

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
AUGUST 15, 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
Diane Stinney
Jason Allen
Ken Cartier
Richard Prickett

ABSENT

Also present: Mayor David Patriarca, Business Administrator Dennis Gonzalez, Township Solicitors Andrew Bayer, Jaclyn Baker, Township Engineer Chris Rehmann and Kelly Willis, Township Planner Rick Ragan, and Deputy Township Clerk Amy P. Cosnoski.

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 162-2012

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 HEREIN AFTER SPECIFIED MATTERS.
2.THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
WORKER'S COMPENSATION LITIGATION – DINTINGER V. PEMBERTON TOWNSHIP
DEVELOPMENT NEGOTIATIONS – BROWNS MILLS SHOPPING CENTER
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 Scull and Allen to approve Resolution No. 162-2012. Scull, yes;
Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

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

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

President Cartier advised the public 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 the public for comments on Consent Agenda items only. There being no members of the public indicating a desire to be heard, the meeting was closed to public comments on Consent Agenda items.

Mr. Prickett requested to have the Meeting Minutes of August 1, 2012 pulled from Consent Agenda. Mrs. Scull requested to have the Budget Account Bill List, page 3, under Legal Services to Gluck Walrath 12-02324 in the amount of \$391.47 for Historic Trust and on page 12, under Various Street Paving to Earle Asphalt Company 12-01332 in the amount of \$174,352.82 for Lemmon Avenue Paving, pulled from the Consent Agenda.

CONSENT AGENDA ITEMS

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 163-2012

WHEREAS, N.J.S.A. 40A:5-4 REQUIRES THE GOVERNING BODY OF EVERY LOCAL UNIT TO HAVE MADE AN ANNUAL AUDIT OF ITS BOOKS, ACCOUNTS AND FINANCIAL TRANSACTIONS; AND
WHEREAS, THE ANNUAL REPORT OF AUDIT FOR THE YEAR 2011 HAS BEEN FILED BY A REGISTERED MUNICIPAL ACCOUNTANT WITH THE TOWNSHIP CLERK PURSUANT TO N.J.S.A. 40A:5-6, AND A COPY HAS BEEN RECEIVED BY EACH MEMBER OF THE GOVERNING BODY; AND
WHEREAS, R.S. 52:27BB-34 AUTHORIZES THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY TO PRESCRIBE REPORTS PERTAINING TO THE LOCAL FISCAL AFFAIRS; AND
WHEREAS, THE LOCAL FINANCE BOARD HAS PROMULGATED N.J.A.C. 5:306-5, A REGULATION REQUIRING THAT THE GOVERNING BODY OF EACH MUNICIPALITY SHALL BY RESOLUTION, CERTIFY TO THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY THAT ALL MEMBERS OF THE GOVERNING BODY HAVE REVIEWED, AS A MINIMUM, THE SECTIONS OF THE ANNUAL AUDIT ENTITLED "FINDINGS AND QUESTIONED COSTS" OR "FINDINGS AND RECOMMENDATIONS"; AND
WHEREAS, THE MEMBERS OF THE GOVERNING BODY HAVE PERSONALLY REVIEWED AS A MINIMUM THE ANNUAL REPORT OF AUDIT, AND SPECIFICALLY THE SECTIONS OF THE ANNUAL AUDIT ENTITLED "FINDINGS AND QUESTIONED COSTS" OR "FINDINGS AND RECOMMENDATIONS," AS EVIDENCED BY THE GROUP AFFIDAVIT FORM OF THE GOVERNING BODY ATTACHED HERETO; AND
WHEREAS, SUCH RESOLUTION OF CERTIFICATION SHALL BE ADOPTED BY THE GOVERNING BODY NO LATER THAN FORTY-FIVE DAYS AFTER THE RECEIPT OF THE ANNUAL AUDIT, PURSUANT TO N.J.A.C. 5:30-6.5; AND
WHEREAS, ALL MEMBERS OF THE GOVERNING BODY HAVE RECEIVED AND HAVE FAMILIARIZED THEMSELVES WITH, AT LEAST, THE MINIMUM REQUIREMENTS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY, AS STATED AFORESAID AND HAVE SUBSCRIBED TO THE AFFIDAVIT, AS PROVIDED BY THE LOCAL FINANCE BOARD; AND
WHEREAS, FAILURE TO COMPLY WITH THE REGULATIONS OF THE LOCAL FINANCE BOARD OF THE STATE OF NEW JERSEY MAY SUBJECT THE MEMBERS OF THE GOVERNING BODY TO THE PENALTY PROVISIONS OF R.S. 52:27BB-52 – TO WIT:
R.S. 52:27BB-52 – A LOCAL OFFICER OR MEMBER OF A LOCAL GOVERNING BODY WHO, AFTER A DATE FIXED FOR COMPLIANCE, FAILS OR REFUSES TO OBEY AN ORDER OF THE DIRECTOR (DIRECTOR OF LOCAL GOVERNMENT SERVICES), UNDER THE PROVISIONS OF THIS ARTICLE, SHALL BE GUILTY OF A MISDEMEANOR AND, UPON CONVICTION, MAY BE FINED NOT MORE THAN ONE THOUSAND DOLLARS (\$1,000.00) OR IMPRISONED FOR NOT MORE THAN ONE YEAR, OR BOTH, IN ADDITION SHALL FORFEIT HIS/HER OFFICE.
NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, HEREBY STATES THAT IT HAS COMPLIED WITH N.J.A.C. 5:30-6.5 AND DOES HEREBY SUBMIT A CERTIFIED COPY OF THIS RESOLUTION AND THE REQUIRED AFFIDAVIT TO SAID BOARD TO SHOW EVIDENCE OF SAID COMPLIANCE.

RESOLUTION NO. 164-2012

RESOLUTION AUTHORIZING CORRECTIVE ACTION PLAN

WHEREAS, A CORRECTIVE ACTION PLAN COVERING ALL FINDINGS AND RECOMMENDATIONS IN THE AUDIT REPORT HAS BEEN MANDATED PURSUANT TO LOCAL FINANCE 92-15, DATED JULY 8, 1992; AND
WHEREAS, SAID CORRECTIVE ACTION PLAN COVERING THE FINDINGS AND RECOMMENDATIONS OF THE 2011 AUDIT REPORT HAS BEEN PREPARED AND ATTACHED HERETO AS "SCHEDULE A".
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT SAID CORRECTIVE ACTION PLAN, ATTACHED HERETO AS "SCHEDULE A" BE AND IS HEREBY APPROVED.

RESOLUTION NO. 165-2012

WHEREAS, VASU DEV LIQUORS LLC HAS APPLIED TO THE TOWNSHIP OF PEMBERTON FOR A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-009-004; AND
WHEREAS, THE APPLICANT HAS DISCLOSED AND THE TOWNSHIP COUNCIL HAS REVIEWED THE SOURCE OF FUNDS USED IN THE PURCHASE OF THE LICENSE AND THE LICENSED BUSINESS AND ALL ADDITIONAL FINANCING OBTAINED IN CONNECTION WITH THE LICENSED BUSINESS AND PREMISES; AND
WHEREAS, THE PERSON-TO-PERSON TRANSFER APPLICATION FORM SUBMITTED IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM, AND THE APPLICANT IS QUALIFIED TO BE LICENSED ACCORDING TO THE STANDARDS ESTABLISHED BY TITLE 33 OF THE NEW JERSEY STATUTES AND APPLICABLE REGULATIONS AND ORDINANCES AS REVEALED THROUGH APPROPRIATE INVESTIGATIONS;
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL HEREIN APPROVES THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-009-004 FROM LAXMI KRUPA, INC. T/A PIG N WHISTLE TO VASU DEV LIQUORS LLC WHOSE MAILING ADDRESS IS 1316 BRADFORD LANE, BENSALEM, PA 19020

BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE EXISTING LICENSE CERTIFICATE TO EFFECTUATE THE PERSON-TO-PERSON TRANSFER OF THE AFOREMENTIONED LICENSE, WHICH SAID TRANSFER SHALL BE EFFECTIVE AUGUST 15, 2012.

RESOLUTION NO. 166-2012

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:

DAN MCNAUGHTON, \$150.00 FOR REFUND FOR ELEMENTARY FIELD TRIP WEEK PROGRAM, UNABLE TO ATTEND DUE TO INJURY.

RESOLUTION NO. 167-2012

A RESOLUTION AUTHORIZING A COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND PEMBERTON TOWNSHIP POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL NO. 260

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AND THE PEMBERTON TOWNSHIP POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 260 (THE "ASSOCIATION") REACHED AN IMPASSE IN NEGOTIATION OF ITS COLLECTIVE BARGAINING AGREEMENT WHICH GOVERNS ALL PATROLMEN AND SERGEANTS EMPLOYED IN THE PEMBERTON TOWNSHIP POLICE DEPARTMENT; AND

WHEREAS, ACCORDINGLY, THE TOWNSHIP PETITIONED THE STATE OF NEW JERSEY PUBLIC EMPLOYMENT RELATIONS COMMISSION ("PERC") FOR ARBITRATION OF THE MATTER; AND

WHEREAS, ON MARCH 9, 2012, PERC RANDOMLY SELECTED AN ARBITRATOR AND PURSUANT TO N.J.S.A. 34:13A-16F(5), THE DECISION OF AN ARBITRATOR SHALL BE RENDERED WITHIN 45 DAYS OF PERC'S ASSIGNMENT OF THE ARBITRATOR; AND

WHEREAS, THE ARBITRATOR HAS RENDERED A DECISION WHICH HAS BECOME FINAL AND BINDING, AND ACCORDINGLY, THE TOWNSHIP AND THE ASSOCIATION NOW DESIRE TO ENTER INTO AN AGREEMENT WHICH MEMORIALIZES THE TERMS AND CONDITIONS OF SUCH DECISION (THE "COLLECTIVE BARGAINING AGREEMENT"); AND WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON AND ITS POLICE DEPARTMENT TO AUTHORIZE THE MAYOR TO EXECUTE THE COLLECTIVE BARGAINING AGREEMENT.

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 THE COLLECTIVE BARGAINING AGREEMENT, IN THE FORM ATTACHED HERETO, BETWEEN THE TOWNSHIP AND THE PEMBERTON TOWNSHIP POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 260, WHICH WAS REACHED PURSUANT TO INTEREST ARBITRATION.

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

- A. PEMBERTON TOWNSHIP POLICEMEN'S BENEVOLENT ASSOCIATION LOCAL 260
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 168-2012

WHEREAS, THE PROPERTY OWNERS ON THE ATTACHED SCHEDULES A THROUGH F WERE IN VIOLATION OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON, AFTER SERVING THE REQUIRED NOTICES, AND HAVING RECEIVED NO RESPONSE, PROCEEDED WITH THE NECESSARY ACTION THROUGH THE CODE ENFORCEMENT OFFICE TO ABATE THE VIOLATIONS; AND

WHEREAS, THE CODE ENFORCEMENT OFFICIAL HAS CERTIFIED THE COSTS OF THE AFOREMENTIONED ACTION AS SET FORTH IN THE ATTACHED SCHEDULES A THROUGH F;

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY(S) SET FORTH IN THE ATTACHED SCHEDULES A THROUGH F.

RESOLUTION NO. 169-2012

WHEREAS, PEMBERTON TOWNSHIP FIRE DEPARTMENT DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBER BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICER FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE CHIEF OF THE FIRE COMPANY.

OLIVIA PRICE

RESOLUTION NO. 170-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON APPROVING A GRANT MANAGEMENT PLAN IN CONNECTION WITH THE TOWNSHIP'S APPLICATION FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IS APPLYING FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ("NJDC"); AND

WHEREAS, THE GRANT REQUESTS APPROXIMATELY \$400,000.00 TO CARRY OUT A PUBLIC FACILITIES PROJECT TO ADDRESS THE LACK OF ADA-COMPLIANT CURBCUTS AND INTERSECTIONS WITHIN THE BROWNS MILLS AREA OF THE TOWNSHIP; AND

WHEREAS, ANY SUBSEQUENT GRANT AGREEMENT ENTERED INTO BETWEEN THE TOWNSHIP AND THE NJDC WILL REQUIRE THE TOWNSHIP TO COMPLY WITH ALL FEDERAL REQUIREMENTS WITH REGARD TO GRANT MANAGEMENT; AND

WHEREAS, THE TOWNSHIP HAS REVIEWED THE PROPOSED GRANT MANAGEMENT PLAN PREPARED FOR ITS SMALL CITIES CDBG GRANTEE APPLICATION.

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 PROPOSED PEMBERTON TOWNSHIP GRANT MANAGEMENT PLAN IS HEREBY APPROVED PENDING THE EXECUTION OF A GRANT AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS.

RESOLUTION NO. 171-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON DESIGNATING A FAIR HOUSING OFFICER IN ORDER TO FURTHER FAIR HOUSING IN THE TOWNSHIP

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IS APPLYING FOR FUNDING THROUGH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (THE "NJDC") FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT; AND

WHEREAS, IF THE TOWNSHIP RECEIVES THE GRANT, IT MUST MAKE EFFORTS TO AFFIRMATIVELY FURTHER FAIR HOUSING IN THE TOWNSHIP, AND THEREFORE THE TOWNSHIP HAS REVIEWED VARIOUS ACTIONS THAT WOULD BE ACCEPTABLE TO THE NJDC AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT IN ORDER TO ACCOMPLISH THIS GOAL; AND

WHEREAS, IF THE TOWNSHIP RECEIVES THE GRANT, IT MUST ENTER INTO A GRANT AGREEMENT WITH THE NJDCA, AND THE TOWNSHIP SHALL PROVIDE ASSURANCES IN THE GRANT AGREEMENT THAT:

(1) IT WILL COMPLY WITH THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND REGULATIONS ISSUED THERETO; AND

(2) IT WILL COMPLY WITH THE CIVIL RIGHTS ACT OF 1964, AND THE REGULATIONS ISSUED THERETO IT; AND

(3) IT WILL COMPLY WITH THE FAIR HOUSING ACT OF 1968 AND WILL AFFIRMATIVELY FURTHER FAIR HOUSING; AND

(3) IT WILL COMPLY WITH THE AGE DISCRIMINATION ACT OF 1975 AND WITH THE REHABILITATION ACT OF 1973; AND

WHEREAS, THE TOWNSHIP BELIEVES IT TO BE IN THE BEST INTERESTS OF THE TOWNSHIP TO DESIGNATE DAVID BENEDETTI AS THE TOWNSHIP'S FAIR HOUSING OFFICER IN ORDER TO FURTHER FAIR HOUSING IN THE TOWNSHIP.

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 DAVID BENEDETTI SHALL BE DESIGNATED AS THE FAIR HOUSING OFFICER FOR THE TOWNSHIP OF PEMBERTON; AND

BE IT FURTHER RESOLVED, THAT THE FAIR HOUSING OFFICER SHALL CONTACT THE USHUD REGIONAL OFFICE OF HOUSING AND EQUAL OPPORTUNITY AND THE NJ DIVISION ON CIVIL RIGHTS, AND SHALL INFORM THOSE AGENCIES OF HIS APPOINTMENT AS FAIR HOUSING OFFICER AND REQUEST FAIR HOUSING INFORMATION; AND

BE IT FURTHER RESOLVED, THAT THE FAIR HOUSING OFFICER SHALL PROVIDE FAIR HOUSING ADVISORY SERVICES AND ASSISTANCE AND REFERRAL ADVICE TO PERSONS REQUESTING SUCH ASSISTANCE FROM THE TOWNSHIP; AND

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP OF PEMBERTON WILL PUBLISH IN THE LOCAL NEWSPAPER OF RECORD AND POST AT THE MUNICIPAL BUILDING A PUBLIC NOTICE ANNOUNCING THE APPOINTMENT OF THE FAIR HOUSING OFFICER AND AVAILABILITY OF LOCAL FAIR HOUSING ADVISORY SERVICES.

RESOLUTION NO. 172-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON ADOPTING THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS' CITIZEN PARTICIPATION PLAN IN CONNECTION WITH THE TOWNSHIP'S APPLICATION FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IS APPLYING FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ("NJDC"); AND

WHEREAS, THE GRANT REQUESTS APPROXIMATELY \$400,000.00 TO CARRY OUT A PUBLIC FACILITIES PROJECT TO ADDRESS THE LACK OF ADA-COMPLIANT CURBCUTS AND INTERSECTIONS WITHIN THE BROWNS MILLS AREA OF THE TOWNSHIP; AND

WHEREAS, IF THE TOWNSHIP RECEIVES THE GRANT, IT IS REQUIRED TO ENTER INTO A GRANT AGREEMENT WITH THE NJDCA WHICH AGREEMENT SHALL REQUIRE THE TOWNSHIP TO COMPLY WITH ALL FEDERAL REGULATIONS WITH RESPECT TO CITIZEN PARTICIPATION; AND

WHEREAS, THE TOWNSHIP HAS REVIEWED THE NJDCA CITIZEN PARTICIPATION PLAN PREPARED FOR SMALL CITIES CDBG GRANT RECIPIENTS AND DESIRES TO ADOPT SUCH PLAN.

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 CITIZEN PARTICIPATION PLAN DEVELOPED BY THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, SMALL CITIES CDBG PROGRAM IS HEREBY ADOPTED BY THE TOWNSHIP.

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP SHALL FOLLOW ALL REGULATIONS SET FORTH IN THE CITIZEN PARTICIPATION PLAN THROUGHOUT THE TERM OF THE GRANT AGREEMENT ENTERED INTO WITH THE NJDCA.

RESOLUTION NO. 173-2012

RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TOWNSHIP TO APPLY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS IN THE AMOUNT OF \$400,000.00

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") DESIRES TO APPLY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT ("CDBG") FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS ("NJDC") IN THE AMOUNT OF \$400,000.00 IN ORDER TO CARRY OUT A PUBLIC FACILITIES PROJECT TO ADDRESS THE LACK OF ADA-COMPLIANT CURBCUTS AND INTERSECTIONS WITHIN THE BROWNS MILLS AREA OF THE TOWNSHIP; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT TO BE IN THE BEST INTERESTS OF THE TOWNSHIP TO APPLY FOR THE SMALL CITIES CDBG GRANT.

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 OF PEMBERTON IS HEREBY AUTHORIZED TO APPLY FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT IN THE AMOUNT OF \$400,000.00; AND

THE TOWNSHIP RECOGNIZES AND ACCEPTS THAT THE NJDCA MAY OFFER A LESSER OR GREATER AMOUNT AND THEREFORE, UPON RECEIPT OF THE GRANT AGREEMENT FROM THE NJDCA, DOES FURTHER AUTHORIZE THE EXECUTION OF THE GRANT AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NJDCA; AND, ALSO, UPON RECEIPT OF THE FULLY EXECUTED AGREEMENT FROM THE NJDCA, DOES FURTHER AUTHORIZE THE EXPENDITURE OF FUNDS PURSUANT TO THE TERMS OF SAID AGREEMENT BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NJDCA.

BE IT FURTHER RESOLVED THAT THE PERSON WHOSE NAMES, TITLES AND SIGNATURES APPEAR BELOW ARE HEREBY AUTHORIZED TO SIGN THE GRANT APPLICATION AND THAT THEY OR THEIR SUCCESSORS IN SAID TITLES ARE AUTHORIZED TO SIGN THE GRANT AGREEMENT ENTERED INTO BETWEEN THE TOWNSHIP OF PEMBERTON AND THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AND ANY OTHER DOCUMENTS NECESSARY IN CONNECTION THEREWITH:

RESOLUTION NO. 174-2012

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING

CHANGE ORDER #1 IN THE AMOUNT OF \$2,980.00 TO THE CONTRACT WITH

LAYNE CHRISTENSEN COMPANY FOR WELL #12 GRAVEL PACK REMOVAL AND 24 HOUR PUMP TEST

WHEREAS, PURSUANT TO RESOLUTION NO. 256-2011, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AWARDED A CONTRACT TO LAYNE CHRISTENSEN COMPANY (THE "CONTRACTOR") FOR THE WELL #12 GRAVEL PACK REMOVAL AND 24 HOUR PUMP TEST PROJECT IN THE AMOUNT OF \$19,065.00 (THE "PROJECT"); AND

WHEREAS, DURING THE PUMP TEST, WELL #12 WAS NOT TURNED OFF IN ADVANCE AND THEREFORE THE CONTRACTOR WAS REQUIRED TO REMAIN ONSITE FOR AN ADDITIONAL EIGHT (8) HOURS MORE THAN ORIGINALLY ANTICIPATED UNDER THE CONTRACT; AND

WHEREAS, FURTHER, THE CONTRACTOR WAS REQUIRED BY THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION ("NJDEP") TO REMOVE AN ADDITIONAL 24LF OF GRAVEL FROM THE WELL CASTING; AND

WHEREAS, THE CONTRACTOR HAS PROVIDED THE TOWNSHIP WITH A TOTAL COST OF \$2,980.00 IN ORDER TO PERFORM SUCH ADDITIONAL WORK; SPECIFICALLY \$1,060.00 FOR THE EIGHT ADDITIONAL HOURS OF WORK, AND \$1,920.00 FOR THE REMOVAL OF ADDITIONAL GRAVEL PER THE NJDEP; AND

WHEREAS, THE TOWNSHIP ENGINEER HAS REVIEWED THE CONTRACTOR'S ESTIMATE FOR SAID WORK, HAS FOUND THE COST REASONABLE AND IS RECOMMENDING THE ISSUANCE OF CHANGE ORDER #1 FOR THIS PROJECT.

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 TOTAL AMOUNT OF \$2,980.00 TO THE CONTRACT AWARDED TO LAYNE CHRISTENSEN COMPANY, FOR EIGHT (8) HOURS OF ADDITIONAL WORK AT WELL #12 AND REMOVAL OF ADDITIONAL GRAVEL PER REQUIREMENT BY THE NJDEP, THEREBY INCREASING THE TOTAL PROJECT COST TO DATE FROM \$19,065.00 TO \$22,045.00; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 1-05-55-500-000-999; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:
A. LAYNE CHRISTENSEN COMPANY
B. TOWNSHIP ENGINEER
C. TOWNSHIP ADMINISTRATOR
D. TOWNSHIP CHIEF FINANCIAL OFFICER
E. GLUCKWALRATH LLP

RESOLUTION NO. 175-2012
RESOLUTION AUTHORIZING ADAMS, REHMANN & HEGGAN TO CONDUCT A SITE INVESTIGATION OF SCRAPETOWN ROAD IN AN AMOUNT NOT TO EXCEED \$3,950.00
WHEREAS, AFTER CONDUCTING A FAIR AND OPEN COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH APPLICABLE LAW, IN JANUARY 2012 THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") APPOINTED CHRIS R. REHMANN, P.E. AND ADAMS, REHMANN & HEGGAN ("ARH") TO SERVE AS THE TOWNSHIP ENGINEER FOR THE CALENDAR YEAR 2012; AND
WHEREAS, AS TOWNSHIP ENGINEER, ARH PROVIDES A VARIETY OF PROFESSIONAL SERVICES TO THE TOWNSHIP WHICH ARE AUTHORIZED ON A PROJECT-BY-PROJECT BASIS; AND
WHEREAS, ARH COMPLETED A PRELIMINARY ASSESSMENT REPORT OF VARIOUS LOTS AND BLOCKS ALONG SCRAPETOWN ROAD IN THE TOWNSHIP, WHICH IDENTIFIED SPECIFIC AREAS OF CONCERN, THEREBY NECESSITATING A SITE INVESTIGATION IN ORDER TO ENSURE THAT NO CONTAMINANTS EXIST ON THE SITES; AND
WHEREAS, THE TOWNSHIP COUNCIL WISHES TO AUTHORIZE ARH TO CONDUCT A LIMITED SITE INVESTIGATION AT THE AREAS OF CONCERN ALONG SCRAPETOWN ROAD AND TO ISSUE A SITE INVESTIGATION REPORT DETAILING THE RESULTS OF SUCH INVESTIGATION, IN AN AMOUNT NOT TO EXCEED \$3,950.00.
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 ADAMS, REHMANN & HEGGAN IS HEREBY AUTHORIZED TO PERFORM A SITE INVESTIGATION OF VARIOUS LOTS AND BLOCKS ALONG SCRAPETOWN ROAD WHERE AREAS OF CONCERN HAVE BEEN IDENTIFIED, AND TO ISSUE A REPORT DETAILING THE RESULTS OF SUCH INVESTIGATION IN AN AMOUNT NOT TO EXCEED \$3,950.00.
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 2-01-20-165-000-284; AND
BE IT FRUTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:
ADAMS, REHMANN & HEGGAN
TOWNSHIP ADMINISTRATOR
TOWNSHIP CHIEF FINANCIAL OFFICER
GLUCKWALRATH LLP

RESOLUTION NO. 176-2012
RESOLUTION AUTHORIZING ADAMS, REHMANN & HEGGAN TO PERFORM A PRECONSTRUCTION INVESTIGATION AT THE LOCATION PROPOSED FOR CONSTRUCTION OF A FUEL FACILITY AT THE TOWNSHIP MUNICIPAL BUILDING IN AN AMOUNT NOT TO EXCEED \$8,685.00.
WHEREAS, AFTER CONDUCTING A FAIR AND OPEN COMPETITIVE PROCUREMENT PROCESS IN ACCORDANCE WITH APPLICABLE LAW, IN JANUARY 2012, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") APPOINTED CHRIS R. REHMANN, P.E. AND ADAMS, REHMANN & HEGGAN ("ARH") TO SERVE AS THE TOWNSHIP ENGINEER FOR THE CALENDAR YEAR 2012; AND
WHEREAS, AS TOWNSHIP ENGINEER, ARH PROVIDES A VARIETY OF PROFESSIONAL SERVICES TO THE TOWNSHIP WHICH ARE AUTHORIZED ON A PROJECT-BY-PROJECT BASIS; AND
WHEREAS, THE TOWNSHIP INTENDS TO CONSTRUCT A NEW ABOVEGROUND STORAGE TANK FUEL FACILITY AND EMERGENCY GENERATOR AT THE TOWNSHIP'S MUNICIPAL BUILDING; AND
WHEREAS, BEFORE CONSTRUCTION CAN COMMENCE, THE ENVIRONMENTAL INTEGRITY OF THE SOILS LOCATED IN THE AREA OF THE PROPOSED CONSTRUCTION MUST BE ASCERTAINED DUE TO THE PROXIMITY OF AN ADJACENT LEAKING UNDERGROUND STORAGE TANK; AND
WHEREAS, THE TOWNSHIP COUNCIL WISHES TO AUTHORIZE ARH TO PERFORM A PRECONSTRUCTION INVESTIGATION OF THE PROPOSED LOCATION OF THE ABOVEGROUND STORAGE TANK FUEL FACILITY AND EMERGENCY GENERATOR AT THE TOWNSHIP MUNICIPAL BUILDING IN ORDER TO ASCERTAIN THE ENVIRONMENTAL INTEGRITY OF THE SOILS, IN AN AMOUNT NOT TO EXCEED \$8,685.00.
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 ADAMS, REHMANN & HEGGAN IS HEREBY AUTHORIZED TO PERFORM A PRECONSTRUCTION INVESTIGATION AT THE LOCATION PROPOSED FOR CONSTRUCTION OF AN ABOVEGROUND STORAGE TANK FUEL FACILITY AND EMERGENCY GENERATOR AT THE TOWNSHIP'S MUNICIPAL BUILDING IN ORDER TO ASCERTAIN THE ENVIRONMENTAL INTEGRITY OF THE SOILS, IN AN AMOUNT NOT TO EXCEED \$8,685.00; AND
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER C-04-06-922-403-800; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:
ADAMS, REHMANN & HEGGAN
TOWNSHIP ADMINISTRATOR
TOWNSHIP CHIEF FINANCIAL OFFICER
GLUCKWALRATH LLP

RESOLUTION NO: 177-2012
TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON,
STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF COMPLETED GENERAL CAPITAL PROJECTS
WHEREAS, CERTAIN GENERAL CAPITAL IMPROVEMENT APPROPRIATION BALANCES REMAIN DEDICATED TO PROJECTS NOW COMPLETED, AND OR NOT PURSUED; AND
WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE UNEXPENDED BALANCES MAY BE CREDITED TO CAPITAL SURPLUS, AND UNUSED DEBT AUTHORIZATIONS MAY BE CANCELED; AND
NOW, THERFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING UNEXPENDED AND DEDICATED BALANCES OF THE GENERAL CAPITAL APPROPRIATIONS BE CANCELED.
ORDINANCE 13-2000
IMPROVEMENTS TO VARIOUS RECREATIONAL FACILITIES
AND OTHER GENERAL IMPROVEMENTS

<u>TITLE</u>	<u>ACCOUNT</u>	<u>BALANCE</u>
IMPROVEMENTS TO NORTH PEMBERTON TRAIN STATION PHASE II	C-04-00-913-401-920	\$ 10,062.32

***NEW BUSINESS**

- *a. Application for Gold License from Judith Gallo, for Express Cash, at 558 Lakehurst Rd., Country Lakes Shopping Center.
- *b. Request from Country Lakes Fire Co. for Council approval (per contract) to expend funds in excess of \$10,000 for roof repairs. They will be seeking loan from Beneficial Bank in the amount of \$40,000.00
- *c. Extension of liquor licensed premises application: Jor-Mar, Inc., T/A Country Lakes Liquors Pub & Grill for football tailgate party at their premises on from 12PM-8PM, 9/16/12.
- *12. Approval by Council required for payment of vouchers on bill list dated 8/10/12.

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

MINUTES FILED BY MUNICIPAL CLERK

- a. Regular Meeting, August 1, 2012.

Mr. Prickett expressed that he did not believe his Council comments were complete and would like it added that he “thought the lease was unfair”, to the end of his comments.

Motion by Prickett and Scull to approve minutes with amendment. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

UNFINISHED BUSINESS

- a. Annual Ocean County Competition Riders Scrub Pine Enduro, ride through Brendan T. Byrne State Forest on 10/14/12. (*Note: letter from resident received in connection w/request asking for an alternate route*)

Council President Cartier advised of the communication he had with the State Forest Superintendent and the Clerk and the organizers of this ride. Mr. Cartier noted the routes on the map and which was the preferred route. They advised that they would use the route furthest away from the residences. The second map shows the alternative which cuts out a big section of the ride, so they are requesting to stay with the first map, they are guaranteeing that they will stay furthest away from the housing and they will slow the riders down as they go by Presidential Lakes. Mr. Spano from Ocean County Competition Riders was in the audience and requested to address Council, advising they will only be passing by for a period of about 70 minutes and will stay as far as they can from the houses and will go at whatever speed is mandated. Mr. Spano thanked the Township noting they have been doing this for fifteen years and Pemberton Township has always been cooperative. Mr. Allen asked what was the downside

to the alternate route. Mr. Spano advised they would just be going back down Mt. Misery Road and not up to Greenwood Bridge Road and losing a lot of trail. Mr. Cartier noted that the resident who submitted the letter of concern is satisfied with Mr. Spano's compromises. Discussion ensued regarding the speed and it was decided to limit the speed near the housing to 18 mph.

Motion by Stinney and Scull to approve the ride with modifications to route and speed. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

At this time Council President Cartier noted that he needed to change his vote on the consent agenda to abstain on the New Business item for the extension of the liquor license.

NEW BUSINESS

- d. Parade Permit applications (**REQUIRES PUBLIC HEARING**) for Ellen Catalano, annual Candlelight Vigil in memory of victims of domestic violence, to be held at the North Atlantic Region Soroptimist Peace Garden at South Lakeshore Drive & Arethusa St., 10/26/12 at 5:30 p.m.

Council President Cartier opened the meeting to the public for comments on the parade permit and there being no members of the public indicating a desire to be heard, the meeting was closed to public comments on the parade permit.

Motion by Prickett and Stinney to approve parade permit. Prickett, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

Approval by Council required for payment of vouchers on bill list dated 8/10/12. (Pulled from consent agenda.)

Mrs. Scull pulled from the Budget Account Bill List, page 3, under Legal Services to Gluck Walrath, 12-02324 in the amount of \$391.47 for Historic Trust.

Motion by Allen and Prickett to approve Gluck Walrath bill 12-02324 in the amount of \$391.47. Allen, yes; Prickett, yes; Stinney, yes; Scull, abstain; Cartier, yes. Motion carried.

Mrs. Scull pulled from the Budget Account Bill List, page 12, under Various Street Paving to Earle Asphalt Company 12-01332 in the amount of \$174,352.82 for Lemmon Avenue Paving.

Motion by Prickett and Stinney to approve Earle Asphalt Company 12-01332 in the amount of \$174,352.82. Prickett, yes; Stinney, yes; Scull, abstain; Allen, yes; Cartier, yes. Motion carried.

President Cartier opened the meeting to the public for general comments. Those commenting were:

America Phillips, Presidential Lakes – 1. Asked the status of 400 New Jersey Road. Mr. Gonzalez advised that he had been out to look at the property himself

and noted it is owned by Wells Fargo who has been contacted and requested to clean up the property and remove the pool. Mr. Gonzalez further advised that if they do not take care of the property they will be receiving summonses. **2.** Commented that the yield sign at Florida and New Hampshire Road is still blocked. **3.** Commented again that nothing has been done at the corner of New York Road and Tennessee Trail and she has been bringing it up for two years. Mrs. Scull noted that all Council can do is give her concerns to Administration and they expect Administration to look into it and take care of the situation. Mr. Allen suggested that Ms. Phillips follow-up her comments at the Council meetings with a phone call or email to Administration. **4.** Commented that Mayor Patriarca has stated his door is open however she has things to do and she feels when there is a Township meeting it is for residents to bring their concerns, and feels the low attendance at the meetings is because they are not heard and don't want to waste their time and she has told them to be heard at the voting booth. Mrs. Stinney noted that this is the form of government they are in, the Council does not have a say in the day to day operations of the Township. **5.** Ms. Phillips asked that this Administration leave something behind for the teenagers in this town, let them spend their money here.

Solicitor's report

Mr. Bayer did not have anything to publicly report tonight.

Engineer's report

Ms. Willis reported: **1.** They were informed by Green Acres that the close out of Imagination Kingdom has been accepted. **2.** Tensaw Drive construction began today. **3.** 2011 Capital Road Program is addressing the punch list items and they are dealing with Pinelands on the unpaved roads. **4.** They contacted the County regarding a resident's request for a left turn lane on Broadway in front of the Library and noted they are aware of the issue and are looking into it.

Mr. Prickett thanked Ms. Willis for getting back to him regarding the chemicals put into the wells and asked if she knew how much was put in each well. Ms. Willis advised she will look into that for him.

Mayor's report

Mayor Patriarca reported: **1.** Noted the Triathlon was this past weekend in Presidential Lakes and it was very well attended, over 300 people participated. It is a good event for Pemberton, co-sponsored by our Recreation Department. **2.** Advised Council that the UCC Trust will not be able to sustain that department and they will be looking at having to fund that department in next year's budget unless Council considers raising the fees. The Mayor noted he would get all the numbers together for Council at the next meeting. **3.** Expressed that he meets with residents daily on complaints and issues they have and he believes that is why they are not coming to the meetings, because he is taking care of those issues.

Mrs. Stinney asked the Mayor about the historical pamphlet she had suggested be put together regarding the fire companies to be given to the new volunteers and asked the Mayor to have the Fire Chief look into it.

Mrs. Scull commented that residents' complaints, regardless of where they are

stated should be taken care of and if there are issues Code Enforcement should be writing summonses and if there is no code, the Council should be taking care of it.

Business Administrator's report

Mr. Gonzalez did not have anything to report.

Council Members' Comments

Diane Stinney: 1. Expressed the gratitude of a resident to their Police Department for their prompt response to an incident at her home on August 1st, and they were able to calm her down and take care of the situation. 2. Commented on Ms. Phillips request for things for the students to do, noting the parents need to step up. 3. Reported on a situation at the Pine Grove Shopping Center with kids on their skate boards and bikes disturbing the shoppers outside and inside the establishments. 4. Commented regarding the train station and requested that Council consider adopting a resolution to allow a referendum question asking for support of the train station on the upcoming General Election ballot and the deadline to do that would be August 17th, noting something needs to be done.

Mr. Cartier asked Mr. Bayer if this is something that could be done and would it be binding.

Mrs. Scull asked if it could be done and Mr. Prickett expressed concern that the wording on any ballot question is very important and would need to be carefully considered.

Council President Cartier recessed the meeting at 7:50 p.m. for a short break and reconvened the meeting at approximately 8:02 p.m. to allow Mr. Bayer to do some legal research on Mrs. Stinney's request.

Mr. Bayer advised that in his quick legal research it was his opinion that a municipality has to do an ordinance however he could have a more complete legal opinion to Council by noon the following day. Mrs. Stinney expressed she did not want to cost the Township any more money over this situation and wanted something resolved this evening. Mr. Bayer noted they could do a resolution and he could research after the fact if it would be sufficient but agreed with Mr. Prickett in that the wording needed to be very specific. Mr. Cartier asked what the question would be. Councilman Prickett suggested breaking it down and asked what they want to see in the question such as whether they want to see the train station museum open, or see the train station continue to be a museum, or local historic artifacts, or see the cars stay at museum at the train station complex. Mrs. Stinney expressed that she didn't intend to get into those types of specifics, she was just looking for the public's support. Council did not come to a conclusion on passing a resolution requesting a referendum as suggested by Mrs. Stinney. Mr. Allen noted that he understood where Mrs. Stinney is coming from but felt under the circumstances and time constraints they would not be able to get this accomplished. Mr. Prickett also commented on the issues that would need to be sorted out to come up with the proper wording for a referendum question in the allowed time frame.

Jason Allen: 1. Questioned the old form of government and Ms Scull explained how the old form of government worked and it was voted to change to this form of government with the expectation of the Mayor and Council working together.

Sherry Scull: 1. Noted that a resident was present tonight, Mr. Mantel and she had remembered seeing him on the news, explaining he is the artist that designed all of the penguins for the movie Mr. Popper's Penguins with Jim Carrey.

Richard Prickett: 1. Commented that the Water Carnival was a successful event, floats and fireworks were beautiful. **2.** Expressed that it was a pleasure to live in Pemberton with all the volunteers and all that they do.

Kenneth Cartier: 1. Thanked everyone for coming out and wished everyone a safe drive home.

The meeting was adjourned at approximately 8:30 p.m.

Respectfully submitted by,

AMY P. COSNOSKI, RMC, DEPUTY TOWNSHIP CLERK