

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
MARCH 21, 2012
6:30 P.M.**

FLAG SALUTE

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

ROLL CALL

PRESENT

Sherry Scull
Jason Allen
Ken Cartier
Richard Prickett
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer and Jaclyn Baker of GluckWalrath, Township Engineer 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. 76 -2012

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND

WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;

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

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS/SETTLEMENT NEGOTIATIONS OF UNPAID TAXES
PBA CONTRACT NEGOTIATIONS
SOLID WASTE CONTRACT
POSSIBLY HISTORIC TRUST LEASE AGREEMENT
BROWNS MILLS SHOPPING CENTER POTENTIAL CONTRACT NEGOTIATIONS/REDEVELOPMENT
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Stinney to approve Resolution No. 76-2012. Prickett, yes; Stinney, yes; Allen, yes; Scull, 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 6:32 PM. upon arrival of the Planner who advised they also needed to speak about the Browns Mills Shopping Center Redevelopment.

Motion by Stinney and Prickett to amend the previously approved closed session resolution to include the Browns Mills Shopping Center Redevelopment discussion to the items needing to be discussed, and to adopt as amended. (Note the above-noted resolution reflects this addition.) Stinney, yes; Prickett, yes; Allen, yes; Scull, yes; Cartier, yes. Motion carried.

Council President Cartier then recessed the open meeting at approximately 6:34 PM to go into closed session and reconvened the open meeting at approximately 7:00 PM.

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

Mr. Cartier advised that there was no formal action necessary pursuant to closed session.

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

Public comments on consent agenda items only.

Council President Cartier opened the meeting to public comments on the Consent Agenda items. There being no members indicating a desire to be heard, he closed the meeting to public comments on the Consent Agenda.

Mr. Prickett asked to pull off the consent agenda Resolutions 78 and 79-2012 and item 12. a. 2 from New Business.

Mr. Allen asked to pull off the consent agenda item 12. a. 1.

Consent Agenda Items:

MINUTES FILED BY MUNICIPAL CLERK

Regular Meeting, February 25, 2012; March 7, 2012.

CONSENT AGENDA RESOLUTIONS

RESOLUTION NO. 77 -2012
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:
DARRYL & JENNIFER WILKINS, \$272.00, REFUND OF OVERPAYMENT ON SOLID WASTE ACCOUNT FOR BLOCK 236, LOT 17.
JOSEPH HASSAB (LIEN HOLDER), \$308.82, REFUND OF OVERPAYMENT OF SOLID WASTE ACCOUNT FOR 22 ALMOND AVE.
JOSEPH HASSAB (LIEN HOLDER), \$570.15, REFUND OF OVERPAYMENT OF WATER ACCOUNT FOR 22 ALMOND AVE.
LONNIE BAZEMORE, \$25.00, REFUND FOR SOLICITOR’S PERMIT NOT ISSUED.
IDAN AHARONI, \$50.00, REFUND OF GOLD LICENSE PERMIT – WITHDREW APPLICATION.

RESOLUTION NO. 80 -2012
WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2012 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND
WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION ADOPTED IN THE YEAR 2012 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$305,500.00
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:
WATER UTILITY

OPERATING	SALARIES & WAGES	\$135,000.00
	OTHER EXPENSES	\$160,000.00
STATUTORY EXPENDITURES		SOCIAL SECURITY
		\$ 10,500.00
		\$305,500.00

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

RESOLUTIONNO. 81-2012
AUTHORIZING THE REFUNDING AND/OR CLOSING OF TREASURER’S ESCROW SUB-ACCOUNTS
WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR ROAD OPENINGS, THAT A TREASURERS ESCROW SUB-ACCOUNT BE ESTABLISHED, AND
WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND
WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB ACCOUNTS.
NOW THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE RELATED TREASURERS ESCROW SUB-ACCOUNTS.

NAME	ACCOUNT	LOCATION	AMOUNT
AMIANO CONSTRUCTION 1623 ROUTE 206 VINCENTOWN, NJ 08088	E-25-56-286-270-412	312 HUNTER BLVD.	\$830.00
	E-25-56-286-270-429	63 CLEMATIS ST.	\$465.00
		TOTAL	\$1,295.00
PAETZOLD CONSTRUCTION PO BOX 1207 BROWNS MILLS, NJ 08015	E-25-56-286-270-439	110 TRURO ST.	\$200.00
	E-25-56-286-270-509	3 ASTOWEGI	\$200.00
		TOTAL	\$400.00
CHARLES MARIN PO BOX 32 NEW LISBON, NJ 08064	E-25-56-286-270-462	103 PRESS AVE.	\$621.25
	E-25-56-286-270-463	9 HIGH ST.	\$166.25
	E-25-56-286-270-464	107 PRESS AVE.	\$621.25
		TOTAL	\$1,408.75
LEONARDS MECHANICAL 25 KENNEDY LN. PEMBERTON, NJ 08068	E-25-56-286-270-465	8 SOMMERS LN.	\$416.86
	E-25-56-286-270-474	123 KINSLEY RD.	\$44.16
		TOTAL	\$461.02
MAC-ROSE 85 RIDGE RD. BROWNS MILLS, NJ 08015	E-25-56-286-270-489	40 TENSAW	\$200.00
	E-25-56-286-270-503	700 BERKLEY	\$200.00
		TOTAL	\$400.00
STEVE EMMONS 330 BISHOP ST.	E-25-56-286-270-446	2 LEE ST.	\$1,590.00
		TOTAL	\$1,590.00

BROWNS MILLS, NJ 08015			
J.J. WHITE, INC. 1 PASADENA RD. BROWNS MILLS, NJ 08015	E-25-56-286-270-466	PASADENA RD. TOTAL	\$261.86 \$261.86
TOTAL:			\$5,816.63

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION SHALL BE PROVIDED TO THE CHIEF FINANCIAL OFFICER.

RESOLUTION NO. 82-2012
TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY AUTHORIZING CANCELLATION OF UNREFUNDABLE TRUST BALANCES TO SURPLUS
WHEREAS, THE FOLLOWING ACCOUNTS IN THE TREASURER’S ESCROW SUB-ACCOUNTS FOR PSE&G HAVE APPROPRIATION BALANCES WHICH REMAIN UNEXPENDED AND PRIOR ATTEMPTS TO REFUND MONIES TO PSE&G HAVE BEEN UNSUCCESSFUL, AND IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED TO SURPLUS:
NOW, THEREFORE, BE IT RESOVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE UNEXPENDED BALANCES FROM THE TREASURER’S ESCROW SUB-ACCOUNTS LISTED BELOW BE CANCELED:

E-25-56-286-270-413	\$200.00
E-25-56-286-270-414	\$200.00
E-25-56-286-270-415	\$200.00
E-25-56-286-270-416	\$200.00
E-25-56-286-270-417	\$200.00
E-25-56-286-270-418	\$200.00
E-25-56-286-270-419	\$200.00
E-25-56-286-270-420	\$200.00
E-25-56-286-270-421	\$162.10
E-25-56-286-270-422	\$162.10
E-25-56-286-270-423	\$162.10
E-25-56-286-270-424	\$162.10
E-25-56-286-270-425	\$138.35
E-25-56-286-270-430	\$400.00
E-25-56-286-270-431	\$200.00
E-25-56-286-270-432	\$200.00
E-25-56-286-270-433	\$200.00
E-25-56-286-270-434	\$200.00
E-25-56-286-270-435	\$200.00
E-25-56-286-270-436	\$200.00
E-25-56-286-270-437	\$200.00
E-25-56-286-270-438	\$200.00
E-25-56-286-270-440	\$200.00
E-25-56-286-270-441	\$200.00
E-25-56-286-270-442	\$200.00
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E-25-56-286-270-444	\$200.00
E-25-56-286-270-445	\$200.00
E-25-56-286-270-447	\$200.00
E-25-56-286-270-448	\$200.00
E-25-56-286-270-449	\$166.25
E-25-56-286-270-450	\$200.00
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E-25-56-286-270-471	\$200.00
E-25-56-286-270-472	\$200.00
E-25-56-286-270-473	\$200.00
E-25-56-286-270-475	\$200.00
E-25-56-286-270-476	\$200.00
E-25-56-286-270-477	\$200.00
E-25-56-286-270-478	\$200.00
E-25-56-286-270-479	\$200.00
E-25-56-286-270-480	\$400.00
E-25-56-286-270-483	\$200.00
E-25-56-286-270-484	\$200.00
E-25-56-286-270-485	\$200.00
E-25-56-286-270-486	\$200.00
E-25-56-286-270-487	\$200.00
E-25-56-286-270-488	\$200.00

E-25-56-286-270-490	\$200.00
E-25-56-286-270-491	\$200.00
E-25-56-286-270-492	\$200.00
E-25-56-286-270-493	\$200.00
E-25-56-286-270-494	\$200.00
E-25-56-286-270-495	\$187.47
E-25-56-286-270-496	\$200.00
E-25-56-286-270-497	\$200.00
E-25-56-286-270-498	\$200.00
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E-25-56-286-270-512	\$400.00
E-25-56-286-270-514	\$200.00
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E-25-56-286-270-519	\$200.00
E-25-56-286-270-520	\$200.00
E-25-56-286-270-526	\$200.00
E-25-56-286-270-527	\$200.00
E-25-56-286-270-528	\$200.00
E-25-56-286-270-529	\$200.00
E-25-56-286-270-530	\$200.00
E-25-56-286-270-531	\$200.00
E-25-56-286-270-532	\$200.00
E-25-56-286-270-534	\$200.00
E-25-56-286-270-535	\$200.00
TOTAL: \$19,740.47	

RESOLUTION NO. 83–2012

A RESOLUTION ESTABLISHING FEES FOR CERTAIN RECREATION PROGRAMS
WHEREAS, SECTION 140-7 A OF THE CODE OF THE TOWNSHIP OF PEMBERTON (CODE) ENTITLED “RECREATION PROGRAM FEES” ESTABLISHES RECREATION PROGRAM FEE RANGES; AND,
WHEREAS, THE TOWNSHIP COUNCIL MUST ESTABLISH SPECIFIC FEES FOR EACH PROGRAM;
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING FEES ARE HEREBY ESTABLISHED FOR RECREATION PROGRAMS:

	<u>PROGRAM</u>	<u>FEE</u>
1	ELEMENTARY SUMMER RECREATION PROGRAM	\$320 PER CHILD
2	SUMMER BASKETBALL PROGRAM	\$10 PER CHILD
3	SUMMER BASKETBALL CAMP	\$20 PER CHILD
4	ADULT AEROBICS (8-12WEEK PROGRAM)	\$35-90 PER PERSON (PRICE DEPENDENT UPON LENGTH OF PROGRAM AND NUMBER OF DAYS PER WEEK, PER PROGRAM)
5	ADULT CARDIO KICKBOXING (8-12 WEEK PROGRAM)	\$35-90 PER PERSON (PRICE DEPENDENT UPON LENGTH OF PROGRAM AND NUMBER OF DAYS PER WEEK, PER PROGRAM)
6	YOUTH FLAG FOOTBALL	\$35 PER CHILD
7	YOUTH AND ADULT KARATE PROGRAM	\$40 PER PERSON
8	YOUTH INDOOR SOCCER	\$40 PER CHILD (INCREASE \$5)
9	ADULT INDOOR SOCCER	\$35 PER ADULT; \$45 PER COUPLE
10	ADULT VOLLEYBALL	\$35 PER ADULT; \$45 PER COUPLE
11	ADULT COED SOFTBALL	\$35 PER ADULT; \$45 PER COUPLE
12	YOUTH SWIMMING LESSONS	\$20 PER PERSON PER SESSION
13	BASKETBALL TOURNAMENT	\$175 - 350 PER TEAM (PRICE DEPENDENT UPON NUMBER OF TEAMS REGISTERED AND EXPENSES PER TOURNAMENT)
14	YOUTH/ADULT TENNIS LESSONS	UP TO \$10
15	TRACK CAMP & MEET	\$35 PER CHILD
16	FALL FOLIAGE KAYAK TOUR	\$55 PER PERSON
17	SAILING/KAYAK/CANOE LESSONS	UP TO \$50 PER PERSON
18	BABYSITTING CERTIFICATION COURSE	\$25 PER PERSON
19	TAI CHI	ADULTS: \$40 PER PERSON
20	YOUTH SPINNING & NUTRITION CLASS	\$35 PER PERSON
21	LIFE SKILLS CLASS	\$15 PER PERSON
22	PHOTOGRAPHY CLASS	\$35 PER PERSON
23	PICNIC BASKET RENTAL	\$10 PER DAY
24	MIDDLE SCHOOL SUMMER PROGRAM	\$320 PER CHILD
25	FIELD TRIP PROGRAM	\$150 PER CHILD (INCREASE \$25)
26	EFFECTIVE BICYCLING PROGRAM	\$30 PER PERSON
27	DANCE PROGRAM	\$30 PER PERSON
28	SPRING BREAK CAMP	\$125 PER CHILD
29	YOGA, PILATES, ZUMBA PROGRAMS	\$35 TO \$90 (NEW PROGRAMS- PRICE DEPENDENT UPON LENGTH OF PROGRAM AND NUMBER OF DAYS PER WEEK, PER PROGRAM)
30	ROLLER HOCKEY	\$40 PER CHILD
31	YOUTH SOFTBALL PROGRAM	\$35 PER CHILD
32	WIFFLEBALL TOURNAMENT	\$60 PER TEAM
33	SOFTBALL TOURNAMENT	\$150 - 250 PER TEAM (PRICE DEPENDENT UPON NUMBER OF TEAMS REGISTERED AND EXPENSES PER TOURNAMENT)
34	PRESCHOOL EXERCISE/TUMBLING PROGRAM	\$40 PER CHILD
35	PRESCHOOL CRAFT/CREATIVE PROGRAM	\$35 PER CHILD
36	FITNESS BOOT CAMP (8-12 WEEK PROGRAM)	\$35-90 PER PERSON (PRICE DEPENDENT UPON LENGTH OF PROGRAM AND NUMBER OF DAYS PER WEEK, PER PROGRAM)
37	FUTURE UNANTICIPATED PROGRAMS	RANGE OF \$5 - \$350 (PRICE DEPENDENT UPON LENGTH OF PROGRAM AND NUMBER OF DAYS PER WEEK, PER PROGRAM)
38	SOFTBALL/BASEBALL FIELD USAGE	\$100 ONE-TIME MAINTENANCE FEE (ADULT PROGRAM)
39	SENIOR CITIZEN MEALS	UP TO \$2.00 PER MEAL
40	MIRROR LAKE CONCESSION STAND	\$.50 - \$10 PER PRODUCT/COMBO (NEW SERVICE – PRICES DEPENDENT UPON PRODUCT PURCHASED)
41	BUILDING RENTALS – PRIVATE/FOR-PROFIT AND NON-PEMBERTON BASED NON-PROFIT USERS	\$30 PER HOUR AND \$100 RETURNABLE DEPOSIT

A. NON-RESIDENTS SHALL BE CHARGED AN ADDITIONAL \$10.00 PER PERSON OVER THE RESIDENT FEE FOR RECREATION PROGRAMS.

B. LATE REGISTRATION FEE OF \$10 IN ADDITION TO PROGRAM FEE (RECREATION DEPARTMENT ESTABLISHES LATE FEE DATE).

C. RESIDENTS AGE 55 & UP SHALL BE GIVEN A 10% REDUCTION PER PERSON FOR RECREATION DEPARTMENT SPONSORED PROGRAMS (DECREASE FROM 15%)

D. ALL PROGRAM FEES ITEMIZED HEREIN ARE NON-REFUNDABLE UNLESS THERE ARE SPECIAL CIRCUMSTANCES THAT ARE PRESENTED AND APPROVED BY COUNCIL.

RESOLUTION NO.84-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON WILL CELEBRATE ITS ANNUAL WATER CARNIVAL ON SATURDAY, JULY 28, 2012 (RAIN DATE AUGUST 4, 2012); AND
WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL ARE DESIROUS TO CLOSE THE CARNIVAL CEREMONY WITH A FIREWORKS DISPLAY; AND

WHEREAS, A RESOLUTION IS REQUIRED BY THE NEW JERSEY DEPARTMENT OF LABOR, DIVISION OF WORKPLACE STANDARDS, TO GRANT PERMISSION FOR THE TOWNSHIP OF PEMBERTON TO CONDUCT A PUBLIC DISPLAY OF FIREWORKS; AND
WHEREAS, FIREWORKS BY SCHAEFER PYROTECHNICS INC., WAS CONTACTED AND PROVIDED THE LOWEST RESPONSIBLE QUOTE TO PROVIDE THE FIREWORKS AND SAID COMPANY HAS SUPPLIED THE CERTIFICATES OF INSURANCES AS ATTACHED HERETO AND MADE A PART HEREOF THIS RESOLUTION; AND
WHEREAS, THE PEMBERTON TOWNSHIP ANNUAL WATER CARNIVAL COMMITTEE, ON BEHALF OF THE MAYOR AND TOWNSHIP COUNCIL, WILL PRESENT THE FIREWORKS DISPLAY TO THE RESIDENTS OF PEMBERTON TOWNSHIP.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, THAT SCHAEFER PYROTECHNICS INC., IS HEREBY GRANTED PERMISSION TO HOLD A FIREWORKS DISPLAY ON SATURDAY, JULY 28, 2012, WITH A RAIN DATE OF SATURDAY, AUGUST 4, 2012 IF NECESSARY,
BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT IN THE AMOUNT OF \$7,500.00 WITH SCHAEFER PYROTECHNICS INC. TO PROVIDE FIREWORKS AT OUR ANNUAL WATER CARNIVAL, SUBJECT TO THE AVAILABILITY OF FUNDS FROM THE CHIEF FINANCIAL OFFICER,
BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER IS HEREIN AUTHORIZED AND DIRECTED TO PROCESS THE PURCHASE ORDER TO SCHAEFER PYROTECHNICS INC., IN THE AMOUNT OF \$7,500.00.

NEW BUSINESS

- *3. Public Works Dept.: Dejana Truck and utility equipment to replace stake body on Clean Communities Truck #13, from Dejana Truck and Utility Equipment, in the amount of \$4,955.00
- *4. Recreation & Senior Services: Purchases for Senior Center of food in the amount of \$1,426.75 and household goods in the amount of \$1,853.53 from State of New Jersey DSS.
- *b. Pine Barrens 300, Annual Tour through the Barrens (street legal motorcycles), 4/14 & 4/15.
- *c. Annual renewal of Used Car Dealership Licenses for:
Danley’s Used Autos
Mull Auto Sales
Pine View Terrace Mobile Homes
Garden Homes Mgt./Lakeshore Mobile Village
Hilltop Mobile Village
Browns Mills Coaches and Sales, Inc.
- *13. Approval by Council required for payment of vouchers on bill list dated 3/16/12.

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

RESOLUTION NO. 78-2012 (Pulled off consent agenda earlier)

RESOLUTION NO. 78-2012
A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF FUNDS
WHEREAS, N.J.S.A. 40A:4-59 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.
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:
CURRENT FUND

FROM	ACCOUNT	AMOUNT
FINANCE-SALARIES & WAGES	1-01-20-130-000-110	\$ 19,500.00
ENGINEERING SERVICES - TWP. PLANNER	1-01-20-165-000-283	\$ 10,000.00
ENGINEERING SERVICES - GENERAL ENG. COSTS	1-01-20-165-000-284	\$ 10,000.00
PLANNING BOARD-SALARIES & WAGES	1-01-21-180-000-110	\$ 9,000.00
ZONING BOARD-SALARIES & WAGES	1-01-21-185-000-110	\$ 25,000.00
CODE ENFORCEMENT-COMPUTER HARD & SOFTWARE	1-01-21-195-000-590	\$ 10,000.00
OTHER INS - INS- POLICY VOL SERVICES	1-01-23-210-000-500	\$ 8,900.00
POLICE - SALARIES & WAGES	1-01-25-240-000-110	\$ 100,000.00
POLICE - HOLIDAY PAY	1-01-25-240-000-155	\$ 5,000.00
FIRE-FIRE AND OTHER SAFETY EQUIPMENT	1-01-25-265-000-560	\$ 5,000.00
STREETS & RDS - DISPOSAL FEES	1-01-26-290-000-290	\$ 5,000.00
STREETS & RDS - SIGNS	1-01-26-290-000-350	\$ 5,000.00
BLDGS & GROUNDS - SALARIES & WAGES	1-01-26-310-000-110	\$ 3,000.00
REC SERVICES - SALARIES & WAGES	1-01-28-370-000-110	\$ 5,000.00
TELEPHONE CHARGES	1-01-31-440-000-601	\$ 5,000.00

SOLID WASTE DISPOSAL	1-01-31-465-000-000	\$ 20,000.00
MUNI COURT - SALARIES & WAGES	1-01-43-490-000-110	\$ 5,000.00
TOTAL		\$ 250,400.00

TO	ACCOUNT	AMOUNT
EMPLOYEE HEALTH	1-01-23-220-000-000	\$250,250.00
PUBLIC ASSISTANCE-CONTRACT SERVICE	1-01-27-345-000-290	\$150.00
TOTAL		\$250,400.00

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

Mr. Prickett noted this resolution deals with transfers from last year’s budget and asked how this will this affect the surplus, noting that he assumed it would decrease it. Mr. Vaz explained that to the extent that it’s being moved into those two line items and then being spent, it would deplete what would be available for surplus. Mr. Prickett noted that was a quarter of a million dollars. Mr. Vaz reflected the two columns under employee health for he noted the account number should be 1-01-23-220-000. Mr. Prickett also questioned what the public assistance contract service is for. Mr. Vaz proposed that the CFO just needed to balance the number out.

Motion by Prickett and Scull to approve resolution no. 78-2012 as corrected. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 79-2012 (Pulled off consent agenda earlier)

RESOLUTION NO. 79-2012
WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2012 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND
WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION ADOPTED IN THE YEAR 2012 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$6,102,186.00
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:
CURRENT FUND

100	ADMINISTRATION	SALARIES & WAGES	\$ 75,000.00
		OTHER EXPENSES	\$ 6,000.00
110	TOWNSHIP COUNCIL	SALARIES & WAGES	\$ 9,000.00
		OTHER EXPENSES	\$ 1,500.00
120	TOWNSHIP CLERK	SALARIES & WAGES	\$ 45,000.00
		OTHER EXPENSES	\$ 6,000.00
130	FINANCE	SALARIES & WAGES	\$ 74,000.00
		OTHER EXPENSES	\$ 5,000.00
144	LIQUIDITION OF TTLS	OTHER EXPENSES	\$ 10,000.00
145	COLLECTION OF TAXES	SALARIES & WAGES	\$ 58,000.00
		OTHER EXPENSES	\$ 7,000.00
146	SOLID WASTE BILLING	SALARIES & WAGES	\$ 16,000.00
		OTHER EXPENSES	\$ 1,000.00
150	ASSESSMENT OF TAXES	SALARIES & WAGES	\$ 42,000.00
		OTHER EXPENSES	\$ 1,300.00
155	LEGAL SERVICES	OTHER EXPENSES	\$ 60,000.00
165	ENGINEERING SERVICES	OTHER EXPENSES	\$ 30,000.00
180	PLANNING BOARD	SALARIES & WAGES	\$ 4,000.00
1.85	ZONING BOARD	SALARIES & WAGES	\$ 28,000.00
195	CODE ENFORCEMENT	SALARIES & WAGES	\$ 37,000.00
	INSURANCE		

210	OTHER INSURANCE PREMIUMS		\$ 211,603.00
220	GROUP HEALTH FOR EMPLOYEES		\$ 600,000.00
240	POLICE	SALARIES & WAGES	\$1,350,000.00
		OTHER EXPENSES	\$ 65,000.00
265	AID TO FIRE DEPARTMENT	OTHER EXPENSES	\$ 30,000.00
275	MUNICIPAL PROSECUTOR	OTHER EXPENSES	\$ 9,000.00
290	STREETS & ROADS	SALARIES & WAGES	\$ 200,000.00
		OTHER EXPENSES	\$ 70,000.00
310	BUILDINGS & GROUNDS	SALARIES & WAGES	\$ 245,000.00
		OTHER EXPENSES	\$ 60,000.00
315	FLEET	SALARIES & WAGES	\$ 62,000.00
		OTHER EXPENSES	\$ 65,000.00
340	ANIMAL CONTROL	SALARIES & WAGES	\$ 10,000.00
		OTHER EXPENSES	\$ 500.00
370	RECREATION	SALARIES & WAGES	\$ 85,000.00
		OTHER EXPENSES	\$ 5,000.00
371	SENIOR CITIZEN SERVICES	SALARIES & WAGES	\$ 40,000.00
		OTHER EXPENSES	\$ 15,000.00
490	MUNICIPAL COURT	SALARIES & WAGES	\$ 65,000.00
		OTHER EXPENSES	\$ 5,000.00
	UNCLASSIFIED		
266	FIRE HYDRANT SERVICES		\$ 2,600.00
300	TRAFFIC SIGNAL ELECTRIC		\$ 1,600.00
302	DEMOLITION OF BUILDINGS		\$ 10,000.00
305	SOLID WASTE COLLECTION		\$ 210,000.00
430	ELECTRICITY		\$ 30,000.00
435	STREET LIGHTING		\$ 90,000.00
440	TELEPHONE		\$ 25,000.00
441	POSTAGE		\$ 16,000.00
447	HEATING OIL		\$ 10,000.00
455	SEWER		\$ 1,500.00
460	GASOLINE		\$ 100,000.00
465	SOLID WASTE DISPOSAL - TIPPING FEES		\$ 200,000.00
471	PUBLIC EMPLOYEE RETIREMENT SYSTEM		\$ 513,275.00
472	SOCIAL SECURITY & MEDICARE		\$ 190,000.00
472	POLICE & FIRE RETIREMENT SYSTEM		\$ 929,308.00
		SUB-TOTAL	\$6,038,186.00
	DEBT SERVICE		
	BONDS & INTEREST		
930	INTEREST		\$ 45,000.00
	GREEN TRUST		
940	PRINCIPAL & INTEREST		\$ 19,000.00
		TOTAL EMERGENCY APPROPRIATIONS	<u><u>\$6,102,186.00</u></u>

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

Mr. Prickett noted this is an emergency appropriation for the temporary budget and noted he had concerns with the legal services line when they did the temporary budget and suggested they reduce the \$60,000 on this resolution down to \$10,000, noting they could always do transfers

when the need arises. Mr. Bayer advised that as for the legal budget he was not the only lawyer doing work for the town, noting there are other legal matters being handled by other attorneys and firms.

Motion by Prickett to reduce the legal budget line to \$10,000. The motion died for lack of receiving the required second.

Motion by Stinney and Scull to approve resolution no. 79-2012. Stinney, yes; Scull, yes; Allen, yes; Prickett, no; Cartier, yes. Motion carried.

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

ORDINANCE NO. 3-2012 (Title read by Council President)

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATION LIMITS AND TO ESTABLISH A CAP BANK

Motion by Stinney and Allen to adopt Ordinance No. 3-2012.

Council Cartier opened the meeting to the public for comments on the ordinance.

Bob Pelletier, Pemberton – Mr. Pelletier asked how the bank will actually work and if it's new, to which he was told no. Council President noted he's voted on one every year and asked Mr. Vaz to explain. Mr. Vaz clarified this ordinance deals with the spending CAP and the budget that was presented to Council is actually under the spending CAP. It's authorizing to go up to 3.5 percent but they are not doing that, the real reason behind the ordinance is to establish a CAP bank. It is a potential benefit to the Township although the Auditor and CFO don't believe they will need but puts it in place in case the need arises such as something catastrophic as President Cartier pointed out.

There being no other members of the public wishing to comment on Ordinance No. 3-2012, President Cartier closed the meeting to public comments on said ordinance.

Mr. Prickett commented that this fund is the ability to use taxes to cover the extra percentage and explained his understanding on how the CAP Bank works. He noted having been confused when he saw the budget noting that Council introduced as they sat down and he had only about two hours to ask the questions that he needed answers and this was not a priority item at the time. He explained that he took the opportunity at the last meeting to vote in the way that he thought that this was above their CAP and is glad to hear that it is not and at this point he supports having a CAP bank and will do it again today as long as it's not an increase. President Cartier reiterated that there were 15 days prior to the budget hearing to review the budget and expressed that to say he only had 2 hours to review the budget is misleading. Mr. Prickett clarified that he did not say to review the budget but rather to ask his questions. President Cartier relayed that he had 15 days to ask the questions as the rest of the Council did. Mr. Prickett stated that the budget sessions are for the public, to which Mr. Cartier agreed it was for the public. Mrs. Scull expressed that nobody was limited in their questions that day.

Motion by Stinney and Allen to adopt ordinance no. 3-2012. Stinney, yes; Allen yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 4-2012 (Title read by Council President)

AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Allen and Scull to adopt ordinance no. 4-2012.

Council President Cartier opened the meeting to the public for comments on the ordinance.

Bob Pelletier, Pemberton – 1. Noted that this ordinance dove tails the new Community Development employee but was thinking that it probably replaced the UEZ. He noted that UEZ is not on this particular document and questioned if the UEZ position is funded by local

community or is it a State funded position or has it been done away with. He noted that in the budget money had been taken away from the position. President Cartier explained that the UEZ funds were actually transferred into a Township account and basically although UEZ exists by statute it doesn't really exist. Mr. Vaz explained that currently there is not a single person that is a UEZ Coordinator. He noted receiving emails from the State but they are at a point with the Township's UEZ as with all the other UEZs that there is no new money coming in. He explained that the State is keeping it. He relayed that they have money in the bank that they can spend for UEZ programs, but there is no salary for anyone because there is no one person singly doing it. Mr. Pelletier acknowledged thinking that was the case but questioned that there are funds that can be used, to which Mr. Vaz noted it was about 1.2 million dollars. He explained the latest status on the State level wherein they may be getting some of that money coming in and if that happens there will be a need for the Director of Community Development will have that role as well. 2. He questioned that this ordinance also establishes salaries and they are enumerated and asked if there is a baseline that this comes from and if this goes out is this like a 2% COLA from last year or how did they arrive at these particular figures. Mr. Vaz explained that these are not actually salaries, this ordinance sets a minimum and maximum and the actual salaries are in the budget document itself. He explained they basically come up with the figures by projecting what they know to be the salary increases or anticipated increases dependent on contract negotiations and they have to make sure that the maximum will cover at least in one year, an actual salary. He explained that they often put a little more in the range so they don't have to keep coming back to Council every year for an ordinance. Mr. Vaz reiterated this is just a range and the actual salary increases that are represented in the budget are based on 2% for the contractual employees and as for the non-contractual employees it is a firm statement as it was represented that way in the budget. Those being negotiated they put 2% in the budget which is their bargaining position and if something happens, either an interest arbitration and its more then they have to deal with that through either an emergency appropriation or what other avenues they are allowed to do.

There being no other members of the public wishing to comment on Ordinance No. 4-2012, President Cartier closed the meeting to public comments on said ordinance.

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

ORDINANCE NO. 5-2012(Title read by Council President)AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING THE TOWNSHIP CODE IN ORDER TO ESTABLISH A DEPARTMENT OF COMMUNITY DEVELOPMENT

Motion by Stinney and Scull to adopt Ordinance No. 5-2012.

Council President Cartier opened the meeting to the public for comments on the ordinance.

George Petronis, Browns Mills – 1. Asked what the overall impact is to the budget with this department and if it will increase the town's expenditures for having this type of organization and if so, by how much. Mr. Vaz relayed that if there was no department director and they were to hire someone solely to do zoning they could probably get someone for less than the \$75,000. He explained however that they have been unsuccessful for a very long time in getting the right person in that position. He advised that they have two law suits going currently, in large part that relate that they had an inexperienced personnel in that position. In looking at other towns that have Zoning Officers and in looking at Zoning Officers that they interviewed for this position, it would range between \$40-65,000 and this position is to do zoning plus run the entire office and pick up other things such as the UEZ that was spoken of earlier. He noted that the Mayor and he have also been talking about more global duties to give this individual. Mr. Petronis summarized that basically the only real budget impact is the difference between a Zoning Officer's salary and this Director's salary. Mr. Vaz explained the importance of this position noting that this department has lacked a good Zoning Officer, and the customer service is horrendous. Mr. Petronis questioned that regarding a general reorganization of a town government, if the "big picture" has been presented to the public at this point and what is the total anticipated reorganization of their government that this is part of. Mr. Vaz explained there is a larger draft ordinance from which this was carved from since they needed to get someone in place. He noted that the larger ordinance involves a lot of clean up that wasn't done when the town changed to the Faulkner Act form of government, noting

that the key parts were adopted but other elements were not deleted that should have been. He relayed there is an intent to create a department of revenue collection which on paper that will include the Tax Collector's office, Solid Waste Collection, General Revenue Administration, Grants Receivable, etc. He noted that largely those are functions that everybody is already doing but they will then have one person, the Department Head, which is already an existing employee. Most of the larger reorganization is not bringing in new people or shuffling people around as much as to conforming in writing what they are already doing. Mr. Petronis questioned that since this is the office of Community Development how does that department and that office impact the ongoing Browns Mills Redevelopment project. Mr. Vaz expressed hope that the person they recommended which is a licensed Planner can be a part of the team but he will not supplement what they have already been doing with Ragan Design and what's going on in down town Browns Mills.

Bob Pelletier, Pemberton – **1.** Expressed that he likes that in regards to Ord. 4-2012 the stipends for particular individuals for functioning in various capacities and feels it's a good balance. **2.** Noted it's not a civil service job and commented on the possibilities something going on that the officials of the Township leaning on someone to carry something forward. He noted there would be sort of liaisons to certain Boards and asked if they would be attending meetings. Mr. Vaz relayed only when requested but not as a Planner as the Boards already have a Planner, but more so as a Zoning Officer. Mr. Pelletier expressed concern with that, in that the individual would be working out of that office. **3.** He questioned if the State has this type of job title in their list of job occupations. Mr. Vaz explained it's not a civil service title as it is an unclassified position but the ordinance was drafted from other towns that have a Department of Community Development. **4.** He questioned if RCA is still around, noting that a lot of money came into this Township and he would like to know where it went to. **5.** He questioned grant administration, noting that in this position it is a plus as he believes currently Mr. Vaz does the grant writing for the town. Mr. Vaz noted that it's shared by individuals, but this position will oversee this administratively.

There being no other members of the public wishing to comment on Ordinance No. 5-2012, President Cartier closed the meeting to public comments on said ordinance.

Mr. Prickett expressed that this position reminds him of the Safety Director that was proposed a number of years ago and noted that it states it serves the term of the office of the Mayor. He asked if there is advice and consent for this position at every Reorganization meeting. President Cartier clarified that it's just the one time. Mr. Prickett expressed that is a concern for him noting that Department Heads have positions and a number of these positions do not get tenure and can be eliminated if they are not doing their job which concerns him. He noted otherwise he believes the ordinance is very good, noting it addresses a lot the needs of this Township. President Cartier pointed out that it's the same situation as with the position of the Business Administrator. Discussion ensued regarding civil service positions and that this position is unclassified as the Director. Mr. Vaz noted that the Faulkner Act answers the Director part, but they are building within that person's duties the Zoning Officer position.

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

ORDINANCE NO. 6-2012 (Title read by Council President)

BOND ORDINANCE PROVIDING FOR THE RECONSTRUCTION OF THE DAM LOCATED ON BAYBERRY STREET, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,280,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$1,219,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Motion by Prickett and Stinney to adopt Ordinance No. 6-2012.

Council President Cartier opened the meeting to the public for comments on the ordinance. There being no members of the public wishing to comment on said ordinance he closed the meeting to the public comments on Ordinance No. 6-2012.

Mr. Prickett asked if it was known how much FEMA funds they are going to get to cover the project. He expressed understanding that the 1.28 million is only an estimate at this point.

Mrs. Willis confirmed that to be correct noting that they tried to give them the most conservative number to be on the safe said and at this point FEMA has not written their projects yet. She explained that FEMA writes out their projects first then they put in the dollar amount. She noted that's when their clock starts ticking to do the appeal process. She noted that time frame has not started yet as they have not received it yet and they have already started on the geotechnical contract and drilling starts Monday. It's the results of the geotechnical work that will allow them to know what real damage is out there.

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

OTHER RESOLUTIONS

RESOLUTION NO. 85-2012

A RESOLUTION CONSENTING TO THE APPOINTMENT OF DAVID BENEDETTI AS THE DIRECTOR OF COMMUNITY DEVELOPMENT FOR THE TOWNSHIP OF PEMBERTON

WHEREAS, IN ACCORDANCE WITH THE FAULKNER ACT, N.J.S.A. 40:69A-43(B), AND CHAPTER 3, SECTION 41 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), THE DEPARTMENT OF COMMUNITY DEVELOPMENT SHALL BE HEADED BY A DEPARTMENT DIRECTOR WHO IS APPOINTED BY THE MAYOR, WITH THE ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL, FOR A TERM TO RUN CONCURRENTLY WITH THE MAYOR'S TERM AND UNTIL THE APPOINTMENT AND QUALIFICATION OF THE DIRECTOR'S SUCCESSOR; AND

WHEREAS, IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW AND THE TOWNSHIP CODE, THE MAYOR OF THE TOWNSHIP OF PEMBERTON HAS APPOINTED DAVID BENEDETTI AS THE DIRECTOR OF COMMUNITY DEVELOPMENT; AND

WHEREAS, THE TOWNSHIP COUNCIL ALSO DESIRES TO WAIVE THE TOWNSHIP'S EMPLOYEE RESIDENCY REQUIREMENT IN ORDER TO ALLOW DAVID BENEDETTI TO SERVE AS THE DIRECTOR OF COMMUNITY DEVELOPMENT GIVEN THE QUALIFICATIONS AND EXPERIENCE OF MR. BENEDETTI; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES MR. BENEDETTI IS FULLY QUALIFIED TO HOLD THE POSITION OF DIRECTOR OF COMMUNITY DEVELOPMENT AND THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP OF PEMBERTON TO CONSENT TO THE APPOINTMENT OF MR. BENEDETTI AS THE DIRECTOR OF COMMUNITY DEVELOPMENT.

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 TOWNSHIP COUNCIL HEREBY CONSENTS TO THE APPOINTMENT OF DAVID BENEDETTI AS THE DIRECTOR OF COMMUNITY DEVELOPMENT FOR THE TOWNSHIP OF PEMBERTON FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF THE MAYOR, AND UNTIL THE APPOINTMENT AND QUALIFICATION OF HIS SUCCESSOR; AND

BE IT FURTHER RESOLVED THE TOWNSHIP OF PEMBERTON'S RESIDENCY REQUIREMENT IS HEREBY WAIVED AS APPLIED TO DAVID BENEDETTI; AND

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

- A. DAVID BENEDETTI
- B. CHRISTOPHER VAZ, TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Scull and Allen to adopt Resolution No. 85-2012 affirming the Mayor's appointment of David Benedetti as the Director of Community Development for Pemberton Township.

Mr. Prickett reiterated his concern that this position is with advice and consent and that the position that serves the length of time as the Mayor's term. Mrs. Scull agreed having the same concerns but thinks that this is an important job and there are some areas that have constantly received residents' complaints and she hopes this individual will be able to get that office up and running and more efficient for their residents. Mr. Prickett agreed and hopes their vision of this position comes to fruition, but he is going to vote no because he wants to make the point that he does not agree with advice and consent and with the position's term coinciding with the Mayor's term of office. Mrs. Scull asked if this is the same for all Directors. Mr. Bayer explained that yes, under the Faulkner Act there can be up to nine departments and the department heads are appointed by the Mayor subject to advice and consent from Council. He exampled that he as the attorney is the Director of the Law Department. Mrs. Scull expressed concern that it puts undue pressure on the directors. She commented that if they were called supervisors instead of director it would not matter because they are still doing the same job. Mr. Bayer noted that is the way the Faulkner Act works, although it's a little different here because when the Mayor first came in they have a lot of people that are department heads that act as directors but are not given that title, who have worked here a long time under civil service. Therefore, when the Mayor took office, at the Reorganization there were not a lot of department heads. President Cartier asked if Council has a role in removal of directors, to which he was told yes. He then asked if Council has a role in removing supervisors under civil service, to which he was told no. President Cartier

expressed that then this is more beneficial for Council to have a director's position. Mr. Bayer noted it gives them more power, in the removal of someone below a department head and under their ordinances they get disciplined under their contracts that are referred to them. But generally speaking discipline is handled by Administration. President Cartier relayed that if there is a problem with a specific individual and the Mayor refuses to remove that person, Council can act to remove that person. Mr. Bayer confirmed that Faulkner Act provides that process by a two thirds vote, to which Mr. Prickett noted that it takes 4 votes to remove a Business Administration. Mr. Prickett questioned the CFO, Tax Collector and Tax Assessor, noting they are department heads that he believes can be tenured. He asked that in that case the "serving of the Mayor" and the process of advice and consent would not apply to them. Mr. Bayer agreed that as Director they would. Mr. Prickett questioned that in that case they would revert to just the positions of CFO, Tax Collector and Tax Assessor to which he was told yes. Mr. Prickett asked if all the positions in the Township, noting the Water Supervisor would fall under this. Discussion ensued the various departments and how this would work and the Mayor noted there would be more of these resolutions in the future. Mr. Vaz pointed out that there are some positions statutorily such as the Clerk's Office and the Tax Assessor and technically these two positions are outside of formal department structure, to which Mr. Bayer affirmed that definitely the Clerk is. He noted they other ones in place such as Recreation and Senior Services and Department of Public Works. He summarized how he was drafting the ordinance to cover the various departments. Mrs. Scull expressed understanding the Attorney, Planner and Engineer serving the term of the Mayor by yearly appointments but has a problem if they tried to move for example their Public Works Director into that type of a situation, where the Mayor can just get rid of them if he wants to. The Mayor clarified that they couldn't get rid of them if they also held a civil service title. Discussion ensued regarding various scenarios that could or could not take place in these situations.

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

RESOLUTION NO. 86-2012

A RESOLUTION CONSENTING TO THE APPOINTMENT OF PAULA KOSKO AS THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND SENIOR SERVICES FOR THE TOWNSHIP OF PEMBERTON

WHEREAS, IN ACCORDANCE WITH THE FAULKNER ACT, N.J.S.A. 40:69A-43(B), AND CHAPTER 3, SECTION 34 OF THE TOWNSHIP CODE OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"), THE DEPARTMENT OF RECREATION AND SENIOR SERVICES SHALL BE HEADED BY A DEPARTMENT DIRECTOR WHO IS APPOINTED BY THE MAYOR, WITH THE ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL, FOR A TERM TO RUN CONCURRENTLY WITH THE MAYOR'S TERM AND UNTIL THE APPOINTMENT AND QUALIFICATION OF THE DIRECTOR'S SUCCESSOR; AND

WHEREAS, IN ACCORDANCE WITH THE REQUIREMENTS OF STATE LAW AND THE TOWNSHIP CODE, THE MAYOR OF THE TOWNSHIP OF PEMBERTON HAS APPOINTED PAULA KOSKO AS THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND SENIOR SERVICES; AND

WHEREAS, THE TOWNSHIP COUNCIL ALSO DESIRES TO WAIVE THE TOWNSHIP'S EMPLOYEE RESIDENCY REQUIREMENT IN ORDER TO ALLOW PAULA KOSKO TO SERVE AS THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND SENIOR SERVICES GIVEN THE QUALIFICATIONS AND EXPERIENCE OF MS. KOSKO; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES MS. KOSKO IS FULLY QUALIFIED TO HOLD THE POSITION OF DIRECTOR OF THE DEPARTMENT OF RECREATION AND SENIOR SERVICES AND THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP OF PEMBERTON TO CONSENT TO THE APPOINTMENT OF MS. KOSKO AS THE DIRECTOR.

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 TOWNSHIP COUNCIL HEREBY CONSENTS TO THE APPOINTMENT OF PAULA KOSKO AS THE DIRECTOR OF THE DEPARTMENT OF RECREATION AND SENIOR SERVICES FOR THE TOWNSHIP OF PEMBERTON FOR A TERM TO COINCIDE WITH THE TERM OF OFFICE OF THE MAYOR, AND UNTIL THE APPOINTMENT AND QUALIFICATION OF HIS SUCCESSOR; AND

BE IT FURTHER RESOLVED THE TOWNSHIP OF PEMBERTON'S RESIDENCY REQUIREMENT IS HEREBY WAIVED AS APPLIED TO MS. KOSKO; AND

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

- A. PAULA KOSKO
- B. CHRISTOPHER VAZ, TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Stinney and Scull to adopt Resolution No. 86-2012.

Mr. Prickett explained that he is going to vote similarly to his last vote because of the director status, and Faulkner situation, but not as a vote against Paula Redmond being Supervisor of Recreation and Senior Services.

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

NEW BUSINESS

Purchases over \$2,000.00:

- *1. Public Works Dept.: Removal of abandoned 1500 gallon underground storage tank located near the curb of the fuel facility area, by Mac-Rose Environmental, in the amount of \$7,200.00.

Motion by Prickett and Scull to approve the expenditure of \$7,200.00 to remove the 1500 gallon underground storage tank.

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

- *2. Public Works Dept.: Flooring, noise and moisture reducing barrier underlayment and floor trim, from Diamond M. Lumber, in the amount of \$10,899.50 from Capital Improvement Budget.

Mrs. Scull asked where this flooring is for to which she was told it was for the BMIA. She asked how much are they at of the \$125,000; how much total has been spent. The Mayor noted that the balance is \$66,666.76. Mr. Prickett asked if they have the man hours spent on this project and asked Administration if they could get that information. Mr. Prickett expressed concern that the proposed flooring is similar to the one in this meeting room and feels that it is too noisy and there should be a different material. Mr. Allen asked what type of flooring was down before. The Mayor explained its currently vinyl tile and their concern is that to replace that tile they would have to lift it which would require asbestos removal which costs would be more than putting in this type of flooring that is proposed. Mr. Prickett suggested rug could be put in their however discussion ensued that with all the functions held there it would wear out quicker, maintenance would be more and concerns were expressed regarding the cause of allergies.

Motion by Scull and Stinney to approve the purchase of the flooring as requested, from Diamond Lumber in the amount of \$10,899.50 from the Capital Improvement budget, out of the 2010 budget. Scull, yes; Stinney, yes; Allen, yes; Prickett, no; Cartier, yes. Motion carried.

Mrs. Scull announced that she went through the agenda and in regards to the bill list, she is not certain how she missed it, she needs to abstain on page 11, #2-0555500-000-320. She stated that she is changing her original vote to include an abstention on this one bill.

Council President recessed the meeting for a short break at approximately 8:08 p.m. and reconvened the meeting at approximately 8:18 p.m.

General Public Comments

Council President Cartier opened the meeting to the public for general comments.

Bob Pelletier, Pemberton – 1. Noted having received a flyer about the Clean Communities event this Saturday and feels it's great since there is so much trash that ends up everywhere and hopes the program continues and the find the money in the budget to continue it, perhaps a couple times a year. The Mayor clarified that that the program is paid through Clean Communities funds. 2. Expressed concern over the bond ordinance for the dam being 40 years and questioned if that was usual. President Cartier noted yes for a Capital Improvement. Mrs. Willis expressed that the lifetime of the dam to be in that vicinity of 40 years. He questioned if it would not be hard to sell on the financial markets. President Cartier explained that they are anticipating not having the bond for that entire time because they are hoping to most of that back from the federal government. Mr. Pelletier noted that Mr. Prickett had stated that 75% of that would be FEMA monies and he then questioned if any of that would be state money and whether the state controls the water ways or does the Township own the water within its confines. Mrs. Willis explained that the Township doesn't own the water way, but rather the dam structure. She noted that when speaking about state money, the FEMA money is distributed through the state, so there is not any additional state funds. She advised that they have brought it to the attention of the federal government that this dam in particular receives flow from the federal lands but that request for additional funding has not gone very far. She added that the office of Emergency

Management in Pemberton and Burlington County have all gone to federal government to discuss that issue. Mr. Pelletier asked if a request would go to the Congressmen and if so from whom. Mrs. Willis noted that they have sent letters to the Congressmen and the Assemblymen as well. Mr. Prickett added for clarification to Mr. Pelletier that they are not looking to borrow 1.28 million dollars; that's the max, and the money that would be borrowed ahead of time would be in anticipation notes and then get reimbursed for those notes and whatever the Township share would be, that's what the bond would be. The Mayor clarified that the bonding would not be for 40 years, but the useful life for the project, the dam is what is considered to last 40 years. They will establish the length of the bond when they sell the bond. **3.** Advised that he noticed in today's paper the budget summary for the Township. He noted there is a line item that reflects the total number of employees and that some of the towns list their employs and questioned why that number is omitted in Pemberton Township's notices and if there is a requirement to publish how many employees they have. The Mayor is not sure what is in the paper but explained that the supporting documents are submitted to Council, along as on-line for the public and they have a list of all their titled positions. Discussion ensued on how the information was presented in previous years compared to how it was reflected this year, but every position has been listed in the budget.

There being no other members of the public wishing to speak, President Cartier closed the meeting to the public for general public comments.

Solicitor's report

Mr. Bayer noted he had nothing to report for the public but he did note that his prior associate left the firm and he introduced Jaelyn Baker that's here tonight to both Council and the public. Mr. Prickett noted that in regards to the budget summary that is published, he assumed that the State has requirements as to what has to be contained in the summary advertisement, so they may have the requirement to have the number of employees. Mr. Bayer offered to review the statute and check with the Auditor to make sure it is being met. He assured they have a fine Auditor and would know. Mr. Prickett noted he is just concerned because it may be part of the "Best Practices" which has done some really good things for getting information for the public to review.

Engineer's report

Mrs. Willis reported **1.** Reiterated that the work at Bayberry is going to start this Monday. She noted there is a meeting out there tomorrow to discuss with Public Works and the contractor access and make sure the permits are on line before the work is started. **2.** They received bids this week for the 2011 Road Program and they are working with the Finance and Administration office to determine what funds are available so they can decide how much can be awarded, noting there may be some older ordinances that they can use any left over funds to maximize the amount of roads they can get done this year. **3.** In regards to the Scrapetown Road (the donated parcel) their office is finalizing the report on that. Mr. Prickett asked if they are on schedule with their roads as they have for previous years. Mrs. Willis noted they are a little behind. She explained they decided to award the project later in the year so they can start in the spring and they don't have to stop the project during the winter months. Once these are awarded their office will be putting together the 2012 recommendation of what roads need to be on the next program. **4.** Noted that Country Lakes Dams are being designed and they have already met with the Pinelands and the structural engineer is underway with his part of the design. They are getting to the point where the remainder of their proposal they will need to ask Council to authorize. They started the permitting meetings, the hydraulic analysis, the survey has been completed, base plans are done. They have 14 phases total and they have been authorized up to phase 9.

Planner's report

Mr. Ragan reported: **1.** That the project they are looking forward to moving ahead is the dialysis center. They have spoken to their engineer and they are moving forward with their design and are getting ready to submit that to the Pinelands for a certificate of filing. Upon completion of that they will see it at the Planning Board. Mr. Prickett noted that Mr. McCabe had brought up having gone to one of the Joint Base Meetings in regards to the talk of closing

Cookstown Road. He asked if he has heard anything more about that or about any other roads opening or closing. Mr. Ragan relayed they have not updated that traffic study since Owen attended that original presentation along with him and the Mayor. He advised that he will report back to them accordingly. He noted they are still talking about bringing the road from New Hanover back down near Range Road and coming into Trenton Road and the other option is taking the road around towards Pointview and up to 68. Mrs. Scull expressed that it would be devastating if they closed down Juliustown Road.

Mayor's report

The Mayor reported: **1.** Imagination Kingdom was closed today to allow for some maintenance in preparation of summer. **2.** Attended the National Elementary School Society at the High School and believes they inducted 69 students into the society and it was a proud achievement. **3.** Announced that the Veterans Advisory Committee are selling bricks for the Memorial Park and are looking to put a walk way from the new Memorial to the existing walk way and outline it with engraved bricks. Mr. Prickett noted having seen Public Works at Imagination Kingdom and questioned if they typically have someone over there after hours to monitor the park or are they there on a special project. The Mayor explained they were monitoring the new safety surface work that was repaired today. Mrs. Stinney asked what is causing the damage and discussion ensued regarding the types of shoes that the patrons are using there. **4.** He announced the new employee in the front office D'queda Owens. Mrs. Scull asked if bids for uniforms have gone out yet. The Mayor relayed that the bid has been finished but has not gone out yet. Mrs. Scull asked about the towing ordinance status, to which he said he will check into them. She then noted that she would like to pick up a list similar to what was in the budget previously so that she can compare the salaries from this and last year. Mr. Allen asked about uniform cleaning service bid status. Mrs. Scull explained that was what she had asked about. Mr. Prickett then asked Mr. Vaz that during the budget hearing when the CFO was present they had talked about the health insurance with a number of lines that were pretty big, noting it was approximately a half million dollars which was administration and it was explained that it was the stop loss policy. Mr. Prickett reminded that he was supposed to get information regarding documents reflecting how they base the cost of that insurance policy and administration. He noted having not received it yet and just wanted to reiterate his request. Mr. Vaz noted the information should be in the report he passed out to them tonight.

Council Members' Comments

Sherry Scull: **1.** Commented on visiting Imagination Kingdom with her family and was great to hear the positive comments from the residents. **2.** Pointed out that MUA has a huge break on Lakehurst Road and advised that it will be very expensive. **3.** Relayed her disturbance at receiving a copy of a law suit that was filed against the Historic Trust and realized that she is also named since it's also suing the Trustees and expressed how disheartening it is to be sued by her own Township and is disappointed they are spending tax payers' money on litigation. She commented that it has made her think that maybe they should go back to the "October" resolution and vote to restore the Trust lease and let anybody else go to court to challenge the Council for having done so.

Diane Stinney: **1.** Expressed confusion as she thought this matter with the Trust is done. Mr. Bayer explained that the Trust refused to sign the agreement. Discussion ensued regarding Mr. Hardt being in the hospital and who could sign the agreement. Mr. Prickett noted that Council has not had the opportunity to discuss the case and asked if they could get a copy. **2.** Mrs. Stinney expressed hope to see everyone at the Senior Prom next week.

Richard Prickett: **1.** In regards to litigation and the legal costs he feels that as long as the Council is appropriating the money for legal they have responsibility on how the money is spent. He suggested that if they want to have a say in this they need to control how much is in that appropriation and does not feel it's too late to do that as the budget has not been adopted yet. **2.** Noted how beautiful the weather is and hopes to see some of them at the Pinelands short course at the Burlington County College this Saturday. He advised that he will be there and also at Whitesbogs playing a part as Charles Beckwith who was a scientist that lived in the Borough and did a lot of writing and studying of cranberry and blueberry diseases. He then wished everyone a good night.

Jason Allen: **1.** Thanked everyone for coming out tonight and looks forward to seeing everyone

at the next meeting.

Kenneth Cartier: 1. Thanked everyone for coming out and have a safe trip home. 2. Announced that Council will be going back into closed session, noting that there may be formal action after if necessary.

Council President Cartier then recessed the open meeting at approximately 8:45 PM to go into closed session and reconvened the open meeting at approximately 9:28 PM.

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

Mr. Cartier advised that there was no formal action necessary pursuant to closed session.

The meeting was adjourned at approximately 9:29 p.m.

Respectfully submitted by,

MARYANN FINLAY, MMC, TOWNSHIP CLERK