

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
DECEMBER 7, 2011
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Jason Allen

Ken Cartier

Richard Prickett

Diane Stinney

ABSENT

Sherry Scull

Also present: Mayor David Patriarca, Business Administrator Christopher Vaz, Township Solicitor Andrew Bayer, Township Engineers Chris Rehmann and Kelly Willis, and Township Clerk Mary Ann Finlay.

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 257-2011

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 AFSCME, CWA, PBA; LITIGATION SHALIS V. PEMBERTON TOWNSHIP, LITIGATION WORKERS COMPENSATION ROBERT WARREN, CONTRACT NEGOTIATIONS BROWNS MILLS SHOPPING CENTER, CONTRACT NEGOTIATIONS TRAIN STATION.
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Councilwoman Stinney questioned the discussion of the Train Station in Closed Session and Mr. Bayer explained that it is under Contract Negotiations which can be discussed in Executive Session.

Motion by Prickett and Stinney to approve Resolution 257-2011. Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:31 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

Council President Cartier advised there would be no formal action pursuant to Closed Session and Council will return to Closed Session at the end of the meeting.

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

PRESENTATION

Fire Director William Dougherty reminded everyone what this day means to those that served in WWII, December 7, 1941, Pearl Harbor and gave a brief history of that infamous day and how it is honored today.

Mayor Patriarca advised he had a couple come into his office approximately 2 months ago and presented a situation and he was a little surprised that the individual would do this; he came to him wanting to recognize the volunteers for their heroic efforts. He had admittedly got himself inebriated to the point of near death as told to him by the doctors, he felt guilty about what he had done, noting if it wasn't for the actions of a few young fire fighters he would not be here to tell the story. He could not make it this evening but wanted to thank those individuals.

Battalion Chief Force gave more detail of the incident and how this came about, they are proud of the Fire Fighters, Preston Jardinne, Phillip Fontleroy, Xavier Thompson, Jr. member, not much else he can say. Mayor noted they stepped up to the plate as all the volunteers do and in this case it saved a life, as little as effort as you think it was, if you had not been there and done that, that individual

Mayor read proclamation into record honoring those fire fighters.

CONSENT AGENDA

All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.

Council President Cartier opened the meeting to the public on consent agenda items only.

Mayor Patriarca noted the he is requesting an addition to the bill list for the consent agenda. It is an amendment to the monument, \$1,150.00 increase and requesting a partial payment of \$16,000 on the job, they met their obligation; we still have work to do. Change order would be a resolution, the partial payment would be added to the bill list.

Council President Cartier noted the resolution for the increase of \$1,150 will be Res. 265-2011. Motion by Allen and Stinney to add 265-2011 to consent agenda. Allen, yes; Stinney, yes; Prickett, yes; Cartier, yes. Motion carried.

Motion by Allen and Stinney to add payment to Abby Rose Inc. to bill list in amount of \$16,000.00. Allen, yes; Stinney, yes; Prickett, yes; Cartier, yes. Motion carried.

Claire Wadsworth, Browns Mills – Questioned new business item recreation and buildings and grounds for gray composite decking for Mirror Lake dock, as to how much is being replaced for the \$10,000. The Mayor noted he believes it is the walkway down to the swim dock, surface of the swing dock but does not include the H dock where the boat ramp is. She asked what the life expectancy of the decking is. Mayor advised he is not sure, he believes it is longer than pressure treated. She asked if it withstands contraction and expansion better. The Mayor advised he would provide her with the manufacturer specs and it is his understanding that it is a better quality product than the pressure treated lumber.

Bob Pelletier, Pemberton – Questioned the DLGS special item of revenue, if that is grant money or donation, and was advised it was grant money. In regards to Res 259-2011, authorizing change order, a decreased amount, expressed concern whether the contract with this Midwest was a result of competitive bid or single bid or negotiated contracts. Mrs. Willis advised it was a competitive bid. He is concerned if a low offer is competing with other people in the business and they come up with \$10k in deduction. Ms. Willis noted it is not a savings, it is items not done on the project, excess quantity, or it wasn't necessary to be done. Mr. Pelletier questioned if it is for defective work as he has been at the station and talked to people and there seems to be a problem with the quality of work. Mr. Pelletier questioned defects discovered at a later date. Mr. Willis advised that a two year maintenance bond is posted to cover that. He questioned the Well #6 re-advertisement and why Township Council would be a part of that. Andy explained the procedure, noting Council must ultimately approve the contracts. He questioned how many meters were being purchased by the Water Department to which Council President Cartier advised they would be purchasing 50. Mr. Pelletier questioned if these were in connection with the Lakehurst Mobile Home Park to which the Mayor advised no. The Mayor further advised they may be getting 100 meters.

Claire Wadsworth, Browns Mills - Noted that she listened to the CD from a previous meeting because she missed it and there was discussion about the pump Well #13. She questioned if she misunderstand that and this consent agenda is Well #6. Ms. Willis noted that at last meeting work on Well #13 was authorized, Well #6 is a separate project. She advised that she will discuss Well #13 during general public comment.

Seeing no other members of the public wishing to speak, Council President Cartier closed the meeting to the public.

Motion by Prickett and Allen to approve Consent Agenda as presented

RESOLUTIONS

RESOLUTION NO. 258-2011

WHEREAS, NJSA 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND
WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT,
NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011 IN THE SUM OF \$5,101.20, WHICH IS NOW AVAILABLE FROM THE 2011 BODY ARMOR IN THE AMOUNT OF \$5,101.20.
BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$5,101.20 IS HEREBY APPROPRIATED UNDER THE CAPTION 2011 BODY ARMOR.
BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM THE NEW JERSEY DEPARTMENT DIVISION OF CRIMINAL JUSTICE BODY ARMOR REPLACEMENT FUND IN THE AMOUNT OF \$5,101.20.

RESOLUTION NO. 259-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AWARDED A CONTRACT TO MIDWEST CONSTRUCTION & PAINTING, INC. (THE "CONTRACTOR") FOR IMPROVEMENTS TO THE NORTH PEMBERTON TRAIN STATION IN THE AMOUNT OF \$251,803.60 (THE "PROJECT"); AND
WHEREAS, CHANGE ORDER NOS. 1, 2, 3 AND 4 HAVE SINCE BEEN EXECUTED BETWEEN THE TOWNSHIP AND THE CONTRACTOR, THEREBY INCREASING THE TOTAL PROJECT COST TO \$261,926.66; AND
WHEREAS, THE CONTRACTOR HAS PROVIDED A REDUCTION IN THE AMOUNT OF \$10,062.32 FOR VARIOUS MISCELLANEOUS ITEMS AS DESCRIBED IN THE ATTACHED REPORT; AND
WHEREAS, THE TOWNSHIP ENGINEER HAS REVIEWED THE CONTRACTOR'S REPORT, AND HAS RECOMMENDED THE ISSUANCE OF CHANGE ORDER #5.
NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER #5 IN THE REDUCTION OF \$10,062.32 THE NORTH PEMBERTON TRAIN STATION, THEREBY DECREASING THE TOTAL PROJECT COST TO DATE FROM \$261,926.66.00 TO \$256,864.34; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. MIDWEST CONSTRUCTION & PAINTING, INC.
- B. TOWNSHIP ENGINEER
- C. TOWNSHIP CFO
- D. TOWNSHIP ADMINISTRATOR
- E. GLUCKWALRATH LLP

RESOLUTION NO. 260-2011

WHEREAS, IN ORDER TO CLEAR THE RECORDS OF THE TOWNSHIP OF PEMBERTON, IT IS RECOMMENDED BY THE TOWNSHIP CHIEF FINANCIAL OFFICER THAT THE FOLLOWING OUTSTANDING CHECKS BE CANCELED AND SAID FUNDS BE CREDITED AS INDICATED:

CHECK NO.	DATE	PAYEE	AMOUNT	CREDIT TO
213	4/3/2009	B. FLYNN	\$150.00	CURRENT FUND
222	4/3/2009	J. GELLMAN	\$10.00	CURRENT FUND
327	12/18/2009	C. WILLIAMS	\$1.24	CURRENT FUND
330	12/18/2009	E. WYSZYNSKI	\$0.20	CURRENT FUND
TOTAL			\$161.44	

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL, OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE ABOVE LISTED CHECKS BE CANCELED AND FUNDS CREDITED AS RECOMMENDED.

RESOLUTION NO. 261-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS MADE AVAILABLE, AS A BENEFIT TO ITS VARIOUS OFFICIALS AND EMPLOYEES, CERTAIN MEDICAL AND HEALTH BENEFITS, WHICH ARE PROVIDED THROUGH ITS SELF-INSURED MEDICAL PLAN KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," AND
WHEREAS, THE TOWNSHIP IS OBLIGATED TO CONTINUE PROVIDING SAID HEALTH BENEFITS TO ITS EMPLOYEES; AND
WHEREAS, SAID PLAN INCLUDES A "STOP LOSS" COMPONENT THAT EXPIRES DECEMBER 31, 2011; AND
WHEREAS, THE TOWNSHIP COUNCIL DESIRES THAT THERE BE NO INTERRUPTION IN "STOP LOSS" COVERAGE; AND
WHEREAS, THE TOWNSHIP ADMINISTRATION HAS EVALUATED THE COST EFFECTIVENESS, THOROUGHNESS AND EFFICIENCY OF THE CURRENT SELF-INSURED MEDICAL BENEFITS PROGRAM AND DETERMINED THAT THE MOST COST EFFECTIVE AND EFFICIENT WAY OF PROVIDING MEDICAL BENEFITS TO ITS EMPLOYEES IS TO CONTINUE THE SELF-INSURED HEALTH BENEFITS PROGRAM, AND THAT THE SAID PLAN CONTINUE TO PROVIDE FOR "STOP LOSS" COVERAGE BY AETNA LIFE INSURANCE COMPANY IN REGARD TO THE EXCESS LOSS COVERAGE; AND
WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT THE FUNDS ARE AVAILABLE FOR THE AWARD OF SAID CONTRACT;
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 TOWNSHIP WILL CONTINUE ITS SELF-INSURED MEDICAL BENEFITS PROGRAM KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," WHICH PLAN SHALL INCLUDE COVERAGE FOR MAJOR MEDICAL, DENTAL, PRESCRIPTION, OPTICAL AND ALL OTHER FORMS OF HEALTH COVERAGE CURRENTLY MADE AVAILABLE TO EMPLOYEES AND OFFICIALS OF THE TOWNSHIP.
2. THAT A CONTRACT FOR "STOP LOSS" COVERAGE IS HEREBY AWARDED TO AETNA LIFE INSURANCE COMPANY FOR THE PERIOD JANUARY 1, 2012 TO DECEMBER 31, 2012.
BE IT FURTHER RESOLVED THAT THE TOWNSHIP COUNCIL IS SATISFIED THAT AETNA LIFE INSURANCE COMPANY IS QUALIFIED TO PROVIDE "STOP LOSS" INSURANCE COVERAGE AND THAT THIS APPOINTMENT IS EXEMPT FROM THE BIDDING REQUIREMENTS OF THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5(M); AND
BE IT FURTHER RESOLVED THAT THE MAYOR BE AND IS HEREBY AUTHORIZED TO EXECUTE CONTRACTS, IF ANY, IN CONNECTION WITH THE AFORESAID "STOP LOSS" COVERAGE; AND
BE IT FURTHER RESOLVED THAT NOTICE OF THIS CONTRACT AWARD ACTION SHALL BE PUBLISHED IN THE TOWNSHIP'S LEGAL NEWSPAPER.

RESOLUTION NO. 262 -2011

WHEREAS, N.J.S.A. 40A:4-58 PERMITS THE TRANSFERS OF FUNDS FROM APPROPRIATIONS WITH EXCESS BALANCES DEEMED NECESSARY TO FULFILL THE PURPOSE OF SUCH APPROPRIATIONS TO APPROPRIATIONS DEEMED INSUFFICIENT TO FULFILL THE PURPOSES SPECIFIED IN THE BUDGET.

CURRENT FUND

<u>FROM</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
COUNCIL GOVERNING BODY-BOOKS	1-01-20-110-000-330	\$ 1.00
FINANCE-S&W	1-01-20-130-000-110	\$ 5,600.00
EMERGENCY MGMT-GEN SUPPLIES	1-01-25-252-000-381	\$ 1.00
FLEET-MAINTENANCE VEHICLES-FIRE	1-01-26-315-000-251	\$ 5,000.00
FLEET-TIRES	1-01-26-315-000-341	\$ 5,000.00
FLEET-VEHICLE PARTS & AC	1-01-26-315-000-342	\$ 5,600.00
NATURAL GAS	1-01-31-446-000-000	\$ 5,000.00
<u>TO</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
COUNCIL GOVERNING BODY-S&W	1-01-20-110-000-110	\$ 1.00
MUNICIPAL CLERK-S&W	1-01-20-120-000-110	\$ 5,600.00
EMERGENCY MGMT-S&W	1-01-25-252-000-110	\$ 1.00
FLEET-S&W	1-01-26-315-000-110	\$15,600.00
FUEL OIL	1-01-31-447-000-000	\$ 5,000.00
<u>WATER FUND</u>		
<u>FROM</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
POSTAGE	1-05-55-500-000-220	\$ 5,000.00
<u>TO</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
SALARIES-OVERTIME	1-05-55-500-000-140	\$ 4,000.00
SOCIAL SECURITY	1-05-55-960-000-960	\$ 1,000.00

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING TRANSFERS IN THE 2011 BUDGET APPROPRIATIONS BE MADE:

BE IT FURTHER RESOLVED, THAT TWO CERTIFIED COPIES OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES. AND A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

RESOLUTION NO. 263-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE WELL #6 REDEVELOPMENT AND PUMP AND MOTOR REPLACEMENT PROJECT (THE "PROJECT") WITHIN THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND

WHEREAS, FOLLOWING RECEIPT OF THE BIDS THE TOWNSHIP HAS DETERMINED THAT IT IS NECESSARY TO REVISE THE BID SPECIFICATIONS FOR THE PROJECT; AND

WHEREAS, N.J.S.A. 40A:11-13.2 PERMITS THE TOWNSHIP TO REJECT ALL BIDS IF IT IS NECESSARY TO SUBSTANTIALLY REVISE THE SPECIFICATIONS FOR THE GOODS OR SERVICES BEING PROCURED.

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 IT HEREBY REJECTS ALL BIDS RELATING TO THE WELL #6 REDEVELOPMENT AND PUMP AND MOTOR REPLACEMENT PROJECT BECAUSE IT IS NECESSARY TO SUBSTANTIALLY REVISE THE SPECIFICATIONS FOR THE PROJECT.

RESOLUTION NO. 265-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AWARDED A CONTRACT TO ABBY ROSE, INC. (THE "CONTRACTOR") FOR A GRANITE MEMORIAL, LETTERED, CARVED AND INSTALLED AT THE VETERANS MEMORIAL SITE LOCATED IN BROWNS MILLS IN THE AMOUNT OF \$16,500.00 (THE "PROJECT"); AND

WHEREAS, CERTAIN FIELD CHANGES RESULTED IN AN INCREASE OF \$1,150.00 AS DESCRIBED IN THE ATTACHED REVISED INVOICE; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE IN ACCOUNT NO. _____; AND

WHEREAS, THE TOWNSHIP BUSINESS ADMINISTRATOR HAS REVIEWED THE CONTRACTOR'S REVISED INVOICE AND RECOMMENDS THE ISSUANCE OF CHANGE ORDER #1.

NOW, THEREFORE BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER #1 IN THE AMOUNT OF (INCREASE) \$1,150.00, THEREBY INCREASING THE TOTAL PROJECT COST TO DATE FROM \$16,500.00 TO \$17,650.00; AND

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

ABBY ROSE, INC.

CFO

TOWNSHIP ADMINISTRATOR

NEW BUSINESS

***a.** Purchases at \$2,000.00 or over:

*** Recreation & Buildings & Grounds:** Purchase of grey composite decking for replacement of Mirror Lake Beach walkway and two dock platforms from Lowes in the total amount of \$10,031.00

***Water Department:** Purchase of water meters from Atlantic Plumbing Supply Corp. in the total amount of \$8,260.00

***Police Department:** Purchase of uniforms for Investigations Division from Oakwood Uniform & Equipment, Inc., in the amount of \$3,106.60.

***Police Department:** Purchase of ammunition from Lawmen Supply Company in the amount of \$5,625.00.

***b. 2012 Annual License Renewals:**

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

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

Body Art Establishments: Tattoo Everything

BILL LIST

Approval by Council for payment of vouchers on bill list dated 12/2/2011.

Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

OTHER RESOLUTIONS

264-2011 Awards contract to the Lakeshore Mobil Home Park meter replacement project.

RESOLUTION NO. 264-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE LAKESHORE MOBILE HOME PARK METER REPLACEMENT PROJECT (THE "PROJECT") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS GARRISON ENTERPRISE, INC., WITH A BID OF \$41,169.00; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT GARRISON ENTERPRISE'S BID; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED GARRISON ENTERPRISE'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE LAKESHORE MOBILE HOME PARK METER REPLACEMENT PROJECT BE AND HEREBY IS AWARDED TO GARRISON ENTERPRISE, INC., IN THE AMOUNT OF \$41,169.00, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND GARRISON ENTERPRISE, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS REFLECTING 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. GARRISON ENTERPRISE, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Prickett and Allen to approve RES. 264-2011. Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 26-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING ACCEPTANCE OF PROPERTY IN LIEU OF FORECLOSURE FROM THE ESTATE OF ALEXANDER A. OWCZARSKI

Council President Cartier read the title of the ordinance.

Motion by Stinney and Allen to introduce Ordinance No. 26-2011 with a public hearing on December 21, 2011..

Councilman Prickett questioned if there was a home on the property and if there any environmental concerns on this piece of property. Mr. Vaz advised that there is a house on the property and he does not believe there are any environmental concerns. Mr. Prickett questioned if there is anyone living in the house. Mr. Vaz advised there was not anyone living in the house. Mr. Vaz advised this is part of a large estate settlement that has taken a long time to settle everything. Mr. Vaz will get color photos to Mr. Prickett.

Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 27-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 41-8 OF THE CODE, ENTITLED "CHIEF OF POLICE", IN ORDER TO AMEND THE RESPONSIBILITIES OF THE CHIEF OF POLICE

Council President Cartier read title of ordinance.

Motion by Allen and Stinney to introduce Ordinance 27-2011

Council President Cartier noted there is one correction to a line he would like to make, in new proposed 41-9H, where it says performs such other duties related to Public Safety as may be assigned by the Mayor, allowable by New Jersey State Law.

Councilman Prickett questioned the monthly reports and noted this has been talked about over the last couple of years and is in the ordinance, it is in the local law. He questioned if this is covered in the State Law, and if the Council is allowed or legally able to require monthly reports from the police chief. Mr. Bayer advised that the Council has certain powers but in terms of a monthly report they would have to be authorized by the Mayor, but that ordinance has Council investigative powers that would require employees to come before Council and he believes that is what this provision is referring to, this is not a change to the ordinance, this is a long standing provision. Mr. Prickett feels if they are going to introduce an ordinance and if there are some deficiencies and if this needs to be changed then it should be done before it is introduced. The Mayor noted he would have no problem forwarding the monthly report he gets from the Chief of Police. Councilman Prickett would like to see that report but he would like to see the local law corrected while they are making changes. Mr. Prickett would like to hold off on moving forward with this until they get this revised. Mr. Cartier noted that holding it off would carry it over into next year. Mr. Vaz relayed they have already taken Code Enforcement out of the police department and they are operating under the Administration Department, and this would just confirm what they are doing. He noted there are other ordinances that come from the old form of government but they were never deleted or modified as they should have been, it is not a major thing to put this off.

Mr. Bayer advised that they will make sure the provision of the ordinance will be correct with their form of government.

Motion by Prickett and Stinney to table Ordinance 27-2011. Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCES FOR SECOND READING AND PUBLIC HEARING

ORDINANCE NO. 25-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 152 OF THE TOWNSHIP CODE, ENTITLED "SOLID WASTE," IN ORDER TO PROVIDE FOR AN ANNUAL BILLING CYCLE AND TO ESTABLISH INTEREST RATES

Council President Cartier read the title of the ordinance.

Motion by Allen and Stinney to adopt Ordinance 25-2011.

Council President Cartier opened the meeting to the public for discussion on Ordinance 25-2011.

Bob Pelletier – Noted that he was at the last meeting when it was introduced and he agrees with the once a year billing, it does make it easier, but what bothers him is the late fee for assessment. At 18% per annum he thinks that is too punitive and the late fee should be based on administrative in nature. He remembers back in the 80's when he made payments on utilities he never remembers being hit with late charges and asked them to take a look at 152-3 and payments there, here you give payers that pay in advance a break, and questioned why not give a break to the late payers by reducing that penalty.

Seeing no other members of the public wishing to speak on Ordinance 25-2011 Council President Cartier closed the meeting to the public.

Councilman Prickett noted he believes the current billing is effective and as he expressed at the last meeting he is concerned that by sending out a bill once a year, people might forget, lose track and the Township might lose out. Councilman Allen noted that he did look into this also and there are other townships that are on the annual billing cycle, some of the townships he looked into, they billed in January and another billed in July, and gave residents the opportunity to pay by August 15th, so it is not anything new that other towns are not doing.

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

NEW BUSINESS

Authorization for the Township Clerk to advertise for the reorganization.

Council gave consensus for the advertisement.

GENERAL PUBLIC COMMENTS

Council President Cartier opened up the meeting to the public.

John M. Shaw, Browns Mills – 1. Commented that it is nice to see the property next to the McDonald's is gone. 2. Requested to have speed bumps or have an investigation done on Pear Avenue. 3. Wished everyone a nice holiday.

The Mayor noted that Pear intersects with Broadway which is a County road and believes there are provisions that prevent speed humps on a road that intersects with a County road so that may not be possible. Ms. Willis noted that she believes he is correct. The Mayor noted he will pass the information along to the Police. President Cartier asked if it is something they can request from the County. The Mayor noted and Ms. Willis confirmed it is a DOT standard, but they will look into it.

America Phillips, Presidential Lakes – 1. Commented in reference to the Solid Waste and questioned if that can be put in the taxes. President Cartier noted that the timing is off on it, because the first quarter billing comes out the last quarter of the year before, that would not be able to be done under the current way they bill for taxes. 2. Questioned when they were going to start picking up leaves, to which she was advised that they are at the west end of town and there is a schedule on the website and out on the front desk. 3. Questioned what is going on with the Train Station, and if they are going to have their train station in the future. The Mayor advised there is no intention to move the train station anywhere. Mr. Bayer advised that is an open question, it has not been resolved, a proposal has been made to the Trust for a new license agreement and they have not received a response back from the Trust regarding the proposal. Have a nice holiday

Michael Tamn, Pemberton Township Historic Trust – 1. Noted the trustees have been working for a couple of months on things, and they submitted a proposal today. The museum has operated continuously free of charge for 12 years with no budget from the Township, with all volunteers. He expressed that engines and cars are an integral part of the complex, and are irreplaceable artifacts. The past 14 months the station was only open 2.5 months, they have had requests to visit and they are disappointed they can not visit because it is closed. Many groups have been turned down because they can not guarantee they are going to be opened. The proposed agreement they feel is fair, and they would appreciate if they would review it and think it over. He commented on the benefits to the town of having this facility. He advised that they received a letter in November telling them to vacate the premises and have their items removed from the property by January 1st and asked if they were giving them an ultimatum. Council President Cartier made it clear that Council did not send them that letter. He relayed that the Trust hopes that the Council hears all the things and maybe they could work things out amongst themselves. Council President Cartier noted that he made a comment that he submitted a proposal and Administration is saying they have not received anything. Mr. Tamn advised it

was submitted to the Clerk today and was supposed to be given to Administration and Council members; also they did attempt to email it. Council President Cartier advised that Mrs. Finlay noted she has not received anything either. Mr. Tamn said it was personally delivered to the front office and was supposed to be given to the Clerk to be distributed to Council and Administration. Council President Cartier advised that if it was a proposal regarding their occupancy of the train the strain it wouldn't come to Council it would go to Administration. Mr. Bayer noted for the record that they met with Mr. Tamn and Mrs. Leonard and couple of others along with their attorney last month, they were promised a response to their proposal within a week and never received it, and followed up with him. Mr. Bayer spoke with Mr. Hardt at 2 p.m. today and he had not been authorized to submit any proposal to the Township and he reported that back to the Mayor and Mr. Vaz. Mr. Tamn advised it was delivered this morning around 10-11am to the receptionist and was told to be delivered to the Clerk to be delivered to Administration and Council. Councilwoman Stinney asked Mr. Bayer if there is such a proposal, wouldn't that not go to their attorney first. Mr. Bayer advised they would think so, but their relationship may be different. Councilwoman Stinney noted that there has not been a letter sent by Council yet Mr. Tamn said there is a letter stating they have to vacate the property by January 1st. Councilwoman Stinney asked Council President Cartier where that stands with the Trust, and if this meant legally they have to be out by the 1st. Mr. Bayer noted the status is there is no lease or agreement in effect between the Township and the Trust and the Trust property is at the train station property without formal authorization from the Township. Mrs. Stinney clarified with Mr. Bayer that they can be evicted because they have no lease and asked would the Council be able to rescind the termination of the lease. Mr. Bayer believes that would not be the case because once they terminated that agreement there is no longer a license, and if they look at the Faulkner Act, 40:69A-41, it says the executive powers of the municipality shall be exercised by the Mayor and Section J. says the Mayors powers shall include negotiate contracts for the municipality subject to Council approval and then if they look at the legislative power of the Council it says that the Council's powers are "approval of contracts presented by the Mayor". It is clear that the Mayor would have to present to Council. Mr. Bayer noted the only way the old contract gets reinstated is with the consent of the Mayor presenting that old license agreement in some variation to them for approval. Mrs. Stinney brought this up to give the time for everyone to look at the proposal. She does not want to see anyone evicted. Mrs. Stinney commented on volunteering, and the assets of volunteers. She noted they stopped the litigation by terminating the agreement. Mr. Allen noted that Council adopted the resolution which was to enable the negotiations to start so he is curious to know if there is anything that transpired that has been hampering these negotiations from moving forward. Mr. Vaz advised they just can't come to an agreement, they have met twice, and the second time almost didn't happen because the Trust Counsel said he was not prepared. Mr. Bayer noted that Mr. Hardt said 5-7 days before the second meeting they were going to have some form of proposal to consider in terms of how they wanted to handle the rolling stock on the property, meeting was almost cancelled because the Trust had not prepared that, but they had the meeting anyway and haven't heard back since. Mr. Allen noted that is sort of what he is concerned about, he just thought there would be some sort of urgency, they come to the Council meeting and they hear the public stand before them and they speak their points and many of them are valid points, but again Council approved this resolution so the negotiations can begin but he would like to see more of a sense of urgency instead of receiving an email a few hours before a Council meeting. President Cartier said there was a proposal submitted and asked if that was submitted by their attorney. Mr. Tamn noted that it was not, the Vice President Adrienne Leonard personally took it into the Township building this morning and handed it to the receptionist with the orders for it to be given to the Clerk and have it distributed to Administrated and Council members. Mr. Vaz clarified it was probably given to Joan and is in an inbox that Mary Ann is not even aware of this point. President Cartier noted that will be settled first thing tomorrow morning. Mrs. Stinney questioned the Solicitor that time is of the essence. He noted they will get right on it once they track down the document and will have the Mayor and Mr. Vaz review it. He further noted they have been negotiating against themselves, and made a proposal and there has been no response until today. Mrs. Stinney asked if there could be another ear there as far as a Council ear just to listen. President Cartier noted that request could be made to the Mayor. She asked the Mayor. Mayor Patriarca advised that the answer would be no, noting that it would be Administration's responsibility and they feel they are making a fair and honest effort so they don't think they need a witnesses to verify that. Mr. Allen requested a public timeline to outline what has transpired thus far in the negotiations so each side isn't blaming each other. Mayor agreed they can prepare a report on the negotiations thus far, but they have reported that verbally to them and what they have been telling them has been what is going on. He noted that and the problem they are

having is they have not gotten any further from day one when they first sat down with them long before this resolution was adopted until this point, and are still at that same point. President Cartier advised that he believes what Mr. Allen is asking for is a report that may be posted on the website. Mr. Allen agreed. Mr. Vaz said they normally would not include negotiation positions on the web site. Mayor affirmed they have not closed the door for negotiations, the Trust certainly can make proposals and they will entertain those.

Bob Pelletier, Pemberton – 1. Thanked Mrs. Stinney for that exchange, noting he was going to implore Council even though it is outside of their duties to have a little sub-committee and possibly work with administration. 2. He commented on the meeting minutes noting he used to see them on the agenda and once approved they were available for the public and questioned if Council still approves them. President Cartier advised that they do, noting it is under consent agenda. 3. Pelletier questioned item 10C which is not a consent agenda item, advertising reorganization meeting. He commented that it is already decided who is going to carry publication of legal business and believes it is the Burlington Co. Times and Trenton times. He reflected that each year he has been an advocate for their local newspaper The Community News. President Cartier shared that they have considered it and their publication deadlines do not match up with the Township, they have to be submitted the Tuesday before publication. 4. Commented on an ordinance passed last month regarding no parking on Trenton Road and asked if that was going to be time limited or 24 hours a day as he can see a real problem there during certain times but does not think residents should be restricted from parking there at night time. 5. Commented on the Public Works Yard noting he comes in there recently with branches, but he wants to say the public works guy down there, Bill, is a heck of an employee and it is great that they have him. 6. Questioned what the year to date litigation costs are by the Township on the train station. Mr. Vaz advised that it was at \$15,000, that was current up until the license agreement was terminated and there was one more court appearance after that. 7. Advocated for the train station, discussed the various issues of the negotiations and was updated by Council and Administration.

Clare Wadsworth, Browns Mills – 1. Well #13, she noted \$3,000 was approved to pull that pump to determine if there was damage to an impeller and/or bearings, and questioned what was found out about that. Mrs. Willis advised that the pump was pulled and brought back to the contractor that was awarded the contract; their office, PW and an outside representative came to look at the well. This well has 13 impellers, of those 13, 10 were damaged and they were damaged pretty severely, sheered off in areas and to the best of their knowledge, no one can pinpoint why this happened. They did determine the cost to replace was more expensive than to just put a new pump in there, the reason it took so long to get information back, they wanted to make sure the pump going back in was the correct one and it was and they are recommending that pump be replaced with a new motor. If they did proceed it would be on an emergency authorization to do that work, received final cost from Layne Christensen early this week and their number was a \$29,000 number and that was to supply the new pump, install it, and check the straightness of the well. They don't have anything on record to show when Tiger installed this well to make sure it was plumb, which could be a cause for this problem. She did request the cost to install and plumbness be an hourly rate so they can pay only what time is out there. Ms. Wadsworth asked the life expectancy of the pump. Mrs. Willis noted approximately 10 years; the current pump was installed back in 2000. Ms. Wadsworth asked if the life expectancy of a pump is pulled and bearings and impellers repaired as needed, is it worth that. Mrs. Willis does mandate that to occur and it is called redevelopment of well, with redevelopment of a well you lose yield each time it occurs. Mrs. Willis clarified that pump had not been in use for those 11 years. Mrs. Wadsworth commented on Res. 253-2011 and questioned if the shared service agreement with Evesham for the rear loading trash trucks, to the cost of \$26,000 and asked if they are being used at this point. President Cartier asked Mr. Vaz how that was going. Mr. Vaz noted they have only heard good things from the Public Works Superintendent about it, they are having some minor mechanical problems with the trucks at different time but they have gone back to Evesham, repaired and came back. 2. She questioned if that is the period when she saw PW workers collecting leaves in Lake Valley. The Mayor noted that some pick up is still being done by Twp workers and Twp. trucks but for the most part the pick up is being done by the trash trucks. Ms. Wadsworth commented on the reasons the contract was entered into to save on workers comp claims and boost morale. The Mayor explained if there are workers that need something to do, they will do it, but they try not to utilize their staff for this project, but they do pick some up. Ms. Wadsworth questioned if the 4 employees from Diamond staffing are performing as expected. The Mayor noted that from their understanding they are, the Public Works

Supervisors have reported nothing but positive things at this point. 3. She questioned if the combined cost is like \$10 less than \$52k, she has heard in the past talk about leaf vacuums, was that again considered this year and a cost analysis done. President Cartier noted on a leaf vac he has in the past asked this question repeatedly and it has been reported to him through Administration, various Administrations from Public Works that leaf vacs do not work in this Township due to the massive amounts of sand that gets sucked up through those vacuums. It ends up clogging it up and it becomes more costly to repair it than to operate it.

George Petronis, Browns Mills – He is committed to the idea that they have to save the train museum; it is one of the clear assets that this Township has to build on as they try to upgrade the town. He requested clarification on the Council's release of the old agreement with the Trust, they passed a resolution that rescinded the old lease and gave authority to the Mayor to negotiate a new lease and he is hearing tonight that there is no way that the Council can pass a resolution that is worded in a way that simply wipes that action out of existence as if it never happened. Mr. Bayer noted off the top of his head he would say the answer is no but he heard the question for the first time tonight, the question is really can a resolution be adopted which retroactively rescinds the resolution terminating the license agreement as if the action never occurred, he hasn't researched it but the question is if there is no license agreement in effect the only way a new license agreement gets presented is if the Mayor presents it under the provision of the Faulkner Act. Mr. Vaz, noted if there was a way, would that not affect the litigation because the litigation was settled by consent order so it would in effect undo the dismissal of the litigation. Mr. Petronis asked if Council would allow the Solicitor to research that, to which Mr. Cartier advised that Council will consider it. Mr. Petronis noted that he has spoken directly to the Freeholders and he is very concerned about their attitude because he believes it is clear that they are not happy with the existence of the museum in any form and they are unwilling to commit themselves to supporting the museum when they take over the property. He does not doubt Mr. Vaz's word. Mr. Vaz noted he has not talked to anyone that he had talked to leading up to that time since that resolution has been adopted which why he answered the question that way because he is not personally aware of any positions change since that resolution was adopted. Mrs. Stinney questioned Mr. Petronis if the County was aware of the Land Swamp, Mr. Petronis noted that they were. Mr. Petronis noted that Mr. Guarigiano was very specific in saying that the County has no intention of running a museum, they don't oppose the existence of the museum but they will take no action to support the museum. He expressed that in his opinion the County is not committed to make a land swap, when the property is presented to them they will go over there and take a look at it and decide if they want it or not. Mr. Bayer noted if there is a license agreement in affect between the Township and the Trust and the property was swapped or conveyed to the County it would be subject to the license agreement, they would have to honor it. Mr. Vaz noted he believes it was taken, the Trust and museum was taken into account in the shared services agreement and his conversations with the County reps was that they were not going to make any financial commitment to the museum and after all this stuff happened when the last piece of rolling stock was placed there after being told not too, the County was concerned that the organization running it did not know how to play by the rules, and that is something that was and still is a factor in their decision making about the whole land exchange but they never gave any reason to think they did not want to have a museum.

John G. Shaw, Browns Mills – He thinks the writing is on the wall, the Council voted to terminate the museum lease, page 2 section of the new legal agreement gave the mayor all rights to take care of this matter with the Historic Trust. He felt Council voted to pretty much close down the museum. He said it was unfair, he said Council was unfairly slapped down with a 20 page legal agreement, the rolling stock they have not been allowed to take anything out of there and now they are giving us like 2 weeks. People recently have been on site stealing their material, more switches have been stolen and he would like to have the opportunity to get stuff out of there, as far as the museum, the dehumidifiers in the basement he bought himself. There is a lot more damage to the paper collection since the hurricane due to the mildew. He noted the concrete curbing was the water barrier and the basement has been compromised. He's afraid the town is going to confiscate the items in the museum, noting an expensive book was damaged. He requested time to remove the property and recoup their losses. He commented on repaying grant money based on the railroad money operating there and on drainage easements in Sunbury Village and the Township should have spent the \$20,000 of legal fees from the train station on the drainage swails in Sunbury Village. He asked for time to get artifacts out of the rolling stock. Councilwoman Stinney asked Mr. Bayer to address some rumors, and asked him to clarify statements regarding decisions made late at night. Mrs. Stinney noted it was the sitting

Council here to go into executive session to discuss the matter at 6:30 when they had the appropriate time at 6:30 p.m. Mr. Allen clarified that a motion was made and it was not seconded. Mrs. Stinney asked if Mr. Prickett was there, Mr. Prickett noted he was there and Mrs. Stinney was not. Mrs. Stinney asked Mr. Bayer if it took 2 people or 1, to which Mr. Bayer noted it took 2. Mrs. Stinney noted for the record, she made the decision, she listened to the public who wanted them to stop spending the money, and that was the only way they could stop the spending of the money. Mr. Allen noted that as long as he has been here he has heard the Mayor state he has an open door policy and there has only been 2 negotiation meetings since the resolution was passed, he doesn't understand why the urgency is always at the Council meetings, why isn't there urgency between Council meetings. Mr. Shaw noted his point is they are not allowed to go on the property and then they are given a week to get everything off. Council President Cartier asked Mr. Vaz the date of his letter and he advised it was November 16th, to which Mr. Cartier said that is 6 weeks and asked if anyone has approached Mr. Vaz. He noted they are saying they are willing to move out, but has anyone approached Mr. Vaz about getting access to the building. Mr. Shaw asked if that was a possibility and Mr. Vaz advised it has been a possibility. Mr. Vaz informed Mr. Shaw that if he has stuff in the museum that is decaying he should be taking it out and not standing up here. Mr. Shaw noted he took the paper collection out. Mr. Vaz advised they have not denied access to the building, except for the day of the train show that is the first time they refused access because it would be open to the public. Mr. Vaz said he would meet them there tomorrow. The intention is the building should be used as a museum and it is going to be, whether it is the Pemberton Township Historic Trust and it is in their hands right now to make that happen, just wants to clarify so the headline doesn't read Township has to pay back \$900k.

Eric Allen, Pemberton – 1. Expressed his opinion about the ongoing discussions of what has transpired regarding the train station but he has seen a lot finger pointing which is not fair. He noted that even the Mayor has always said his door is open and hopes when it goes to the paper it is said fairly, realistically the Council took an action to help get out of the litigation to give an opportunity for dialogue and he can see where the dialogue is not coming, so it is really sad to hear people complain about something that is not happening.

Michael Tamn, Pemberton Township Historic Trust – Comment made about 2006 about action against the Trust, noted that was pertaining to a tank car and the question was at that time is whether it was cleaned out. He noted a letter was sent from DEP who certified that it was cleaned and purged or it could not go over the road. A number of times on moving equipment they have sent letters over the years and prior Administrations have helped them move the equipment onto the property. Mr. Bayer asked if they negotiated the old license agreement. Mr. Tamn said they did not really. Mr. Bayer noted that the written agreement didn't provide for the rolling stock even though he says the Township was working with him allowing the rolling stock on the property, the agreement did not say that. Mr. Tamn noted some information in the resolution was incorrect and they did not have a chance to defend it. He commented on what a museum is. He spoke on funding of Federal Grants and the purpose of what the money is going to be used for, if they get the grant they are obligated to make that use for 20 years. He commented on the station being closed and expressed the museum is the envy of other areas; they don't want to move out of Pemberton Township unless they are forced too. He expressed that the Council is the Governing Body and if they can't do anything they might as well just have a Mayor and Administrator, noting Council is here to represent the people.

After a short break and seeing no other members of the public wishing to speak Council President Cartier closed the meeting to the public on general comments.

Solicitor's Report

Mr. Bayer had no report for this meeting.

Engineer's Report

Mrs. Willis reported other than what was already discussed regarding Well #13, that Well #12 has been put on water allocation permit and no longer a water moratorium. She shared that for a while, they have a very small window above the firm source capacity, and are working with Administration and Public Works to look into options to move forward with Well #11 or other options. One option they started to look into is looking into the DR Horton well and it looks promising but they need to dig a little deeper to figure out if they can use them.

Planner's Report

Mr. Regan reported they are working with the Solicitor regarding the Browns Mills Shopping Center and redevelopment agreement. Secondly, there is an application for a Dialysis center on Trenton Road, and they are looking to help get them to a point where they can proceed with their application. Thirdly they canceled the Economic Development Strategy meeting yesterday, which is postponed until Tuesday the 13th. The reason is to see if they can get some people from the Methodist Church and the dialysis center as well as the redevelopment group together and bring everyone up to date, which will happen next Tuesday at 3pm. Mr. Prickett asked if that facility is already built. Mr. Ragan advised it is a proposed facility, the Davida Dialysis center.

Mayor's and/or Administrator's Report

The Mayor commended all those that participated and were involved in the Winter Parade, noting it went off very well, and all did a great job. In regards to the Tree Lighting that the Lions Club did a wonderful job and it was a successful event. He updated on the BMIA, repairs are ongoing, ceiling is being painted, boards are being prepped to be installed, and they are getting much closer to the completion of the project. He commented on the trains, noting his big thing with the whole issue is accountability and accountability is what he ran on, the ticket that ran with him the first time. He expressed there is not one member that ran with him that had an issue with accountability because he knows they all believe in it.

COUNCIL COMMENTS

Diane Stinney – Questioned the Mayor about the ordinances in the shopping center parking and reminded he would get back to make sure they are in compliance with how these people are parking. The Mayor did not get that information but noted he will. The Mayor reported back to Mrs. Stinney regarding her question of items being taken from the Trust party, the police do have a report on that and they are investigating it. Mrs. Stinney asked the Mayor on honoring the local businesses, local businesses are struggling and she would ask that they honor their businesses that have been in operation 20 years or more, by either inviting them to come to a meeting to be thanked or through a resolution, noting they would need the support of his office. Mayor Patriarca noted it is honorable but questioned if she wants to leave out the person out that has been here faithfully for 19 years or 15 years, or that one that is starting up today that is trying to help the town and people. She commented on the leaf pickup, noting she has heard nothing but comments over the pick up and gave kudos to all those that did the Winter Parade.

Richard Prickett – Was pleased to see Diane's grandchildren in the parade, noting the Parade was a very nice event, and thanks to the Lions Club for one of the most beautiful trees in the County. He expressed they had a wonderful Veteran's Day which was a great event, and also had the trains show, there is always something they can do to feel that they are contributing to what is important in Pemberton Township through the special days and the events that take place here. He commented on taking part in the recycling day on Saturday here at the Township.

Jason Allen – Echoed the sentiments of the other Council Members, noting Winter Parade was a very coordinated event, and he had a good time and enjoyed himself and thanked everyone for coming out and hopes to see them at the next meeting.

Ken Cartier – Thanked everyone for coming out and advised that Council will be going back into closed session, there may be formal action to follow.

Back from closed session.

Prickett read Ordinance 28-2011 by title.

Motion by Prickett and Stinney to add Ordinance 28-2011 to the agenda. Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Prickett and Stinney introduce Ordinance No. 28-2011 with a public hearing on December 21, 2011. Prickett yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

The meeting adjourned at approximately 10:22 p.m.

Respectfully submitted,

Mary Ann Finlay, MMC, Township Clerk