they thought at that point they thought it was above their capability level to do it correctly. Mr. Wasnewski clarified that the savings that the Township is going to incur by having DPW employees do this work was lost. Mr. Vaz replied on this particular aspect and we would not have saved \$27,000 because we would still be paying our resources and buying the materials to do the work. Whatever the savings would have been on this aspect of the project obviously we will not see that. Mr. Wasnewski asked who in the DPW determined initially that they could do the work. Mr. Vaz replied that there is an employee that does masonry work and what was known at the time before the demolition occurred, he thought it would be within his capability and after the demolition he didn't want to assume the liability as an employee because it might be something above and beyond what he was able to do. Mr. Wasnewski commented there is a lot of argument that can be put in to what should occur and when people say they can do the work and then can't do the work. Mr. Vaz responded that the Township has been very successful with them to date and he gives the employee credit for assessing the situation and stating that it is not what he was getting in to before. The work they have done that they said they could do has been done quite well. The same individual is doing the drainage work at Imagination Kingdom and is doing a great job. Mr. Wasnewski asked if it is \$26,000 worth of credit that the employee is getting. Mr. Vaz answered yes, they are saving the Township a lot of money over there. Mr. Wasnewski reiterated his suggestion to look at the asbestos inventory and he is sure there is asbestos downstairs where work was done. Any floor tile that exists has to be checked out. Mr. Vaz remarked that Administration is aware that it is in other parts of the building and it just came up in the Tax Collector's office because they were slated to get new carpet. It has been held up because the realization was that part of the building was constructed at the same time as the courtroom and the assumption has to be that the tiles that were installed in the courtroom are the same tiles that are in the Tax Collector's office. The minute we would start tearing up the carpet, we would have an asbestos problem again. Mr. Wasnewski stated not necessarily. Mr. Vaz stated the law of averages.....Mr. Wasnewski informed that asbestos has a very tight matrix and unless it is pulverized it is not really a hazard. One can replace four square feet of it without even wearing a respirator; it's not that big of a deal and people make a bigger deal out of asbestos and there is a lot of hype that has been put in to asbestos. 2. Asked for the status of the Country Lakes Dam project. Mr. Rehmann informed approximately 3 months ago they did a resubmission to the state of New Jersey Bureau of Dam Safety. ARH received some word from them that they were in agreement with ARH's analysis but they have not issued the letter of approval. ARH is confident that they will receive the letter of approval and have started to receive quotes on the geotechnical work that would have to be done for the design of the dams and investigating the areas necessary and hope to begin that work in the beginning of next year. Mr. Wasnewski then asked about funding. Mr. Rehmann answered ARH is looking for funding and have talked to the rural development which is the old Farmer's Home Administration and have made the point that a number of those homes in those areas have mortgages funded by that group and it would be a protection of the value of their investment in the community because they do have a public works side and they could come up with some grants, low interest loans and they are investigating that now. Mr. Rehmann knows the group well and ARH is getting some funding for Hammonton for a replacement of a sanitary sewer line and water

main and the problem they are having is that they are redefining the term rural. In Hammonton's case, it is a town government so that means the entire population of the town is taken in to consideration. Where there is a Township, it is different. We can call Country Lakes an area within the Township and that doesn't exceed 10,000 population. To the federal government, a Township is an unincorporated area. The question is, in New Jersey will they consider the Township even though it is incorporated, an unincorporated area and we divide that, if that's the case, we can get funding. Mr. Wasnewski clarified that basically ARH is looking for a grant. Mr. Wasnewski asked if there would be a draw down of the lake, specifically Spring Lake. Mr. Rehmann responded that he is not aware of it and a lake dewatering permit has been applied for. Mr. Wasnewski clarified that he can inform the residents that there are no plans to draw down Spring Lake, Colony Lake or Log Lake. Mr. Vaz replied not to tell them yet and he would like to check. We do have a lake lowering permit that is good to the end of December. Mr. Vaz advised he will email Mr. Wasnewski tomorrow. Mr. Wasnewski asked Mr. Vaz to email Dave Herbert also. Mr. Wasnewski remarked that residents are asking because it gives them an opportunity to clean the lake edges. Mr. Vaz conveyed that he is assuming because Mr. Wasnewski asked the question that by visible appearance the lakes have not been reduced. Mr. Wasnewski answered the lakes have not been lowered and there is an increased water level now because of the recent storms. Mrs. Stinney commented that she applauds Mr. Wasnewski for coming forward with the asbestos information. It is not such a scary thing and she had a very bad experience with a family member; her father who was exposed to asbestos through Congoleum, died from cancer of the inner lining of his lung which was due to asbestos. It is something that is not to be laughed at and the exposure should be taken serious. Her father's condition was so bad from having been exposed over the years, there was nothing they could do. Mrs. Stinney thanked Mr. Wasnewski and also thanked Administration for jumping in on that. Mr. Wasnewski commented that he is not trying to devalue what Mrs. Stinney went through and it is certainly a loss but in talking about asbestos, susceptibility and genetic susceptibility, individual life styles, smoking and non-smokingMrs. Stinney interjected that he worked at Congoleum.....Mr. Wasnewski continued if he smoked which most people did at that time, he had a 90% greater chance of coming down with an asbestos disease than someone that didn't smoke. Mr. Wasnewski informed he has been exposed to asbestos, he worked in a shipyard and used to wrap himself in asbestos sheets to keep warm in the winter. They used to make asbestos snowball fights before it was really a concept that it would hurt you. Mrs. Stinney thanked Mr. Wasnewski for the knowledge coming forward.

George Petronis: 1. Asked Mr. Vaz if in the proposed fire department ordinance it will be requesting that all new firefighters do basic security and safety communications in English. Mr. Vaz replied it doesn't mention safety although that's the reason for it. The language that was in there before stated one had to have a high school diploma or equivalency certificate and is able to read, write and speak the English language well and intelligently. That particular language was objectionable to a lot of people, the well and intelligently. It was changed to read, "and is able to read, write, speak, understand and communicate in English sufficiently to perform the duties of a firefighter". Mr. Vaz indicated a relationship was created between English and the job duties which are a copy and paste from the civil service job descriptions for many of our job descriptions. Mr. Petronis clarified that they were just uncomfortable about the specific wording and no one was asking that the requirement for English be deleted. Mr. Vaz agreed and added when the first ordinance was introduced, there were firemen who argued it shouldn't be in there at all. That was really out of a concern for some present members who have a difficult time or don't speak or write English at all but they are grandfathered. Mr. Petronis informed that he is a naturalized citizen and English is not his native language. He spoke Lithuanian with his parents until the day they died. Something his parents recognized and something our society is starting to lose track of is that this is an English speaking country. Mr. Petronis applauds what Administration is doing and he encouraged Mr. Vaz to make sure

that every firefighter is able to communicate with people they are helping in the most common language in this country which is English. It is critical for them to do their jobs. **Bob Cushmeyer:** 1. Commented that the sound system in the back of the room has been excellent today. Was able to hear every word this evening. 2. Commented that Council has lowered their sites so much that they're willing to accept anything in the town and that's really wrong. Stated Council has bad planning that they didn't take that particular deal that was worked out with Auto Zone that finds some piece of land on Lakehurst Road or downtown Browns Mills that needs to be redone and work with Auto Zone and say look, if you buy this beat up old deserted piece of property, we're going to help you with taxes. Unfortunately, they took a pristine piece of property that would have been a great place for a restaurant and made an auto parts store out of it. Mr. Cushmeyer questioned what will happen to NAPA which is the weakest of the three stores. Mr. Cushmeyer stated you put them out of business and the net result is you're not going to make money out of this and Council received bad advice from some place. 3. Mr. Cushmeyer noted that during the course of Council's tenure, they will be passing many resolutions and several ordinances upon which most of can be rescinded rather easily by subsequent Council members and successors. An ordinance that Council will be considering can forever modify the zoning code of this town. Once a zoning ordinance is done, it's pretty much a done deal, a one way street. Mr. Cushmeyer stressed that Council members really need to understand what they're doing. Mr. Cushmeyer commented that the Township now has a master plan that was adopted back in July, written by an ex-Policeman and endorsed by a \$110,000 plan from the planner. Mr. Cushmeyer informed that the planner used to work for DR Horton who was the last known person that had an option on the land on the Greenberg property. Mr. Greenberg hasn't said if he has an option on it but there's a potential there for some significant conflict. Mr. Cushmeyer continued that there is no justification for this proposed change to the zoning on the Greenberg farm to allow high density housing other than personal egos that seems to be involved in this. Mr. Cushmeyer asked Mrs. Stinney how many houses under the new ordinance can be built on the Greenberg farm. Mrs. Stinney replied that she didn't have that information in front of her but will get back to him with the answer. Mr. Cushmeyer then asked if any one else on Council knew the answer. Mrs. Stinney commented that it is not question and answer time and we're here for comments. Mr. Cushmeyer expressed that he would hope that the Council members by the time they vote on this in the next two weeks would have a chance to review that and understand how many houses could be added to Pemberton Township. Mr. Cushmeyer commented that Pemberton Township has a right to have their wishes and desires incorporated in to the future plan and where they live. We were told this would happen during the visioning process conducted over the last two and half years about the new master plan. Mr. Cushmeyer stated the Mayor's proposed development on the Greenberg farm and he mentioned the Mayor's proposal because as everyone knows within two months of the Mayor being sworn in to office here in January 2007, he went to the County Office of Economic Development and requested by himself that a town center be created on the Greenberg farm. Mr. Cushmeyer conveyed that the Mayor did that without consulting with the Administration, without consulting with the engineer, without consulting with the planner because we didn't have a planner yet and never spoke to any Council member. Mr. Cushmeyer continued that he has looked at the minutes the night of the 2007 May meeting and everybody says nobody ever talked to the Mayor, he did it on his own. So we know this thing was set up two and a half years ago. Mr. Cushmeyer remarked that all of the many comments that the residents made over the visioning process, Council has had a chance to review the summary of all of those six visioning meetings and hoped that Council did review them as he has many times. There's not one comment in there made by any resident suggesting or supporting any kind of a development on the Greenberg farm. Mr. Cushmeyer conveyed that all comments of the residents concerning the area six meeting concerning the Greenberg farm were disregarded by the Mayor and in fact that night the Mayor called them a bunch of nimbees and he was

disappointed that we came out and spoke against his plan to develop the Greenberg farm. Mr. Cushmeyer stated there's been much misinformation, misleading and confusing statements made by not only the Mayor, the Administration, but also by the planner. Mr. Cushmeyer suggested Council take these into consideration when they think everything they know about this particular development is true. Mr. Cushmeyer referenced an article in the Burlington County Times that mentioned it's a better deal under the new proposed ordinances on Greenberg's farm because some of the property will be preserved. Mr. Cushmeyer advised that he mentioned this to Council because the planner endorsed this statement the Mayor made that under the new ordinances half of whatever gets developed out there will be preserved. Mr. Cushmeyer remarked that the planner forgot to mention that under the current zoning, before Council changes the ordinance, already has a clustering ordinance where the houses have to be clustered in only a portion of the property to be developed. Mr. Cushmeyer conveyed that when the subdivision on the Wilson farm was done which fell under the current zoning that's on the Greenberg farm, 21 houses were approved with each being on one acre lots. Mr. Cushmeyer clarified that under our current clustering ordinance, which is mandatory, over 100 acres or 100 acres exactly in that case were going to be preserved and that's 75% of the land, not 50% like the Mayor and the planner have conveyed trying to say this is a better plan. Mr. Cushmeyer continued that under the 200 acres that are proposed to be developed on Greenberg's farm, they could build 35 houses and they could build that on maybe 40 acres. That would preserve 160 acres which is almost 80% of the parcel rather than the 50% that the Mayor wants to preserve. Mr. Cushmeyer remarked that it's interesting the word preservation came up and stated the Mayor is thinking along the lines that well maybe he should have paid a little attention to some of the residents of the town. It's kind of a new and unique word that we haven't heard very much in the last three years. Mr. Cushmeyer remarked on the proposed Pemberton Pines on Lakehurst Road for 600 age restricted houses. Now that particular subdivision could be changed to a non-age restricted housing unit by ordinances or by a public law that was passed in July and signed in to law by Governor Corzine. The builder, DR Horton, the former employer of our current planner, can request to lift the restrictions for age restriction zoning. Mr. Cushmeyer stated that means we would get at least 600 houses without age restricting and it would be required to add about 100 COAH houses in that same location. The group on the planning board that live in Country Lakes should be aware of the fact that they could end up with 2400 neighbors. Mr. Cushmeyer conveyed that the Mayor stated that that particular development out there wasn't for the seniors in this Township because the houses were too expensive. Mr. Cushmeyer reported that for those that were on the planning board when it was first introduced remember that the housing pricing out there was \$200,000 - \$250,000 and the Mayor says it was too expensive for the residents of Pemberton Township for retirement houses. Mr. Cushmeyer then asked if Council has read the master plan which states that the houses that are going to be built on the Greenberg farm are \$250,000 houses. The average cost of a house in Pemberton Township is about \$150,000, and the average assessed value is about \$100,000. Mr. Cushmeyer reported this is bad information that keeps getting passed around by the planners and the Mayor, and unfortunately some people listen to it. Mr. Cushmeyer questioned who would live in a house for \$100,000 or \$150,000 and retire and then buy a \$250,000 house and stay in Pemberton. Mr. Cushmeyer read a section from the ordinance, "Whereas, there is a demand in the state of New Jersey and a demand in Burlington County in Pemberton Township for seniors housing". Mr. Cushmeyer then read a statement from the state assembly, "New Jersey's municipalities have approved an over abundance for 55 and older age restricted housing developments. Estimates suggest the over supply of such age restricted homes is between 15 to 20 years. Far outweighing current demand because of this glut of age restricted housing on a market, projects are stopped. Mr. Cushmeyer questioned who the public should believe and which statement is right, the state of New Jersey or the Mayor. Did the state of New Jersey get it right or did the Mayor get it right that there's an overabundance or we

need some seniors housing instead of a 20 year excess supply. Mr. Cushmeyer then spoke about ratables and informed that Mount Laurel, New Jersey which is experiencing build out which is almost all of the developable land has been used has 1,500 businesses and lots of ratables. Pemberton Township's property taxes average about \$3,200 per year. Mr. Cushmeyer asked if anyone in Pemberton Township wanted to trade their taxes for Mount Laurel's taxes that have the ratables and also some of the highest taxes in south Jersey. Mr. Cushmeyer stated Mount Laurel must be pretty stupid and we must be pretty smart and questioned if we are going to get stupid like they are and just develop everything. Mr. Cushmeyer then asked if Council knew the local municipal tax rate in Woodland Township. Mr. Cartier replied there is no local tax. Mr. Cushmeyer agreed and stated let's get some more ratables and get our local taxes up. Mr. Cushmeyer reiterated that there is a lot of really bad information and Council is going to make a huge decision about the future of this town. The last master plan lasted 37 years and the Mayor says we have to replace it and the state says we do. Mr. Cushmeyer stated that's not true either and that's a lie. We have to review it but we don't have to replace it. Mr. Cushmeyer noted that a member of the Council today said their mind was already made up, didn't matter anyhow. Mr. Cushmeyer questioned why we are having a public hearing and it cost us money to do that. Mr. Cushmeyer guessed that he knows why that person again followed the Mayor's lead and didn't listen to the public and just discounted them and said these people don't count. Mr. Cushmeyer informed a petition was started and every house he went to the people signed a petition stating not to preserve Greenberg's farm, just don't change the zoning on it and don't change the zoning to high density housing. There are 260 signatures on the petition and every house but 3 signed. Mr. Cushmeyer conveyed that if 1,000 signatures are needed he would get them in two weeks. Mr. Cushmeyer stated that no resident of this Township ever stood up at this podium or any of the visioning meetings and said there ought to be houses, high density houses built on Greenberg's farm. Mr. Cushmeyer commented on a rumor that there are no houses in town for Police, Firemen and teachers and that's why they're going to build on Greenberg's farm. Mr. Cushmeyer questioned why there will be 600 houses that aren't going to be age restricted, so the less than 55 and firefighters can move out by Country Lakes. Mr. Cushmeyer questioned how many houses have been built in the Baker subdivision and he thinks about 30 or 40 have been done and the builder went ahead with the recreation center before he hit the 50 so there are at least 60 houses out there. Mr. Cushmeyer asked how many firefighters, teachers and police need houses and if it's more than 50 and does anybody have an answer to that question. Mr. Cushmeyer informed his neighbor is a teacher who bought a piece of property, built a house and moved in and they are great people. His other next door neighbor built a house next to him. Mr. Cushmeyer stated to not believe it when somebody says there's no place in this town for Police, Firemen or teachers to live because that's not a true statement. Mr. Cushmeyer stated to Council to not continue this charade to the people of this town, show some leadership, don't sit and follow everything that you're told and listen to the Township residents and their desires overwhelmingly. The residents want to fix up Browns Mills and leave the farms alone. The zoning code does not have to match the master plan. Council can elect to not adopt that ordinance. There is not a requirement that the zoning code has to agree with the master plan. Mr. Cushmeyer continued that Council could table or reject the ordinance that is going to come up in front of them in two weeks. Don't listen to those who make false claims about supporting the development on the Greenberg farm because it doesn't exist. People are telling you something that's not true. Mr. Cushmeyer commented that he has a list of like seven pledges that Council made. He did not see number eight on there about the Christmas present for Mr. Greenberg. But one of the pledges was to not support sprawl type development. Mr. Cushmeyer informed sprawl is the consumption of agricultural and other frail lands. It's new development built beyond an existing core in to areas with limited or no infrastructure or public services. Sprawl is the consumption of agricultural land. Mr. Cushmeyer stated the Greenberg property is a farm and agricultural land and

there is not any development on the Greenberg farm so this is going to be new and it is beyond an existing core. It's beyond the edge of the Boro and in to areas with limited infrastructure. Mr. Cushmeyer remarked roads, sewer and water have to be installed and somebody in the county informed him that it doesn't matter whether they're going to vote it, they've already been down to the county requesting an extension of the sewer service area in to the Greenberg farm without ever approving it. They don't care what you say, they know what's going to happen here; they've already asked for the sewer service extension. This is the Mayor's planner, it's not the Township's planner and in order for the Township to implement the recommendations set forth in the Burlington County Growth and Preservation Plan that's why they want to go in; they said it agrees with the gap, the Burlington County Growth and Preservation Plan to go in to Greenberg's farm. Mrs. Stinney advised she has spoken with the county. Mr. Cushmeyer expressed his point is two fold on the ordinance. The planner says we need seniors housing in Pemberton Township, and that's a false statement. We have more than enough senior housing in south Jersey. They've stopped building it because there is an overabundance for the next 15 or 20 years. The planner also says to agree with the gap, the Burlington County Development Plan we have to put seniors out here. The gap isn't done. It's a work in progress but he's already said well it's got to be what we want because you know we need to get this thing passed before Christmas because Mr. Greenberg needs the present. Think about doing something that the residents of this town would like to do rather than just disregard them and say we know more than they do or we're not going to listen to them or I have my own agenda. Mr. Inge commented that at the last meeting, he asked the planner about senior citizen housing. Mr. Inge continued that due to the economy, senior citizen housing is down, and he asked him what chance would the developer have to go to the state and have that changed to where anybody could move in there, and he was assured that that would not happen. Mr. Cushmeyer conveyed that he spent two years doing special hearings about the Pemberton Pines Development and that all went out and if you read the ordinance and the law, it removes all of the decisions about that development from the Township. You can reject it and they can immediately take it to Trenton and there's no appeal process. So you've been dealt out of it and that's not right. **Michele Forman: 1.** Thanked Mr. Cushmeyer for sharing his information because there is so much controversy and she wanted to understand. Mrs. Forman stated to Mrs. Stinney that she comes forward as a resident whether she lives in a bungalow or in the woods or in one of these big fancy houses, she has a right to be here. Mrs. Forman conveyed she appreciated Mr. Keith Skulimoski coming forward and talking about how he felt about how the meetings are run. Mrs. Forman stated Council needs to be fair to the residents and the residents need to speak out if they do not think that Council is being fair to the residents. Mrs. Forman conveyed if one person is allowed to ask questions, Mr. Cushmeyer should not be denied from asking a few questions. **2.** Thanked Mr. Prickett for recognizing the sentence in Ordinance 26-2009 that states if a resident is in that particular zone and their house burns down or is totally destroyed, they cannot rebuild and there are a lot of property owners affected by the ordinance. Mrs. Forman thanked all of the Council members for removing that sentence from the ordinance. Mrs. Forman advised she attended the revitalization meeting on Monday and will coming to the Planning Board meeting on Thursday. She is getting all kinds of different answers to her question regarding the ordinance. When she asked Rick Ragan he replied not to worry about it and it is being left up to the military; if they have a problem with it, we're leaving it up to them to do something about it. Mrs. Forman continued that she asked Mr. Ragan who told him he was making that decision and he replied the Mayor and Administration. Mrs. Forman commented on a meeting at the BMIA building with Mr. Vaz and the Mayor who spoke on this ordinance. At the meeting, the Mayor and Mr. Vaz both informed that the ordinance probably wouldn't go through in December but maybe after the New Year. Mrs. Forman added that on the same day, Mr. McCabe informed that he was working on it and it would probably be ready in January. Mrs. Forman stated she would like a straight answer. She then went to the Clerk's

office and asked Mrs. Cosnoski if this is on the Planning Board agenda. Mrs. Forman stated that Mr. McCabe informed it must be a mistake that it's on the agenda. Mrs. Forman commented that Mrs. Cosnoski advised she didn't think it was a mistake but she wasn't 100% sure and advised to check with code enforcement. Mrs. Forman asked Council if Ordinance 26-2009 is going to be put to the military, if it's coming out in January or if Council is going to forget about it. Mrs. Stinney informed that she has not ever denied anyone to talk with the professionals or anything like that. She always tries to do things in decency and order and doesn't have a problem if one of the professionals is asked a question. That's why the professionals are here and ready for those questions and she just want to do it through decency and order. Mrs. Stinney reiterated that she always says you can look through the record, through the Mayor do you mind the public, a resident asking a question of the engineer or ask a question of so and so and she tries to keep it in order up here because we can go back and forth and debate all night long. That's the only reason why she states if she doesn't have the answer she'll get the answer. Mrs. Stinney doesn't want the public to think they are in denial of ever asking our professionals any type of question. She has never done that and never will. The residents are tax payers. Mrs. Stinney asked Mr. Vaz to answer Mrs. Forman question. Mr. Vaz answered that he doesn't know what the status of the ordinance was that was introduced at the last meeting because he wasn't here. Mr. Vaz affirmed there was an issue with a sentence in the ordinance that was removed then there was a determination by the solicitor's office that it was a material change. At some point, a new revised version of the ordinance was received from Mr. McCabe's office. Mr. Vaz conveyed that he and the Mayor were not comfortable with the entire concept because there are serious issues with the possibility of what happens if their building burns down or something like that. Mr. Vaz noted he and the Mayor addressed this with Mr. McCabe and was emailed an overlay zone so that existing property owners would be protected. The Mayor also asked Mr. McCabe and Mr. Ragan regarding the military aspect and what happens if Council does not adopt this ordinance. Mr. Vaz conveyed the advice received from Mr. Ragan was there's no penalty that the military can impose on us as a town or the homeowners. The military does not do zoning and if they have big issues with the flight plan of the aircraft that goes above and beyond what towns might do voluntarily, their job is to buy the property. Their job is to go to the homeowners and make offers and condemn property. Mr. Clark confirmed that Mr. Ragan's office made some changes to the ordinance after it had first been introduced. Once an ordinance is introduced, the next step would be to go to the planning board and have the planning board review it and come back to Council for a vote. But since Mr. Ragan's office made some substantive changes, they really have to start the process over by reintroducing an ordinance if that's going to happen and since there is only a limited number of meetings in December, it is my understanding that this will not be done in December and may be revisited in the new year. But because there were changes made it never went to planning board and it never got any recommendations from the planning board and it's not going to be on the next Council meeting here. Mr. Vaz concurred. Mr. Prickett commented if it was introduced, it would have to be on the next agenda because Council has to deal with it and he would like to hear what the solicitor says regarding that because he just indicated that it might not be on the agenda and questioned if Council has to table it at that time. Mr. Clark conveyed that it's never gone to the planning board and gotten planning board recommendation so the Council really can't do anything until that occurs. Mrs. Forman advised the ordinance is on the agenda for tomorrow night at the Planning Board meeting. Mr. Clark commented that it is his understanding that Mr. Ragan's office was making changes to it. Mrs. Forman asked if it was a mistake that it's on the meeting for tomorrow night at the planning board. Mr. Vaz answered no and continued that the determination was made that the change was a material change and it would need to be re-introduced. Mr. Clark agreed. Mr. Prickett conveyed that it was changed after it was introduced; behind the scenes. The construction of houses was put back in upon a recommendation of the solicitor. Council really didn't

know anything about that and weren't given that information. Mr. Prickett continued that Mrs. Forman was given that information through the Clerk's office. Mr. Vaz agreed and added that if there is something on the planning board agenda tomorrow night, there's really nothing for them to discuss at this point even if it is on their agenda because they're going to be discussing something that I think doesn't reflect the sentiment of the Council members. Mr. Clark, Mrs. Stinney and Mrs. Scull agreed. Mr. Vaz did not know what the point would be in them having their own debate about it because it doesn't really have the support of anybody at this point. Mr. Prickett conveyed they can choose to say nothing, and it's only advisory what they're going to do. Mr. Vaz stated why have them waste their time. Mr. Prickett agreed. Mr. Vaz advised that he can go to the meeting tomorrow night or just really communicate through the board secretary a letter saying don't waste your time. Mr. Cartier informed that he will be at the meeting and inquired as to why the planning board has something different than what the Council introduced. Mr. Vaz reported that the planning board has what was introduced but then it was a determination that it was a material change. Mr. Cartier then asked how there be a material change before it's introduced. Mr. Prickett stated it was after. Mr. Clark conveyed it was not the case. Mr. Cartier then asked who changed it after it was introduced. Mr. Clark explained that it's not that there was a material change....Mr. Cartier is correct that on the dyas the night of the ordinance, there was a request to write in a sentence in to the ordinance and it was then introduced as amended. Mr. Vaz agreed. Mr. Clark continued that it was his understanding that Mr. Ragan's office after that fact came back and advised the Administration that there were further changes that they recommended to the ordinance and they did not recommend that it go forward and because of that it never was sent to the planning board in that state. Mr. Vaz added that the planning board would have the ordinance that was introduced with the change at the last meeting though. Mr. Cartier commented that all of this could be avoided if Council was kept in the loop on this because this is the first he's hearing about all of this. Mr. Prickett stated to Mr. Cartier that Council was kept in the loop. Mr. Cartier stated Council was not kept in the loop about changes after the meeting. Mr. Prickett advised that Mrs. Finlay sent Council an email talking about the change and how it could and was a substantial change and how at this meeting Council could reintroduce it so that it could go to the planning board tomorrow night and then be before Council on the 16th. Mr. Vaz added that in the meantime on Administration's end, we looked at it and decided this needs a lot more attention and perhaps maybe it requires a meeting with Council members because from our perspective right now there's no point in moving forward on anything on that particular ordinance if Council is not comfortable with it. Why reintroduce something that may not have the support of the Council. Mr. Prickett remarked that Council has to look at the residents. Mr. Prickett questioned who would buy a house if you can't rebuild if it's destroyed. Mr. Vaz agreed. Mr. Prickett continued that people that live in those areas that are going to be affected by the overlay aren't going to be able to sell their property. They're going to be stuck, their property values are going to decline. Also the possibility of a variance. If you live in a property that is less than 3 acres. You can go to the zoning board and get a variance perhaps on something like that but if you add an overlay with a health and safety issue to it, what are the chances of getting a variance in that situation. Mr. Vaz agreed and added that everybody has the same feeling that whatever the planning board might have before them tomorrow night is a mute point for a discussion. That would need to be communicated to them though so that they know that they are wasting their time at this point. As far as Council goes at this point, if he's speaking accurately about Council's feelings then he would suggest Council ask Mrs. Cosnoski to type up a memo to Ms. DiPalma and have her address it at the planning board meeting that you may be revisiting this ordinance and the one that they have is being withdrawn. Mr. Prickett asked how it can be withdrawn before the meeting because it was introduced and the hearing was going to take place on the 16th. Is there a legality problem here that you can....Mr. Vaz commented that if nothing is one on the 16th, the ordinance would

just die so it really doesn't matter at this point. Mrs. Stinney agreed that it doesn't matter. Mr. Prickett suggested something be done. Mr. Vaz agreed that for a clear record.....Mrs. Stinney suggested tabling it. Mr. Vaz agreed with tabling it but reiterated that if all of Council is in agreement he can't see making the planning board spin their wheels tomorrow on something that Council knows everybody seems to feel pretty strongly about. Mr. Clark suggested confirming what actually is before the planning board because he thought that Mr. Ragan had recommended further changes and that there was a document circulated with further changes...Mr. Vaz interjected with it couldn't have been presented before....Mr. Clark continued with which never got to the planning board because...Mr. Vaz interjected with it wasn't reintroduced here...Mr. Clark agreed and added that is why the planning board shouldn't be acting if there are questions about what it is they are acting upon. Mr. Cartier explained that technically the planning board can act upon what was given to them. The changes were recommended to this Council and not to the planning board. Mr. Cartier acknowledged what they were saying and if the Council is not looking to move forward with that ordinance as it stands, there's no sense in the planning board going through with it. However, they do have what's there now. We don't know what the Council feels when it comes back for second reading. Mr. Vaz noted that even with the ordinance that they have now which is the one that you walked out of here at the last Council meeting having introduced, if that ordinance is something that presently Council is not comfortable with, the fact that it was just referred to the planning board for their statutory review, he is not so sure that you can't withdraw that with a simple memo. Mr. Vaz did not think the planning board needs to go through the mechanism of reviewing something that the Council feels at this point uncomfortable with. Mr. Cartier expressed that hopefully with the meeting being tomorrow night, the planning board members have already reviewed it. Mr. Vaz reiterated that he is only talking about the practical part of wasting people's time. Council may never reintroduce.....Mrs. Forman interjected and stated she still does not know if the ordinance being discussed tomorrow night is the revised ordinance or not. Mr. Vaz responded no, it can't be. Mrs. Forman commented there was a lot of talking and she asked a simple question and is still not clear on the answer. Mrs. Forman advised Mrs. Cosnoski that she will be in tomorrow for a copy of this meeting so she can re-listen to all of this conversation. Mr. Vaz explained that they are talking about two revisions and that's the problem. There was a revision that was made the night of the Council meeting andMrs. Forman interjected with that was one sentence though. They took one sentence out and asked if tomorrow night is going to be the newly revised one or the old one. Mr. Vaz replied no, that one; that's all they can have. Mrs. Forman conveyed they had that at the last planning board meeting. Mr. Cartier stated no, they did not and they couldn't have. Mr. Vaz agreed. Mrs. Forman informed that she was at the meeting. Mr. Vaz informed it was changed at the last Council meeting. Mrs. Forman advised they told her they had ordinance 26 and asked if they were at the last one. Mr. Cartier informed he was. Mrs. Forman reiterated they had ordinance 26-2009. Mr. Cartier replied that it wasn't introduced until after that meeting. Mrs. Forman noted that they receive copies of it. They told her they receive copies but they just got them and they haven't really read them over yet. Mr. Cartier explained because they were preparing or the planner was preparing them to do their legal duty of reviewing them. Mrs. Forman suggested she might be more clear when she listens to the recording of tonight's meeting. Mr. Vaz informed Mrs. Forman if she asks for a copy of the ordinance tomorrow night, the only thing she should get is the one that Council introduced at the last meeting. Mrs. Forman concurred and added that she won't get the revised one because even the planning board doesn't have that. Mr. Prickett advised Michele that she can also listen to the planning board meeting to hear what was said that she is recalling and Mr. Cartier has recalled to clarify what it is that happened that night. Mrs. Scull stated the bottom line is it is not being approved. Mrs. Forman informed that some of her neighbors did not know they were in the R3 zone. 2. Mrs. Forman asked to see Mr. Inge after the meeting regarding the security cameras he mentioned at a previous meeting. Mrs. Forman

reminded that the Mayor had stated at a previous meeting that he put the money for the security cameras towards another year. Mrs. Forman commented that the library still does not have security cameras inside and she thought there was money for them. Mr. Vaz responded that is not true. Mrs. Forman advised the library does have cameras on the outside but not on the inside. Mr. Vaz commented that the cameras might be on the outside because he just reviewed some video from the library. Mrs. Forman questioned if there was money in the UEZ program for the security cameras. Mr. Vaz explained the UEZ money and the request for security cameras is still being pursued. The little kink in this whole project is that because it's state, because it's UEZ money, it's not locally raised tax money, it's UEZ money through the sales tax, the state, the attorney generals office has stepped in and they have said that they must approve all camera projects, security camera type projects whether they're on the street corners or on top of the traffic lights, buildings, etc., and Camden went through this and is still going through it and they might have finally resolved it. The state thinks they have an interest in making sure that the cameras aren't violating personal privacy and they also have an interest in making sure that they have access at some point that there's some uniformity in the hardware and software because they've even told us that we have to use a particular vendor. Mr. Vaz advised that he questioned that because even though that's the attorney generals office they don't have a right to tell us to violate a statute, local public contracts law. So, we're going through this whole process now. Now if we budgeted for cameras through the budget process, we wouldn't have to go through this because they can't tell us how to spend tax payers money. It's just because it's UEZ money that we're being put through this extra hurdle. Mrs. Forman thanked Mrs. Stinney for letting everyone talk. Mrs. Forman mentioned that the school board meetings have a limit of five minutes for speaking and the planning board allows three minutes. Mrs. Stinney explained that if there is an abundance of people and out of fairness to everyone so everyone could have an opportunity to come forward and speak, they are timed at the other meetings. Mrs. Stinney reiterated that if she doesn't have the answer to a question, she will get it. She also tries to make sure that everyone is clear and talks in to the microphone. Commented that she was raised to be polite to someone else while the other person is talking so that you can hear one another. Mrs. Stinney conveyed that she is not trying to be rude whatsoever. She really doesn't interfere. If it's something that she said, she is woman enough and professional enough to say that she apologizes and would certainly never be rude purposely to anyone. Mrs. Stinney thanked Mrs. Forman for her candidness. There being no additional members of the public, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Dave Clark: 1. Nothing to report for public comment.

ENGINEER'S REPORT:

Chris Rehmann: 1. Thanked Council for approving the change order for well #11. It was a \$5,858 decrease in the contract amount. Mr. Rehmann is happy to report that his staff found some ways to ensure some things did not have to be done that were anticipated and that cost is kept down. 2. There is a question on the middle embankment at Presidential Lakes that Council should be aware of. There are some residents that feel as though the depth of the lake is not back to where they would like it to be. ARH is working with Public Works on a couple of issues that they think they can get some additional water back in the lake. Mr. Rehmann asked the public to be patient until those renovations are completed. It is not a major change but rather a couple of items that will help raise the level. In order for that earthen embankment not to be considered a dam, the level of the water had to be kept at a certain elevation between the upstream and the downstream. That has been done and we are in compliance with the DEP and water is getting back. There are a couple of things ARH will be doing with Public Works and hopes everyone will be pleased when those items are done. 3. Bids were received today for Lemmon Avenue. It is being funded under a NJDOT grant of \$196,000. The

low bid was \$136,000 and there were five bidders that put their bids in. ARH will make sure the extra \$60,000 will go on to phase II and we will not lose any of that money. ARH is working with the DOT on that issue. 4. Mr. Rehmann stated that the stone grading at Imagination Kingdom is finally at the proper elevations and the efforts of the Public Works department in this regard were exceptional and they are doing an excellent job in the installation of the storm water piping that the Pinelands required for this project. Mr. Rehmann commented that the Public Works department is working well and it is appreciated. The equipment installer has donated some time to regrade some of the stone that they caused somewhat of a problem to with no cost to the Township. Our only problem now is, we have the surface to put on and we are right now in a very iffy weather situation. Mr. Rehmann would not want to spend the money to put the surface down and then have problems with the weather. We will be patient until we get that to the right time because it has to cure and that is a critical element to make sure our kids will be safe. 5. Mr. Rehmann extended to Council a compliment from a resident on Clematis Avenue. Mrs. Mumpower had problems on flooding and when ARH went and spoke to her and informed her we would try to get something done under the 2008 road program, we have and she took the time to call and thank Council. Mr. Rehmann informed her Council needed some time to get the money appropriated and do the things that we said we would do and that's underway and she took that opportunity and it's always nice to have a resident say thank you.

BUSINESS ADMINISTRATOR'S REPORT:

Chris Vaz: 1. Will see everyone at the parade on Saturday.

COUNCIL MEMBERS' COMMENTS:

Diane Stinney: 1. Thanked the public again. Expressed to Mrs. Forman that she appreciates the candidness. A lot of time if Council doesn't know how the residents feel, they can't fix it. Mrs. Stinney stated to another resident this evening that if she doesn't have an answer, she'll get it. She doesn't like the cat and mouse game. Council is here for the residents and she believes this sitting Council has been in touch with the residents. Not one of the Council members have walked out of a meeting, have argued or almost fought one another. What she has experienced and seen in previous Councils was a disgrace to the public. Mrs. Stinney tries to keep things in decency and order and the residents appreciate that. Perhaps a few don't, but that's okay. Mrs. Stinney applauds the Council and thanks them. It's okay to disagree. Mrs. Stinney again thanked Mrs. Forman. 2. Mrs. Stinney thanked Mr. Petronis and noted that he emails her quite often. If she doesn't have the answers, she will get them for him. Mrs. Stinney asked Mr. Petronis to not stop asking his questions. 3. The winter parade is this Saturday and everyone has an opportunity to see Pemberton Township's finest for the 6th year. Hopefully the weather will hold up. 4. The Pemberton Township 90 pounders have a 9 and 0 record. Last year they came before Council and are going this weekend to play in a championship game with Camden Catholic High School at their field and if they win this championship, they would have won every game since they were 60 pounders. That's so nice to hear. 5. Mrs. Stinney is very proud of Pemberton that we have never had to walk out or fight at these Council meetings. When she goes to different places, she likes to see how decency and in order their places are and she had an opportunity about six months to attend a grand opening through the County Clerk's office. They set up in the Willingboro Library for a satellite office which was something convenient for the residents. Mrs. Stinney came back and told the Mayor and told him to start pushing for satellite office in Pemberton Township. The Mayor did and started talking with our County Clerk. Mrs. Stinney didn't think it would come to fruition because of budgets and money not being available, and the library workers are with the county. Mrs. Stinney was pleased to announce that we now have a satellite office in the library starting on the first and third Thursdays of the month from 10:00 am to 6:00 pm. Mrs. Stinney

noted the Burlington County Times did a wonderful write up in today's paper and she publicly thanked them. Mrs. Stinney also thanked the County Clerk, Tim Tyler, for his on going efforts in making this happen with a shoestring budget so that our residents in Pemberton Township could be comfortable as well.

Tom Inge: 1. Asked the solicitor if it is true regarding the senior citizen housing. If the builder develops senior citizen housing and the market dies, will they be allowed to put single family housing in. Mr. Inge asked if the builder can go to the state under a hardship act and ask if they can change from senior citizen housing to single family dwellings. Mr. Clark replied it depends on what the facts are. There is a statute that was adopted this past summer which allows developers who have preliminary approvals and have not been able to sell their units to go and get a conversion within a limited period of time if they meet certain conditions. Mr. Clark continued that it also provides for an appeal process if those applications for conversion are denied. Without knowing more about any particulars of the situation, he could not say whether someone could or could not get a conversion and it depends factually whether they meet those conditions or not. 2. Mr. Inge did attend some of the hearings for the Master Plan and did hear what a lot of the residents spoke about and he never heard a resident speak about developing the Greenberg farm. Mr. Inge stated we are saying we are here for the residents and there was a petition sent around and the neighbors surrounding the Greenberg farm signed the petition stating they don't want that land developed. It can be developed in the state that it's in now, they just won't be able to develop cluster housing. The Council since Council says they listen to the residents, should listen to the residents on this. When this project came up about seven years ago when a prior Council tried to pass cluster housing on the Greenberg farm, this room was packed and all of the residents were opposed to it. Even residents that ran on the democratic ticket a few years back were here complaining about not developing the Greenberg farm and cluster housing. Mr. Cushmeyer was able to ask the professional questions but when he wanted to ask Council members questions, he wasn't allowed to. If a resident comes to a meeting and wants to ask a Council member a question, it should be up to the Council member to answer that question and if they don't want to answer it, they don't have to. The resident should have the right to ask a Council member a question and not for the Council President to tell them they can't. This isn't the first time this has happened and it just depends on who comes up to the microphone and what the topic is. That's wrong and people that come to the meetings see this. It happened before when a Council member was looking to help the Township and there was questions regarding our finances and our accountabilities as far as the checks and balances of our ledger. Right away he was chastised by the Mayor about picking on an employee that worked for the Township. Mr. Inge stated the Council member didn't write to the Council why the ledger wasn't done; it was the Mayor and Administration that singled out an employee that was sick and took sick time that they earned. Mr. Inge did not think that should have even been brought up and it was Administration's responsibility. Again tonight, a Council member tries to have something done that he feels is best for the residents of the Township and right away it's made that he's picking on an employee of the Township. Mr. Inge conveyed that he did not see that and the residents sitting here did not see that, that a Council member was trying to pick on a certain employee that worked for the Township. That Council member was trying to make sure that the Township was protected and nothing more than that. Again, it gets blown out of hand and it depends on who the person is talking at the time. The interruptions are more to certain individuals that sit on Council than other individuals and everything on the dais is not like we want to picture it and that everything is fine. Mr. Inge does not think everything is fine in this Township, everything is not fine on the dais and everything is not fine in Administration. There are a lot of problems and things should be brought out and if things are brought out they should be singled out and talked to differently. That does happen and it has happened for last three years. Council will be going in to their fourth year and if the fourth year is like the last

three years, there is no sense in the residents coming to a meeting because a lot of things are approved without anyone's opinions. Regarding the ordinances, if things are done and the residents don't like it, as long as Administration wants it, it's going to be approved and that's the way it has been for the last three years. **3.** Thanked everyone for coming out this evening and hoped everyone has a safe trip home.

Ken Cartier: **1.** Thanked everyone for coming out this evening. **2.** Encouraged everyone to remember the season and remember those less fortunate than ourselves. The Lions Club will be having their annual toy drive and are looking for names of people one might know of that are in need. Mr. Cartier encouraged everyone to contact himself, Mr. Inge, Mr. Prickett or Mrs. Scull. They are all active Lions Club members and will pass it on to the appropriate people. **3.** Enjoy the season and he looks forward to seeing everyone at the Winter Parade where festivities begin at 3:00 and the parade kicks off at 5:00. **4.** Wished everyone a good evening and a safe trip home.

Richard Prickett: **1.** Wants to be clear regarding the general ledger. Mr. Prickett does not hold the CFO's over the last eight years or more accountable even though it is their responsibility to make sure the general ledger is correct. Mr. Prickett holds the Mayor in this Administration, the last Administration and the prior Administration, Kaye, McCullough and Patriarca are responsible for not having a Township checkbook balance. The Mayors provide the leadership and make sure things are done. Mr. Prickett commented that the check book was fixed in year two of this Administration. In year three it was broken again and that is outrageous. If it is fixed one year after five years of having it not fixed, how can you let it get broken again. Mr. Prickett conveyed our current CFO is doing a great job and he has said that over and over again and that is why he wanted her to certify the plan involving the bonding that the Township is doing. **2.** Mr. Prickett also stated that public comment is wonderful and sometimes Council does not hear the most important information for quite a while and when they do it's information that reveals a lot about the folks in the town and their needs and what Council needs to do for them and that's what Council is here for. Mr. Prickett conveyed as long as public comment can be, that's his favorite part of his job on Council, listening to the public come up to the microphone. He sincerely means that and he sincerely states that and it's not the first time he's stated it either. **3.** Mr. Prickett is looking forward to a nice parade on Saturday. It might be a little warmer this year and hopes everyone comes out and checks out the parade and comes to Reflection Park and sees the tree lighting. It is a phenomenal experience.

Sherry Scull: **1.** Advised Council that she is Mrs. Stinney will be looking at the RFP's next week and encouraged Council to give them any input in reference to those. **2.** As far as the Greenberg farm goes, she has been very clear when running for Council and all along she has not changed her view. She voted to preserve **McLaughlin** and the Thompsons. That was their choice and she does not believe anybody or any group of people have the right to control what happens to someone's property. Mrs. Scull commented that Mr. Greenberg wants to continue to farm his property and that's fine. He can build houses there now. We do need some senior citizen housing in Pemberton Township that's affordable and we also need some kind of assisted care situation here also. Mrs. Scull advised she is not the only one that believes that. She has had a good number of folks and heard it when she was walking the streets campaigning, they want a grocery store, a decent restaurant and the majority of the people don't have a problem with doing some development. She is not for building all over the Township in the farms. We have farms that are preserved but she does strongly believe in the owners' right to develop their property if they want to do so. Mrs. Scull is not going to change that view and it's a view that she has and doesn't believe and never has in too much control by big brother. A lot of time she'll vote against ordinances and she listens to people in the community and they don't always agree and they have that right to

not agree. We should be able to do so in a respectful manner. Unfortunately that is not always seen here. Mrs. Scull will stick by that and she's not going to change. She never gave any kind of promises during campaigns that she will not stick to it and she doesn't change with the audience she is speaking to and has had the same beliefs constantly and is here to represent the residents of Pemberton Township and is not here for her own ego and is not here to put up with somebody insinuating that she doesn't take the time to read or look at ordinances. Each member of Council has that responsibility and should not insult the rest of Council insinuating that Council does not read them or have their view. **3.** Thanked everyone for coming out. **4.** Tomorrow night is the second meeting. Stated to Mrs. Stinney that they are doing a new strategic plan again and it's the third one and maybe it will get off the bookshelf this time. The school system is doing a strategic plan and encouraged the public to look for information to participate in that. It's very important. Mrs. Stinney agreed. **5.** Hoped to see everyone at the parade. She sincerely appreciates the residents that come out and tells Council how they feel. Just because Council doesn't vote the way the residents feel doesn't mean they don't care or aren't concerned with their opinion.

The meeting was adjourned at approximately 11:22 pm.

Respectfully submitted by:

Amy P. Cosnoski, RMC
Deputy Township Clerk