

TOWNSHIP OF PEMBERTON

REGULAR MEETING

AUGUST 4, 2010

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull

ABSENT

Diane Stinney

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

2. Chairwoman Scull called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 175-2010

RESOLUTION NO. 175-2010

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
CONTRACTS
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. 175-2010.
Prickett, yes; Cartier, yes; Inge, yes; Scull, yes. Motion carried.

4. CLOSED SESSION

Council President Scull recessed the meeting at approximately 6:32 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:02 pm.

5. Formal action as necessary pursuant to closed session.

No formal action required.

6. Public comments on consent agenda items only.

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

regular agenda.

Council President Scull opened the meeting to public comments on Consent Agenda items. Those indicating a desire to be heard were: **Rudy Irizarry:** He is the Chairperson for the Pemberton Township Veterans Advisory Committee. Stated it is a good idea to restore the train station. Mr. Rehmann advised we will be restoring parts of the building, moving the parking lot from the front to the back, some site work associated with that, a wood decking platform, light fixtures will be installed as well as landscaping and clean up on the site. Mr. Irizarry commented on equipment brought to the station that never belonged to the historic part of Pemberton Township. Suggested cleaning the area up prior to the restoration. Reminded handicap parking areas are needed in the front. Ms. Willis informed handicap parking will be moved to the back of the site and a handicap ramp will be constructed. Mr. Rehmann advised the \$251,000 cost is a grant from the Federal Highway Administration.

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

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

Regular meeting, July 7, 2010.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 176-2010

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:

SHEILA HUDSON, \$35.00, REFUND FOR RECREATION PROGRAM
ODYSSEY LANE, \$105.00, REFUND FOR RECREATION PROGRAM
MARIETTA ELMORE, \$30.00, REFUND FOR RECREATION PROGRAM
JOANNA MULCAHY, \$30.00, REFUND FOR RECREATION PROGRAM
DIANE LAMMI, \$45.00, REFUND FOR RECREATION PROGRAM
RITA GRMEK, \$50.00, REFUND FOR RECREATION PROGRAM
KIM MCFARLANE-STOREY, \$60.00, REFUND FOR RECREATION PROGRAM

RESOLUTION NO. 177-2010

RESOLUTION AUTHORIZING TAX SALE

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIRES TO COLLECT ALL TAXES, ASSESSMENTS AND OTHER MUNICIPAL CHARGES THAT ARE NOW DELINQUENT; AND

WHEREAS, THE TAX COLLECTOR IS DIRECTED TO SELL ALL MUNICIPAL DELINQUENCIES THROUGH DECEMBER 31, 2009 IN A MANNER DESCRIBED BY N.J.S.A. 54:5-19, AND AS AMENDED BY CHAPTER 99 PUBLIC LAWS OF 1997.

NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO SELL ALL MUNICIPAL LIENS IN ACCORDANCE WITH NEW JERSEY LAW, AND AS STATED ABOVE ON SEPTEMBER 21, 2010 AT 10:00 A.M.

RESOLUTION NO. 180-2010

RESOLUTION AUTHORIZING APPROVAL TO SUBMIT A GRANT APPLICATION AND EXECUTE A GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE LEMMON AVENUE IMPROVEMENTS PHASE 3 PROJECT

WHEREAS, THE PEMBERTON TOWNSHIP DEPARTMENT OF PUBLIC WORKS, STREETS AND ROADS DIVISION, COMPLETED A ROAD IMPROVEMENT RATING PROJECT IN WHICH OVER 500 LOCAL ROADS WERE EVALUATED AND RATED; AND

WHEREAS, LEMMON AVENUE WAS RECOMMENDED FOR MAJOR RECONSTRUCTION; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON RECEIVED \$196,915 (FY 2009) AND \$219,889 (FY 2010) FOR IMPROVEMENTS TO LEMMON AVENUE AS THE RESULT OF OUR APPLICATION UNDER THE STATE'S MUNICIPAL AID APPLICATION PROCESS; AND

WHEREAS, THE ADDITIONAL FUNDING REQUESTED BY THE TOWNSHIP UNDER THE STATE'S FISCAL YEAR 2011 MUNICIPAL AID APPLICATION PROCESS WILL OFFER THE TOWNSHIP AN OPPORTUNITY TO COMPLETE THE RECONSTRUCTION OF LEMMON AVENUE INCLUDING DELAP COURT, BUSH STREET, AND EMMONS A VENUE, WHICH FEED TRAFFIC ONTO LEMMON AVENUE AND ARE A PART OF THE DEVELOPMENT'S CIRCULATION PATTERN, INCLUDING THE FULL REPLACEMENT OF CONCRETE CURB; SIDEWALK REPLACEMENT; ROADWAY RECONSTRUCTION; ADA COMPLIANT WALKWAYS; SIGNAGE AND ROADWAY MARKING REPLACEMENT AS NEEDED; INSTALLATION, REPAIR AND/OR REPLACEMENT OF STORM SEWER AS REQUIRED; AND MODIFICATIONS TO EXISTING INLET STRUCTURES TO COMPLY WITH EXISTING STATE OF NEW JERSEY STORMWATER MANAGEMENT REGULATIONS; AND

WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE MUNICIPAL AID PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION. NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON, FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (MA-20 L L-PEMBERTON TOWNSHIP-_____) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND THAT THEIR SIGNATURE CONSTITUTES ACCEPTANCE OF

THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT.

RESOLUTION NO. 182 –2010

WHEREAS, THE TOWNSHIP OF PEMBERTON DESIRES TO PARTICIPATE IN A 2010 BYRNE JUSTICE ASSISTANCE GRANT PROGRAM, ADMINISTERED BY THE BURLINGTON COUNTY SHERIFF DEPARTMENT WITH THE WILLINGBORO TOWNSHIP POLICE DEPARTMENT AS AN ADDITIONAL PARTICIPANT; AND
WHEREAS, THE COUNTY AGREES TO PURCHASE SUPPLIES, SERVICES AND REIMBURSE THE TOWNSHIP FOR THE HOURLY COSTS OF POLICE OFFICERS PARTICIPATING IN THE PRE-APPROVED GRANT-FUNDED ACTIVITIES NOT TO EXCEED THE TOTAL OF \$10,454.00 OF THE GRANT FUNDS; AND

WHEREAS, THE GRANT WOULD PROVIDE THE TOWNSHIP THE ABILITY TO DISRUPT CRIMINAL ENTERPRISES AND TAKE PERSONS INVOLVED IN GANGS/CRIME OFF THE STREET;

BE IT THEREFORE RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON DOES HEREBY AUTHORIZE THE EXECUTION OF THE MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF BURLINGTON AND TOWNSHIPS OF PEMBERTON AND WILLINGBORO FOR THE 2010 BYRNE JUSTICE ASSISTANCE GRANT (JAG) PROGRAM AWARD; AND ALSO, UPON RECEIPT OF THE FULLY EXECUTED MEMORANDUM OF UNDERSTANDING FROM THE COUNTY, DOES FURTHER AUTHORIZE THE EXPENDITURE OF FUNDS PURSUANT TO THE TERMS OF SAID MEMORANDUM OF UNDERSTANDING.

BE IT FURTHER RESOLVED, THAT DAVID H. JANTAS, CHIEF OF POLICE, BE AUTHORIZED TO SIGN THE MEMORANDUM OF UNDERSTANDING.

RESOLUTION NO. 184-2010

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 AWARDED 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 AWARDED 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.

SCHEDULE A

BLOCK	LOT	LOCATION	SIZE	ZONING/ WETLANDS	MINIMUM BID
48	61-62	DANIELS AVENUE	40X100	R-80/ SEASONAL	500.00
58	66-69	ANEMONE	80X 100	R-80/ SEASONAL	1000.00
58	70-73	ANEMONE	80X 100	R-80/ SEASONAL	1000.00
58	74-77	ANEMONE	80X 100	R-80/ SEASONAL	1000.00
261	57-64	BELLVIEW AND PLUM	160X100	R-80/ SEASONAL	1000.00
329	47-48	PONDEROSA	40X100	R-80/ SEASONAL	1500.00
329	49-52, 57	PONDEROSA	80X100	R-80/ SEASONAL	2000.00
360	49	MOCKINGBIRD LANE	80 X 100	R-80/ SEASONAL	1000.00
502.03	3	S. LAKESHORE & YORK	100 X100	R-1/ SEASONAL	1500.00
514	1	DAISY LANE	100X435	R-1/ SEASONAL	2000.00
681	5	DAKOTA TRAIL	80 X 135	R-100/ SEASONAL	3000.00
739	3	KENTUCKY TRAIL	90X214	R-100/ SEASONAL	3000.00

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	25,000.00
526	35	JUNEBERRY AVE.	40X100	R-80/SEASONAL	12,000.00

12. NEW BUSINESS

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

- *1.** Recreation Dept: Hurricane Harbor & Clementon Park tickets for summer program field trip week, from NJ Recreation & Parks Assoc., in the amount of \$6,374.00
- *2.** Police Dept.: 3 police vehicles from state contract vendor Winner Ford in the total amount of \$67,500.00.
- *3.** Police Dept.: Weapons/supplies from Lawmen Supply Co. of NJ, in the total amount of \$22,499.68.

b. Applications submitted for memberships, licenses, permits:

- *1.** Alcoholic License Extension of Premises Permit: Kudan Corp., T/A Bobby D's: "Bike Day" bike show/bike wash, 8/21/10 10AM-6PM, extends current liquor license to partial area of parking lot.

***13.** Approval by Council required for payment of vouchers on bill list dated 7/30/10.

Mr. Cartier requested to pull Resolution No. 179-2010. Mr. Inge requested to pull Resolution Numbers 181-2010 and 183-2010.

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

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution 179-2010

Mrs. Scull asked if the lowest bid covers everything in the specs that were put out to bid. Mr. Vaz confirmed with Ms. Willis that it covers everything except the alternates. Ms. Willis and Ms. Scull discussed the light poles. Ms. Scull expressed there was no difference in the specs between bidders so there should be no problem with the lowest bidder making good on the bid for the work.

Motion by Cartier and Prickett to approve Resolution No. 179-2010.
Cartier, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

RESOLUTION NO. 179-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE AWARD OF A CONTRACT TO MIDWEST CONSTRUCTION & PAINTING, INC. FOR THE NORTH PEMBERTON TRAIN STATION PROJECT
WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON IMPROVEMENTS TO THE NORTH PEMBERTON TRAIN STATION ") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.* AND INSTRUCTED ALL BIDDERS TO SUBMIT A BASE BID AND ALSO TO BID ON CONSTRUCTION OF A BUNK HOUSE ("ALTERNATE A") AND FENCING ("ALTERNATE B")(COLLECTIVELY, THE "PROJECT"); AND
WHEREAS, FIVE BIDDERS SUBMITTED BIDS FOR THE PROJECT; AND
WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS MIDWEST CONSTRUCTION & PAINTING, INC. ("MIDWEST") WITH A BASE BID OF \$251,803.60 AND AN ALTERNATE BID OF \$353,931.60 FOR ALTERNATE A AND \$497,711.60 FOR ALTERNATE B; AND
WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT MIDWEST'S BASE BID ONLY AND HAS DECIDED TO EXCLUDE ALTERNATE A AND ALTERNATE B AS THEY ARE BEYOND THE BUDGET FOR THIS PROJECT; AND
WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED MIDWEST'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.
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 CONTRACT FOR THE IMPROVEMENTS TO THE NORTH PEMBERTON TRAIN STATION BE, AND HEREBY IS, AWARDED TO MIDWEST CONSTRUCTION & PAINTING, INC., AND THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND MIDWEST IN AN AMOUNT NOT TO EXCEED \$251,803.60; 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. MIDWEST CONSTRUCTION & PAINTING, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Resolution No. 181-2010

Mr. Inge asked Mr. Vaz if the parking area will be behind the Emergency Squad Building. Mr. Vaz advised it will be for improving the parking lot that is behind the EMS building and also solar lighting and sidewalks on Lakehurst Road. Mr. Vaz added this is intended to make an improvement that will help entice redevelopers when that time comes. Mr. Inge asked if these improvements will have to be changed when the redevelopment plan starts. Mr. Vaz responded not entirely.

Motion by Inge and Cartier to approve Resolution No. 181-2010. Inge, yes;
Cartier, yes; Prickett, yes; Scull, yes. Motion carried.

RESOLUTION NO. 181-2010

RESOLUTION AUTHORIZING SUBMISSION OF A GRANT APPLICATION AND EXECUTION OF GRANT AGREEMENT WITH THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE DOWNTOWN BROWNS MILLS PUBLIC PARKING IMPROVEMENT PROJECT
WHEREAS, THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION PROGRAM HAS BEEN AN ONGOING PROJECT OF THE TOWNSHIP OF PEMBERTON SINCE RECEIVING A TRANSPORTATION AND COMMUNITY DEVELOPMENT INITIATIVE GRANT IN 2007 AND A "BROWNS MILLS TOWN CENTER FORM-BASED CODE" GRANT IN 2010 FROM THE DELAWARE VALLEY REGIONAL PLANNING COMMISSION; AND
WHEREAS, THE TOWNSHIP ALSO RECEIVED A SUBSTANTIAL URBAN ENTERPRISE ZONE GRANT IN 2010 TO FINANCE A MARKETING AND BRANDING STUDY TO SUPPORT THE ONGOING EFFORTS TO REVITALIZE DOWNTOWN BROWNS MILLS; AND
WHEREAS, IMPROVEMENTS TO THE EXISTING MUNICIPAL PARKING AREA AND ADJACENT SIDEWALKS IN THE BROWNS MILLS SECTION OF PEMBERTON TOWNSHIP WILL PLAY AN IMPORTANT ROLE IN FOSTERING A HIGH QUALITY APPEARANCE FOR THE DOWNTOWN BROWNS MILLS AREA AND WILL PROVIDE MUCH NEEDED OFF-STREET PARKING IN THE TOWNSHIP'S PRINCIPAL BUSINESS ZONE; AND
WHEREAS, IMPROVING THE PUBLIC PARKING LOT FACILITY WILL ALSO ENHANCE AND SUPPLEMENT THE BROWNS MILLS DOWNTOWN STRATEGIC REVITALIZATION STUDY BY DEMONSTRATING TO POTENTIAL REDEVELOPERS AND LOCAL BUSINESSES THE TOWNSHIP'S COMMITMENT TO THE REDEVELOPMENT AREA; AND
WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE CENTERS OF PLACE PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.
NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON, FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.
BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS COP-2011-PEMBERTON TOWNSHIP- _____) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND THAT THEIR SIGNATURE CONSTITUTES ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT.

Resolution No. 183-2010

Mr. Inge asked Mr. Vaz if Mr. Berardi submitted a plan. Mr. Vaz replied the amount of the application was \$6.9 million. Mayor Patriarca informed the plan is the plan that was approved by the Planning Board. Mr. Vaz added this is funded through the economic recovery stimulus money. Mr. Cartier interjected that it is stimulus money that the Bridge Commission is handling all of the applications for. It's a low interest loan that Mr. Berardi has applied for and the primary qualification is to have a shovel ready project which he does. Mr. Vaz added this gives Mr. Berardi the ability to borrow funds and at a very competitive interest rate. Mr. Inge confirmed that money would all have to be spent on the project. Mr. Vaz added that it's a condition of the approval that he must break ground and start the project in January. Mr. Inge stated his concern was Mr. Berardi would receive the funding and use a lot of it for administration costs which would actually benefit him.

Motion by Inge and Prickett to approve Resolution No. 183-2010. Inge, yes; Prickett, yes; Cartier, yes; Scull, yes. Motion carried.

RESOLUTION NO. 183-2010

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, NEW JERSEY, SUPPORTING THE APPLICATION OF ROCCO BERARDI AND THE BROWNS MILLS SHOPPING CENTER FOR BURLINGTON COUNTY RECOVERY ZONE FACILITY BOND FUNDING

WHEREAS, FUNDS KNOWN AS THE "BURLINGTON COUNTY RECOVERY ZONE FACILITY BOND PROGRAM" ARE AVAILABLE AS A RESULT OF THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009; AND

WHEREAS, THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE IS A DESIGNATED RECOVERY ZONE UNDER THE PROGRAM; AND

WHEREAS, THE BROWNS MILLS SHOPPING CENTER (BLOCK 775, LOTS 18/19) IS LOCATED IN THE PEMBERTON TOWNSHIP URBAN ENTERPRISE ZONE AND APPEARS TO SATISFY THE FUNDAMENTAL REQUIREMENTS OF THE PROGRAM IN ORDER TO RECEIVE MAJOR FUNDING FOR THE REMEDIATION, REDEVELOPMENT, AND REVITALIZATION OF THE BUSINESS AND ITS PROPERTY.

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 TOWNSHIP COUNCIL SUPPORTS THE EFFORTS OF ROCCO BERARDI AND BROWNS MILLS SHOPPING CENTER TO APPLY FOR SUBSTANTIAL FUNDING FOR THE REMEDIATION, REDEVELOPMENT, AND REVITALIZATION OF THE BUSINESS AND ITS PROPERTY; AND
2. THOSE EFFORTS SUPPORT AND ENHANCE THE ONGOING EFFORTS OF THE MAYOR AND TOWNSHIP COUNCIL TO REVITALIZE THE DOWNTOWN BROWNS MILLS BUSINESS AND RESIDENTIAL DISTRICTS OF PEMBERTON TOWNSHIP AND TO CREATE JOBS; AND
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO ROCCO BERARDI, THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS, AND THE BURLINGTON COUNTY BRIDGE COMMISSION.

10. ORDINANCES FOR INTRODUCTION

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

Mr. Prickett confirmed the ordinance covers the Police Department entrance, the BMIA building, the Clock at the Little Red School House and the Veterans Park Memorial. Mr. Vaz explained this is out of the capital improvement fund so the Township is not incurring debt and this has been budgeted. It still requires an ordinance but this is not a bond ordinance as funds are not being borrowed. Mr. Inge asked for a breakdown of the costs for each project. Mr. Vaz advised it was in the budget and added that he asked Bond Counsel to draft the ordinance in a way that provides flexibility so each project is not itemized. Mr. Inge asked Mr. Vaz to provide the budgeted information to Council. Mr. Prickett asked about the vestibule to the front entrance of the municipal building. Mayor Patriarca advised it will provide a second doorway at the beginning of the overhang to keep the heat inside in the winter and the cold air inside in the summer.

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

Mrs. Scull advised the public hearing for Ordinance No. 14-2010 will be on August 18, 2010.

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

Mr. Prickett asked how the accounting will be kept for the pads that are and are not occupied. Mr. Bayer informed the park has to provide monthly reports to the Township. Code Enforcement can perform inspections if there is a sense the parks are not being honest. Mr. Inge added the park has to obtain permits for water and electric if the pad is going to be used.

Motion by Prickett and Cartier to approve Ordinance No. 15-2010 with a public hearing on August 18, 2010. Prickett, yes; Cartier, yes; Inge, 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 stated this is because this position was not filled in a few years and now will be filled. Mr. Vaz clarified that it is not an Accountant in the sense of a CPA or someone that has a Bachelor’s Degree in Accounting; rather this is the Civil Service title Accountant. It has a totally different meaning in the eyes of Civil Service than what we think. The person holding this title has been on a leave of absence from this title while she has been serving as the Chief Financial Officer and will not be the CFO as of October 1st and asked to be restored to the title she took a leave of absence from. The problem was the title had inadvertently been removed from prior salary ordinances so it needs to go back in to the salary ordinance.

Motion by Prickett and Cartier to introduce Ordinance No. 16-2010 with a public hearing date on August 18, 2010. Prickett, yes; Cartier, yes; Inge, 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

Mr. Vaz informed presently the recycle carts are being implemented incrementally in the Township by the County with the Township paying half of the cost of the carts during the initial implementation. Afterwards, the Township will be responsible for the entire replacement cost of the cart. There will be an RFP going out for the Recycle Bank, and once the chips are installed we will have an accounting of the carts. An ordinance is needed to be in place to charge someone for the cost of a second cart. Mr. Vaz advised we are being required by the State through the County to adopt new recycling ordinances. The new ordinances will be given to Council for the next meeting. Approximately one third to one half of the towns in Burlington County have started the process of adopting the ordinances. The ordinances require the use of the recycle carts.

Motion by Prickett and Cartier to introduce Ordinance No. 17-2010 with a public hearing date of August 18, 2010. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes. Motion carried.

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

- a. ORDINANCE NO. 11-2010 (Title Read By Mrs. Scull)**
AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Council President 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 Inge to adopt Ordinance No. 11-2010.

Mr. Prickett informed there was a resolution on the original agenda that was removed from the revised agenda for the municipal tool kit. The resolution was to ask the President of the Legislature to put together a tool kit to help the Township limit the cost to the 2% increase that was voted in to law by the legislature and signed by the Mayor a few weeks ago. One of the tools in that kit was to hold costs of employee benefits to 2%. Mr. Prickett conveyed that he is not happy that in this salary ordinance, the increase is 3.8% and is not the 2% that we could do without even a municipal tool kit. Mrs. Scull noted that this is a minimum salary and a maximum salary and it doesn't necessarily mean that will be the salary and asked Mr. Vaz to confirm. Mr. Vaz responded she is correct but in some respects it will be at the higher end for some. Mrs. Scull asked if Council has to approve those salary adjustments. Mr. Vaz replied no, that is done by the Mayor. Mr. Prickett expressed in the budget if looking carefully at the department heads, what was appropriated for each of the areas is reflected as the maximum salary or very close; a little less in some cases, not more. The money has been appropriated to cover these costs in the 2010 budget. Mr. Inge asked if that is in their contracts now. Mrs. Scull replied some of the folks took no salary increase last year. Mr. Vaz expressed it was initially proposed that way but in the end, he was the only employee that did not get the budgeted increment. Mr. Prickett commended Mr. Vaz for that and stated the rest of the Council does as well. The Mayor asked for a commendation from Mr. Prickett for being the only employee that took a reduction. Mr. Prickett stated actually there were two employees; he also took a 20% decrease in his allotment. Mrs. Scull asked Mr. Prickett if he signed the paperwork to do so. Mr. Prickett responded to look at the budget and paperwork was not forwarded to him. The first year when he did not take close to a 20% reduction, he donated it to Imagination Kingdom. Last year according to the budget, most of the money in the line for Council with the exception of \$1,200 would cover the amount that he requested not to take last year. Mrs. Scull stated he should be commended too for having the ability to do that.

Cartier, yes; Inge, yes; Prickett, no; Scull, yes. Motion carried.

- b. ORDINANCE NO. 12-2010 (Title Read By Mrs. Scull)**
BOND ORDINANCE PROVIDING FOR VARIOUS 2010 ROADWAY IMPROVEMENTS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$1,000,000 THEREFORE AND AUTHORIZING THE ISSUANCE OF \$952,000 BONDS OR NOTES OF

THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Council President Scull opened the meeting to public comments. Those indicating a desire to be heard were: **George Petronis:** Mrs. Scull clarified the ordinance is a bond ordinance for road improvements. Mr. Petronis commented on Congressman John Adler delivering federal funds for capital improvements in a wealthier neighboring town with a better business base. Asked if our lobbyist has exhausted their ability to find some or all of this \$1 million before we borrow it. Mr. Vaz explained that Pemberton Township requested of Congressman Adler \$200,000 to replace our senior citizen buses which we did not receive. Mr. Vaz advised that money went to another town, Pemberton Township applied for \$800,000 for multiple projects, we did not get it all but we did get grant money for a new ambulance for Browns Mills EMS. Congressman Adler was only able to support two projects. We do have applications pending through the two U.S. Senators for earmark money, one of which was money for roads. Mr. Vaz added that Administration will be going to Washington, DC with members of the Country Lakes Homeowners Association at a later date in August. Mr. Petronis asked if the funds that might be available through the senators would be for different road work projects than this \$1 million. Mr. Vaz answered that we didn't apply for specific roads; it's more of a general category in that particular appropriations bill. The funds could be used for a road program however we determined. We had talked internally regarding using those funds to pave roads on our own through the Public Works department but won't really have an answer until we get approved for the money. Mr. Petronis confirmed with Mr. Vaz that if we do or do not get money through the senators or an earmark, it won't affect the desire to borrow this \$1 million and add to our debt burden. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments.

Mr. Inge asked for an update on the lobbyists. Mr. Vaz responded that we have been approved for \$250,000 for a gang prevention program through a Department of Justice appropriations bill. They are also writing a grant application for economic development money in the amount of \$2 million through the EDA for the Browns Mills Revitalization program. Mr. Vaz remarked that we are very confident that we are eligible and stand in a good way with the support of our senators and congressmen to actually be approved for that particular grant. The lobbyist will be here on Monday to do the things they need to do to position us to apply for that grant. Mr. Inge stated it is saving us money on a grant writer. Mr. Vaz added that by the lobbyist doing the grant application for us it will not give us a greater chance of success but it will relieve us internally of a big burden of having to do it ourselves or pay someone else to do it for us. Mr. Vaz explained that we don't really borrow the bond ordinance money until we need it. We will only borrow the actual cost of the road program. We will not borrow it until we absolutely need to borrow it. Usually on a temporary note at first and then to a permanent bond sale or keep rolling the notes over year to year if the interest rates are better to do that. Mrs. Scull informed we have hundreds of roads that need to be done. Even if we were to get some federal funds and decide to use some of it towards the roads, then we could say we'll only use \$500,000 of this towards roads and if we get another \$1 million, we can do another \$1 million. Mr. Vaz added the \$1 million is actually part of what the budget plan was when the budget plan was adopted. There is \$1 million for the capital program and had in the capital improvement fund the money that is mentioned in the ordinance, \$48,000 for the down payment, was specifically budgeted for in contemplation of having a road program every year moving forward. The road study that was done by ARH paints a very expensive and bleak picture for the Pemberton Township road system in terms of the work that has to be done. Between all of the unpaved roads that exist and the roads that need major reconstruction, it's very expensive. Mrs. Scull added it would

take us at least 10 years just to do the roads that need major reconstruction before we could get to the other roads. Mr. Vaz commented that's why they were discussing if there is money as an earmark if we can actually convert part of the DPW operations in to an everyday road paving operation that is just as continuous. The roads can get done a lot sooner and by doing it in house we are not paying prevailing wage at that point which adds about 40% if not more to most projects. The Mayor commented that the earmarks are going through committees and it's not a sure thing. We've been approved for \$250,000 for a gang program at this stage and it still has to go through committees, and we won't see any of these earmarks until probably after the first of the year. Our road program still has to be done and we have to maintain it. We are only able to afford six to seven roads a year out of our 650 roads. We are looking at an idea of creating our own road program. The Mayor commented that we can't bank on earmarks coming in as he is learning more about the process and how unreliable they are. Mr. Prickett stated this is different from previous years in that Council received a list of roads with an estimated cost and then select from that list or at least Administration would pick those roads out and then the bond ordinance would be done after the fact, and that is what was done last year. Mr. Prickett commented that we are not following the same procedure as last year and in previous years. Mayor Patriarca replied that Administration is following the five year road program and this would be phase I of that program and there is a list of roads in section 5.1 on page 7. Mr. Vaz commented the construction estimates are listed as well. Mrs. Scull commended ARH for the booklets provided to Council. Mr. Vaz mentioned Mr. Sager and Mr. McNaughton on Public Works for their contributions. Mr. Rehmann stated Mr. Sager and Mr. McNaughton saved the Township a considerable amount of money by being able to rate the various roads in the Township themselves versus ARH having to rate the roads.

Motion by Cartier and Inge to adopt Ordinance No. 12-2010. Cartier, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

c. **ORDINANCE NO. 13-2010 (Title Read By Mrs. Scull)**

AN ORDINANCE TO AMEND ORDINANCE 19-2007
ESTABLISHING SALARIES AND WAGES WITHIN PEMBERTON
TOWNSHIP

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. Inge asked that since we now have a tool box, we don't have to follow all of the rules of civil service and if this has anything to do with the rates. Mr. Vaz answered no and these are temporary positions and this is only adding a temporary position for professional, certified. It was intended to address getting a temporary qualified purchasing agent or registered purchasing agent to come in and review our purchasing system and to basically create a purchasing manual and get our purchasing system to be what it is suppose to under state regulations and state statutes. The money that gets budgeted for any of these salaries is affected by the 2% cap. The tool box is not addressing any of the parts of this ordinance.

Motion by Cartier and Inge to adopt Ordinance No. 13-2010. Cartier, yes; Inge, yes; Prickett, yes; Scull, yes. Motion carried.

12. NEW BUSINESS

b. Applications submitted for memberships, licenses, permits:

2. Parade Permit Applications: **(PUBLIC HEARING REQUIRED)**

1. South Jersey Resource Conservation & Development Council:

Bike ride event, 9/11/10, 8AM-3PM, through Pemberton Rd., Burrs Mill Rd., Odd Fellows Rd. and Brandywine Rd.

Council President Scull opened the meeting to public comments. Those indicating a desire to be heard were: Kenny _____ (Last name is inaudible and name cannot be deciphered on sign in sheet). Explained this is a tour of farms in the area and is hosted by the Freeholders through the South Jersey Resource Development Council and this is the fourth year. This is not a procession and a parade permit is not necessary. Mrs. Finlay advised the application was handled through Administration. Council, Administration and Mr. Bayer discussed if a parade permit is required. Mr. Bayer informed Council that a parade permit is not necessary since a governmental entity is sponsoring the function. Mrs. Scull suggested Administration forward a letter informing a parade permit is not required.

2. Randy Butters: Annual Block party, 8/14/10, 2PM-10PM, at Sassafras Street between Rugby and Clan Street. ***(NOTE: Fire Chief has recommended that applicant contact communications center on the non-emergency line to alert when they have closed the street- so it can be noted in the event of any emergency in order to advise first responders)***

Council President 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 Prickett to approve the Annual Block party on 8/14/10, 2PM-10PM. Cartier, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

- c. Authorization requested for ARH to solicit RFQs for two studies involving the Country Lakes Dams Improvement Program.

Mr. Prickett confirmed with Mr. Rehmann that the studies requested are reflected in the report. Mr. Prickett confirmed it entails putting borings in to the dams to see what kind of water flow is through the solid material and to also find out what the center of the dams are made of. Mr. Rehmann added the water control structure being that which sets the levels of the lake and we want to make sure pilings would not be required so that we can have a comprehensive bid package. Mr. Cartier stated we all realize there is a problem and asked if there will be guarantees within the RFQ to guarantee the current stability of the dam after these borings are done. Mr. Rehmann replied the borings could impact the current structures but it will be done under ARH's supervision and they will not cause a wash out of the dams. Mr. Rehmann informed there is an outstanding order to replace the dams and no action has been taken on the state's part to enforce the order because we have gotten the approvals and moved forward with it.

Motion by Prickett and Cartier to authorize ARH to solicit the RFQ for the two studies involving the Country Lakes Dams Improvement Project. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes. Motion carried.

Council President Scull recessed the meeting at approximately 8:19 pm for a short break and reconvened the meeting at approximately 8:31 pm.

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Ray Wells:** 1. Introduced Miss Britnie

Smith who will be an exchange student spending a year in the Philippines through the Rotary Exchange Program. Miss Smith advised she will be representing Pemberton where she has attended school since kindergarten. Miss Smith stated she will be living with several different families while in the Philippines and attending school. Her future endeavors include marine biology. **2.** Provided handouts to Council regarding the previous Helen Forte Middle School problems and AVID (Advancement Via Individual Determination). **Tony Miehle:** Asked why the resolution regarding the tool box proposed by the Governor was taken off the agenda. Council President Scull explained she pulled it off the agenda as Council President because she has problems with the tool box and it is not fair to have Council vote blanketedly to support a tool kit when Council doesn't know exactly what is in the different bills. Mr. Miehle conveyed we need to take a serious look at if we are going to be fiscally responsible. **America Phillips:** Attended the Water Carnival. Has not received answers to her questions a few meetings ago. Mrs. Phillips reminded she asked about 200 New Hampshire Road which is next to her property and nothing has been done. Mr. Vaz informed that the addresses that were provided at the previous meeting were forwarded to Code Enforcement. Mayor Patriarca informed we have contracted a service to cut vacant properties throughout the Township. Mrs. Phillips noted that nothing has been done with the leaves on New York and Tennessee Trail. Dumping is occurring at a house on New York and North Carolina. Questioned why the Township only has an Acme. Mayor Patriarca commented on his attempts to recruit other markets. Mrs. Phillips commented on transportation and recreation needs. Asked why the Chief of Police does not report at Council meetings. Asked for status on her drainage issues. **John Hiros:** Attended last month's Council meeting to complain about zoning issues in New Lisbon. Has been getting the run around from Mr. Vaz and would like to have some action. He provided a wealth of information at the previous Council meeting. Mr. Hiros recounted his complaints and stated that it appears that his complaints are being ignored, and the laws of the Township should be enforced. Mr. Bayer informed that even if the zoning officer or construction officer was wrong, if the permits have been issued and construction has been done or completed, it is very difficult for a municipality to "unring" that bell. Mr. Hiros spoke of the inadequacies by the applicant in regard to size and setbacks and noted that the applicant was also sited. Mr. Bayer informed the applicant was sited for construction of a shed without the proper permits and then the applicant did obtain the proper permits. Mr. Hiros stated if there is an official working for the Township that approved it, he shouldn't be working here because he isn't doing his job. Mr. Bayer stated that is a different point. Mr. Hiros remarked there are five other violations in that same area that have never been investigated and asked why. Mr. Bayer commented that if what Mr. Hiros is stating is true, the issue becomes if a municipality in 2010 issues an order to a property owner to take down a structure they built some time ago based on permits they issued years before, we would be ending up in litigation in Superior Court and spending a lot of time and money with a very uncertain result. Mrs. Scull asked if Mr. Hiros brought this to anyone's attention in 2004 when this started. Mr. Hiros advised that he spoke with the zoning officer then. Mr. Bayer informed that the construction official is licensed by the Department of Community Affairs through the state. The Township has limited authority over what those officials do or do not do in terms of their job. If there are issues with how a construction official does his job, they are actually supervised by the DCA. If a municipal employee does not do their job correctly, while there are remedies a municipal employer can take, they are limited, lengthy, costly and with uncertain results. Notwithstanding everyone should be doing their job correctly, it is extremely difficult to ultimately discipline employees for these sorts of things. Mr. Bayer added there are certain personnel matters that can't be discussed in public. Mr. Hiros reiterated that the Township has an obligation to enforce the zoning ordinance of the Township. Council President Scull expressed to Mr. Hiros that Council agrees with him on these issues and expects our ordinances to be

followed. Mr. Hiros asked what is going to be done. Mr. Bayer replied that 55 Four Mile Road is under continuing investigation. Mrs. Scull asked Mr. Hiros to meet with Mr. Vaz for a complete report before the next Council meeting. Mr. Vaz concurred but added that the report will be similar to tonight's answers at this stage in the process. Mrs. Scull confirmed with Mr. Vaz that he is looking in to all of the properties and issues Mr. Hiros mentioned. Mr. Hiros asked for a timeline as he has been waiting for 15 months. Mr. Vaz replied that there are things out of his control in terms of a timeline. Mr. Bayer added that when the state is involved, one can't control what the state does. **Charles Applegate:** Soroptomists on South Lakeshore took over their swimming hole and built a garden and gazebo. DPW also restored the area. Mr. Applegate advised the swimming area is full of rocks from the garden and would like it cleaned out. Mayor Patriarca commented that the rocks are there probably because of kids throwing them in the water, and we have experienced a considerable amount of vandalism at that site. The Mayor added our Soroptomist group along with DPW continue to maintain that area. Mr. Applegate and the Mayor disagreed on how the rocks got in the water. Mrs. Scull informed she will speak with the Soroptomists to find out what happened with the rocks. **George Petronis:** Complimented Mr. Vaz for forgoing his raise during the budget hearings as well as the Mayor Patriarca and Mr. Prickett for rolling back their salaries. **America Phillips:** Spoke of the chips in the recycling containers. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments.

SOLICITOR'S REPORT:

Andy Bayer: Nothing to report.

ENGINEER'S REPORT:

Chris Rehmann: Well #11 has been off and we are in compliance. We are moving along with the project as approved. Mr. Prickett asked if the Township has been testing for nitrogen on Well #11 and expressed concern that the nitrates can release the radium in the water. Mr. Rehmann replied the Township has been doing all of the testing and Mr. Peacock has been conducting all of the tests required and nitrates are not a problem in the water supply system. Mr. Inge asked where we stand with Whitesbog Road. Mr. Vaz answered they were holding off until the bond ordinance on tonight's agenda was done so they can all go out at the same time. Mr. Cartier questioned seepage issues from the upper level ground water and if it has been investigated. Mr. Rehmann responded it did not. Mrs. Willis informed ARH contacted the DEP and requested them to take a look at all of the radium contamination in South Jersey and to let them know what aquifer those wells are pulling from. ARH has not gotten all of the data back from the DEP. Mr. Rehmann explained a properly designed well has an outer casing that seals off the upper aquifers because they are the ones that are most liable for fecal contaminations and nitrates from farmland. If Well #11 was properly designed when it was installed, there would be a 50-75-100' outer casing and then the inner casing put in and grouted between the two to prevent leakage between them. Whether there has been a collapse in the soil around the pipe that would open up the upper aquifer to where they are pumping is extremely difficult to tell. Normally the Cohansey Kirkwood Aquifer is sealed to the Englishtown Aquifer by a clay layer that can be as much as 20-30' thick. ARH could look at water chemistry but that gets to be very expensive. Well #13 has a gravel pack all the way to the surface which increases the yield to the well because you are using all of the available ground water as possible but it always lends itself to contamination.

MAYOR'S REPORT:

David Patriarca: 1. Starting siding on Beach House at Mirror Lake next week.
2. Finishing the ceiling tiles in the municipal building. The roofing company is

confirming some leaks and taking care of those under warranty. 3. Working on the parking lot at Imagination Kingdom. 4. DPW is in the process of moving the mechanic's garage back to the larger garage to provide a safer working environment. 5. Recently completed the video of the storm water pipes in Lake Valley Acres. Waiting on the analysis. 6. Commended Officer Bartholomew on her first National Night Out at the Township last night. She did a great job putting that together and offering the kids another option by bringing various vendors and displays for the kids to come see and enjoy. 7. Have performed over 350 weddings. Performed his first wedding at the Veterans Memorial Park on Saturday.

BUSINESS ADMINISTRATOR'S REPORT:

Chris Vaz: 1. Spoke of his 14 year old cousin from Paris, France enjoying herself at our Water Carnival. She enjoyed herself the most at our water carnival over the Statue of Liberty and sites in New York City. Mr. Inge asked if the Chief of Police can attend the next meeting to talk to the residents about kids hanging out and rental property issues regarding landlord obligations. Mr. Vaz suggested Mrs. Palchanes be present also. Mayor Patriarca replied the Chief and a Code Enforcement Officer that deals with rental units will be at the next meeting to explain the options available to renters. Mr. Inge suggested it be placed on the website. Mr. Inge asked Council to look at Ordinance No. 16-2010. He received an email from a very hard working employee putting in their resignation and thinks it is wrong for the Township and for Council to not look in to all of the circumstances that this employee has gone through. Mr. Inge acknowledged that Council does not have anything to do with employees and that is part of Administration. Mr. Inge expressed that for an employee that dedicated her service to the Township and is a lifetime resident of the Township and if they do have medical problems maybe we could get them some help while they are out so they can keep their position then that is what we should do. We are always talking about employees doing more than what their job description is to make this Township run so that the residents can receive the best benefits of the Township and this employee is one of those. They got in to a position and cleaned things up and Council heard nothing but great things about that employee and the things she was doing to take care of the problems in that position in the past. Mr. Inge commented if Mrs. Finlay were going to be out for a while and knowing the job she has done for the Township for the years and awards she received for his position from her colleagues and doing things above her job title. Mr. Inge spoke of Mrs. Scull's husband, Fish, and how he and the older guys of the department would know where everything is at. Mr. Inge stated if we don't look after the employees that really care about the Township, other employees will not have the same work ethics as those employees that really care. Mr. Inge conveyed that he will not accept her letter of resignation. He acknowledged that he does not have any grounds to do anything about it. Sitting through four budget processes, Council relied on that department running with a limited staff. Mr. Inge read the audit and even though he didn't understand all of it, he thought that department was doing a good job for the Township. Mr. Inge suggested supporting the employee and commented it would enhance the work ethics of the remaining employees knowing Administration is standing by a good employee. Let the employee know that even though she has medical issues, we are behind her and will get help in her office until she is able to come back and work the way she has. Mr. Inge spoke of coming to the Township building and various events for several years. Spoke of the many good employees that work for the Township and school district. We need to show that we are not only a business but can be compassionate to a persons' issues and if we can, work those issues out with a little help. Mr. Inge expressed that Council also knows the employee and knows what she has done and would agree with him. Council President Scull remarked that she agrees with him 100%. She was upset that there was a resignation and knows that she hasn't always felt that Council has supported her and that might

have caused some of the stress in her position. Mrs. Scull acknowledged that Administration has posted for the job and has had interviews and asked if there is any way or anything Council can do to convince them to stay where they are at and still get an Accountant. Mrs. Scull remarked that she has been stating for a while that the department does not have enough staff. Mrs. Scull commented she has done an outstanding job. Mrs. Scull acknowledged that the employee has not been riced. Mr. Vaz advised that issue came up today in an email, and he advised her that she would not be discussed on an individual basis. To answer Council's question as to whether that will change or should change, the answer is no. Mr. Inge stated he would like it to be considered. Mr. Prickett confirmed that the water proclamation is still in effect and informed that he received an email from a resident that noticed in Country Lakes, the community center was watering the sod today during daytime hours. Mr. Prickett expressed the Township should set an example when they use the water for shrubs and lawns. Mr. Vaz answered they were in the process of reviewing the timers on all of the sprinkler systems. They were aware that they would have to be an example because that was specifically discussed.

COUNCIL MEMBERS' COMMENTS:

Rick Prickett: 1. National Night Out was a terrific social event. Mr. Prickett commented on the excited kids climbing in the vehicles. Spoke of the interaction between residents. Looking forward to seeing it again next year. 2. Council recently received the audit ending December 31, 2009. As Mrs. Scull stated earlier with the zoning problems, there have been problems in the Township that have been on going for years. In the 2009 audit, the general ledger was again found not to be complete. This is the seventh time in nine years the Township has violated NJAC5:30-5.7. The general ledger is a permanent record for the Township and is kind of like a resident's check book that you want to keep balanced to know how much money you have to keep track of expenses. In Pemberton, this has been on going for quite a while, since 2001 that he is familiar with, it wasn't balanced. In 2002, according to the auditor, it was balanced. From 2002 to 2007 it wasn't balanced again. One time in 2007 it was balanced and then the following two years it was not balanced again. Mr. Prickett expressed this needs to be addressed. This was talked about last year and he wrote a resolution to have the state come in and monitor our progress with completing the general ledger. There is a finance law that enables the finance board to put together codes to make sure that financial matters are up to par in municipalities. The general ledger is one of those codes that Townships are obligated to fulfill. It's time to solve that problem; especially since our auditor, Bowman and Company, said the cause is unknown. Last year the cause was unknown. We need to find out why it's unknown. Mr. Prickett called for a third party forensic audit so we can discover what the problems are. Last year we stated we didn't think there were any financial problems in the Township and that's how he felt. At this point when he is looking at only two audits in nine years that have passed, he wonders if the books were carefully looked at by the auditors in those two years. For the last nine years we may not have had an operable general ledger. We expect and the state expects businesses throughout the state to keep books and we should expect that for the residents, the Township keeps books that are the best books possible so they can show the hard earned tax money is being used in the best way possible. Mr. Prickett reiterated that there should be a third party forensic audit to find out why we haven't been able to keep a general ledger for the last seven out of the last nine years. 3. Wished everyone a good night.

Ken Cartier: 1. Wished everyone a good night and a safe trip home.

Tom Inge: 1. Agrees with Mr. Prickett regarding the general ledger. We need to have an up to date ledger but what we aren't looking at is we are here to represent

the residents of the Township. We have sat on four budget committees and knew that department was lacking help. Council just approved an ordinance for another employee in that department. We could have done that three or four years ago and maybe there would be a balanced ledger now. We have to try and please the residents and keep the costs down and the budget down so there are not any tax increases and when we do that, sometimes we do leave employees out to dry. If we're going to put the blame on someone, the blame could be put on him because he did know there was a lack of employees in that department, and he just assumed that we could get the work done with the employees that we had and he had faith in the employees that they could do a good job and they did. It was his fault for not giving them the tools. It might have come at a cost of increasing the budget. **2.** Thanked everyone for coming out and hopes to see everyone at the next meeting.

Sherry Scull: **1.** Referenced the phrase "a penny wise and a dollar foolish". Sometimes when you look to save money it is reflected in other areas. One thing she learned in the schools years ago, it might be good to save a dollar here or there but at what cost to the education and the employees. Noted Mr. Inge's comments on work ethics. She has had some conversations on that very issue because there doesn't seem to be the work ethic out there that there was in the past. The employers are not loyal to the employees like they were in the past. Mrs. Scull expects people to do the job they are being paid to do and to have that work ethic but when you know you are not being backed up by your employer and they don't appreciate what you do, it does unfortunately not encourage our younger generations and older staff to have that kind of a work ethic. Mrs. Scull agreed with Mr. Inge on that. **2.** The Veteran's Council had a meeting with new individuals that have been appointed. They will be a revitalized Council and there are a lot of good ideas going forth. They are excited about the memorial. It took three years to get to the point where next May they will be able to dedicate a new memorial in honor of those who gave the ultimate sacrifice. **3.** The water carnival was phenomenal and exciting to see the number of individuals. She has only heard compliments from anyone that went. **4.** Received compliments on the beaches and lifeguards. Some school employees have taken the students for swimming during the extended summer programs and noted how supportive the lifeguards are and how beautiful the Country Lakes building looks. This community deserves to look good. She is very pleased in the work in the hallway of the municipal building and pleased with the money that the employees are saving the Township by stepping up and doing a little extra. **5.** Commended the Police Officers volunteering their time at the National Night Out. Spoke of the vendors and businesses that attended. Commended Officer Bartholomew. **6.** Thanked everyone for coming out. She appreciates their attendance at our meetings. The next meeting will be in two weeks and hopes to see everyone then.

The meeting was adjourned at approximately 10:07 pm.

Respectfully submitted by:

Mary Ann Finlay, MMC
Township Clerk