

TOWNSHIP OF PEMBERTON

REGULAR MEETING

AUGUST 18, 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

Richard Prickett

Ken Cartier

Diane Stinney

Sherry Scull

Tom Inge – Arrived at 7:42 pm

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineers Dave Cella and Kelly Willis, Deputy Township Clerk Amy Cosnoski

2. Council President Scull called the meeting to order at approximately 6:31 p.m.
3. Closed Session Res. No. 185-2010

RESOLUTION NO. 185-2010

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:
PERSONNEL
POTENTIAL LITIGATION
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. 185-2010.
Prickett, yes; Cartier, yes; Stinney, yes; Scull, yes. Motion carried.

4. CLOSED SESSION

Council President Scull recessed the meeting at approximately 6:32 p.m. for Council to go in to Closed Session and reconvened the meeting at approximately 7:06 p.m.

5. Formal action as necessary pursuant to closed session.

Mrs. Scull advised 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 only. Those indicating a desire to be heard were: **Tony Miehle:** Spoke of the various change orders submitted since 2009 for the Court Room. He stated \$239,886 has been spent on the Court Room so far, not including man hours from Public Works. He commented that Resolution No. 188-2010 is a change order for \$2,700 and asked how much more the project will cost. Mrs. Scull conveyed that a change order is not uncommon. Mr. Vaz indicated that this change order will close the project. Mayor Patriarca added that it does not mean that part of the municipal building will not incur additional expenses at some point; things will certainly come up. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments on consent agenda items.

***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.**

***8. MINUTES FILED BY MUNICIPAL CLERK**

Regular meeting, August 4, 2010.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 186-2010

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:

1-800 HEATERS, \$29.00, OVERCHARGE OF HOT WATER HEATER PERMIT FOR BLOCK 271, LOT 14.

WALTER & PATRICIA E. TORWICH JR., \$1,311.20, OVERPAYMENT OF THIRD QUARTER 2010 TAXES ON BLOCK 760, LOT 5.

GINA BALSAMO, \$69.73, RECREATION YOGA CLASS WAS RESCHEDULED.

RESOLUTION NO. 188-2010

WHEREAS, BY RESOLUTION NO. 213-2009, ADOPTED SEPTEMBER 16, 2009, THE TOWNSHIP COUNCIL AWARDED A CONTRACT FOR THE MUNICIPAL COURT ROOM AND OFFICE RENOVATION PROJECT TO PILGRIM CONSTRUCTION CORPORATION IN THE SUM OF \$186,171.00; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 1 SUBMITTED BY THE GIBSON TARQUINI GROUP, INC., DATED SEPTEMBER 23, 2009; IN THE AMOUNT OF \$26,486.00 AND

WHEREAS, A COPY OF CHANGE ORDER NO.2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS AN INCREASE OF \$2,702.76 AND MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING CHANGE ORDERS WILL BE \$215,359.76; AND

WHEREAS, THE PROJECT ARCHITECT AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 2; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH CHANGE ORDERS IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ARCHITECT AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ARCHITECT'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS CONTRACT IN THE AMOUNT OF \$215,359.76; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO.2, AS SUBMITTED BY THE GIBSON TARQUINI GROUP, INC. FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED.

RESOLUTION NO. 189-2010

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 2009 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 A RESOLUTION SHOULD DESIGNATE THE INDIVIDUAL AUTHORIZED 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 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.

RESOLUTION NO. 190-2010

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 2009 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. 192-2010

WHEREAS, THE COUNTY OF BURLINGTON HAS AWARDED GRANT FUNDS IN THE AMOUNT OF \$21,500 TO PEMBERTON TOWNSHIP FOR ITS MUNICIPAL ALLIANCE COMMITTEE; AND
WHEREAS, IN ORDER TO COMPLY WITH GRANT REQUIREMENTS THE TOWNSHIP MUST SIGN AN AGREEMENT WITH THE COUNTY WHICH REQUIRES VARIOUS PROGRAM AND FINANCIAL CONTROL AND REPORTS TO BE ESTABLISHED; AND
WHEREAS, IT IS FURTHER REQUIRED THAT THE TOWNSHIP PROVIDE A TWENTY-FIVE PERCENT CASH MATCH TO THIS GRANT, WHICH MATCH HAS BEEN APPROPRIATED IN THE 2011 MUNICIPAL BUDGET, AND A SEVENTY-FIVE PERCENT MATCH IN KIND; AND
WHEREAS, THE TOWNSHIP IS IN SUPPORT OF THE EFFORTS OF THE MUNICIPAL ALLIANCE TO PROVIDE CONSTRUCTIVE ALTERNATIVES AND ACTIVITIES FOR THE YOUTH OF PEMBERTON TOWNSHIP;
NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE ATTACHED AGREEMENT WITH THE COUNTY OF BURLINGTON.

RESOLUTION NO. 193-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING CHANGE ORDER #1 IN THE AMOUNT OF \$2,746.00 TO THE CONTRACT WITH A.C. SCHULTES FOR THE PUMP/PIPING MODIFICATIONS CONTRACT FOR WELLS 8A AND 12
WHEREAS, THE TOWNSHIP IS UNDER AN ADMINISTRATIVE CONSENT ORDER (ACO) FOR ISSUES RELATED TO UPGRADES TO THE OVERALL WATER SYSTEM; AND
WHEREAS, THE ACO REQUIRES THE TOWNSHIP TO COMPLETE THE TEMPORARY CONVERSION OF WELL #12 FROM A TEST WELL TO A PRODUCTION WELL BY SEPTEMBER 1, 2010; AND
WHEREAS, BIDS FOR THE CONVERSION OF WELL #12 FROM A TEST WELL TO A PRODUCTION WELL WERE TAKEN ON JULY 7, 2010; AND
WHEREAS, THE SUCCESSFUL BIDDER WAS A.C. SCHULTES IN THE AMOUNT OF \$192,330.00 AND A CONTRACT WAS THEREAFTER AWARDED TO A.C. SCHULTES; AND
WHEREAS, THE PLAN UPON WHICH THE BIDS WERE SOLICITED WAS BASED ON THE BEST INFORMATION AVAILABLE AT THE TIME WHICH INCLUDED A YEAR 2000 SITE PLAN AND THE KNOWLEDGE OF THE STAFF REGARDING THEIR RECOLLECTION OF THE UNDERGROUND PIPING AT THE SITE;
WHEREAS, THE ORIGINAL CONTRACT SCOPE INCLUDED THE NEED TO INSTALL UNDERGROUND PIPING FROM WELL #12 TO CONNECT TO THE EXISTING PIPING AND DETENTION TANK WITHIN THE SITE; AND
WHEREAS, DUE TO THE TIME THAT PASSED FROM THE TEST WELL PROJECT AND THE PROPOSED CONVERSION PROJECT, THERE WAS UNCERTAINTY REGARDING THE ACTUAL UNDERGROUND PIPING AND DETENTION TANK LAYOUT, THEREFORE PLACING THE NEED TO INCLUDE A LINE ITEM IN THE BID FOR TEST PIT EXPLORATIONS; AND
WHEREAS, WHEN THE TEST PIT EXPLORATIONS WERE PERFORMED BY THE CONTRACTOR, THEY REVEALED THAT THE MAPPED LOCATION OF THE EXISTING UNDERGROUND DETENTION TANK DID NOT CORRESPOND TO THE ACTUAL LOCATION TANK AND THE RELATED PIPING, WHICH COULD NOT HAVE BEEN DISCOVERED UNTIL THE PIT EXPLORATIONS WERE PERFORMED; AND
WHEREAS, IN ORDER TO COMPLETE THE CONNECTION REQUIRED OF THIS PROJECT, THE CONTRACTOR WILL NEED TO EXTEND THE 6" DISCHARGE PIPING AN ADDITIONAL 30 LINER FEET; AND
WHEREAS, A.C. SCHULTES HAS PROVIDED A COST OF \$2,746.00 TO CONSTRUCT THE EXTENSION; 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 WORK; AND WHEREAS, THE APPROVAL OF THIS CHANGE ORDER IS NECESSARY TO PERMIT THE TOWNSHIP TO REMAIN IN COMPLIANCE WITH THE PENDING SCHEDULE SET IN THE ACO.

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 FOR THE MODIFICATION TO WELLS 8A AND 12 WATER SUPPLY PROJECT IN THE AMOUNT OF \$2,746.00 INCREASING THE TOTAL PROJECT COST TO DATE FROM \$192,330.00 TO \$195,076.00; 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 _____; AND

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

- A. A.C. SCHULTES, INC.
- B. TOWNSHIP ENGINEER
- C. TOWNSHIP CFO
- D. TOWNSHIP ADMINISTRATOR
- E. GLUCKWALRATH LLP

RESOLUTION NO. 195-2010

A RESOLUTION AUTHORIZING THE PURCHASE OF ROCK SALT UNDER BURLINGTON COUNTY CONTRACT #4-BUCCP-09085 PURSUANT TO N.J.S.A. 40A:11-10

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-10 AND N.J.A.C. 5:34-7.21, MAY BY RESOLUTION AND WITHOUT ADVERTISING FOR BIDS, PURCHASE ANY GOODS OR SERVICES THROUGH A COUNTY COOPERATIVE CONTRACT PURCHASING SYSTEM; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS THE NEED TO PURCHASE 950 TONS OF ROCK SALT FOR THE DEPARTMENT OF PUBLIC WORKS; AND

WHEREAS, THERE ARE GENERAL FUNDS AVAILABLE TO PURCHASE BOTH TRUCKS;

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

1. THAT THE MAYOR IS AUTHORIZED TO PURCHASE 950 TONS OF ROCK SALT IN THE AMOUNT OF \$53,808 AND THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS, IF ANY, NECESSARY TO COMPLETE THAT PURCHASE INCLUDING ANY CONTRACT; AND
2. THAT THE PURCHASE IS AUTHORIZED TO BE MADE UNDER BURLINGTON COUNTY CONTRACT #4-BUCCP-09085; AND
3. THAT WE FIND THAT THIS CONTRACT BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF MAINTAINING A SUFFICIENT AMOUNT OF ROCK SALT ON HAND.

BE IT FURTHER RESOLVED, THAT THIS CONTRACT IS SUBJECT TO A CERTIFICATION OF AVAILABILITY OF FUNDS BEING EXECUTED BY THE CHIEF FINANCE OFFICER.

RESOLUTION NO. 196-2010

TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELATION OF COMPLETED AND OR NOT PURSUED 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 OR THE CAPITAL IMPROVEMENT FUND AND UNUSED DEBT AUTHORIZATIONS MAY BE CANCELED; AND

NOW, THEREFORE 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 2008-17

IMAGINATION KINGDOM PLAYGROUND

ACCOUNT # 04-2008-200817-4019-3-90855 IMAGINATION KINGDOM SOFT COSTS

ACCOUNT # 04-2008-200817-4019-4-90855 IMAGINATION KINGDOM PROJECT COSTS

BALANCE TO BE CANCELED: \$ 250,000.00

11. NEW BUSINESS

***c.** Purchases at \$3,900.00 or over:

- *1.** Public Works Dept.: 399 tons of sand for road de-icing, from Scorer's Sand & Stone, in the amount of \$6,184.50.

***12.** Approval by Council required for payment of vouchers on bill list dated 8/13/10.

Mr. Cartier requested Resolution Numbers 191-2010 and 194-2010 be pulled from the Consent Agenda. Mrs. Scull requested Resolution No. 187-2010 be pulled.

Motion by Stinney and Cartier to approve the Consent Agenda as amended. Mrs. Stinney abstained for Item 8, Minutes filed by the Municipal Clerk, Regular Meeting August 4, 2010. Stinney, yes; Cartier, yes; Prickett, yes; Scull, yes. Motion carried.

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution No. 187-2010:

Mrs. Scull confirmed with Mr. Vaz that all of the properties have been checked and are not being used. Mr. Vaz conveyed that this resolution includes those properties approved by Council at the last meeting as well as the additional properties provided to Administration after the last meeting. Mrs. Scull asked if steps are in place to ensure the deed restrictions are not removed in the future to which Mr. Vaz advised that they can only control their employees. Mr. Vaz advised that Mrs. Brown and the Tax Collector checked the lists for liens as well as Code Enforcement performing a visual inspection. Mr. Vaz added that an aerial is provided from the GIS system as well. Mrs. Cosnoski added that the lists are also sent to Public Works, the Water Department and other departments for issues that they are aware of.

RESOLUTION NO. 187-2010

RESOLUTION AUTHORIZING PUBLIC AUCTION OF MUNICIPALLY OWNED LANDS NO LONGER NEEDED FOR PUBLIC USE WHEREAS, THE TOWNSHIP OF PEMBERTON IS THE OWNER OF SUBSTANTIAL NUMBER OF PARCELS OF LAND LOCATED WITHIN THE MUNICIPALITY WHICH ARE NO LONGER NEEDED FOR PUBLIC USE, IN WHICH THE MAYOR AND COUNCIL ARE DESIROUS OF SELLING AT PUBLIC AUCTION; AND

WHEREAS, N.J.S.A. 40A:12-12(A) AUTHORIZES A MUNICIPALITY TO SELL ANY REAL PROPERTY, CAPITAL IMPROVEMENTS OR INTERESTS THEREIN NOT NEEDED FOR PUBLIC USE BY OPEN PUBLIC SALE AT AUCTION TO THE HIGHEST BIDDER AFTER ADVERTISEMENT THEREOF; AND

WHEREAS, THE TOWNSHIP COUNCIL IS DESIROUS OF CONVEYING SAID PARCELS, ADDING SAME TO THE TAX ROLLS, AND DERIVING REVENUES FROM SAME;

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

ARTICLE I. SALE OF LAND AUTHORIZED. THE TOWNSHIP COUNCIL HEREBY AUTHORIZES THE SALE OF ALL THOSE LANDS SET FORTH ON SCHEDULE A AND SCHEDULE B WHICH, IS ATTACHED HERETO AND MADE A PART HEREOF, AT THE MINIMUM BID ESTABLISHED IN SAID SCHEDULES. THE TOWNSHIP RESERVES THE RIGHT TO ACCEPT OR REJECT ANY AND ALL SUCH BIDS FOR THE PROPERTIES, AND, TO REMOVE ANY PROPERTY FROM THE SCHEDULE PRIOR TO THE AUCTION. BIDS SHALL BE RECEIVED AT PUBLIC AUCTION ON, SEPTEMBER 29, 2010 AT 10:00 AM, IN ROOM #10, AT THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING. THE TOWNSHIP COUNCIL SHALL THEN HAVE FORTY-FIVE (45) DAYS WITHIN WHICH TO REJECT OR ACCEPT SAID BIDS.

ARTICLE II. SPECIAL CONDITIONS OF SALE.

A. THE PROPERTIES ON SCHEDULE A ARE TO BE SOLD AS RESTRICTED LOTS, INTENDED, TO ALLOW ADJOINING PROPERTY OWNERS TO EXPAND THEIR EXISTING LOTS. NO DEVELOPMENT SHALL BE PERMITTED ON THESE LOTS, AND THE DEED CONVEYING SAID PROPERTY SHALL CONTAIN A RESTRICTION AGAINST FUTURE DEVELOPMENT. NOTWITHSTANDING SAME, THE FOLLOWING EXCEPTIONS ARE HERBY PERMITTED: THE SUCCESSFUL BIDDER WILL BE ALLOWED TO UTILIZE SAID PROPERTY TO EXPAND HIS OR HER EXISTING HOME (SUBJECT TO SETBACK REQUIREMENTS); SHALL BE PERMITTED TO BUILD A GARAGE, POOL, STORAGE SHED, OR SUCH OTHER ACCESSORY USE PERMITTED UNDER LOCAL ZONING ORDINANCES.

B. THE SUCCESSFUL BIDDER FOR PROPERTIES IN SCHEDULE A UNDERSTANDS THAT THE LOTS TO BE ACQUIRED UNDER THIS RESOLUTION, WHERE THE SUCCESSFUL BIDDER OWNS PROPERTY WHICH IS CONTIGUOUS TO THE PARCEL(S) AUTHORIZED FOR SALE HEREIN, SHALL BECOME CONTIGUOUS WITH SAID PARCELS AND SHALL BE MERGED INTO A SINGULAR DEED. THE PARCEL SHALL NOT BE PERMITTED TO BE SUBDIVIDED.

C. IN THE EVENT THAT THE SUCCESSFUL BIDDER ON ANY OF THE LOTS DESCRIBED IN SCHEDULE A HEREIN IS NOT THE OWNER OF CONTIGUOUS PROPERTY, THEN, PURSUANT TO N.J.S.A. 40A:12-13.2, THE OWNER OR OWNERS OF ANY PROPERTY WHICH IS CONTIGUOUS TO THE PROPERTY UPON WHICH THE BID IS SUBMITTED, SHALL BE GIVEN THE RIGHT OF FIRST REFUSAL TO PURCHASE THE LAND AT THE PRICE SET FORTH IN THE BID. THE TOWNSHIP WILL NOTIFY SAID OWNER(S) WITHIN TEN (10) DAYS OF RECEIPT OF THE BID; AND THE CONTIGUOUS OWNERS SHALL THEN HAVE FIFTEEN (15) DAYS TO SUBMIT THE NECESSARY PAYMENT TO THE TOWNSHIP REQUIRED UNDER THIS RESOLUTION IN ORDER TO PERFECT THEIR RIGHT OF FIRST REFUSAL AND ACQUIRE TITLE TO THE PROPERTY.

D. IN THE EVENT THAT THE SUCCESSFUL BIDDER ON ANY OF THE LOTS DESCRIBED IN SCHEDULE A HEREIN IS NOT THE OWNER OF CONTIGUOUS PROPERTY OR DOES NOT HAVE A PRINCIPAL BUILDING, THEN, THE SUCCESSFUL BIDDER SHALL NOT BE PERMITTED TO BUILD A GARAGE, POOL, STORAGE SHED, OR SUCH OTHER ACCESSORY USE PERMITTED UNDER LOCAL ZONING ORDINANCES.

E. THE PROPERTIES ON SCHEDULE B ARE TO BE SOLD SUBJECT TO LIMITATIONS AND CONDITIONS SET FORTH IN SCHEDULE B AND THIS RESOLUTION. BIDDER(S) ARE RESPONSIBLE TO SECURE ALL APPROVALS. THE TOWNSHIP DOES NOT REPRESENT THE QUALITY OF THE LOTS BEING SOLD WILL MEET THE BIDDER(S) INTENDED USE.

F. THE PROPERTIES ON SCHEDULES A AND B ARE TO BE SOLD AS IS.

ARTICLE III. CONDITIONS TO SALE. THE TOWNSHIP COUNCIL HEREBY ESTABLISHES THE FOLLOWING CONDITIONS TO THE SALE OF THESE PROPERTIES, WHICH CONDITIONS SHALL BE IMPOSED UPON ALL BIDS SUBMITTED HEREIN:

A. THE PROPERTIES DESCRIBED IN SCHEDULE A AND SCHEDULE B ATTACHED HERETO SHALL BE ADVERTISED FOR PUBLIC SALE PURSUANT TO REQUIREMENTS AND PROCEDURES SET FORTH IN THE LOCAL LANDS AND BUILDINGS LAW (N.J.S.A. 40A:12-1 ET SEQ.).

B. EACH SUCCESSFUL BIDDER FOR THE PROPERTY IN SCHEDULE A MUST SUBMIT THE FULL AMOUNT OF THE BID BY CASH OR BY CHECK, AT THE TIME OF THE BID SUBMISSION. HOWEVER, IF PAYING BY CHECK, THE TOWNSHIP WILL REQUIRE A SEVEN (7) DAY WAITING PERIOD TO ENSURE THAT THE CHECK IS NEGOTIABLE AND "CLEARS".

C. EACH SUCCESSFUL BIDDER FOR THE PROPERTY IN SCHEDULE A MAY CHOOSE TO MAKE INSTALLMENT PAYMENTS AS OUTLINED ON THE ATTACHED LAND AUCTION PAYMENT AGREEMENT ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION.

D. FOR SCHEDULE B, 50% OF THE BID PRICE SHALL BE SUBMITTED BY THE SUCCESSFUL BIDDER AT THE TIME OF THE SALE. SAID PAYMENT CAN BE MADE BY EITHER CASH OR CHECK. HOWEVER, IF PAYING BY CHECK, THE TOWNSHIP WILL REQUIRE A SEVEN (7) DAY WAITING PERIOD TO ENSURE THAT THE CHECK IS NEGOTIABLE AND "CLEARS: FURTHERMORE, THE BALANCE SHALL BE PAID AT THE CLOSING BY CERTIFIED CHECK.

E. IN ADDITION TO PAYING FOR THE PROPERTY BY WAY OF BID, EACH SUCCESSFUL BIDDER SHALL BE REQUIRED TO PAY AN ADDITIONAL \$125.00 FOR EACH PROPERTY TOWARDS THE TOWNSHIP'S EXPENSES IN THE PREPARATION AND ADVERTISEMENT OF THIS RESOLUTION, AND THE PREPARATION AND RECORDING OF ALL DEEDS. THE \$125.00 WILL BE SUBMITTED TO THE TOWNSHIP AT THE TIME OF THE AUCTION.

F. PROPERTIES TO BE CONVEYED UNDER THIS RESOLUTION SHALL BE CONVEYED BY THE TOWNSHIP BY WAY OF QUITCLAIM DEED, WITHOUT ANY REPRESENTATIONS AS TO THE QUALITY OF THE TITLE, EXCEPT THAT THE TOWNSHIP REPRESENTS THAT TO THE BEST OF ITS KNOWLEDGE THERE ARE NO JUDGMENTS OR LIENS AGAINST THE MUNICIPALITY, WHICH WOULD AFFECT THE QUALITY OF TITLE.

G. ALL LOTS ARE CONVEYED SUBJECT TO EXISTING ENCUMBRANCES, LIENS, ZONING REGULATIONS, EASEMENTS, OTHER RESTRICTIONS AND SUCH FACTS AS AN ACCURATE SURVEY WOULD REVEAL AND ANY PRESENT OR FUTURE ASSESSMENTS FOR THE CONSTRUCTION OF IMPROVEMENTS BENEFITING SAID PROPERTY.

H. CLOSINGS SHALL OCCUR WITHIN FORTY-FIVE (45) DAYS OF THE ADOPTION OF THE RESOLUTION BY THE TOWNSHIP COUNCIL AWARDING THE SALE OF THE PROPERTIES TO THE HIGHEST BIDDER.

I. FAILURE OF THE PURCHASERS TO COMPLY WITH ANY OF THE REQUIREMENTS SET FORTH ABOVE, OR TO CLOSE WITHIN THE TIME FRAME SET FORTH BY THE TOWNSHIP IN ITS RESOLUTION AWARDING THE BIDS, SHALL ENTITLE THE TOWNSHIP OF PEMBERTON TO RESCIND PRIOR BID APPROVAL, TERMINATE ANY AND ALL RIGHTS OF THE DESIGNATED BIDDER IN SAID PROPERTY, AND RETAIN ALL MONIES THEREFORE DEPOSITED. NOTHING HEREIN IS INTENDED, HOWEVER, TO SUGGEST THAT THE TOWNSHIP WILL RETAIN ANY MONIES OF SUCCESSFUL BIDDERS. FOLLOWING THE ADOPTION OF THE RESOLUTION AWARDING THE BIDS, THE TOWNSHIP SHALL REFUND MONIES SUBMITTED BY ANY UNSUCCESSFUL BIDDERS.

ARTICLE IV. MISCELLANEOUS AUTHORIZATIONS. THE MAYOR, CLERK AND SUCH OTHER MUNICIPAL OFFICIALS AS ARE DEEMED NECESSARY ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE WHATEVER DOCUMENTS ARE NECESSARY TO EFFECTUATE THE INTENT AND PURPOSES OF THIS ORDINANCE.

ARTICLE V. EFFECTIVE DATE; NOTICE OF BID. THIS RESOLUTION SHALL BECOME EFFECTIVE IMMEDIATELY, AND THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THIS SALE IN THE BURLINGTON COUNTY TIMES BY TWO INSERTIONS AT LEAST ONCE A WEEK DURING TWO CONSECUTIVE WEEKS, THE LAST PUBLICATION TO BE NOT EARLIER THAN SEVEN (7) DAYS PRIOR TO THE DATE OF SALE SET FORTH ABOVE.

BE IT FURTHER RESOLVED THAT THE AUCTIONEER APPOINTED BY THE TOWNSHIP COUNCIL TO CONDUCT THIS AUCTION SHALL BE FREE TO ACT IN ALL RESPECTS IN WHAT IS DEEMED TO BE IN THE BEST INTERESTS OF THE MUNICIPALITY BY REVISING THE PARTICULAR LOTS BEING SOLD FOR A SPECIFIC DOLLAR FIGURE (E.G., IF TWO LOTS ARE BEING SOLD TOGETHER FOR \$2,400.00 AND TWO ADJOINING LOTS ARE OFFERED TOGETHER FOR \$2,400; BUT TWO PROSPECTIVE BIDDERS AGREE THAT THE FIRST WANT ONLY ONE LOT, AND OTHER WANTS THREE, THE AUCTIONEER SHALL BE PERMITTED TO AUCTION SAME IN THAT FASHION; OR IN ANY OTHER FASHION THAT WILL BEST ADVANCE THE GOALS OF THIS RESOLUTION); ALL SUBJECT NEVERTHELESS TO FINAL ACCEPTANCE AND APPROVAL BY THE TOWNSHIP COUNCIL. IT IS FURTHER EXPRESSLY PROVIDED THAT THE TERMINATION OF THE BIDDING PROCESS WILL NOT CONSTITUTE AN "ACCEPTANCE" OF THE BID; BUT WILL SIMPLY CONSTITUTE A RECOGNITION THAT THE BID IS THE HIGHEST BID RECEIVED AT THE TIME OF THE AUCTION, AND THE TOWNSHIP COUNCIL WILL HAVE ABSOLUTE DISCRETION TO DETERMINE WHETHER TO AWARD THAT BID AT ITS NEXT REGULAR MEETING AND/OR WITHIN 45 DAYS FOLLOWING THE DATE OF OFFER.

RESOLUTION NO. 187 –2010
SCHEDULE A

| BLOCK | LOT | LOCATION | SIZE | ZONING/ WETLANDS | MINIMUM BID |
|--------|-------------|------------------------|------------|---------------------|-------------|
| 48 | 61-62 | DANIELS AVENUE | 40X100 | R-80/ SEASONAL | 500 |
| 58 | 66-69 | ANEMONE | 80X 100 | R-80/ SEASONAL | 1000 |
| 58 | 70-73 | ANEMONE | 80X 100 | R-80/ SEASONAL | 1000 |
| 58 | 74-77 | ANEMONE | 80X 100 | R-80/ SEASONAL | 1000 |
| 61 | 51-54 | PARK STREET | 80X100 | R-80/ SEASONAL | 1000 |
| 74 | 23-27 | YOUNG ST. | 100X100 | R-80/ SEASONAL | 1000 |
| 74 | 29 | YOUNG ST. | 20X100 | R-80/ SEASONAL | 500 |
| 111 | 35-42 | BIRCH STREET | 160X100 | R-80/ SEASONAL | 1000 |
| 261 | 57-64 | BELLVIEW AND PLUM | 160X100 | R-80/ SEASONAL | 1000 |
| 286 | 4&5 | WISTERIA LANE | 40X100 | R-80/ SEASONAL | 500 |
| 286 | 6-9 & 14-17 | WISTERIA LANE | 160X100 | R-80/ SEASONAL | 1000 |
| 286 | 10&11 | WISTERIA LANE | 40X100 | R-80/ SEASONAL | 500 |
| 329 | 47-48 | PONDEROSA | 40X100 | R-80/ SEASONAL | 1500 |
| 329 | 49-52,57 | PONDEROSA | 80X100 | R-80/ SEASONAL | 2000 |
| 329 | 59-60 | PONDEROSA & LUPIN | 40X100 | R-80/ SEASONAL | 500 |
| 329 | 61-64 | PONDEROSA & LUPIN | 80X100 | R-80/ SEASONAL | 1000 |
| 360 | 49-52 | MOCKINGBIRD LANE | 80 X 100 | R-80/ SEASONAL | 1000 |
| 468 | 1-17 | FILBERT & PIEDMONT | 400X105 | R-80/ SEASONAL | 1500 |
| 470 | 1-8 | KING CT. & ORCHARD | 180X100 | R-80/ SEASONAL | 1500 |
| 470 | 39-46 | AVON WAY & ORCHARD | 180X100 | R-80/ SEASONAL | 1500 |
| 502.02 | 6 | VIREO WAY | 1.14 ACRES | R-1/ SEASONAL | 2500 |
| 502.03 | 3 | S. LAKESHORE & YORK | 100 X100 | R-1/ SEASONAL | 1500 |
| 511 | 1 | SLSD & VANCE | 100 X 99 | R-1/ SEASONAL | 1500 |
| 514 | 1 | DAISY LANE | 100X435 | R-1/ SEASONAL | 2000 |
| 522 | 25 | RANGE ROAD | 80X250 | R-1/ SEASONAL | 1500 |
| 681 | 5 | DAKOTA TRAIL | 80 X 135 | R-100/ | 2000 |

| | | | | | |
|-----|-------|----------------------------|---------|-----------------|------|
| | | | | SEASONAL | |
| 687 | 1 | N.CAROLINA & VIRGINIA TRL. | 72X125 | R-100/N | 1000 |
| 700 | 33&34 | W.VIRGINIA | 80X125 | R-100/N | 1000 |
| 739 | 3 | KENTUCKY TRAIL | 90X214 | R-100/ SEASONAL | 2000 |
| 854 | 48 | RIDGEVIEW AVE. | 4 ACRES | R-17/SEASONAL | 3000 |

SCHEDULE B
SUBJECT TO THE LIMITATIONS AND CONDITIONS SET FORTH BELOW

| BLOCK | LOT | LOCATION | SIZE | ZONING/WETLANDS | MINIMUM BID |
|-------|-------|----------------|--------|-----------------|-------------|
| 526 | 33&34 | JUNEBERRY AVE. | 80X100 | R-80/SEASONAL | 25000 |
| 526 | 35 | JUNEBERRY AVE. | 40X100 | R-80/SEASONAL | 12000 |

Motion by Stinney and Cartier to approve Resolution No. 187-2010.
Stinney, yes; Cartier, yes; Prickett, yes; Scull, yes. Motion carried.

Resolution No. 191-2010:

Mr. Cartier asked the engineer if the \$2,500 for escrow will be enough on an annual basis to maintain the basin. Mrs. Willis advised it will be sufficient and ARH worked with Mr. Bayer’s office to ensure it would cover any necessary maintenance to the storm water management system. Mr. Bayer conveyed the applicant will be responsible for the maintenance and the bond will be a backup if they don’t; the applicant will be signing an agreement promising to do the maintenance. Mrs. Willis added that every year a maintenance is performed on the basin a licensed engineer has to sign off that everything has been done. There is a sense of responsibility not only on the owner but the owner’s engineer as well. If the maintenance is continued and upheld it should increase the longevity of the basin. Mr. Cartier expressed concern that the basin will last a long time but not forever. Mr. Cella agreed and commented the resolution does not address longevity; it only addresses the maintenance to extend the life of the basin. Mrs. Willis stated if there is a failure at the basin, the Township could go to the owner because the problem is coming from the owner’s property.

RESOLUTION NO. 191-2010

A RESOLUTION AUTHORIZING APPROVAL OF A STORM WATER MAINTENANCE AGREEMENT SUBMITTED BY AKSHARDERI KRUPA, LLC FOR THE CONSTRUCTION OF A DUNKIN DONUTS
WHEREAS, AKSHARDERI KRUPA, LLC (“A.K., LLC”) IS THE OWNER OF REAL PROPERTY LOCATED AT ROUTE 221, TRENTON ROAD, BROWNS MILLS, NJ AND IDENTIFIED ON THE LOCAL TAX MAP OF PEMBERTON TOWNSHIP (THE “TOWNSHIP”) AS LOTS 49 & 50, BLOCK 772 (THE “PROPERTY”); AND
WHEREAS, THE PROPERTY HAS RECEIVED PRELIMINARY FINAL MAJOR SITE PLAN APPROVAL TO PERMIT THE CONSTRUCTION OF A DUNKIN DONUTS BUSINESS; AND
WHEREAS, AS A CONDITION OF THIS APPROVAL, A.K., LLC WAS REQUIRED TO SUBMIT STORMWATER MAINTENANCE PLAN FOR THE PROPERTY; AND
WHEREAS, A.K., LLC PROPOSES TO PROVIDE A DRAINAGE BASIN TO HANDLE STORMWATER RUNOFF FROM THE PROJECT AND WILL POST A CASH BOND IN THE AMOUNT OF \$2,500.00 AND HAS MEMORIALIZED SUCH IN AN AGREEMENT SUBMITTED TO THE TOWNSHIP; AND
WHEREAS, THE TOWNSHIP COUNCIL DESIRES TO FORMALLY APPROVE A.K., LLC’S STORMWATER MAINTENANCE PLAN FOR THE PROPERTY.
NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE STORMWATER MAINTENANCE AGREEMENT SUBMITTED BY AKSHARDERI KRUPA, LLC FOR THE CONSTRUCTION OF A DUNKIN DONUTS IS HEREBY APPROVED.
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. AKSHARDERI KRUPA, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. BRETT INGRAM, ARH
- D. GLUCKWALRATH LLP

Motion by Cartier and Stinney to approve Resolution No. 191-2010.
Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes. Motion carried.

Resolution No. 194-2010:

Mrs. Scull expressed concern with the EMS service charging residents when their insurance companies do not pay the full bill or if the resident is not insured. Mr. Vaz replied that they cannot specify that in the contract; however, he included language in the bid specs that stated that the bidder will employ non-aggressive tactics when seeking to collect out of pocket expenses, co-pays, deductibles or the full bill from residents but within the requirements of the law. Mr. Vaz added that

the only other alternative would be to start the Township's own EMS and not charge anyone. Mrs. Scull stated that when the Pemberton Township ambulance shows up and the insurance company does not pay, the resident is not sent threatening letters that they will be turned in to collections. Mrs. Scull stated it is the contracted company that is going to put the residents' health in jeopardy by the resident not being able to afford the ambulance bill. Mr. Prickett confirmed that the Township will no longer be providing the vehicles but they will provide the fuel. Mr. Vaz stated the Township does not provide vehicles. Mr. Cartier asked why there is a switch. Mr. Vaz noted that there were five responsive bids, and it is for a base contract of three years with two renewal years. They added an option for them to contract for a second rig that would cover peak periods between 6:00 a.m. and 6:00 p.m. That is the time period that is very difficult for their volunteer squads to cover. Two of the bidders bid zero; two of the bidders bid zero on the 24/7 rig and between \$36,000-\$200,000 per year for the second rig. Mr. Vaz spoke of various reasons why Administration chose the bid received from Lourdes Medical Center. Mrs. Scull asked if the patient has a choice to go to Virtua Hospital in Mount Holly or if they have to go to Lourdes in Willingboro. Mr. Vaz responded that Lourdes will take the patient to the nearest hospital that has the ability to treat the patient. Mr. Cartier noted that Lourdes specifies it will bill \$540 per pick up and \$12 per mile. Mr. Cartier stated he would like it clarified that the patient will be able to go where they want. Mr. Vaz introduced Mr. Johnson, CEO, of Lourdes Medical Center. Mr. Johnson stated patients have a right to go where they ask to go. Mr. Johnson added that Lourdes made a pledge to the state that their E.R. will never be on divert. There are certain types of patients that shouldn't go to other places. A severely injured trauma patient should go directly to Cooper from this location. In general a patient whose medical condition allows them to go anywhere, will be taken anywhere within reason. Mr. Johnson commented that Lourdes is a faith based institution and was among the first group of hospitals to have a patient friendly billing policy. The Lourdes Health System has never put a lien against someone's house in the four years he has been there. Their patient friendly billing policy has even been used as a model by Senator Baucus in the Senate. Council President Scull conveyed the positive comments in the community regarding the service the residents are receiving from Lourdes Medical Center.

RESOLUTION NO. 194-2010

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES TO LOURDES MEDICAL CENTER IN THE AMOUNT OF \$0.00

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AUTHORIZED A FORMAL BID SOLICITATION FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") FOR THE PROVISION OF BASIC LIFE SUPPORT EMERGENCY MEDICAL SERVICES ("EMS") FOR THREE YEARS (WITH TWO ADDITIONAL OPTION YEARS), WHICH SHALL INCLUDE ONE DEDICATED AMBULANCE, 24 HOURS PER DAY, 7 DAYS PER WEEK, 365 DAYS PER YEAR AND ALSO INCLUDES A SECOND AMBULANCE, 12 HOURS PER DAY, 5 DAYS PER WEEK, MONDAY THROUGH FRIDAY, BETWEEN THE HOURS OF 6:00 A.M. AND 6:00 P.M. (THE "CONTRACT"); AND

WHEREAS, THE TWO LOWEST RESPONSIBLE PROPOSALS WERE LOURDES MEDICAL CENTER BURLINGTON COUNTY, INC. AND MONMOUTH-OCEAN HOSPITAL SERVICE CORPORATION (MONOC) BOTH WITH BIDS OF \$0.00 COST TO THE TOWNSHIP; AND

WHEREAS, WHEN THERE ARE TWO OR MORE EQUAL BIDS OR PROPOSALS, N.J.S.A. 40A:11-6.1 PERMITS A MUNICIPALITY TO AWARD THE CONTRACT TO THE VENDOR WHOSE RESPONSE IS THE MOST ADVANTAGEOUS, PRICE AND OTHER FACTORS CONSIDERED; AND

WHEREAS, THE TOWNSHIP FINDS IT IN THE BEST INTEREST OF THE RESIDENTS TO AWARD THE CONTRACT TO LOURDES MEDICAL CENTER BURLINGTON COUNTY, INC. LOCATED AT 218 A SUNSET ROAD, WILLINGBORO, NJ BASED ON THE TOTALITY OF ITS EXPERIENCE AND REPUTATION IN THE MEDICAL FIELD INCLUDING, BUT NOT LIMITED TO, THE FOLLOWING:

1. LOURDES OPERATES THE REMOTE EMERGENCY ROOM AT DEBORAH HEART & LUNG CENTER LOCATED IN THE BROWNS MILLS CENTER OF THE TOWNSHIP;
2. LOURDES WILL USE MODERN FUEL EFFICIENT AMBULANCES WHICH ARE ANTICIPATED TO RESULT IN A 30-40% REDUCTION IN THE TOWNSHIP'S AMBULANCE FUEL BUDGET;
3. LOURDES WILL EMPLOY NON-AGGRESSIVE TACTICS WHEN SEEKING TO COLLECT ANY OUT-OF-POCKET EXPENSES (E.G., CO-PAYMENTS, DEDUCTIBLES, OR WHEN UNINSURED) FROM RESIDENTS, WITHIN THE REQUIREMENTS OF THE LAW; AND
4. LOURDES WILL WORK WITH TOWNSHIP OFFICIALS TO ESTABLISH A VOLUNTARY PROGRAM FOR TOWNSHIP RESIDENTS WHEREBY RESIDENTS CAN BECOME SUBSCRIBING MEMBERS TO THE LOURDES EMS FOR A REASONABLE FEE.

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 EMS SERVICES AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO LOURDES MEDICAL CENTER BURLINGTON

COUNTY, 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 LOURDES MEDICAL CENTER BURLINGTON COUNTY, INC.; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. EUGENE JOHNSON, LOURDES MEDICAL CENTER BURLINGTON COUNTY, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Cartier and Stinney to adopt Resolution No. 194-2010. Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes. Motion carried.

Mrs. Scull commented that this is not to take away from the company that has been providing service. They have done an outstanding job with their residents over the past as well.

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

- a. ORDINANCE NO. 14-2010 (Title Read By Mrs. Scull)
CAPITAL ORDINANCE APPROPRIATING \$277,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY

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

Motion by Cartier and Stinney to adopt Ordinance No. 14-2010. Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes. Motion carried.

- b. ORDINANCE NO. 15-2010 (Title Read By Mrs. Scull)
AN ORDINANCE TO AMEND SECTION 7 (“PERMIT FEES”) OF CHAPTER 171 (“TRAILERS AND TOURIST CAMPS”) OF THE CODE OF THE TOWNSHIP OF PEMBERTON

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

Motion by Cartier and Stinney to adopt Ordinance No. 15-2010. Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes. Motion carried.

- c. ORDINANCE NO. 16-2010 (Title Read By Mrs. Scull)
AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Mrs. Scull opened the meeting to public comments. Those indicating a desire to be heard were: **Tony Miehle:** Mr. Miehle noted that the Accountant position is to support the CFO and asked if they set the CFO up to fail by not giving them the support they needed. Mrs. Scull commented that Council is not saying anyone failed. Mayor Patriarca clarified that the ordinance is not to create an Accountant position; it is to fund the Accountant position that already existed.

Motion by Stinney and Prickett to adopt Ordinance No. 16-2010. Stinney, yes; Prickett, yes; Cartier, yes; Scull, yes. Motion carried.

d. ORDINANCE NO. 17-2010 (Title Read By Mrs. Scull)

AN ORDINANCE TO AMEND THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY TO ESTABLISH A COST FOR REPLACEMENT PAPER CARTS

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

Motion by Cartier and Stinney to adopt Ordinance No. 17-2010. Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes. Motion carried.

11. NEW BUSINESS

a. Discussion of Nova Properties (Danitom Development) Developer's Agreement.

Mr. Bayer advised Council that Danitom's attorney, Mr. Tom Carroll, will be providing a presentation tonight. Mrs. Scull conveyed that it is an informational presentation tonight. Mr. Carroll is representing Nova Properties and provided a brief overview of what has transpired. Danitom is under contract to purchase property, pursuant to an RFP or RFQ, that is owned by Pemberton Township. Danitom has been before the Planning Board and received preliminary subdivision approval. A few issues arose as a result of those Planning Board proceedings, implicating the Township Council because there were a couple of issues that were not precisely in accordance with the developer's agreement that Danitom and Township Council had executed some time ago. There are also issues regarding ownership and maintenance of the storm water facilities, open space lot and the water moratorium. Mr. Carroll conveyed the developer's agreement required curbing but did not specify where it should be. The plan approved by the Planning Board includes curbing in certain areas where it is feasible and appropriate to have but not curbing everywhere throughout the development. That is an item that is arguably not precisely in accordance with the developer's agreement. The resolution approved by the Planning Board directs Danitom to come to Township Council and seek Council's acquiescence to the extent that there may be discrepancies between the Developer's Agreement and the terms of the approval. Mr. Critelli conveyed it was approximately four years ago that a prior Council approved the RFP for Danitom. Mr. Critelli informed that the engineering on the property required Danitom to show curbing only at the intersections. Due to the elevations of the properties and roads, both the Planning Board Engineer and Danitom's engineer considered curbing not to really work on the site. In an effort to keep people from cutting across intersections on private property, curbing was put in at the intersections. Mr. Prickett asked if the curbing had anything to do with a storm sewer or drainage. Mr. Critelli advised there are storm sewers throughout the entire site and the corner curbing coincides with what the storm inlets would allow. Mr. Carroll noted the Developer's Agreement requires sidewalks and does not specify precisely where. The Planning Board resolution has a detailed paragraph

regarding sidewalks. Danitom does not have the absolute right to put sidewalks in front of those properties that they do not own but Danitom must contact those property owners to receive permission to install sidewalks in front of their properties. Mr. Cartier respectfully disagreed with Mr. Carroll and stated there is not enough room in the right of way to install sidewalks. Easements would need to be acquired from existing landowners to fit sidewalks in there. Danitom will negotiate with the property owners to try and put sidewalks in there. Mr. Carroll commented that speed humps are discussed in the Developer's Agreement but are included in the application approved by the Planning Board. It was the consensus of all including the Planning Board's consultants that there was no reason for the speed humps. Mr. Prickett stated speed humps are moveable and are not supposed to be permanent structures and asked if the Planning Board talked about a fund to cover the potential need of speed humps. Mr. Prickett conveyed it is approximately \$10,000 for a speed hump and if there was a fund to cover it, that is the intent to control speed through the development and it changes from time to time. Mr. Critelli stated he does not recall anyone mentioning temporary speed humps. Mr. Carroll advised there is a general provision in the Planning Board resolution that states to go to Township Council and receive their acquiescence. Mr. Prickett conveyed to Administration that the Developer's Agreement had a component for speed humps and ARH has not been identified to place the speed humps. Mr. Prickett asked Administration for their thoughts on having Danitom establish a fund to cover the potential need of speed humps in the future. Our engineer recommended temporary asphalt speed humps which seem to work very well. Mr. Carroll conveyed that the Developer's Agreement doesn't require speed humps. Paragraph 10J of the Developer's Agreement stated speed humps are authorized by the municipal authority. Mrs. Scull noted Council has not authorized any in that area. Mr. Cartier remarked that the Planning Board did vote to accept the sidewalk and curb discussions and it was a consensus by the Planning Board to be approved by the Council since the Council originally approved the Developers Agreement. Mr. Cartier is happy with what they did at the Planning board level and recommended Council accept it. Mrs. Scull asked if there was a problem with having resolutions made to address those three issues for the next meeting. Mr. Bayer conveyed that the Developer's Agreement would have to be amended and then have a resolution authorizing the amendment. Mr. Carroll commented on the issue of ownership and maintenance of storm water facilities and retention basins. Mr. Critelli conveyed when he went to the Pinelands the new storm water management regulations were in place and they spent two years working with the Pinelands trying to resolve storm water and how to handle it. It requires several basins on the site. Mr. Critelli informed he lost nine properties to four storm water basins. He intended to turn the basins back over to the municipality once the building was completed; similar to what was done in Presidential Lakes where the municipality assumes the responsibility of those basins. Mr. Bayer asked if there is going to be a homeowner's association. Mr. Critelli replied there is not and they normally don't do a homeowner's association for single family detached housing unless it was age restricted. Mr. Cartier stated that Dunkin Donuts is in the same situation. Mrs. Willis conveyed she is going to ask Mr. Ingram when the ordinance was adopted that would require them to have a storm water management plan. Mr. Cartier informed Dunkin Donuts was approved the same meeting that Danitom was discussed. Mrs. Scull asked if they have to have a certain amount of money in an escrow account like Dunkin Donuts. Mr. Bayer conveyed Dunkin Donuts is maintaining the basin and also posting a bond in case they did not maintain the basin. Once the lots are sold off

there will not be a single ownership entity and that is the difficulty. Now the town owns all of the property and he would acquire all of it and develop it and it would be in his name, Nova Properties, LLC. Mr. Cartier conveyed the Mayor's concern was having to assume the responsibility of maintenance of those basins. Mr. Cartier reiterated that some day the basin is going to fail and the Township is going to be responsible for fixing that problem. Mr. Bayer noted a section in the ordinance that states storm water management measures are to be inspected, maintained, repaired by a public agency. Pemberton Township shall collect a prepaid fee from the applicant in the amount the Township determines is needed to provide long term inspection maintenance repair on all storm water management measures. The other provision for Dunkin Donuts talks about for those storm water measures that are being inspected, maintained and repaired by a homeowner's association, condo association or some other form of non-public ownership, it requires the owner to create a fund to maintain the basin. Mrs. Scull commented that it will basically be part of the selling price when the individuals buy their home and some of that money will then go in to an escrow. Mrs. Willis noted that the Township would prepare an estimate with regards to the amount of inspection necessary, how much that would cost over time as well as the maintenance of the storm water management system not only the basin related to this development. That would have to be put together if that is what Council decides. Mr. Critelli remarked that is standard protocol now. Mr. Prickett clarified where the basins would be located. Mr. Prickett asked if the trees will remain. Mr. Critelli expressed to not take possession of it or dedicate it back to the town as open space, but he never really got very far with the Planning Board on that idea either. Mr. Cartier informed the Planning Board does not have the authority to approve or disapprove that. Mr. Prickett asked if the Planning Board commented on the open space area. Mr. Cartier indicated not that he can recall and they basically stated to take it up with Council because ultimately it would be up to Council to accept or deny it. Mrs. Scull clarified that Mr. Critelli is asking Council if they would take the property back. Mr. Critelli clarified that he is asking Council to consider whether to make that an amendment to the Developer's Agreement in addition to what was discussed earlier where the lots would be removed from the Agreement or.....Mrs. Scull interjected and asked how many lots there are. Mr. Critelli answered probably six or seven, 500'. Mr. Prickett expressed concern with removing those lots from the Agreement and would like to know what the Solicitor thought. Mr. Critelli remarked a recreation fee is on a building permit basis, and the purchase price in the Developer's Agreement remains. Mr. Cartier clarified that regardless if the Developer's Agreement is amended to include the six parcels or not, it has no impact on the price. Mr. Prickett asked if they are wetlands. Mr. Critelli answered they are not wetlands, but they are within the wetlands buffer. Mr. Critelli informed the gross acreage of the six lots is approximately 5,000 square feet. Mrs. Scull commented it could be used as a playground or recreation area. Mayor Patriarca reported that Administration was able to get through Pinelands and use a portion of that for passive recreation such as a tot lot. Mrs. Scull commented that there are more military troops from Camp Drum moving this way in the next month or two and Council would like to see this project get off the ground so they can have success in selling the properties. Mr. Critelli expressed his appreciation for that and noted that it has been a long four years. Mr. Bayer recommended Council caucus on the open space issue, and he will get back to Mr. Carroll. Mr. Cartier commented that would go to Administration and the Engineer's offices as to how far along we are in rectifying the problems. Mrs. Willis informed there is an ACO that has been established between the

NJDEP and Pemberton Township due to the water system issues. Firm source capacity which is what was handed down in the water moratorium, is not specifically part of the ACO but in some of ARH's recommendations on how to handle the water system issues at this time will also rectify the firm source capacity issue. They are working on getting a well on line under the Township's ownership for approximately 10 years. Another well was recently permitted. They are looking to make Well #12 a permanent source. ARH is also researching ways to bring Well #11 either back on line to remove the radium in Well #11 to keep that source on for Pemberton Township. It is an asset and a large water source and ARH is trying to find a way to keep that on line and also try to increase the yield by adding two wells to the system, Well #12 and Well #13, and as it stands all of the other wells that are on line, 6, 7, 8a and 4, are trying to increase what is coming out of them but on paper which is what firm source capacity is calculated by, we cannot increase the allowable yield out of any of those. Mrs. Willis reiterated getting Well #12 as a permanent source and handling the firm source capacity issue. Mrs. Willis cannot provide a date on when the moratorium will be lifted. Our high month in July 2005 has been erased and that was the mark that set how we calculate the firm source capacity. We have had a very hot July and a very hot August. July 2010 was less than the high in July 2005. We have now brought down our maximum usage over the last five year period. Mr. Vaz expressed the moratorium expires December 31st assuming there are no other issues that come up. Mrs. Willis replied that Well #13 is currently on line and there is a gravel pack issue which will require the well be taken off line to rectify and it has been permitted. They are in the process of getting an emergency allocation for Well #12. Mrs. Willis informed a full water allocation will have to be done which is a lengthy process. ARH has already taken strides with the DEP to find out what has been committed on the well and to see how far along the application may be. Mr. Carroll asked for a timeframe and what happens next. Mrs. Scull replied that Council needs to caucus on a few of the issues. Mr. Inge clarified that the biggest problem is storm water management and open space.

b. Request from Engineer to begin survey and design work for 2010 Capital Road Program.

Mr. Prickett noted that Section V is Lake Valley and not Country Lakes. Mr. Cella commented that he has noted the budget number which was amended and corrected in the five year plan adopted. The numbers are generally in line with the five year plan numbers. This proposal cannot be acted upon until the twenty day period which would be August 30th; the first Council meeting in September. Assuming there are no major questions regarding the capital road program that was adopted at the last meeting, ARH is starting the survey work. Mr. Cartier asked if construction includes storm water. Mr. Cella answered that it will include storm water on select roadways where it is needed. Mr. Prickett questioned the total budget estimate of \$1,081,250. The \$81,250 is above the \$1 million in the bond ordinance that was passed at the last Council meeting. Mr. Prickett asked where the \$81,250 is from. Mr. Cella explained the \$1 million budget is the budget for the project. ARH is including a base bid with alternates. On the front page of the proposal, the roads to be considered a priority in the base bid and then which roads would be added on as alternate bids. If the funding is available to award for all of the roads, ARH will recommend all of them. If it falls just above the \$1 million, they adjust the list and those roads not

included will be pushed to 2011. Mrs. Scull commented that this will be placed on the September 1st agenda.

d. Applications submitted for memberships, licenses, permits:

- 1. Parade Permit Applications: (PUBLIC HEARING REQUIRED)**
 - 1. Soroptimist International of Rancocas Valley North Atlantic, Candle Light Vigil, 10/1/10, 5:30PM – 7:00PM, at Peace Garden Gazebo on South Lakeshore Drive and Arethusa Avenue.**

Mrs. Scull opened the meeting to public comments. There being no members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments. Mr. Cartier asked for an update on the discussion regarding the rocks in the water from the last meeting. Mayor Patriarca stated the police are investigating the vandalism of the area.

Motion by Cartier and Stinney to approve the parade permit application from the Soroptimist International of Rancocas Valley North Atlantic Candle Light Vigil, 10/1/10, 5:30PM – 7:00PM. Cartier, yes; Stinney, yes; Prickett, yes; Scull, yes; Inge, yes. Motion carried.

Council President Scull recessed the meeting at approximately 8:28 PM for a short break and reconvened the meeting at approximately 8:39 PM.

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Tony Miehle:** Suggested we pay close attention to whose money we are spending. Stated its okay to disagree but it should be done in a polite manner. Noted that the ledger has not been balanced for several years and it needs to be taken care of. The Mayor clarified that we were not fined for having a general ledger that was not balanced. **Thomas T. Turner:** He is here on behalf of his mother, Annie Turner. Mr. Turner asked Council to adopt a resolution to waive the 2009 and 2010 property taxes which his mother has been asked to pay because a disability entitlement form was not returned according to the Tax Assessor's office. Mr. Turner informed that he spoke with Ms. Susan Dolby at the state for clarification on the process and learned that there is a requirement that every three years the disability entitlement form must be submitted; however, the form is not a requirement for continuing entitled benefits. The requirement is only for a non-profit organization which has a similar form which people have misquoted the three year requirement. The municipality determines how often the form is filed and the requirement is to maintain records of the 100% disabled. Mr. Turner advised he was sent a page from the Tax Assessor's handbook that sites case law that states failure in and of itself to return the form is not the sole criteria for removing the eligibility. Mr. Turner noted that the Tax Assessor could have followed through to determine why since 1969 until now for a one year period that form was not submitted. Mr. Turner informed it was not submitted because his mother spent a lot of time in hospitals during that time and if she even received the form in 2008, her major priority was not filling out a form. Mr. Turner conveyed there is an absence of process in terms of dealing with that. He has agreed with Mayor Patriarca to look in to that and try and put some type of process in place. Mr. Turner noted he would offer the Mayor some suggestions along with what the Mayor's staff has been looking in to. Mr. Turner relayed that a lot of veterans and surviving spouses will fall under this since

everyone is probably over 70 years of age. Mr. Turner continued with hopefully the failure to return a form because of other life priorities doesn't automatically force someone who hasn't paid taxes at all by their eligibility to now start paying taxes. If they were unable to do that, to put them in a position where they might lose their house to a tax sale. Mr. Turner again asked the Council to adopt a resolution and waive the 2009 and 2010 property tax payments and consider putting a process in place so this does not affect anyone else. Mrs. Scull asked Administration if there is an ordinance in place that requires the form be sent in or if it has just been a practice. Mayor Patriarca stated he understands why there are mechanisms in place because there have been cases of abuse. The Mayor agrees with Mr. Turner in that how can someone that has been on TDV status for that long be taken off. He doesn't agree with that and that is why he directed Mr. Turner to come to a Council meeting because Council has the authority and not Administration to waive any payments. Mr. Vaz advised Council would be doing a resolution to waive the 2009 and 2010 property taxes and the reason the Tax Assessor has been taking her position is because the 2009 tax levy has already been struck and the county and school taxes have already been paid. What we would be doing is letting the taxes go and have already paid the portion of the taxes to those other taxing entities and we can't recoup that. We can't go to the school board and get that money back. Mayor Patriarca advised Mr. Turner provided a mechanism that may allow the Tax Collector to recoup the money paid to the county. Mr. Turner advised he was informed by Mr. Vaz that the 2009 and 2010 taxes would have to be paid and there is no stopping 2010. Mr. Turner spoke with the county who indicated there is a process in place in the tax office called credit and debit by which those monies that have been paid to the county can be credited against the 2011 budget. The Township could recoup the money. As far as the school board, he spoke with Mr. Flanagan on behalf of the Superintendent, who indicated that would also be deferred to the Tax Collector in terms of recouping those funds. Mr. Inge asked Mr. Turner if his mother received a tax bill. Mr. Turner did not know but she did receive a notice stating her eligibility was removed and she was required to pay the 2009 and 2010 property taxes in December 2008. He did not start receiving his mother's mail until the summer of 2008. In requesting information regarding his mother's eligibility, he asked the Tax Assessor to send him everything in the file and he received three pieces of documents. He is looking for the other documents that were signed from 1969 until present if that indeed was a requirement. Mr. Cartier asked for a report from the Tax Assessor regarding this as to exactly what happened. Mr. Bayer suggested it be filtered through his office. Mr. Vaz informed he received a report from the Tax Assessor. Mrs. Stinney suggested that information be disseminated with the Veterans Committee. Mr. Turner stated there should be a process in place. Mrs. Scull noted that the Veterans Committee and the Senior Citizen's Council will receive the information once it is ironed out. Mr. Cartier stated to Mr. Vaz that he would like to know what happened with this property, the history, what went wrong, why it went wrong and how it was rectified and how to rectify going forward so it does not happen again. The Mayor informed that this property has been taken off of tax sale. Mr. Cartier noted Mr. Wells is on the school board and could possibly look in to the taxes. **Ray Wells:** Complimented Mr. Turner for being a devoted son and the work he did. It is the responsibility of the Township and not the individual to have to go to the extent he did. There will be over 5,000 students enrolled in Pemberton Township starting in September. Mr. Wells informed the preschool is progressing and will start in January or February. A new gym and classrooms are progressing at the Fort Dix School and is on schedule. Our high school is getting a major renovation of the security system. It will be

completed shortly after school starts. There has been a big turnover in the staff and a lot of retirements. Mrs. Stinney asked if there is an Early Childhood Center attached to the Fort Dix Elementary School. Mr. Wells replied there is now but he does not know if it will be incorporated in the main school. Mrs. Stinney spoke with the Superintendent yesterday and will be meeting tomorrow with him. Asked when Mr. Wells anticipates Fort Drum moving in to the area. Mr. Wells advised some have already arrived and more are coming. The majority will be here the first of the year. Mrs. Stinney asked if the majority will be going to our schools. Mr. Wells will not know that until probably the second meeting in September. Mrs. Stinney asked if there are a number of students that are attending other schools when they should be attending Pemberton Township. The Mayor had previously suggested to Mr. Wells to obtain the information through OPRA. Mr. Wells advised their attorney informed that OPRA does not apply to students who are not adults. Mayor Patriarca stated he had suggested obtaining the number of students through OPRA, not the names but he will look in to it. Mrs. Scull conveyed that the student enrollment at Fort Dix Elementary are up; and there are over 300 students registered. That's approximately 100 more than last year. Mr. Wells added that three classrooms were added and those students are still coming in for all of the schools. Mrs. Stinney noted that she continues to talk about the students dwindling with the Superintendent and also highlight our schools. We want our students to attend our public schools. We have good, fine schools here. We have talked about many of the successes of our students that have graduated and gone on to Ivy League schools. Mr. Wells advised the Charter schools have been chartered by the state of New Jersey for many years. The Charter school in the Boro has applied for and received permission to use the school. The regulations for Charter schools are much different than they are for public schools. A Charter school can go in to a building condemned by the state of New Jersey and now be approved by the state of New Jersey for that charter school. It is a verbal five year agreement at the moment. The Charter school receives 90% of the funding that the public schools receive. Mr. Wells informed school will begin on September 7th. Mr. Inge conveyed that people are complaining that school is starting too late because of the summer programs ending this Friday. People have to find someone to watch their children for almost three weeks prior to school starting and that was the same problem last year. It was brought up to the school board and the summer programs. Mr. Inge asked if anything can be done about that. Mr. Wells commented he is not sure legally if the school board has the right or authorization to have children there. Mrs. Scull informed preschool is dictated by state. Mr. Wells reminded there is a program for breakfast and lunch that is provided by the state 100%. Mr. Wells asked Administration how much is spent for EMS. Mayor Patriarca responded that they are paid \$4,500 per month under the contract. That does not include any outside billing they may do. We supply an office, electrical hook up for their ambulance and fuel. Mr. Wells asked how much they bill the public. Mr. Vaz responded he has a report that shows how much they have billed and collected for the month in aggregate numbers. Mr. Wells noted that all of these are profit organizations and they are all charging our community. If we know the total aggregate, it may pay us to do it ourselves which is what most of them have done. Mr. Vaz informed Administration had looked in to that two budgets ago and have talked about it continuously until now. With the 2% levy cap it may not even be in the realm of possibility at this point. Mr. Wells noted that 60% of Burlington County has Fire and EMS districts which is a separate budget line of their own and all of the emergency squads currently have ambulances. Ultimately because of the taxes especially now with the cap, it makes the Fire and EMS districts because they have a separate line and tax of their own.

It is an important thing not to look at and it's a lot of money. Mr. Inge asked if there were more companies interested in bidding. Previously we have had no one respond. Mr. Vaz advised we received five bids, and Council awarded the contract to Lourdes prior to Mr. Inge's arrival tonight. Two of the five bidders bid zero. Lourdes stated in their bid proposal that they charge \$540 plus \$12 per mile and it will only increase by the amount of the medi-care cost of living increase each year. Mr. Vaz informed there was an excellent response to the bid specs this time and it went from zero to \$236,000 per year. Mr. Inge noted this will save the Township money. Mr. Vaz reminded that the President of Lourdes conveyed to Council and they have patient friendly billing policy. The President assured they have not put a lien on someone's house. Our bid specs required that collection be the last part of the process of trying to get their money. A formal lawsuit would be the very last step and Lourdes put that in to their bid proposal that they believe in that process. The President stated today that Lourdes has a corporate philosophy around that action. Mrs. Scull remarked non-aggressive tactics and they are faith based and don't believe in putting liens on properties or putting them in collections. **Leroy Dancy:** Had a nice gathering in Lake Valley. The Mayor really went to work and Lake Valley appreciated it. Thanked the Council members that were in attendance also.

SOLICITOR'S REPORT:

Andy Bayer: Nothing to report.

ENGINEER'S REPORT:

David Cella: Nothing to report.

MAYOR'S REPORT:

David Patriarca: 1. The Senior Citizen Council went to the Medieval Times in Lancaster. 2. Encouraged everyone to attend the carnival at St. Ann's. 3. The Lake Valley Civic Association put together a wonderful event. They wanted to go back to what they did 30 years ago when times were better and people got together at block parties. The Lake Valley Civic Association put a notice on Facebook and received over 400 responses the first day. It was a great event and went without incident. 4. The Chief of Police was scheduled to attend tonight but when we thought Mr. Inge was not going to make the meeting, the Chief was scheduled to come back.

Council Members' Comments.

Ken Cartier: 1. Commended Lake Valley Civic Association for their event.

Tom Inge: 1. Thanked everyone for coming out tonight. 2. Explained that he was late tonight because of a mishap at one of his properties. People were there that were not supposed to be there and he was assaulted that morning. Mr. Inge thanked the Police Officers for their assistance. When he called 911 he gave them the incorrect address because his children were in the vehicle and everything was hectic. The Police Officers came out and spent approximately 40 minutes combing the streets. The Officers grew up in the Township and knew there was a high point where people run behind Deborah in the wooded areas and knew where to go to overlook everything. The Officer spotted the two individuals and apprehended them. Mr. Inge appreciated what the Police Department did and they

really look out for the residents of the town. Hopefully with the charges that after all the work they did when they go to court it doesn't get downgraded to nothing. When they take people off the street that shouldn't be on the street, and then the people plea bargain and everything gets down graded. **3.** Thanked everyone for coming out and gave a special thanks to all of the Police Officers in Pemberton Township.

Diane Stinney: **1.** Mrs. Stinney advised Mr. Turner graduated in 1974 from Pemberton Township High School. **2.** Had to leave the Lake Valley Civic Association event because of prior engagements. Thanked the Mayor for his time, patience and love he showed the Lake Valley residents as well as everyone that came out. **3.** Attended Mr. Inge's grand opening on Saturday. She attended with her husband and did have the opportunity to dance with one of her students. Showed her husband what a beautiful place it was. **4.** The Sassafras block party was a family event. It's nice to see families and neighbors come together. In this time and age when you hear of cruel and nasty people with sick minds. She enjoyed herself at the Sassafras block party. **5.** Thanked everyone for coming out. Thanked Mr. Turner for coming down and providing his input. It's always wonderful to know that the children look out for their parents. **6.** Wished everyone a good night and hopes to see them around.

Rick Prickett: **1.** Glad to see that Mr. Inge is present tonight. He spoke with him earlier tonight and was concerned. **2.** Was thinking after the fabulous grand opening that took place at the Hornets Nest on Saturday, it is a beautiful facility. Mr. Inge is one of the most creative people he knows. Mr. Inge can take that creativity and exhibit it in a beautiful new building. He remembers the building when the Township owned it. It was filled with mold and the roof leaked. A lot of the records were wet and moldy and had to be freeze dried. The food is terrific at the Hornet's Nest and the portions are large and the food is extraordinary. It has to do with the staff but more importantly it has to do with Ann and Tom assuring the quality of the food that is provided. **3.** Sorry he missed the event put on by the Lake Valley Civic Association. He knows how hard they worked and knows if they are involved it will be a success no matter what it is. **4.** Can you imagine what it would be like today if women couldn't vote. Today is the 90th anniversary of the women's right to vote. The guys are lucky that women can vote. **5.** Wished everyone a good night. Hopefully everyone can make it to the carnival tonight.

Sherry Scull: **1.** Had so much fun at Lake Valley's event. It is a compliment to Mr. Lewis and Mr. Darcy. She hated to leave but she had a previous commitment. She saw people she went to school with as well as her students. Mr. Lewis worked as a hall monitor at the high school for 21 years after serving 29 years in the military. He is one of the most respected individuals that ever walked through the halls in the Township. Our local folks who know and love this community are our best representatives in the community like the Police Officers. One of the Police Officers involved with Mr. Inge's incident even stopped people along the road that he knew and asked them to let him know if they saw the individuals involved. Worked at the high school for a lot of years with Mr. Lewis and they saw so many of their kids. It's so important to build relationships with the students. Some of her relationships are over 50 years old because she started as a teenager working at the high school. They are almost as old as she is. Those relationships are life long. To see some of the students that she has not seen since they graduated made her day. She was so proud and the students know the people who care about them

and get on their case and they appreciate it down the road. People like Mr. Lewis. She is pointing that out today because there is a new attitude about what hall monitors and security should be doing. They shouldn't have relationships with the students is the new era of 2010. If you don't have relationships with those students, it's not the type of individuals we need with our students. Mrs. Scull spoke of the fights that Mr. Lewis stopped. It's the first time she's been in the building since it was renovated. There are always people running their mouths that we are spending tax dollars but we are taking care of the buildings in the community that nobody took care of for the last 20 or 30 years and she is very proud of that. To stand in the building and see the beautiful work that our public works people did to renovate that building. To talk to Mrs. Johnson who is the grandmother of Dominique Johnson was a wonderful thing and she is very proud of the work our Public Works has done for our community. Not only there but Country Lakes and the municipal building. It is the responsibility of the elected officials to take care of the buildings because it does reflect on our community. Thanked Mr. Lewis and Mr. Dancy again. **2.** Glad to see Mr. Inge tonight. Commented that the best hamburger she ever had was at the Hornet's Nest. **3.** Wished everyone a good night.

Respectfully submitted by:

Amy P. Cosnoski, RMC
Deputy Township Clerk