

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
APRIL 18, 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

ABSENT

Diane Stinney

Also present: Mayor David Patriarca, 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. 98 -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:
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 Allen to approve Resolution No. 98-2012. Prickett, yes; Allen, yes; Scull, yes; Cartier, yes. Motion carried.

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

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

President Cartier advised the public that no formal action was 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 the public for comments on the Consent Agenda items. There being no members of the public indicating a desire to comment on the consent agenda, he closed the meeting to public comments.

Mrs. Scull requested to pull Resolution No. 108-2012 from the consent agenda.

CONSENT AGENDA ITEMS

MINUTES FILED BY MUNICIPAL CLERK

Regular Meeting, April 4, 2012; Regular Meeting, April 18, 2012

CONSENT AGENDA RESOLUTIONS

RESOLUTION NO. 99-2012

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

1. D'QUEDA OWENS BE APPOINTED DEPUTY REGISTRAR TO FILL AN UNEXPIRED TERM TO EXPIRE ON DECEMBER 31, 2012.
2. MICHELE BROWN BE APPOINTED ALTERNATE DEPUTY REGISTRAR TO FILL AN UNEXPIRED TERM TO EXPIRE ON DECEMBER 31, 2012.

RESOLUTION NO. 100-2012

WHEREAS, IN ACCORDANCE WITH THE PROVISIONS OF THE SOLID WASTE MANAGEMENT ACT, N.J.S.A. 13:1E-1 ET SEQ., THE COUNTY OF BURLINGTON (THE "COUNTY") HAS DEVELOPED, IMPLEMENTED AND FINANCED A SOLID WASTE MANAGEMENT SYSTEM (THE "SYSTEM"), CONSISTING OF A NUMBER OF FACILITIES FOR THE DISPOSAL OR RECYCLING OF SOLID WASTE GENERATED WITHIN THE GEOGRAPHIC BOUNDARIES OF THE COUNTY, PURSUANT TO THE BURLINGTON COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN; AND

WHEREAS, THE COUNTY HAS DETERMINED TO PROVIDE FOR THE USE BY THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") OF THE SYSTEM THROUGH THE DISPOSAL OR PROCESSING OF SOLID WASTE, RECYCLABLES AND HOUSEHOLD SMALL QUANTITY GENERATOR HAZARDOUS WASTE COLLECTED BY OR ON BEHALF OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP WISHES TO PARTICIPATE IN AND UTILIZE THE SYSTEM FOR A TERM COMMENCING JANUARY 1, 2012 THROUGH DECEMBER 31, 2016;

WHEREAS, THE COUNTY AND THE TOWNSHIP WISH TO ENTER INTO AN AGREEMENT ESTABLISHING THE TERMS AND CONDITIONS UNDER WHICH THE COUNTY WILL PROVIDE THESE SERVICES TO THE TOWNSHIP, AND THE TOWNSHIP WILL DELIVER SOLID WASTE, RECYCLABLES AND HOUSEHOLD AND SMALL-QUANTITY GENERATOR HAZARDOUS WASTE ORIGINATING WITHIN ITS GEOGRAPHIC BOUNDARIES THAT IS COLLECTED BY THE TOWNSHIP, OR ON ITS BEHALF TO THE SYSTEM FOR PROCESSING AND/ OR DISPOSAL; AND

WHEREAS, N.J.S.A 40A:65-1 ET SEQ. AUTHORIZES A COUNTY AND MUNICIPALITY TO ENTER INTO CONTRACTS FOR THE JOINT PROVISION OF ANY SERVICE WHICH ANY PARTY TO THE AGREEMENT IS EMPOWERED TO RENDER WITHIN ITS OWN JURISDICTION; AND

WHEREAS, THE TOWNSHIP BELIEVES THAT THIS AGREEMENT WILL BE BENEFICIAL TO THE TOWNSHIP AND ECONOMICALLY SOUND.

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 MAYOR IS HEREBY AUTHORIZED TO EXECUTE AN AGREEMENT WITH THE COUNTY OF BURLINGTON, IN A FORM LEGALLY ACCEPTABLE BY THE TOWNSHIP SOLICITOR, WHEREBY THE COUNTY WILL PROVIDE THE TOWNSHIP WITH A SYSTEM FOR DISPOSAL AND MANAGEMENT OF SOLID WASTE FOR A TERM COMMENCING JANUARY 1, 2012 THROUGH DECEMBER 31, 2016.

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

- A. JEROME SHEEHAN, BURLINGTON COUNTY DEPT. OF SOLID WASTE
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

RESOLUTION NO. 101-2012

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 2012 IN THE SUM OF \$213,700.00., WHICH IS NOW AVAILABLE FROM THE 2012 NJDOT MUNICIPAL AID AWARD – TENSAR DRIVE IN THE AMOUNT OF \$213,700.00.

BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$213,700.00 IS HEREBY APPROPRIATED UNDER THE CAPTION 2012 NJDOT MUNICIPAL AID AWARD-TENSAR DRIVE.

BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$213,700.00.

RESOLUTION NO. 102-2012

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND/OR HOME IMPROVEMENTS PROJECTS, THAT A TREASURER'S ESCROW SUB-ACCOUNT AND DEVELOPER'S ESCROW ACCOUNTS BE ESTABLISHED; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB-ACCOUNTS AND DEVELOPER ACCOUNTS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE TREASURER'S ESCROW SUB-ACCOUNTS AND DEVELOPER ACCOUNTS:

ACCOUNT NUMBER	NAME	BLOCK/LOT	AMOUNT
DEVELOPERS ESCROWS			
E-26-56-286-001-242	CROWN DEVELOPMENT	775/19	\$ 1,069.94
E-26-56-286-001-241	SUN NATIONAL BANK	406/25-27.01	\$ 9,043.55
	TOTAL		\$ 10,113.49

RESOLUTION NO. 103-2012
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 208 LOT 30, 103 LILAC ST. OWNED BY GIBBS & JEANETT CARTER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MARCH 13, 2012; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 208 LOT 30 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO MARCH 12, 2012 ARE \$568.08; AND
WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$ 1420.08 OF WHICH ALL HAVE BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$852.00 AND ISSUE A REFUND OF \$852.00 FOR OVERPAYMENT OF 1ST 1/2 2012.
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MARCH 13, 2012.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 208 LOT 30 AS OF MARCH 13, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$852.00 TO GIBBS & JEANETT CARTER 103 LILAC ST., BROWNS MILLS, NJ 08015

RESOLUTION NO. 104-2012
WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND
WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 395 LOT 38, 125 CLUBHOUSE RD.. OWNED BY EDWARD & ANNELI GOAT QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MARCH 15, 2012; AND
WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND
WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 395 LOT 38 AS A RESULT OF THE GRANTED EXEMPTION; AND
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2012 TO MARCH 14, 2012 ARE \$765.16; AND
WHEREAS, TOTAL TAX FOR FIRST HALF OF 2012 - \$ 1859.80 OF WHICH 929.90 HAVE BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2012 TAXES IN THE AMOUNT OF \$929.90 AND ISSUE A REFUND OF \$164.74 FOR OVERPAYMENT OF 1ST ¼ 2012.
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MARCH 15, 2012.
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2012 PROPERTY TAXES ON BLOCK 395 LOT 38 AS OF MARCH 15, 2012, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$164.74 TO EDWARD & ANNELI GOAT, 125 CLUBHOUSE RD., BROWNS MILLS, NJ 08015

RESOLUTION NO. 105-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING CHANGE ORDER #1 IN THE DECREASED AMOUNT OF \$167,037.27 TO AMERICAN ASPHALT COMPANY, INC., FOR THE 2010 PEMBERTON ROAD PROGRAM CONTRACTS 1 & 2

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AWARDED A CONTRACT TO AMERICAN ASPHALT COMPANY, INC. (THE "CONTRACTOR") FOR ROADWAY RESURFACING AND SELECT DRAINAGE IMPROVEMENTS IN VARIOUS LOCATIONS OF THE TOWNSHIP IN THE AMOUNT OF \$840,326.65 (THE "PROJECT"); AND

WHEREAS, THE CONTRACTOR HAS PROVIDED A REDUCTION IN THE AMOUNT OF \$167,037.27 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 #1.

NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE CHANGE ORDER #1 IN THE REDUCTION OF \$167,037.27, FOR THE 2010 PEMBERTON ROAD PROGRAM CONTRACTS 1 & 2 THEREBY DECREASING THE TOTAL PROJECT COST TO DATE FROM \$840,326.65 TO \$673,289.38; AND

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

- A. AMERICAN ASPHALT COMPANY, INC.
- B. TOWNSHIP ENGINEER
- C. TOWNSHIP CFO

- D. TOWNSHIP ADMINISTRATOR
- E. GLUCKWALRATH LLP
- F.

RESOLUTION NO. 106-2012

WHEREAS, THERE EXISTS A NEED BY THE TOWNSHIP OF PEMBERTON FOR THE SERVICES OF SPECIAL COUNSEL TO PROVIDE VARIOUS LEGAL SERVICES INCLUDING CONFLICT ATTORNEYS, SPECIAL LITIGATION COUNSEL, WORKERS COMPENSATION COUNSEL, LABOR COUNSEL, TAX APPEALS COUNSEL, TAX FORECLOSURE/BANKRUPTCY COUNSEL, AND BOND COUNSEL, FOR THE YEAR 2012; AND

WHEREAS, BY RESOLUTION NO. 22-2012 THE TOWNSHIP APPOINTED VARIOUS ATTORNEYS TO A SPECIAL COUNSEL POOL TO PERFORM VARIOUS LEGAL SERVICES; AND

WHEREAS, JOHN WISNIEWSKI, ESQ., SUBMITTED AN RFP TO BE CONSIDERED FOR THE SPECIAL COUNSEL POOL; AND

WHEREAS, THE LAW OFFICE OF JOHN WISNIEWSKI, ESQ., IS CURRENTLY WORKING ON A TAX APPEAL CASE (INVOLVING LANXES/SYBRON) AND HE IS NEEDED TO BE ADDED TO THIS YEAR'S SPECIAL COUNSEL POOL IN ORDER TO COMPLETE THE CASE; AND

WHEREAS, IT HAS BEEN CERTIFIED BY THE CHIEF FINANCIAL OFFICER OF PEMBERTON TOWNSHIP THAT FUNDS ARE AVAILABLE FOR THESE SERVICES IN THE AMOUNT AND ACCOUNT NUMBER AS STIPULATED IN THE ATTACHED CERTIFICATION OF FUNDS; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11 ET SEQ.) REQUIRES THAT THE RESOLUTION AUTHORIZING THE AWARD OF CONTRACTS FOR SUCH SERVICES WITHOUT COMPETITIVE BIDS AND THE CONTRACT ITSELF BE AVAILABLE FOR PUBLIC INSPECTION; AND

WHEREAS, THE MAYOR HAS RECOMMENDED TO THE GOVERNING BODY THE APPOINTMENT OF JOHN WISNIEWSKI, ESQ., FOR THE SPECIFIC TAX APPEAL MENTIONED HEREIN, COMMENCING ON JANUARY 1, 2012 AND TERMINATING ON DECEMBER 31, 2012 OR UNTIL SUCH TIME AS THE APPOINTEE'S SUCCESSOR IS APPOINTED AND QUALIFIED, WHICHEVER LATER OCCURS;

BE IT FURTHER RESOLVED BY THE GOVERNING BODY, AS FOLLOWS:

1. THE MAYOR AND CLERK ARE HEREIN AUTHORIZED TO EXECUTE AN AGREEMENT WITH JOHN WISNIEWSKI, ESQ.. THIS CONTRACT IS AWARDED IN ACCORDANCE WITH N.J.S.A. 19:44A-20.5 ET. SEQ., THROUGH THE FAIR AND OPEN PROCESS AND IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW.

RESOLUTION NO. 107-2012

WHEREAS, IT IS THE POLICY OF PEMBERTON TOWNSHIP TO TREAT THE PUBLIC, EMPLOYEES, PROSPECTIVE EMPLOYEES, APPOINTEES, VOLUNTEERS, AND CONTRACTORS IN A MANNER CONSISTENT WITH ALL APPLICABLE CIVIL RIGHTS LAWS AND REGULATIONS INCLUDING, BUT NOT LIMITED TO THE FEDERAL CIVIL RIGHTS ACT OF 1964 AS SUBSEQUENTLY AMENDED, THE NEW JERSEY LAW AGAINST DISCRIMINATION, THE AMERICANS WITH DISABILITIES ACT AND THE CONSCIENTIOUS EMPLOYEE PROTECTION ACT, AND;

WHEREAS, THE GOVERNING BODY OF PEMBERTON TOWNSHIP HAS DETERMINED THAT CERTAIN PROCEDURES NEED TO BE ESTABLISHED TO ACCOMPLISH THIS POLICY;

NOW, THEREFORE BE IT ADOPTED BY THE PEMBERTON TOWNSHIP COUNCIL THAT:

SECTION 1: NO OFFICIAL, EMPLOYEE, APPOINTEE OR VOLUNTEER OF THE MUNICIPALITY BY WHAT EVER TITLE KNOWN, OR ANY ENTITY THAT IS IN ANY WAY PART OF THE MUNICIPALITY SHALL ENGAGE, EITHER DIRECTLY OR INDIRECTLY IN ANY ACT INCLUDING THE FAILURE TO ACT THAT CONSTITUTES DISCRIMINATION, HARASSMENT OR A VIOLATION OF ANY PERSON'S CONSTITUTIONAL RIGHTS WHILE SUCH OFFICIAL, EMPLOYEE, APPOINTEE VOLUNTEER, OR ENTITY IS ENGAGED IN OR ACTING ON BEHALF OF THE MUNICIPALITY'S BUSINESS OR USING THE FACILITIES OR PROPERTY OF THE MUNICIPALITY.

SECTION 2: THE PROHIBITIONS AND REQUIREMENTS OF THIS RESOLUTION SHALL EXTEND TO ANY PERSON OR ENTITY, INCLUDING BUT NOT LIMITED TO ANY VOLUNTEER ORGANIZATION OR INTER-LOCAL ORGANIZATION, WHETHER STRUCTURED AS A GOVERNMENTAL ENTITY OR A PRIVATE ENTITY, THAT RECEIVES AUTHORIZATION OR SUPPORT IN ANY WAY FROM THE MUNICIPALITY TO PROVIDE SERVICES THAT OTHERWISE COULD BE PERFORMED BY THE MUNICIPALITY.

SECTION 3: DISCRIMINATION, HARASSMENT AND CIVIL RIGHTS SHALL BE DEFINED FOR PURPOSES OF THIS RESOLUTION USING THE LATEST DEFINITIONS CONTAINED IN THE APPLICABLE FEDERAL AND STATE LAWS CONCERNING DISCRIMINATION, HARASSMENT AND CIVIL RIGHTS.

SECTION 4: THE MAYOR SHALL ESTABLISH WRITTEN PROCEDURES FOR ANY PERSON TO REPORT ALLEGED DISCRIMINATION, HARASSMENT AND VIOLATIONS OF CIVIL RIGHTS PROHIBITED BY THIS RESOLUTION. SUCH PROCEDURES SHALL INCLUDE ALTERNATE WAYS TO REPORT A COMPLAINT SO THAT THE PERSON MAKING THE COMPLAINT NEED NOT COMMUNICATE WITH THE ALLEGED VIOLATOR IN THE EVENT THE ALLEGED VIOLATOR WOULD BE THE NORMAL CONTACT FOR SUCH COMPLAINTS.

SECTION 5: NO PERSON SHALL RETALIATE AGAINST ANY PERSON WHO REPORTS ANY ALLEGED DISCRIMINATION, HARASSMENT OR VIOLATIONS OF CIVIL RIGHTS, PROVIDED HOWEVER, THAT ANY PERSON WHO REPORTS ALLEGED VIOLATIONS IN BAD FAITH SHALL BE SUBJECT TO APPROPRIATE DISCIPLINE.

SECTION 6: THE MAYOR SHALL ESTABLISH WRITTEN PROCEDURES THAT REQUIRE ALL OFFICIALS, EMPLOYEES, APPOINTEES AND VOLUNTEERS OF THE MUNICIPALITY AS WELL AS ALL OTHER ENTITIES SUBJECT TO THIS RESOLUTION TO PERIODICALLY COMPLETE TRAINING CONCERNING THEIR DUTIES, RESPONSIBILITIES AND RIGHTS PURSUANT TO THIS RESOLUTION.

SECTION 7: THE MAYOR SHALL ESTABLISH A SYSTEM TO MONITOR COMPLIANCE AND SHALL REPORT AT LEAST ANNUALLY TO THE GOVERNING BODY THE RESULTS OF THE MONITORING.

SECTION 8: AT LEAST ANNUALLY, THE MAYOR SHALL CAUSE A SUMMARY OF THIS RESOLUTION AND THE PROCEDURES ESTABLISHED PURSUANT TO THIS RESOLUTION TO BE COMMUNICATED WITHIN THE MUNICIPALITY. THIS COMMUNICATION SHALL INCLUDE A STATEMENT FROM THE GOVERNING BODY EXPRESSING ITS UNEQUIVOCAL COMMITMENT TO ENFORCE THIS RESOLUTION. THIS SUMMARY SHALL ALSO BE POSTED ON THE MUNICIPALITY'S WEB SITE.

SECTION 9: THIS RESOLUTION SHALL TAKE EFFECT IMMEDIATELY.

SECTION 10: A COPY OF THIS RESOLUTION SHALL BE PUBLISHED IN THE OFFICIAL NEWSPAPER OF THE MUNICIPALITY IN ORDER FOR THE PUBLIC TO BE MADE AWARE OF THIS POLICY AND THE MUNICIPALITY'S COMMITMENT TO THE IMPLEMENTATION AND ENFORCEMENT OF THIS POLICY.

RESOLUTION NO. 109 -2012

WHEREAS, PEMBERTON TOWNSHIP HAS AUTHORIZED BENEFICIAL BANK AS AN AUTHORIZED BANK FOR DEPOSIT OF PUBLIC FUNDS;

WHEREAS, IT IS NECESSARY TO PROVIDE FOR ELECTRONIC TRANSFERS OF PUBLIC FUNDS IN ORDER TO CONDUCT DAILY OPERATIONS OF THE TOWNSHIP;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO SIGN AN ACH ORIGINATION AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND BENEFICIAL BANK.

RESOLUTION NO. 110-2012

WHEREAS, THE TOWNSHIP OF PEMBERTON WISHES TO APPLY FOR A PROJECT UNDER THE SAFE AND SECURE COMMUNITIES PROGRAM, AND

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL HAS REVIEWED THE APPLICATION AND HAS APPROVED SAID REQUEST, AND

WHEREAS, THE PROJECT IS A JOINT EFFORT BETWEEN THE DEPARTMENT OF LAW AND PUBLIC SAFETY AND THE TOWNSHIP OF PEMBERTON, FOR THE PURPOSE DESCRIBED IN THE APPLICATION;

THEREFORE, BE IT RESOLVED BY THE PEMBERTON TOWNSHIP COUNCIL THAT

1. AS A MATTER OF PUBLIC POLICY THE TOWNSHIP OF PEMBERTON WISHES TO PARTICIPATE TO THE FULLEST EXTENT POSSIBLE WITH THE DEPARTMENT OF LAW AND PUBLIC SAFETY.
2. THE ATTORNEY GENERAL OF NEW JERSEY WILL RECEIVE FUNDS ON BEHALF OF THE APPLICANT.
3. THE DIVISION OF CRIMINAL JUSTICE SHALL BE RESPONSIBLE FOR THE RECEIPT AND REVIEW OF THE APPLICATIONS FOR SAID FUNDS.
4. THE DIVISION OF CRIMINAL JUSTICE SHALL INITIATE ALLOCATIONS TO THE APPLICANT AS AUTHORIZED BY LAW.

NEW BUSINESS

Purchases over \$2,000.00:

- *1. Recreation Dept.: Purchase of geese maintenance program through Geese Chasers LLC, in the amount of \$3,887.00.
- *2. Public Works: Purchase of striping services through Traffic Lines, Inc., in the amount of \$12,000.00

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 4/13/12.

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

RESOLUTION NO. 108-2012 (PULLED OFF CONSENT AGENDA EARLIER)

RESOLUTION NO. 108-2012

WHEREAS, THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT, P.L. 1987, C.102, HAS ESTABLISHED A RECYCLING FUND FROM WHICH TONNAGE GRANT MAY BE MADE TO MUNICIPALITIES IN ORDER TO ENCOURAGE LOCAL SOURCE SEPARATION AND RECYCLING PROGRAMS; AND

WHEREAS, IT IS THE INTENT AND THE SPIRIT OF THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT TO USE THE TONNAGE GRANTS TO DEVELOP NEW MUNICIPAL RECYCLING PROGRAMS AND TO CONTINUE AND TO EXPAND EXISTING PROGRAMS; AND

WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROMULGATED RECYCLING REGULATIONS TO IMPLEMENT THE MANDATORY SOURCE SEPARATION AND RECYCLING ACT; AND

WHEREAS, THE RECYCLING REGULATIONS IMPOSE ON MUNICIPALITIES CERTAIN REQUIREMENTS AS A CONDITION FOR APPLYING FOR TONNAGE GRANTS, INCLUDING BUT NOT LIMITED TO, MAKING AND KEEPING ACCURATE, VERIFIABLE RECORDS OF MATERIALS COLLECTED AND CLAIMED BY THE MUNICIPALITY; AND

WHEREAS, A RESOLUTION AUTHORIZING THIS MUNICIPALITY TO APPLY FOR THE 2011 RECYCLING TONNAGE GRANT WILL MEMORIALIZE THE COMMITMENT OF THIS MUNICIPALITY TO RECYCLING AND TO INDICATE THE ASSENT OF THE TOWNSHIP OF PEMBERTON TO THE EFFORTS UNDERTAKEN BY THE MUNICIPALITY AND THE REQUIREMENTS CONTAINED IN THE RECYCLING ACT AND RECYCLING REGULATIONS; AND

WHEREAS, SUCH RESOLUTION ACKNOWLEDGES DONNA MCBREEN IS A CERTIFIED RECYCLING PROFESSIONAL TO ENSURE THE APPLICATION IS PROPERLY COMPLETED AND TIMELY FILED.

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY ENDORSES THE SUBMISSION OF THE RECYCLING TONNAGE GRANT APPLICATION TO THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION AND DESIGNATES DONNA MCBREEN AS THE RECYCLING COORDINATOR TO ENSURE THAT THE APPLICATION IS PROPERLY FILED; AND

BE IT FURTHER RESOLVED THAT THE MONIES RECEIVED FROM THE RECYCLING TONNAGE GRANT BE DEPOSITED IN A DEDICATED RECYCLING TRUST FUND TO BE USED SOLELY FOR THE PURPOSES OF RECYCLING.

Motion by Scull and Prickett to approve Resolution No. 108-2012. Scull, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION (Title Read by Council President)

ORDINANCE NO. 7-2012

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING A SPECIAL EMERGENCY APPROPRIATION OF \$115,000.00 FOR THE PURPOSE OF FUNDING THE PREPARATION OF AN APPROVED TAX MAP OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, NEW JERSEY

Motion by Allen and Scull to introduce Ordinance No. 7-2012 with a public hearing to be held on May 2, 2012.

Mr. Prickett commented in regards to surplus noting that according to the budget there is no money left in the 2011 and surplus has significantly decreased. He

reiterated that he needed to know the amount.

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

General Public Comments

George Petronis, Browns Mills – **1.** Questioned the background of the ordinance and the need for it. President Cartier explained that the County is pushing the Township for a re-assessment and in order to do this they need to update their maps. Ms. Willis advised that they are currently in phase 3 of 5. **2.** He noted that recently a Council member brought up the towing ordinance awhile back and he remembered being concerned then for the motorists as there was no protection for the motorists. The Mayor will look into it and get back on the table. and asked where they are with this. Mr. Petronis expressed that those with their own means of towing such as with AAA or other means should be able to use their own service.

Karen Bryant, Presidential Lakes – **1.** Noted having heard of plans to close the PL firehouse. President Cartier advised that things being said is just hear say. Mayor Patriarca confirmed that Administration has no plans to close. He acknowledged that he has been hearing the rumors too, but they are just rumors and the Township has been supporting the fire company. She said that she had heard this from two Township Public Works employees to which the Mayor asked if she could let him know who they were, he would deal with them.

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

Solicitor's report

Mr. Bayer noted that he had nothing else to report tonight.

Engineer's report

Ms. Willis reported: **1.** That bids were received yesterday for Lemmon Ave. Phase III, for the DOT funding, that will be on next Council meeting with our recommendation of award. She expressed appreciation to Council for adding the funds for Tensaw so they are able to continue with the Road Program and finish out everything they had on the 2011 Road Program. **2.** She reported they should be hearing something shortly from the Geotechnical consultant and their office is already under way with the H & H Study. They have already completed a “sunny day” failure with the dam with the H & H analysis and once they get the stability analysis from the Geotechnical Engineer then they will be able to do the 100 year break test. President Cartier asked if they have heard anything from FEMA. She noted that at this point they received one report back with the project which is the project she believes wherein they put a zero value in approximately two Fridays ago. She noted they are fourteen days into their sixty day appeal. She relayed they still don’t feel they will have any problem making the sixty day appeal especially since FEMA was late in issuing the reports which gave them more time. She noted that their surveyors have been down there taking cross sections through the lakes as well as getting information at Hanover and Mirror Lake. She explained that as they do the H & H analysis they will see if a break at Bayberry, how it affects

Hanover and Mirror Lake Dam. They are not just looking at Bayberry but rather at all three because they are hoping to keep this as a Class III Dam which their preliminary analysis shows that this can be a Class III.

Planner's report

Mr. Ragan reported: **1.** They are meeting with Engineers to discuss a Dollar General at North Pemberton Road and Ft. Dix Road, north of Pemberton Borough in the old used car lot which was on that corner. It would be a 9500 square foot user there. He noted they are meeting with the Engineers on Tuesday and hopefully bringing a new ratable into town.

Mayor's report

Mayor Patriarca announced for the public that the Business Administrator Mr. Vaz submitted his resignation effective next Monday. He hates to see him go but wishes him well with his new opportunity that can enhance his career. He will be going to work with the State of New Jersey, DCA, Division of Local Government Services and noted that he will be hard to replace. Mr. Prickett noted Ms. Bryant's concern over the possible closing of the Presidential Lakes Fire house and he expressed concern over hearing that a fire truck having been removed from the fire house and perhaps another one put in its place. The Mayor explained there has been equipment changes in that company that were determined by the Fire Chief, operations officer to have them moved to where he felt they were best suited. He assured there has been no lack of service or equipment that diminishes the ability to provide a service in that area. Mr. Prickett then noted the Best Practices report reflects the amount of surplus being used in the budget and asked if the report has been filled out yet and if not, will the report for 2011 reflect the amount of surplus that is left. Mayor Patriarca assured that if its one of the items required on the report it will be reflected in the report. He is uncertain if it has been filed yet or not but he will look into. Mrs. Scull asked if the Mayor has been out to put a stop to the rumors. The Mayor noted that he has not but that the Director has been in contact with individuals with these concerns, the Fire Chief has been in contact with them and the President of the Association has been in contact with the Director. He noted the root to the problem is a rumor mill from a few individuals that have been continuing to pursue the negative campaigning of the fire department. The Mayor noted it's not factual and there has been no evidence that the fire department has done anything to diminish any of the fire services here in the Township. Mrs. Scull expressed concern that these have such an impact on the community that will affect the volunteers and they could end up without any fire fighters. Discussion ensued regarding ways to diminish the ongoing rumors and how to recruit more members for the companies, noting that most people don't what to become involved in the midst of company problems and rumors, and suggestions were made for recruitment such as posting notices on the web site.

Council Members' Comments

Richard Prickett: **1.** Reported that he was at Martucci's and noticed emergency services heading towards Country Lakes and explained that a house on Cherokee was mixing chemicals which harmed so many. He noted having been impressed however, in that if there is an emergency so many emergency responders, even from other towns will respond. **2.** He expressed having to nurture the volunteers and especially those that have a history of volunteering in Pemberton Township,

noting that those with experience at volunteering and leading volunteering are essential. He expressed concern with that and relayed having heard that one long time member of Presidential Lakes is no longer allowed to be a member. He commented on what has happened to the moral of the members of the Historic Trust due to the problems they have had with the Township and the harassment they have received from the Township. He reiterated that they have to nurture the volunteers and show they appreciate them and rid the negativity that Mrs. Scull has mentioned. He expressed that if they don't have volunteers in Pemberton Township he questioned what would happen to the property taxes, in that those positions now being volunteered for will have to be paid positions if they are going to have positions like that by paid crews. **3.** Commented on the pollen and recommended the use of Clariton, and wished everyone a good night.

Sherry Scull: **1.** Expressed honor at having the opportunity along with Mr. Allen and Mrs. Stinney to attend a welcome home ceremony on Sunday afternoon for one of the Country Lakes firefighters. She commended all those volunteers in preparing and participating in the welcome home ceremony, noting that Alex Alemeda had served four terms in Afghanistan, and once to Kosovo. **2.** In regards to the Historic Trust members spoke of things they have done over the years, their accomplishments, student trips, books made about the trails, visitors from all over the world they have received, etc. and gave a history on the formation of the Trust, noting that donations became property of the Township. She noted it has been a wonderful group of volunteers and noted specific individuals that have volunteered over the years. She expressed they need to honor all volunteers of the Township, noting there used to be annual programs held honoring them. She believes they need to honor and respect all the volunteers that have worked hard to benefit the residents of the Township because they are the heart and soul of Pemberton Township.

Jason Allen: **1.** Noting that in regards to Mr. Prickett, Mrs. Scull and the Mayor's comments about the importance of volunteers and wanted to note that TAG will having it's quarterly meeting on May 3rd and asked if anyone knew anyone interested in volunteering, the Township Alliance Group has some great activities planned for the upcoming months. **2.** In regards to Alex Alemeda's welcome home ceremony he expressed it was an honor to be there and hear his story and it was a blessing that he was able to return home safely. **3.** Thanked everyone for coming out and looks forward to seeing them at the next meeting.

Kenneth Cartier: **1.** Announced that he, Mr. Prickett and the Mayor had the opportunity to attend the Cal Ripkins opening day, and noted the Little League's event the week before. He expressed that its great to see the kids come out and come together as group to play in an organized sport like these and to see the volunteers to support these kids to keep them safe and off the streets. He noted it's a shame to see the numbers dwindling which makes one wonder what they are doing and what's keeping them occupied. He realized that the parents are struggling to keep their children in these organizations because the costs are increasing, but they have to help guide them back to these organizations to give them the leadership they so desperately need and to keep them out of trouble. **2.** He relayed that former Councilman Inge recently lost his sister and noted their condolences go out to Mr. Inge. **3.** Reflected that spring is coming and expressed they enjoy the weather and have a safe trip home.

He noted they have nothing further for closed session and asked for a motion for adjournment.

Mrs. Scull asked that before they adjourn she wanted to point out that the schools also honored all the students that obtained above proficiency on April 11th, noted 36 of the Township's students with perfect scores and many above proficiency so she wanted to point out there are a lot of wonderful things going on in town.

The meeting was adjourned at approximately 7:45 p.m.

Respectfully submitted by,

MARYANN FINLAY, MMC, TOWNSHIP CLERK