

TOWNSHIP OF PEMBERTON

REGULAR MEETING

APRIL 21, 2010

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Diane Stinney
Sherry Scull

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, Township Clerk Mary Ann Finlay

2. Chairwoman Scull called the meeting to order at 6:30 p.m.
3. Closed Session Res. No. 97-2010

RESOLUTION NO. 97-2010

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:
PBA CONTRACT
AGREEMENT WITH PEMBERTON BORO FIRE SERVICES PROVIDED BY GOODWILL
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 Cartier to approve Resolution No. 97-2010. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

4. CLOSED SESSION

Council President Scull recessed the meeting at approximately 6:32 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:00 pm.

5. Formal action as necessary pursuant to closed session.

Council President Scull informed there will be no formal action necessary.

6. Public comments on consent agenda items only.

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

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

Council President Scull advised Resolution No. 102-2010, authorizing the Mayor and Township Clerk to execute an application under the New Jersey Forest Fire Service Volunteer Fire Assistance request for reimbursement 2009-2010 up to \$5,000 needs to be added to the Consent Agenda.

RESOLUTION NO. 102-2010

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN APPLICATION UNDER THE NEW JERSEY FOREST FIRE SERVICE VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT 2009-2010 WHEREAS, UP TO \$5,000 IS AVAILABLE TO REIMBURSE THE PEMBERTON TOWNSHIP FIRE DEPARTMENT FOR PERSONAL PROTECTIVE EQUIPMENT THROUGH THE NEW JERSEY FOREST FIRE SERVICE 2009-2010 VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT PROGRAM; AND WHEREAS, THE FIRE CHIEF HAS REQUESTED TO SUBMIT A REIMBURSEMENT REQUEST FOR \$5,000 FOR EQUIPMENT THAT HAS ALREADY BEEN PURCHASED; AND WHEREAS, THE PROGRAM REQUIRES A RESOLUTION OF THE GOVERNING BODY. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE AN APPLICATION UNDER THE NEW JERSEY FOREST FIRE SERVICE 2009-2010 VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT PROGRAM.

Motion by Prickett and Cartier to add Resolution No. 102-2010 to the Consent Agenda. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

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

- *a.** Regular Meeting, April 7, 2010.

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 98-2010

WHEREAS, THE NEW JERSEY URBAN ENTERPRISE ZONE AUTHORITY (UEZA) REQUIRES URBAN ENTERPRISE COMMUNITIES TO SUBMIT A BUDGET FOR THE UPCOMING FISCAL YEAR, JULY 1, 2010 THROUGH JUNE 30, 2011; AND WHEREAS, THE UEZ COORDINATOR FOR THE TOWNSHIP OF PEMBERTON HAS PREPARED A PROPOSED BUDGET TO BE FILED WITH THE STATE OF NEW JERSEY UEZA; AND WHEREAS, THE TOWNSHIP OF PEMBERTON PROPOSES THE USE OF URBAN ENTERPRISE ZONE FUNDS FOR THE ADMINISTRATION OF THE ZONE AND TO FURTHER ECONOMIC DEVELOPMENT OVERALL. NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY AUTHORIZE THE SUBMISSION OF THE FY 2010 UEZ ADMINISTRATION BUDGET FOR ANTICIPATED UEZ ASSISTANCE IN THE AMOUNT OF \$40,000 FOR THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE PROGRAM TO THE STATE OF NEW JERSEY, UEZA FOR APPROVAL. BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE NEW JERSEY URBAN ENTERPRISE AUTHORITY AND THE UEZ COORDINATOR.

RESOLUTION NO. 99-2010

RESOLUTION AUTHORIZING PREPARATION OF ESTIMATED TAX BILLS WHEREAS, THE DIVISION OF LOCAL GOVERNMENT SERVICES, STATE OF NEW JERSEY HAS THE AUTHORITY BY STATE STATUTE TO EXAMINE, REVIEW AND THEN CERTIFY ALL LOCAL GOVERNMENT BUDGETS TO THE COUNTY BOARD OF TAXATION FOR THE PURPOSE OF REAL ESTATE TAXATION, AND WHEREAS, THE BURLINGTON COUNTY BOARD OF TAXATION HAS NOT YET RECEIVED CERTIFICATION OF THE TOWNSHIP OF PEMBERTON'S BUDGET AND CANNOT STRIKE A TAX RATE UNTIL SUCH CERTIFICATION IS RECEIVED FROM THE STATE OF NEW JERSEY AND WILL THEREFORE CAUSE DELAY IN RECEIVING STATE FUNDING, AND WHEREAS, THE GOVERNING BODY HAS DETERMINED THAT THERE WILL BE INSUFFICIENT CASH FLOW TO SUPPORT OPERATIONS IN LATE AUGUST 2010 UNLESS THIRD QUARTER REVENUE IS RECEIVED ON TIME, AND WHEREAS, THE TAX COLLECTOR AND THE CHIEF FINANCIAL OFFICER HAVE REVIEWED AND COMPUTED AN ESTIMATED TAX LEVY IN ACCORDANCE WITH N.J.S.A. 54:4-66.3, NOW THEREFORE, BE IT HEREBY RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY AUTHORIZED THAT:

1. THE TAX COLLECTOR IS DIRECTED TO PREPARE AND ISSUE ESTIMATED TAX BILLS FOR THE MUNICIPALITY OF PEMBERTON TOWNSHIP FOR THE THIRD QUARTER 2010, IN ACCORDANCE WITH THE PROVISIONS OF N.J.S.A. 54:4-66.2ET SEQ.

2. THE ENTIRE ESTIMATED TAX LEVY FOR THIRD QUARTER 2010 IS HEREBY SET AT \$8,549,431.63
3. THE TAX COLLECTOR TAKES ANY ADDITIONAL STEPS NECESSARY TO IMMEDIATELY IMPLEMENT THIS RESOLUTION.

BE IT FURTHER RESOLVED, THAT THE MUNICIPAL CLERK PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO THE TAX COLLECTOR.

RESOLUTION NO. 100-2010

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:

DIANE RUTH, \$79.23, OVERPAYMENT OF WATER BILL, BLOCK 245, LOT 49

RESOLUTION NO. 101-2010

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR REAL ESTATE APPRAISER SERVICES TO TODD AND BLACK, INC.

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF A REAL ESTATE APPRAISER TO PERFORM APPRAISALS, PROVIDE ADVICE, PREPARE EXPERT REPORTS AND ASSISTANCE AS NEEDED IN CONNECTION WITH TAX APPEALS, LAND ACQUISITIONS AND OTHER APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, TODD AND BLACK, INC. IS A REAL ESTATE APPRAISAL FIRM WHICH HAS SUBMITTED A PROPOSAL TO PROVIDE REAL ESTATE APPRAISAL SERVICES TO THE TOWNSHIP (THE "PROPOSAL") IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND

WHEREAS, THE TOWNSHIP FINDS TODD AND BLACK, INC. TO BE QUALIFIED TO PROVIDE REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) PERMITS THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES WITHOUT COMPETITIVE BIDS.

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 A CONTRACT FOR REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO TODD AND BLACK, INC. AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND TODD AND BLACK, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER _____; AND

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

- A. TODD AND BLACK, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

***14. Approval by Council required for payment of vouchers on bill list dated 4/16/10.**

Mr. Prickett requested the meeting minutes from March 30, 2010 and March 31, 2010 be pulled from the Consent Agenda. Mr. Cartier requested Resolution Numbers 101-2010 and 102-2010 be pulled from the Consent Agenda.

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

8. PRESENTATIONS

- a. Presentation and informal public hearing regarding the Draft Environmental Resource Inventory.

Council President Scull introduced Ms. Amy Miller, an Environmental Planner with the Delaware Valley Regional Planning Commission. Ms. Miller informed the Pemberton Township Environmental Resource Inventory (ERI) was produced by the Pemberton Township Environmental Commission. It is still in draft form and comments and suggestions are welcome. Ms. Miller provided a brief background on the Delaware Valley Regional Planning Commission. Funding for the ERI was through the Township of Pemberton as well as a grant from the Association of NJ Environmental Commission and DVRPC. Ms. Miller thanked the Township Council and Environmental Commission. Ms. Miller had various drawings she referred to throughout her presentation. The purpose of the ERI is to describe and explain the environmental resources in the Township and it is the basis for the conservation element for the Master Plan. It may also be the foundation for environmental protection ordinances the Township would like to

pursue as well as assist in the site plan review process especially the map to help identify the natural resources in any future development. The study was conducted by looking at NJDEP mapping data, public records, Pineland's Commission data, the Township master plan elements as well as federal and state resources as well as local knowledge and research. Ms. Miller spoke of the four main sections; the first being the natural resources, biology resources, built environment (human's impact) and special environmental issues or concerns. Ms. Miller conveyed in 2008 the Census Bureau estimated Pemberton Township's population to be 28,000. From the 2002 data from the NJDEP approximately 36% of the Township is covered in wetlands, 35% is forest and 14% is urban or developed land, 2% water, 12% agriculture and 2% barren. The most common soils are very sandy which is typical of the Pinelands. There are over 244 miles of stream in the Township and 150 miles of those are headwater streams which demand an extra level of protection from contamination. All of the streams are classified as Pinelands waters which indicate a higher level of protection. There are over 710 acres of lakes in the Township. There are four larger watersheds within the Township and all of those eventually drain to the Rancocas Creek. Within those, there are 16 smaller sub watersheds that drain to particular portions. Of those 16 sub watersheds, 12 were impaired or non-attaining a designated use. Some of the pollutants causing that impairment included acidity, phosphorous, copper, lead, mercury, arsenic, e-coli, pcbs and dissolved oxygen. The report also explains what causes those contaminants and what can be done to remediate that pollution. Ms. Miller discussed causes of stormwater runoff which eventually brings the pollutants on the land in to the streams through directly running in to them or through stormwater outfalls. With increased development and impervious coverage including streets and buildings that increases the runoff because less water is able to soak in to the soils. The stream buffers which is the area on either side of the stream and when they are healthy and vegetated with trees and grasses that are able to stop a lot of the polluted runoff. If there is just grass or dirt along a stream, that can increase the pollution running off in to the stream. About 26% of the Township is located in a floodplain. Those areas are regulated to protect lives, property and the environment. Ms. Miller explained the Kirkwood Cohansey Aquifer system that reaches the surface in Pemberton Township which is a very vulnerable aquifer for contamination. The water supply from Pemberton Township comes from a number of sources including the Kirkwood Cohansey Aquifer, the Wenonah Mount Laurel Aquifer, the Englishtown Aquifer and the Potomac Raritan Magothy Aquifer. Almost three fourths of the Township is covered in natural vegetation. Most of this is wetlands followed by forest which represents approximately 68% of the Township. 2% is brush or shrub lands and 2% is water. Landscape project priority habitat which are areas identified by the NJDEP as important habitats for rare species. Pemberton Township is covered in these areas with an entire list of threatened, endangered species of special concern and other rare species that live in the Township. A study was done by the Pinelands Commission evaluating the ecological integrity of all of the areas in the Pinelands and they ranked areas from 0 to 10. Large areas in Pemberton were ranked as being the most ecologically integral. Landscape quality, aquatic quality and the wetland drainage quality were looked at in making those determinations. Regarding the sewer service areas in the Township, the population in development trends and transportation were looked at. Pemberton Township has a very rich history listed on the state and national registers of historic places such as Fenwick Manor, Hanover Furnace, the Benjamin Jones house, the North Pemberton Rail Road Station, the Whitesbog Historic District and the Evergreen Park Mental Hospital. Two sites have states historic preservation office opinions which makes

the site eligible for the national register but there are still some steps to take to get listed which includes Mirror Lake as well as some of the buildings around it as well as the John D. Rockefeller Memorial Highway which is Route 70. Parks and Recreation resources includes fishing piers, canoe launches, recreational lakes, the state forest, Whitesbog and a number of other municipal parks and recreational areas in the Township. The conservation areas are the special, habitat rich areas including the Brendan C. Burns State Forest and Whitesbog as well as critical habitat for the wood turtle which is an endangered species and a bald eagle foraging area along the streams. There is also a wildlife management area around Pemberton Lake. Looking at the known contaminated sites, there are 24 in the Township including underground storage tanks at gas stations as well as residential and commercial properties. The residential properties are not mapped to protect the confidentiality of homeowners. There are a number of municipal and county facilities. In looking at other environmental concerns, dam maintenance was considered. The ERI is a factual basis that can be used for future planning efforts, for the foundation for environmental protection ordinances, assist in site plan review process and it's mostly an informative tool for everyone to understand what the resources in their Township are and what are some of the threats and limitations and opportunities for the future. The next steps are to make any final revisions. There will be an internal revision within DVRPC, be proofread and the comment period will be open for another month. The final ERI will be published and given to the Environmental Commission in a form that can be updated by them with new information and there can be future planning projects or environmental ordinances. A member from the audience asked if this included Fort Dix and McGuire. Ms. Miller replied they are included in the history section. The audience member is inaudible. Ms. Miller responded it is sited in the known contaminated sites as well as being a permanent facility for discharge. Ms. Monroe inquired about the bullets from Fort Dix coming in to the lake. Ms. Miller advised she did not find any information regarding that but asked to speak to Ms. Monroe after the meeting. Someone else from the audience asked a question but they are inaudible. Ms. Miller answered that nothing was included regarding future transportation. Mr. Joe Marshall asked if there are any other endangered species besides the wood turtle. Ms. Miller responded there is a full list of identified species. Ms. Barbara Rich asked if ponds are located on the map. Ms. Miller replied they are and showed Ms. Rich the specific area of the map that identifies the potential pools as well as a table that lists their coordinates. Mr. Prickett asked if the public can review the draft documents and how. Ms. Miller informed there is a copy with the Township Clerk. Ms. Miller added she can provide a disk and it can also be put on the Township website. Mr. Prickett asked if the maps are included with the draft document. Ms. Miller advised the maps are included with the draft document. Mr. Prickett asked if there will be a formal public comment. Ms. Miller replied in the past they have usually received comments from the Environmental Commission and generally have not done a larger public input but they are open to that and coordinating with the Township on how to do that. Ms. Miller reiterated the documents can be provided on a disk to be posted on a website. Mr. Prickett asked if there will be a formal public comment before the document becomes finalized or if that is not required. Ms. Miller answered that it's not typically the process but their timeline is very flexible and usually there is not very much public interest in the document but since Pemberton Township is very involved and active and would be interested in reviewing the document, they have tentatively been stating one more month for comments but they are flexible in extending that for another two months. The grant funder has been very flexible as well and it's not really a deadline that is set

in stone. Mrs. Scull informed Ms. Miller that all documents can be provided to the Clerk for distribution. Mrs. Scull conveyed the next Environmental Commission meeting will be May 12th.

ITEMS PULLED FROM THE CONSENT AGENDA:

Special Budget Meeting, March 30, 2010; Special Budget Meeting, March 31, 2010;

Mr. Prickett commented on his request to pull the meeting minutes from March 30, 2010 and March 31, 2010 noting they are the budget hearing minutes. Mr. Prickett remarked that he had asked most of the questions during the budget hearings and did not see the details reflected in the minutes. Mr. Prickett expressed concern that this is a new strategy in putting the minutes together which lacks detail and hides information from the public. He reflected that comparing these minutes with previous years, the public would have an opportunity to clearly see what is in the budget. He noted that this year, Council decided not to take as much time and what time was taken is not truly reflected in the minutes and that is why he pulled them. Mr. Inge commented that not only the minutes regarding the budgets but all minutes should be more detailed. He added that Council spoke of this during the first year and agreed to have more details in the minutes. Mr. Inge would not like Council to drift away from that because it is one of the few things that residents that are not able to attend the meetings can look on line and read over the minutes and have a good idea of what happened during a meeting.

Motion by Prickett and Cartier to approve the Special Meeting Minutes of March 30, 2010 and March 31, 2010. Prickett, no; Cartier, yes; Inge, no; Stinney, yes; Scull, yes. Motion carried.

Resolution Number 101-2010:

Council President Scull advised Resolution Number 101-2010 is a resolution authorizing the award of a contract for real estate appraiser services to Todd and Black, Inc. in connection with tax appeals, land acquisitions, etc., and the motion to approve is contingent upon the receipt of written certification of funds from the CFO.

RESOLUTION NO. 101-2010

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR REAL ESTATE APPRAISER SERVICES TO TODD AND BLACK, INC.

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF A REAL ESTATE APPRAISER TO PERFORM APPRAISALS, PROVIDE ADVICE, PREPARE EXPERT REPORTS AND ASSISTANCE AS NEEDED IN CONNECTION WITH TAX APPEALS, LAND ACQUISITIONS AND OTHER APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, TODD AND BLACK, INC. IS A REAL ESTATE APPRAISAL FIRM WHICH HAS SUBMITTED A PROPOSAL TO PROVIDE REAL ESTATE APPRAISAL SERVICES TO THE TOWNSHIP (THE "PROPOSAL") IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND

WHEREAS, THE TOWNSHIP FINDS TODD AND BLACK, INC. TO BE QUALIFIED TO PROVIDE REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) PERMITS THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES WITHOUT COMPETITIVE BIDS.

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 A CONTRACT FOR REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO TODD AND BLACK, INC. AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND TODD AND BLACK, INC.; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER _____; AND

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

- A. TODD AND BLACK, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Cartier and Prickett to approve Resolution No. 101-2010 contingent upon the receipt of written certification of funds from the CFO. Cartier, yes; Prickett, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

Resolution No. 102-2010:

Council President Scull informed Resolution No. 102-2010 is a resolution authorizing the Mayor and Township Clerk to execute an application under the New Jersey Forest Fire Service Volunteer Fire Assistance Request for Reimbursement for 2009-2010. Mr. Cartier asked what the reimbursement is for. Mr. Vaz responded it is for personal protective equipment that has already been purchased which includes helmets, jackets, boots, etc.

RESOLUTION NO. 102-2010

A RESOLUTION AUTHORIZING THE MAYOR AND TOWNSHIP CLERK TO EXECUTE AN APPLICATION UNDER THE NEW JERSEY FOREST FIRE SERVICE VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT 2009-2010 WHEREAS, UP TO \$5,000 IS AVAILABLE TO REIMBURSE THE PEMBERTON TOWNSHIP FIRE DEPARTMENT FOR PERSONAL PROTECTIVE EQUIPMENT THROUGH THE NEW JERSEY FOREST FIRE SERVICE 2009-2010 VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT PROGRAM; AND WHEREAS, THE FIRE CHIEF HAS REQUESTED TO SUBMIT A REIMBURSEMENT REQUEST FOR \$5,000 FOR EQUIPMENT THAT HAS ALREADY BEEN PURCHASED; AND WHEREAS, THE PROGRAM REQUIRES A RESOLUTION OF THE GOVERNING BODY. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE AN APPLICATION UNDER THE NEW JERSEY FOREST FIRE SERVICE 2009-2010 VOLUNTEER FIRE ASSISTANCE REQUEST FOR REIMBURSEMENT PROGRAM.

Motion by Cartier and Stinney to approve Resolution No. 102-2010. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

11. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 6-2010 (Read by Title by Mrs. Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 152 "SOLID WASTE," ARTICLE II "COLLECTION AND DISPOSAL" TO COMPLY WITH NJDEP MANDATES REGARDING THE MUNICIPAL STORMWATER REGULATION PROGRAM

Motion by Cartier and Stinney to introduce Ordinance No. 6-2010 with a public hearing on May 5, 2010.

Mr. Cartier inquired about Section I, Municipal Separate Storm Sewer System that reads, "any system that is owned or operated by the Township of Pemberton or other public body". Mr. Cartier expressed concern that Pemberton Township would be responsible for Burlington County's stormwater system. Mr. Rehmann explained the ordinance requires any person who has a dumpster or refuse container must have it covered if it drains into a municipal separate storm sewer system. If it drains into the County system or the Township system, the person who has the dumpster or container can be held and fined for that. The definition states in what sense the Township has control or who has to comply by covering their trash regardless of what storm sewer system it enters. Mr. Bayer advised the obligation on the Township is to enforce it through zoning. Mr. Vaz suggested changing the ordinance to state that it is enforced by code enforcement as it is not a zoning issue.

Mr. Cartier modified his motion to include the change of zoning officer to code enforcement official.

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

b. ORDINANCE NO. 7-2010 (Read by Title by Mrs. Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 185 “WASTE DISPOSAL TO SEWER SYSTEM PROHIBITIONS” IN ACCORDANCE WITH NJDEP UPDATES TO THE TOWNSHIP’S TIER A STORMWATER PERMIT

Motion by Cartier and Stinney to introduce Ordinance No. 7-2010 with a public hearing on May 5, 2010. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

Mr. Cartier commented that Ordinance No. 7-2010 has the same issue as Ordinance No. 6-2010 regarding Zoning Officer vs Code Enforcement Official. Mr. Rehmann and Mr. Vaz both agreed that it is the Zoning Officer. Mr. Vaz suggested the Police Department be taken out. Council agreed to delete Police Department from the Ordinance and advertise with that change.

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

a. ORDINANCE NO. 2-2010 (Read by Title by Mrs. Scull)

BOND ORDINANCE AMENDING AND SUPPLEMENTING BOND ORDINANCE NUMBER 13-2009 HERETOFORE FINALLY ADOPTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP ON MAY 20, 2009 ENTITLED, “BOND ORDINANCE PROVIDING FOR ROAD AND DRAINAGE IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING \$705,450 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$670,178 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF,” TO INCREASE THE APPROPRIATION THEREIN BY \$444,000 AND TO INCREASE THE AUTHORIZATION OF BONDS OR NOTES THEREIN BY \$442,704 TO FINANCE PART OF THE ADDITIONAL COSTS THEREOF

Mr. Rehmann commented that this includes \$220,000 from the NJDOT grant for Lemmon Avenue, Phase II. While we are incurring the debt, we are also paying that debt off with the grant. Council President Scull informed Mr. Rehmann that Mr. Nesbitt continually asks when Lemmon Avenue will be done.

Motion by Cartier and Stinney to adopt Ordinance No. 2-2010. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

b. ORDINANCE NO. 4-2010 (Read by Title by Mrs. Scull)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED “PROPERTY MAINTENANCE”

Council President Scull opened the meeting to the public for public comments. There being no members of the public indicating a desire to be heard, Council President Scull closed the meeting to public comments.

Motion by Cartier and Stinney to adopt Ordinance No. 4-2010. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

13. **NEW BUSINESS**

- a. Informal public hearing regarding draft Environmental Resource Inventory.

It was noted that this item was ddressed during the presentation with Ms. Miller.

- b. Applications submitted for memberships, licenses, permits:

1. Social Affair Permit Application: Pemberton Rotary Club: Wine & Theater Night to be held at Burlington County College, 4/22/10, from 5:45 p.m.-7:00 p.m.

Mayor Patriarca advised that the Rotary is holding this event tomorrow and is hoping they can hand deliver this to Trenton for signature tomorrow.

Motion by Prickett and Cartier to approve the Social Affair Permit Application for the Pemberton Rotary Club. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

2. Parade Permit Application: **(PUBLIC HEARING REQUIRED)**: Central Jersey Competition Riders 43rd Annual Pine Hill Enduro, 5/9/10, approx. 10:45 a.m.-2 p.m. Run will be within the boundaries of Brendan T. Byrne State Forest and not cross Rt. 70.

Council President Scull opened the meeting to public comments on the Parade Permit Application for the Central Jersey Competition Riders. There being no members of the public indicating a desire to be heard, Council President Scull closed the meeting to public comments.

Motion by Cartier and Stinney to approve the Parade Permit Application for the Central Jersey Competition Riders. Cartier, yes; Stinney, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

3. Parade Permit Application: **(PUBLIC HEARING REQUIRED)**: United Remnant Ministries: Outreach event with inspirational speaking & entertainment, outside Nesbit Center, 6/12/10, 10:00 a.m.-5:00 p.m., (rain date is 6/19/10).

Council President Scull opened the meeting to public comments on the Parade Permit Application for the United Remnant Ministries. There being no members of the public indicating a desire to be heard, Council President Scull closed the meeting to public comments.

Motion by Stinney and Cartier to approve the Parade Permit Application for the United Remnant Ministries. Stinney, yes; Cartier, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

- c. **Purchases at or over \$3,150.00:**

1. Public Works Dept.: purchase of engine for Township owned motor grader, from A&A Truck Parts, Inc., in the amount of \$5,000.00.

Mr. Prickett recalled a prior approval for money for an engine for the grader. Mayor Patriarca confirmed and added that the vendor did not provide an applicable engine. He explained that they did not pay the vendor and are shipping the engine back at the vendor's expense. Public Works has found another engine that is closer and cheaper.

Motion by Cartier and Stinney to approve the request of Public Works to purchase an engine for the grader in the amount of \$5,000 from A&A Truck Parts. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

Council President Scull recessed the meeting at approximately 8:50 pm for a short break and reconvened the meeting at approximately 9:04 pm.

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Dona Jenkins:** Publicly thanked the following for their involvement in the replacement of Imagination Kingdom: Mayor Patriarca, Council Members, Tom McNaughton and Public Works, Paula Redmond and staff, Core Committee, volunteers and Chris Vaz. A special thanks to Chris Vaz, Business Administrator, for sending her to Toms River to see their playground. She expressed that this is the most magnificent playground she has ever seen, and she can't wait to see the smiles on the children's faces as they are turned loose to play on the playground. **Rich Kospers:** Commented that the school budget was not passed and added that the property tax bills would have gone up approximately 13% if it had passed. He urged Council to not allow an increase in taxes. **Roseann Monroe:** Spoke of the trees on Catalina Island that were cut down two years ago. Ms. Monroe indicated that she was the one who called everyone to report it and also called the Governor and spoke with the Mayor. Ms. Monroe commented on the fire works producing a lot of embers that landed on her road. She acknowledged they did not catch fire but suggested a fire truck be closer to her section. She spoke of an empty log cabin next to her home and asked who was the original person or group who asked to cut the trees down. Someone informed her that a summons was issued. Mayor Patriarca informed it was a premature decision made by staff members and resulted in an action that should not have occurred and was not sanctioned by Administration. The Mayor continued that the issue was taken care of through the Pinelands as they required. He clarified that there were no fines issued; the property was re-vegetated which will take a while. Ms. Monroe advised Mr. Vaz informed her it was more or less a miscommunication and Administration did not know about it. Before hiring someone to cut trees down on her property she spoke with Mr. Fisher who advised she can cut down one fourth of the trees on her property. The Mayor agreed with Ms. Monroe in that he would not have authorized cutting those trees down if it was presented to him. It was a pre-mature decision by staff members. Ms. Monroe asked if those staff members are still working. The Mayor replied absolutely and they are very good staff members and added people make mistakes and that was not a fatal mistake. Mrs. Scull and Ms. Monroe asked the Mayor if the employees were reprimanded. Mayor Patriarca stated he cannot discuss disciplinary actions. Ms. Monroe stated in short nothing was done. The Mayor noted 30' trees cannot be sprouted up and doesn't know what her point is. Mrs. Scull informed that

Council was upset with what happened and it was something that happened and can't be changed, noting that no mistake like that will ever be made again by anyone in the Township. Ms. Monroe commented that when she has gone to court and told the judge that she didn't know that was the law when she received a ticket she was told ignorance of the law is no excuse. She was still fined. Mrs. Scull commented Council is not saying it was an excuse but rather it happened, it was dealt with and the trees are being replanted and it will take time. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments.

SOLICITOR'S REPORT:

Andy Bayer: 1. Nothing to report.

ENGINEER'S REPORT:

Chris Rehmann: 1. Acknowledged Mr. McNaughton and the Public Works Department on the installation of the storm sewer pipe and drainage system for the Imagination Kingdom project which was a considerable savings to the tax payers as opposed to going out to bid on that project. 2. Advised that the Township has received approval for the Train Station project through the NJDOT and the Federal Highway Administration. Bids will be received on May 25th for restoring portions of the train station back to its original character. 3. Have gotten through all of the environmental issues on the North Whitesbog Road project. Hoping to have final approval within the next 30 days. 4. Working with the Department of Environmental Protection regarding the wells. A special meeting may be needed to ensure they are on track and have the finances in place so that they can complete the renovations to some of the wells. Mr. Cartier inquired about the Country Lakes Dams. Mr. Rehmann advised they are seeking funding and the Mayor has gone to Washington on that issue. ARH has not received the final report on the hydraulics and hydrologic study that was done from the Bureau of Dam Safety. They have indicated that they have no further comments but have not issued their approval letter to date. ARH can go forward with the design and then go back to the DEP for the permit for construction. Council President Scull commented that Mr. Rehmann donated his time to Imagination Kingdom which saved the Township tens of thousands of dollars and personally thanked Mr. Rehmann for that. Mr. Rehmann conveyed that he has yet to see a project go as smoothly as with the volunteers for Imagination Kingdom, and it was his pleasure to donate the survey work associated with that.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Public Works is finishing up the gazebo and landscaping on the Imagination Kingdom project. The surface company has completed the surface except for the graphics that they will be inlaying. They should be ready for an opening on April 30th at 6:00 pm. The Mayor invited everyone to come out and bring their children to the grand opening. 2. Leaf pick up is still on-going. The first zone is being completed, and Public Works will be moving to the next zone on April 26th. The Mayor reminded that Public Works is not scheduled to go back a second time and encouraged residents to have their bags ready to be picked up. Mayor Patriarca reminded that Public Works does not pick up grass clippings. 3. Commented on the issues with the meeting minutes. He does not believe there has been any attempt to minimize the meeting minutes in a way to hide anything from anyone. Mayor Patriarca offered the Clerk's office and Council to attach a wave file on the website so individuals can listen to the meeting minutes. The Mayor reminded that anyone can come in to the Clerk's office and

purchase a copy of the CD as well. **4.** Went to Trenton with the UEZ Coordinator to attend a Senate Sub-Committee meeting. They both testified on behalf of the UEZ and the funding involved and how that will affect Pemberton Township. The Mayor informed he will be attending a meeting in Mount Holly with Assembly speakers regarding those issues as well.

Mr. Inge asked Mr. Vaz why he did not attend the second budget Council meeting on March 31, 2010. Mayor Patriarca responded that he had instructed the Business Administrator not come to the meeting because of the direction the meeting was taking. Mr. Vaz reiterated that the Mayor did instruct him to not attend the meeting but also, unfortunately, he had a close family friend who passed away. Coincidentally, he would not have been at the meeting anyway. Mr. Inge expressed displeasure to this noting that it was a budget hearing and if the public had any questions, there would not have been any employees to answer. Mrs. Scull replied that the Mayor would have answered. Mr. Prickett asked the Mayor regarding PePe's Island, how many man hours the Township spent cutting the trees and clearing the vegetation on that island. Mayor Patriarca responded that he would get that information for Mr. Prickett.

COUNCIL MEMBERS' COMMENTS:

Tom Inge: **1.** Thanked everyone for coming out. **2.** As a father of two children in the Pemberton Township schools, he thanked Mr. Wells, school board member, for the dedication and devotion he gave to the Township. Mr. Inge added that Mr. Wells will be missed in the coming years and hopefully he will decide to run again in the near future. Mr. Inge would strongly support Mr. Wells if he does run. **3.** Stated to the residents of the Township that they just heard from the Mayor that he directs who comes to Council meetings. Mr. Inge added that is why there are not a lot of residents at the meetings because if they have questions, they may not get them answered. If Council has questions, depending on who they are, they can get them answered or get answered well in advance of any meeting. Things are thought out well in advance of any meeting. This is typical; a budget hearing; stating no employees will come to a budget hearing; the CFO, no. It's a shame but that's the way it is in this Township. Hopefully in November things can be changed and turned around and the residents will have a chance to speak again at Township meetings.

Ken Cartier: **1.** Thanked everyone for coming out. Sees some new faces. Wished everyone a safe trip home.

Diane Stinney: **1.** Encouraged and challenged the residents of Pemberton Township to write a letter to the Governor and plead and beg for him not to touch their UEZ. Mrs. Stinney thanked the Mayor for going to Trenton and speaking on behalf of Pemberton Township to keep this project. Mrs. Stinney stated Council authorized Resolution No. 98-2010 tonight which authorizes the submission of the UEZ budget to the State. The budget included the proposal of the UEZ Clean Team for year 2 which will continue to fund the salaries and benefits for the two established, full-time Public Works employees whose purpose is to maintain the UEZ zone. These positions, along with equipment, were created and paid for by our UEZ Clean Team – Year 1 project. Another proposal is the UEZ Police which would be for the third year. The UEZ funds will be requested to pay 80% of the salaries and benefits associated with the retention of two police officers to patrol within the UEZ zone. The UEZ officers were established in the Pemberton Township UEZ Police – Year 1 project and continued in the Year 2 project. Mrs.

Stinney conveyed these are things that we stand to lose. Mrs. Stinney continued with another UEZ proposal, Security Camera System. The Township will request funds for the design, installation and maintenance of a Closed Circuit TV security system in our Browns Mills shopping area. This will be the initial installation. The system will be designed to allow future expansions, as add-ons to the original system. **2.** Thanked Mrs. Jenkins and spoke of the residents' excitement regarding the opening of Imagination Kingdom. Thanked the military, residents and Police Department and everyone who took the time to make the Imagination Kingdom a "wow" experience. **3.** Thanked everyone for coming out tonight. **4.** Expressed she is saddened that this is the first time in five or six years that the school budget was defeated. Mrs. Stinney noted that she tells her kids to take their children in to the polls to show them the buttons that pay for their books so that they are able to read, and to show them what their parents are voting for so that they are able to have those books and the education. **4.** Wished everyone a good night and thanked them again for coming out.

Richard Prickett: **1.** Commented on how beautiful the seniors looked last week at the Senior Prom and what a fun loving and beautiful group they are. It was his privilege to attend the Senior Prom again this year. **2.** Announced that a clean up is scheduled for this Saturday, April 24th in Presidential Lakes. Everyone will be meeting at the firehouse. He encouraged everyone to come out. **3.** Wished everyone a good night.

Sherry Scull: **1.** Commented that the Senior Prom makes everything worthwhile for what she does in her day job and night job to see how much they enjoy that Township sponsored yearly event. 150 senior citizens attended and they really enjoyed themselves. She expressed that it's great to have the community come together. Years ago, inter-generational events were tried and it never quite got off the ground. She is very proud that the Pemberton Township Education Association receives a grant that funds and pays for the Senior Prom. Mrs. Scull thanked the Council members and the Mayor for attending. It is the event of the year for the senior citizens. **2.** The Business Meeting will be rescheduled to May. There was one meeting with only a few attendees and the weather was terrible. Mrs. Scull asked Mr. Vaz to check the room schedule for May 25th. **3.** Thanked the Jenkins for their dedication to the Township regarding Imagination Kingdom. The Lions Club did a tremendous amount of work. Many of our businessmen donated their equipment, time and employees. She is so happy that it is finally going to be open because she has two granddaughters that can't wait to get there. **4.** Having a hard time getting the Live Where You Work Program off the ground because the State seems to be a little confused regarding who was in charge of Pemberton. A meeting is scheduled for Thursday, May 6th at the Helen Fort Middle School from 3:00 to 7:00 pm. Lending institutions and realtors will also be present. The program will go over how to purchase a home in Pemberton Township if you work here. A 5% down payment will be provided that does not have to be paid back if you live in the house for seven years. It's a wonderful opportunity and the word needs to get out. Mrs. Scull thanked Mr. Jones our UEZ Coordinator for getting the State to come to the Township. **5.** Reported that there were three people at the first budget hearing and one person at the second budget hearing. There was very little participation from the community this year unlike other years. A great deal of that is because the taxes aren't going up. She noted that they didn't have to cut anybody and it didn't really generate a lot of community questions. Council sat at a budget hearing from 6:30 p.m. until 11:30 p.m. where one member of Council did ask questions. Many of them having to do with the daily operations which is

something a Councilman of seven years should be aware of which was very disrespectful to the people who work giving their time to be in attendance. Everyone went through the budget and it's not that one person cared more than the other or that the rest of Council was being irresponsible and allowing the Mayor to make all of the decisions. When Council is looking at what is in the budget and taxes are not being raised and no one is being laid off and last year they were scared that 16 residents were going to have to be laid off. Unlike the school board, the Township has not had to lay off residents this year and hopefully next year will be the same. The budget hearing was held on the second night and there was plenty of opportunity to question any line items and her belief was she was not going to sit there and make a motion to take a \$100 from one line item because if there is a little bit of a surplus next year it will only help them because they are not going to have the surplus next year that they have this year. She asked that no one think that any member of Council did not care of just wanted to get it over with. Council just wasn't interested in wasting time of the Council members and the Mayor was present to answer questions. She affirmed that it is the Mayor's budget. It is very hard and she doesn't necessarily like it but in this form of government, the Mayor runs the show. Council approves money and the bills. Council is not everyday running the Township. Many residents think it is the same when there was a Committee and a Committee person that was the Police, Water and Public Works. Today the Mayor is responsible and he sends concerns and complaints on to the appropriate departments. She reflected that the Mayor was present to answer questions about his budget and Council had pages that had answers on them. Council sat there from 6:30 p.m. until after 11:00. Mrs. Scull feels very strongly that Council was very responsible in handling the budget. 6. Thanked everyone for coming out. Council appreciates their time and effort.

The meeting was adjourned at approximately 9:52 p.m.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk