

TOWNSHIP OF PEMBERTON

REGULAR MEETING

SEPTEMBER 1, 2010

6:30 P.M.

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

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Diane Stinney

ABSENT

Sherry Scull

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

Motion by Inge and Stinney to appoint Mr. Cartier as Acting Chairman. Inge, yes; Stinney, yes; Prickett, yes; Cartier, yes. Motion carried.

2. Chairman Cartier called the meeting to order at 6:30 PM.
3. Closed Session Res. No. 197-2010

RESOLUTION NO. 197-2010

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 Stinney to approve Resolution No. 197-2010. Prickett, yes; Stinney, yes; Inge, yes; Cartier, yes. Motion carried.

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

Council President Scull recessed the meeting at approximately 6:31 PM for Council to go in to Closed Session. Mrs. Scull reconvened the meeting at approximately 7:02 PM.

5. Formal action as necessary pursuant to closed session.

Mr. Cartier advised there was no formal action pursuant to closed session.

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.

Chairman Cartier opened the meeting to public comments on consent agenda items only. There being no members of the public indicating a desire to be heard, Mr. Cartier closed the meeting to public comments.

Mr. Bayer advised Resolution Numbers 204-2010 through 207-2010 are draft resolutions in Council's packets and to eliminate the first Whereas clause in considering adoption of those resolutions. The lease agreement which it approves is accurate and the rest of the resolution is fine but for the purpose of clarity, he recommends deleting the first Whereas.

Mr. Prickett requested to pull Resolution No. 198-2010 and Item 12b under New Business from the consent agenda.

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

Regular Meeting, August 18, 2010

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 199-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE AWARD OF A CONTRACT TO HARDENBERGH INSURANCE GROUP AS BROKER OF RECORD FOR THE TOWNSHIP'S BENEFITS PROGRAM
WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS DETERMINED THAT THERE EXISTS A NEED FOR INSURANCE CONSULTING SERVICES IN CONNECTION WITH THE TOWNSHIP'S BENEFITS PROGRAM; AND
WHEREAS, PURSUANT TO N.J.S.A. 40A:11-5(1)(M), A MUNICIPALITY MAY ENTER INTO A CONTRACT FOR INSURANCE CONSULTANT SERVICES, WITHOUT COMPETITIVE PUBLIC BIDDING SO LONG AS THE REQUIREMENTS FOR EXTRAORDINARY UNSPECIFIABLE SERVICES ARE MET; AND
WHEREAS, THE INSURANCE SERVICES NECESSARY TO IMPLEMENT THE TOWNSHIP'S BENEFITS PROGRAM QUALIFY AS EXTRAORDINARY UNSPECIFIABLE SERVICES BECAUSE THE SERVICES TO BE PROVIDED ARE OF SUCH A QUALITATIVE NATURE THAT THE PERFORMANCE OF THE SERVICES CANNOT BE REASONABLY DESCRIBED BY WRITTEN SPECIFICATIONS BECAUSE THEY INVOLVE SUBJECTIVE MANAGEMENT AND STRATEGIC PLANNING ABILITIES; AND
WHEREAS, DUE TO THE NATURE OF THE WORK PERFORMED BY HARDENBERGH INSURANCE GROUP ("HARDENBERGH") AND ITS EXPERIENCE AS AN INDEPENDENT INSURANCE AGENCY, THE TOWNSHIP WISHES TO ENTER INTO A CONTRACT WITH HARDENBERGH AUTHORIZING THEM TO PERFORM THE NECESSARY CONSULTING SERVICES FOR THE TOWNSHIP'S BENEFITS PROGRAM; AND
WHEREAS, HARDENBERGH HAS DEMONSTRATED THAT IT IS QUALIFIED BY ITS TRAINING AND EXPERIENCE TO PROVIDE THE REQUIRED SERVICES IN THE MANNER AND ON THE TERMS AND CONDITIONS SET FORTH IN THE PROPOSED CONTRACT.
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A CONTRACT IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, WITH HARDENBERGH INSURANCE GROUP FOR THE PROVISION OF CONSULTING SERVICES IN CONNECTION WITH THE TOWNSHIP'S BENEFITS PROGRAM, AT NO EXPENSE TO THE TOWNSHIP.
BE IT FURTHER RESOLVED, THAT THE CONTRACT IS AWARDED AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE PURSUANT TO THE PROVISIONS OF THE STATE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-5(1)(A)(II)); AND
BE IT FURTHER RESOLVED, THAT DUE TO THE UNIQUE NATURE OF THE SERVICES BEING PROVIDED IT WAS IMPRACTICABLE TO OBTAIN TWO COMPETITIVE QUOTATIONS; AND
BE IT FURTHER RESOLVED, THAT THE CERTIFICATION OF EXTRAORDINARY UNSPECIFIABLE SERVICE, AS REQUIRED BY THE N.J.A.C. 5:34-2.3(B), SHALL BE FILED IN THE OFFICE OF THE TOWNSHIP CLERK WITH THE ORIGINAL RESOLUTION; AND
BE IT FURTHER RESOLVED THAT A NOTICE STATING THE NATURE, DURATION, SERVICE AND THE AMOUNT OF THIS CONTRACT SHALL BE PUBLISHED AND THIS RESOLUTION SHALL BE MAINTAINED ON FILE AND AVAILABLE FOR PUBLIC INSPECTION IN THE OFFICE OF THE MUNICIPAL CLERK.

RESOLUTION NO. 200-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS NUMEROUS AND VARIOUS PIECES OF PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE; AND
WHEREAS, N.J.S.A. 40A:11-36 PROVIDES THAT ANY CONTRACTING UNIT BY RESOLUTION OF ITS GOVERNING BODY MAY AUTHORIZE BY SEALED BID OR PUBLIC AUCTION THE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE; AND
NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, THAT THE PERSONAL PROPERTY LISTED IN SCHEDULE A ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, ARE HEREBY AUTHORIZED TO BE SOLD IN ACCORDANCE WITH THE FOLLOWING:
1. THE PERSONAL PROPERTY IDENTIFIED IN SCHEDULE A SHALL BE SOLD BY PUBLIC AUCTION METHOD AT A PUBLIC SALE TO BE HELD ON OCTOBER 2, 2010, AT 9:00 AM AT THE PUBLIC WORKS GARAGE, LOCATED BEHIND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING, LOCATED AT 500 PEMBERTON-BROWNS MILLS ROAD, NEW LISBON, NEW JERSEY.
2. ANY PERSONS WHO DESIRE TO INSPECT THE PERSONAL PROPERTY SET FORTH ON SCHEDULE A ARE INVITED TO ARRIVE AT THE PUBLIC WORKS GARAGE NO EARLIER THAN 8:00 A.M. ON THE DATE OF THE AUCTION FOR PURPOSES OF SAID INSPECTION.
5. NOTICE OF THIS PUBLIC SALE SHALL BE PUBLISHED IN THE BURLINGTON COUNTY TIMES.
6. THE TOWNSHIP'S BUSINESS ADMINISTRATOR OR HIS DESIGNEE ARE HEREBY AUTHORIZED TO CONDUCT THE PUBLIC SALE PROVIDED FOR IN THIS RESOLUTION.
7. THE TOWNSHIP'S BUSINESS ADMINISTRATOR SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS IF THE TOWNSHIP'S BUSINESS ADMINISTRATOR DETERMINES THAT SUCH REJECTION IS IN THE PUBLIC'S INTEREST.

RESOLUTION NO. 201-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1103 LOT 18, 234 LAFAYETTE AVE. OWNED BY CHARLES W & BARBARA J GRIFFIN QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF AUGUST 9, 2010; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1103 LOT 18 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO AUGUST 9, 2010 IS \$2,207.79 ; AND

WHEREAS, TAXES LEVIED FOR 2010 IS IN THE AMOUNT OF \$3,596.15 ON BLOCK 1103 LOT 18, OF WHICH \$2,828.37 HAS BEEN PAID, CREATING AN OVERPAYMENT. THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON TAXES IN THE AMOUNT OF \$620.58 TO THE HOMEOWNER.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL BALANCE OF TAXES DUE ON SAID PROPERTY AS OF AUGUST 9, 2010 TOTALING \$1,388.36.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 PROPERTY TAXES ON BLOCK 1103 LOT 18 AS OF AUGUST 9, 2010, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$620.58 TO: CHARLES W. & BARBARA J GRIFFIN, 234 LAFAYETTE AVE., PEMBERTON, NJ 08068.
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 202-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE QUALIFYING FOR A VETERANS' PROPERTY TAX DEDUCTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR A \$250.00 VETERANS DEDUCTION ON TAXES ON CERTAIN PROPERTY OWNED BY A VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 477 LOT 68, 5 CHANDLER ST. OWNED BY JAMES C. MCNIVENS QUALIFIED AND WAS GRANTED A VETERANS' PROPERTY TAX DEDUCTION IN 2008.

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THAT PROPERTY DID NOT RECEIVE THE PROPER DEDUCTION FOR THE YEAR 2009, AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CREDIT PROPERTY \$250.00 FOR TAX DEDUCTION GRANTED IN 2009 TO TAXES DUE IN THE YEAR 2010; AND

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CREDIT THE \$250.00 DUE FROM 2009 TO PROPERTY TAX IN 2010.

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

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO APPLY A CREDIT OF \$250.00 FROM A 2009 VETERANS DEDUCTION NEVER RECEIVED TO 2010 PROPERTY TAXES ON BLOCK 477 LOT 68 AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX DEDUCTION UNDER N.J.S.A. 54:4-3.30.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 203-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 840 LOT 61.02, 121 ONG'S HAT RD. OWNED BY GERALD C & PEGGY J NIPPINS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 2, 2010; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 840 LOT 61.02 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO JUNE 2, 2010 IS \$1,765.62 ; AND

WHEREAS, TAXES LEVIED FOR 2010 IS IN THE AMOUNT OF \$4,154.02 ON BLOCK 840 LOT 61.02, OF WHICH \$3,265.81 HAS BEEN PAID, CREATING AN OVERPAYMENT. THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON TAXES IN THE AMOUNT OF \$1,500.19 TO THE HOMEOWNER.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 2, 2010 TOTALING \$2,388.40.

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

4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 PROPERTY TAXES ON BLOCK 840 LOT 61.02 AS OF JUNE 2, 2010, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
5. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$1,500.19 TO: GERALD C & PEGGY J NIPPINS, 121 ONG'S HAT RD., PEMBERTON, NJ 08068.
5. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 204-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON APPROVING THE LEASE AGREEMENT WITH BROWNS MILLS FIRE COMPANY NO. 1 FOR SPACE TO HOUSE TOWNSHIP OWNED FIRE EQUIPMENT

WHEREAS, PURSUANT TO N.J.S.A. 40A:14-83 A FIRE DISTRICT MAY LEASE RENTAL SPACE IN ANY OF ITS BUILDINGS TO A MUNICIPALITY IN WHICH THE FIRE DISTRICT IS LOCATED; AND

WHEREAS, BROWNS MILLS FIRE COMPANY NO. 1 ("BROWNS MILLS FIRE") IS LOCATED WITHIN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, THE TOWNSHIP AND BROWNS MILLS FIRE DESIRE TO ENTER INTO AN AGREEMENT (THE "LEASE AGREEMENT") WHEREBY BROWNS MILLS FIRE WILL LEASE SPACE IN ITS BUILDING TO THE TOWNSHIP IN ORDER TO HOUSE TOWNSHIP OWNED FIRE APPARATUS AND EQUIPMENT; AND

WHEREAS, THE LEASE AGREEMENT WILL COMMENCE ON JANUARY 1, 2010 AND END ON DECEMBER 31, 2011; AND

WHEREAS, THE TOWNSHIP WILL PAY BROWNS MILLS FIRE A SUM OF \$12,500 ANNUALLY, AND SUCH PAYMENT WILL INCREASE BY \$250 ON JANUARY 1, 2011; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO THE LEASE AGREEMENT WITH BROWNS MILLS FIRE.

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 LEASE AGREEMENT BETWEEN THE TOWNSHIP AND BROWNS MILLS FIRE COMPANY NO. 1 FOR SPACE TO HOUSE TOWNSHIP FIRE EQUIPMENT IS HEREBY APPROVED; AND

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

- A. BROWNS MILLS FIRE COMPANY NO. 1
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP

RESOLUTION NO. 205-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON APPROVING THE LEASE AGREEMENT WITH COUNTRY LAKES VOLUNTEER FIRE COMPANY NO. 1 FOR SPACE TO HOUSE TOWNSHIP OWNED FIRE EQUIPMENT

WHEREAS, PURSUANT TO N.J.S.A. 40A:14-83 A FIRE DISTRICT MAY LEASE RENTAL SPACE IN ANY OF ITS BUILDINGS TO A MUNICIPALITY IN WHICH THE FIRE DISTRICT IS LOCATED; AND

WHEREAS, COUNTRY LAKES VOLUNTEER FIRE COMPANY NO. 1 ("COUNTRY LAKES") IS LOCATED WITHIN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, THE TOWNSHIP AND COUNTRY LAKES DESIRE TO ENTER INTO AN AGREEMENT (THE "LEASE AGREEMENT") WHEREBY COUNTRY LAKES WILL LEASE SPACE IN ITS BUILDING TO THE TOWNSHIP IN ORDER TO HOUSE TOWNSHIP OWNED FIRE APPARATUS AND EQUIPMENT; AND

WHEREAS, THE LEASE AGREEMENT WILL COMMENCE ON JANUARY 1, 2010 AND END ON DECEMBER 31, 2011; AND

WHEREAS, THE TOWNSHIP WILL PAY COUNTRY LAKES A SUM OF \$12,500 ANNUALLY, AND SUCH PAYMENT WILL INCREASE BY \$250 ON JANUARY 1, 2011; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO THE LEASE AGREEMENT WITH COUNTRY LAKES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE LEASE AGREEMENT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP AND COUNTRY LAKES VOLUNTEER FIRE COMPANY NO. 1 FOR SPACE TO HOUSE TOWNSHIP FIRE EQUIPMENT; AND

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

- A. COUNTRY LAKES VOLUNTEER FIRE COMPANY NO. 1
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP

RESOLUTION NO. 206-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON APPROVING THE LEASE AGREEMENT WITH MAGNOLIA ROAD FIRE COMPANY FOR SPACE TO HOUSE TOWNSHIP OWNED FIRE EQUIPMENT

WHEREAS, PURSUANT TO N.J.S.A. 40A:14-83 A FIRE DISTRICT MAY LEASE RENTAL SPACE IN ANY OF ITS BUILDINGS TO A MUNICIPALITY IN WHICH THE FIRE DISTRICT IS LOCATED; AND

WHEREAS, MAGNOLIA ROAD FIRE COMPANY ("MAGNOLIA ROAD") IS LOCATED WITHIN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, THE TOWNSHIP AND MAGNOLIA ROAD DESIRE TO ENTER INTO AN AGREEMENT (THE "LEASE AGREEMENT") WHEREBY MAGNOLIA ROAD WILL LEASE SPACE IN ITS BUILDING TO THE TOWNSHIP IN ORDER TO HOUSE TOWNSHIP OWNED FIRE APPARATUS AND EQUIPMENT; AND

WHEREAS, THE LEASE AGREEMENT WILL COMMENCE ON JANUARY 1, 2010 AND END ON DECEMBER 31, 2011; AND

WHEREAS, THE TOWNSHIP WILL PAY MAGNOLIA ROAD A SUM OF \$12,500 ANNUALLY, AND SUCH PAYMENT WILL INCREASE BY \$250 ON JANUARY 1, 2011; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO THE LEASE AGREEMENT WITH MAGNOLIA ROAD.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE LEASE AGREEMENT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP AND MAGNOLIA ROAD FIRE COMPANY FOR SPACE TO HOUSE TOWNSHIP FIRE EQUIPMENT; AND

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

- A. MAGNOLIA ROAD FIRE COMPANY
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP

RESOLUTION NO. 207-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON APPROVING THE LEASE AGREEMENT WITH PRESIDENTIAL LAKES FIRE & RESCUE SQUAD FOR SPACE TO HOUSE TOWNSHIP OWNED FIRE EQUIPMENT

WHEREAS, PURSUANT TO N.J.S.A. 40A:14-83 A FIRE DISTRICT MAY LEASE RENTAL SPACE IN ANY OF ITS BUILDINGS TO A MUNICIPALITY IN WHICH THE FIRE DISTRICT IS LOCATED; AND

WHEREAS, PRESIDENTIAL LAKES FIRE & RESCUE SQUAD ("PRESIDENTIAL LAKES") IS LOCATED WITHIN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP"); AND

WHEREAS, THE TOWNSHIP AND PRESIDENTIAL LAKES DESIRE TO ENTER INTO AN AGREEMENT (THE "LEASE AGREEMENT") WHEREBY PRESIDENTIAL LAKES WILL LEASE SPACE IN ITS BUILDING TO THE TOWNSHIP IN ORDER TO HOUSE TOWNSHIP OWNED FIRE APPARATUS AND EQUIPMENT; AND

WHEREAS, THE LEASE AGREEMENT WILL COMMENCE ON JANUARY 1, 2010 AND END ON DECEMBER 31, 2011; AND

WHEREAS, THE TOWNSHIP WILL PAY PRESIDENTIAL LAKES A SUM OF \$12,500 ANNUALLY, AND SUCH PAYMENT WILL INCREASE BY \$250 ON JANUARY 1, 2011; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO ENTER INTO THE LEASE AGREEMENT WITH PRESIDENTIAL LAKES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE LEASE AGREEMENT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP AND PRESIDENTIAL LAKES FIRE & RESCUE SQUAD FOR SPACE TO HOUSE TOWNSHIP FIRE EQUIPMENT; AND

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

- A. PRESIDENTIAL LAKES FIRE & RESCUE SQUAD
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP

RESOLUTION NO. 208-2010

WHEREAS, BY RESOLUTION NO. 235-2009, ADOPTED OCTOBER 21, 2009, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO RICH PICERNO BUILDERS, FOR INSTALLATION OF PIP SURFACE FOR THE IMAGINATION KINGDOM PARK IN THE AMOUNT OF \$154,469.00; AND

WHEREAS, THE TOWNSHIP COUNCIL HAS RECEIVED CHANGE ORDER NO. 1 SUBMITTED BY ARH, DATED AUGUST 23, 2010; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A DECREASE IN THE CONTRACT PRICE BY (\$1,764.00), WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$152,705.00; AND
WHEREAS, THE PROJECT ENGINEER AND THE ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID
CHANGE ORDER NO. 1, 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 ENGINEER AND
RECOMMENDATION OF THE ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND
THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'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 THE CHANGE
ORDER FOR A NEW CONTRACT IN THE AMOUNT OF \$(1,764.00); 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. 1, AS SUBMITTED BY ARH, FOR THE PROJECT
NOTED ABOVE, IS HEREBY APPROVED;

***13.** Approval by Council required for payment of vouchers on bill list dated 8/27/10.

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

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution No. 198-2010:

Mr. Prickett wanted to talk about this resolution along with Ordinance No. 18-2010. Mr. Prickett suggested Mr. Vaz explain what is being proposed. Mr. Prickett stated he received a projection by email of a savings of \$400,000. Mr. Prickett commented that the bonds that were taken out by the county and the Township were a part of that and it was in the range of 5% and as a whole the county can get a better rate with a savings of refunding these bonds and then purchasing new bonds. Mr. Vaz explained the actual savings will not be known until the actual date of the sale. The savings have actually increased to \$436,000. They are anticipating closing in the middle of November. The market seems to be right and the Bridge Commission wants to take advantage of that. Mr. Vaz clarified that it would have been approximately \$536,000 but deducting the cost of the sale and the discount brings it down to \$436,000. Other than Council doing the resolution and the ordinance, all of the other associated work that goes in to a bond sale is being done by the Bond Counsel and the financial advisor for the Bridge Commission. Mr. Prickett asked if Acacia Financial Group works for the Township or the County. Mr. Vaz answered they have worked for us in the past and were hired in the past based on their association with the Bridge Commission. Mr. Prickett confirmed with Mr. Vaz that the documents are through the county. Mr. Prickett spoke of a second series of bonds that the Township had which was a lease agreement with the Bridge Commission and this is the same kind of arrangement. There was some criticism by this government that this was not a good way to go. Mr. Prickett asked if in this series of bonds if this will make it a good thing for the Township to do overall or would it be better for the Township to strike out of this and go out on their own. Mr. Vaz responded that he doesn't know if the Township can because we are already in but looking at it from the prospective of the future, it all boils down to where we will get the best rate. If we get the best rate going out independently and then weigh that against an even better rate using the pooled government financing program. Mr. Vaz stated the smallest percentage point when borrowing \$7 million means a big difference and they have an extraordinary bond rating because of their largeness and management of their program. We would also take advantage of having their bond rating and the reduction in insurance costs. Mr. Prickett asked if the Township can pay these off ahead of time. Mr. Vaz responded no. Mr. Prickett noted the series of bonds with the agreement that the last Council was approximately 2% and asked if we are going to redo that series. Mr. Vaz replied they have not indicated so.

RESOLUTION NO. 198-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD PURSUANT TO N.J.S.A. 40A:2-51

WHEREAS, THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY (THE "TOWNSHIP") DESIRES TO AUTHORIZE THE BURLINGTON COUNTY BRIDGE COMMISSION (THE "COMMISSION") TO MAKE APPLICATION ON BEHALF OF THE TOWNSHIP TO THE LOCAL FINANCE BOARD FOR ITS APPROVAL PURSUANT TO N.J.S.A. 40A:2-51 TO ISSUE REFUNDING BONDS OF THE TOWNSHIP TO REFUND THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, NEW JERSEY, GENERAL OBLIGATION BONDS (BURLINGTON

COUNTY BRIDGE COMMISSION 2002 GOVERNMENTAL LOAN PROGRAM), SERIES 2002 ISSUED PURSUANT TO THE COMMISSION'S 2002 GOVERNMENTAL LOAN PROGRAM; AND

WHEREAS, THE TOWNSHIP BELIEVES THAT:

(A) IT IS IN THE PUBLIC INTEREST TO ACCOMPLISH SUCH PURPOSE;

(B) SAID PURPOSE OR IMPROVEMENTS ARE FOR THE HEALTH, WELFARE, CONVENIENCE OR BETTERMENT OF THE INHABITANTS OF THE TOWNSHIP;

(C) THE AMOUNTS TO BE EXPENDED FOR SAID PURPOSE OR IMPROVEMENTS ARE NOT UNREASONABLE OR EXORBITANT; AND

(D) THE PROPOSAL IS AN EFFICIENT AND FEASIBLE MEANS OF PROVIDING SERVICES FOR THE NEEDS OF THE INHABITANTS OF THE TOWNSHIP AND WILL NOT CREATE AN UNDUE FINANCIAL BURDEN TO BE PLACED UPON THE TOWNSHIP;

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

SECTION 1. THE APPLICATION TO THE LOCAL FINANCE BOARD IS HEREBY APPROVED, AND THE COMMISSION, ALONG WITH REPRESENTATIVES OF THE TOWNSHIP AND THE COMMISSION, ARE HEREBY AUTHORIZED TO PREPARE SUCH APPLICATION AND TO REPRESENT THE TOWNSHIP IN MATTERS PERTAINING THERETO.

SECTION 2. THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP IS HEREBY DIRECTED TO PREPARE AND FILE A COPY OF THE REFUNDING BOND ORDINANCE, WITH THE LOCAL FINANCE BOARD AS PART OF SUCH APPLICATION.

SECTION 3. THE LOCAL FINANCE BOARD IS HEREBY RESPECTFULLY REQUESTED TO CONSIDER SUCH APPLICATION AND TO RECORD ITS FINDINGS, RECOMMENDATIONS AND/OR APPROVALS AS PROVIDED BY THE APPLICABLE NEW JERSEY STATUTE.

Motion by Prickett and Stinney to approve Resolution No. 198-2010.
Prickett, yes; Stinney, yes; Inge, yes; Cartier, yes. Motion carried.

10. ORDINANCES FOR INTRODUCTION

a. ORDINANCE NO. 18-2010 (Title Read By Mr. Cartier)

BOND ORDINANCE OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, NEW JERSEY, AUTHORIZING THE ISSUANCE OF NOT TO EXCEED \$7,730,000 AGGREGATE PRINCIPAL AMOUNT OF GENERAL OBLIGATION REFUNDING BONDS OF THE TOWNSHIP TO REFUND CERTAIN OUTSTANDING BONDS, AND APPROPRIATING THE PROCEEDS OF SUCH BONDS TO SUCH PURPOSE

Mr. Prickett asked if there will need to be another ordinance when this money is funneled in to the next series of bonds. Mr. Vaz replied he has been informed this is the only paperwork, other than the supplemental debt statement that Mrs. Finlay received today, that we have to do on our end.

Motion by Prickett to introduce Ordinance No. 18-2010 with a public hearing to be in October.

Mr. Vaz informed the Local Finance Board has requested that a public hearing not be scheduled at this time because they have to approve the ordinance first and their meeting is going to be in the middle of October.

Motion by Prickett and Stinney to introduce Ordinance No. 18-2010 with a public hearing to be held on October 20, 2010. Prickett, yes; Stinney, yes; Inge, yes; Cartier, yes. Motion carried.

11. UNFINISHED BUSINESS

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

Mr. Rehmann explained ARH had previously submitted a proposal to complete the design and construction management of the roads for the bond issue that was recently passed. ARH is seeking authorization to proceed.

Mr. Inge questioned the cost of the blacktop. Mr. Rehmann answered the cost of blacktop has held steady from the beginning of the year because oil prices have not moved very much. Mr. Rehmann expects a number of bidders on this. ARH has a list of approximately 15 contractors that will receive notice of the bids. With Council's authorization, ARH would like to receive bids in the end of September/beginning of October. This would also include North Whitesbog Road. Mr. Inge confirmed that North Whitesbog Road has been completely

approved by everyone. Mr. Rehmann answered the issues have been taken care of regarding the Pinelands.

Motion by Prickett and Stinney to authorize the engineer to begin the survey and design work for 2010 Capital Road Program.

Mr. Prickett informed this covers Ashton and Marie Drive in Browns Mills, Morris Street, Elm Street and Sunset Street in Mirror Lakes, Red Feather Trail in Country Lakes, Kentucky Trail in Presidential Lakes, College Drive, Lake Valley is Section 5 and Section 6 is North West Pemberton which is Brandywine Road.

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

12. NEW BUSINESS

a. Review of proposed ordinance to regulate solar/wind uses.

Mr. Cartier informed during the Planning Board's review of the Master Plan, he had a lengthy discussion with our Planner concerning this sort of thing within the Township Master Plan and its absence in there. Mr. Cartier expressed it is very important to have something like this in there and assumes that is where this ordinance came from was his discussion he had with the Planner looking for something to be established in the Township. It is very important that all municipalities and government agencies look to develop and become more green and responsible when it comes to energy conservation and things as such. Mrs. Stinney commented that Willingboro's Council authorized JFK. Mayor Patriarca noted on the idea of creating some type of regulations, we also want to protect the existing homeowners. He referred to a program he saw on television where individuals built a \$750,000 home in a prestigious development and their neighbors did the same and put a solar unit on top of their home and the neighbors didn't realize they would be looking in to a mirror and actually could not sit in one of the rooms in their home because of the reflections. That is one thing that we have to be conscious of with the ever growing alternative energy sources coming in and wind energy is becoming very popular and there will be turbines on top of a pole. There will be humming and different things that create other issues within the Township. This is a good direction for the town to take and protect all of our residents. Mr. Inge asked if something was done and mentioned discussions earlier for Pinelands approvals for solar units for farm fields. Mayor Patriarca conveyed there have been proposals to put solar farms in certain parts of the Township which fall within the Pinelands; unfortunately the Pinelands considers solar farming as industrial use and as a result that is not in the zoning for that particular area. The Pinelands is working on that issue. Mr. Cartier noted that windmills and the associated noise was discussed at a prior meeting. Mr. Inge expressed the solar units had also been discussed and Pinelands did not have a say in that. Mayor Patriarca stated if it's in the Pinelands, they have a say. Mr. Prickett conveyed this is a huge topic and it could have very profound effects on Pemberton Township. Within the Pinelands and outside of the Pinelands, there are differences there. We need to look at whether it is an accessory use or a primary use. An accessory use would be a use where it might help the homeowner decrease their energy bill. It might help the MUA provide enough energy to power the MUA. That could be a benefit to the Township. Mr. Prickett noted as the Mayor was talking about solar farms, are they beneficial to the overall and if so, how are they beneficial. There are a lot of details in all of this that we need to talk about. Just starting to talk about the solar, the wind use is another topic. Mr. Prickett informed that solar requires a lot of surface area and as the Mayor mentioned, there are two big houses together and one of them sets up solar cells and there are all kinds of possible problems

with mirrors and reflections and things like that that have to be considered. Solar farms really are not farms. They produce energy or capture energy from the sun and is not truly a farm. It is more of a solar plant and energy plant. When taking a look at a primary use with a solar plant, there is a lot of surface area in a farm area. That's a different use than if it is cluster housing. On North Pemberton Road there is one house per six acres. If we were to allow primary use of solar in one house per six acres, how many acres would you be able to put solar cells. If there are houses, the houses can be clustered and then do farming on the rest of the property. We need to look at the areas where we might want to put in primary use for solar facilities. Do we want to put them in areas where we have prime farm land? Mr. Prickett conveyed Council has two ordinances in their packets from Southampton Township and one that the Zoning Board was working on and passed over to the Council. They recognize that soils are important things to save and protect. Farmers have a very hard time farming and making a living. If they are not able to use these prime soils, they might not be able to survive in Pemberton Township. Mr. Prickett continued that there are a number of farmers in Pemberton Township and there is a significant agricultural base in the Township. We need to take a look at that. Mr. Prickett reiterated who benefits from solar farms as a primary use and how would the residents benefit. They wouldn't get a decrease in their electric bill. As far as taxes are concerned, in looking at a facility like this how does it increase the assessed value of the property. If there is a medical facility, the value of the property is increased significantly. If there is a solar plant and all of those solar collection devices are personal property and that is not taxable. Since one is covering so much area with the solar cells, how does it affect the soil. Is it going to cause more erosion and what kind of material is needed to put underneath the solar cells to control plant growth. Is grass going to be grown, or will gravel be used or another type of solid substance under the solar cells. Mr. Prickett asked how that is going to be addressed. He did not see that addressed in either of the ordinances. What is underneath the solar cells? Mr. Prickett expressed concern that the solar plants have a period of usefulness. Even plants don't live forever; trees do. They continue to photosynthesize and drop their leaves. The same is probably true with a solar plant; those solar cells are going to wear out. There are all kinds of tax benefits to put the solar cells in now and that is an incentive. Mr. Prickett questioned what happens when these solar farms decrease in efficiency. Is there going to be the incentive to put new cells in, refurbish the farm or are people going to pull out. We have acres and acres of aluminum or some kind of metal containers with aluminum things inside. The part inside that absorbs the sunlight and creates the electrons for electricity are made up of different kinds of chemicals. There are different kinds of panels and cadmium and lead and all sorts of things that we need to be aware of. If those heavy metals get in to the soil, how is that going to impact that soil and if the solar plant idea isn't viable down the road and all of the solar panels are removed and we want to go back to farming, are we going to be able to go back to farming and will there be any heavy metal contamination or will there be problems with the soils being changed. Farmers take care of their soil. They are constantly feeding them and adding organic matter and changing the kinds of crops that are growing in the fields. Mr. Prickett is not sure what kind of plants a solar plant would grow under the solar cells. Would they grow the same plant and would that plant be beneficial for the soil or would it be hazardous to the soil. Solar farms producing energy from the sun seems to be a really nice green idea. Mr. Prickett questioned what happens down the road and does it continue to be a good idea after these plants have their usefulness gone. Mr. Prickett referenced an article in the newspaper last week regarding putting solar farms over old landfills. That could be a real plus for the Township. He does not believe that the landfills in Pemberton Township have been adequately capped. If we had a solar plant over our landfills, that money could be used to cap these landfills. The Township could get that money to make these improvements potentially. If you have a

private individual that is putting a solar plant together, what is the Township going to get out of this. They might get an increase in property taxes. Mr. Prickett asked if there is a liability that goes along with this down the road that might erase those gains. Mr. Prickett reiterated that this needs to be really carefully thought out. He saw in both of the ordinances something about a bond to protect the Township if the solar plants stop being useful and the bond would as he understood it when reading the ordinances then be used to clean up the facilities. Mr. Prickett asked Mr. Bayer and Mr. Vaz what the incentive would be for an entity to keep up a bond like that once the solar farm was no longer useful why would you continue to pay money in to a bond and how would you be obligated to continue to have a bond on the property. Mr. Prickett continued and asked what is the incentive to keeping it. He understands when doing an improvement and getting a bond once you have that improvement completed then you get your money back on the bond or you don't have to pay for that bond. In this case what would be the incentive to the property owner to continue to pay a bond to assure the Township that the site would be cleaned up if the facility was no longer viable. Mr. Vaz expressed it sounds similar to where towns require the person or company that is building a cell tower. That scenario typically requires that entity to do some sort of bond to protect the town that in the event the company fails, disappears or there is a problem that there are some funds available for the town to make a claim against. Mr. Vaz stated there are five year and ten year bonds and that might be able to be built in to an ordinance requiring that the bonds not be year to year. At least there is a model to draw from in the telecommunications area. Mr. Bayer added or if the bond fails or is lapsed, the town can somehow get a lien on their property. Mr. Prickett stated the Township has been faced with a lot of situations where there has been a business for example there are two gas stations that the Township is trying to get cleaned up now or involved in evaluating the extent of the pollution and asked if the Township could end up being in a similar situation with a solar plant on some of our farm land. Mr. Prickett noted those are some of his concerns and that is why Council needs to talk a lot more about this and that is just one component and the other side, the accessory use where you may live in a neighborhood and may not like how solar cells or wind towers are put up and are actually a nuisance. Mr. Prickett reiterated that these are things that we really have to carefully talk about and explore. The second ordinance was much better than the first ordinance but there needs to be more in the ordinance that covers wind power and solar power. Mr. Cartier stated Mr. Prickett has some valid concerns regarding contamination and things as such. Mr. Inge commented that the MUA was mentioned in bringing solar power to these places where it would help the residents is in bringing down the cost. Any cost that it brings down does trickle down to the resident. The bad thing about it is that we are stuck with Pinelands. If Cherry Hill wanted to do this with solar power on some of their properties where there is a municipal or MUA building, they wouldn't have to go in front of the Pinelands for an additional cost. Then there are engineers and attorneys involved and there goes the cost. That's the problem, you're already down. It's clean energy and we should explore it just like anything else. There are always going to be problems with fuel and there are going to be problems with solar energy. As any industry develops, the corrections and changes will be made as they come along. That's the only way they will survive. While all of these grants are coming from the federal government, if we are going to act on it, we need to act on it when all of these grants are available because when other towns act on it the money in the grants are going to be diminished. Mr. Inge expressed that we shouldn't sit around too long and we should look in to it because it does save and once it saves the Township it will save the residents. As far as a persons home, if they want to put a solar unit on their roof, they have the right to do that. They are paying taxes. The reason they might need to put that on there is to lower their utility bills so they are able to pay taxes as taxes are steadily increasing not just in this Township but in every Township. People are going to

have to do things to be able to stay in their house. If this is an option, they should be given the option to do it. Mr. Vaz stated Mr. Inge raised some good points and continued that he met with ARH yesterday and they had been asked to look at a particular bid spec that was put together from another city to see if that spec would work for Pemberton Township in order to consider solar for the municipal buildings. Either roof mounted or pole mounted. Mr. Cartier commented that knowing the issues that this building has had with its roof. Mr. Vaz went to Brick Township in Ocean County and they have pole mounted solar that is providing energy to their municipal building. It is a very large building and that would be an option for us that might have less of an impact with the Pinelands rather than putting the solar units on the lawn. The idea is that there are other towns getting in to the solar and apparently there is a savings to the municipality to do it. In response to Mr. Inge's comments regarding grants, Pemberton Township is eligible for a \$20,000 rebate through a program that the Board of Public Utilities is offering as part of their clean energy program. It is pass down money under the American Reinvestment and Recovery Act and they have another program where they will pay 60% towards the cost of improvements to a municipal building. How they are taking these two programs and merging them is if we take the \$20,000 block grant and then use that for our cash match requirement for the direct install program, we will have all of the \$50,000 energy improvement program paid for and won't have to pay anything out of pocket. Mr. Vaz informed he has been speaking with one of the already preapproved contractors. The state has already preapproved contractors and assigned them to different counties. The contractors do an assessment on the building that we choose and come up with a plan for spending the \$50,000. Mr. Prickett stated to Mr. Inge that he supports him with the accessory use and thinks that will affect the most people in our town, give many residents an opportunity to get involved with alternate energy. Mr. Prickett suggested starting off with focusing on what we can do there with the accessory use to make sure our residents are protected and that an ordinance is in place to enable our residents to take advantage of whatever grants and the municipality as well because it would be an accessory use here. Mr. Prickett expressed that is how we should start taking a look at accessory uses and moving from there. We could even have an ordinance just with accessory uses and then work on solar plants, the primary use at a later time. Mr. Rehmann conveyed that it is a complex issue. ARH has one town where they are putting solar panels on a library that the contractor is putting a new roof on. There was a benefit to the Township not only in the ability to go through power purchase agreements which allows to purchase electric at below utility rates which help reduce costs plus some rental for the space they are taking on the library. They are as Mr. Prickett indicated, some difficult subjects to discuss when looking at solar farms. One of the problems we have with landfills is they were normally put in the most remote portions of the Townships where to get the power from a solar farm on a landfill to a transmissions main sometimes can be as expensive as building the solar farm. There are always some issues that arise. There are a couple of solar farms in other towns that obviously want to be where there are main streets because that is where the transmission lines are and he is not sure that is aesthetically and risk wise the best thing to have in the entrance to a town or main street or principal roads in the town. ARH is looking at even the simple issue of theft of aluminum that these solar farms come with eight foot fences with two strand barbed wire so they are not pretty sites but they are something we need to look at. Mr. Rehmann advised he downloaded the proposal that Mr. Vaz was referring to when ARH is reviewing this to give the Township advice as to how to proceed. While the county owns the library, we are paying for the operational costs. Mr. Prickett advised that the Township owns the library. Mayor Patriarca informed that the Township pays the bills and the county provides the staff and books. Mr. Rehmann noted that as Mr. Inge pointed out that would be a direct benefit because we can reduce the cost of power to this facility and perhaps sell power

back to the grid. The thing that people are looking for are tax credits that are not going to be to the advantage of Pemberton residents but to themselves. They have a business to make money and some way of deferring costs or deferring taxes on other ventures that they take. All of this is a complex subject and ARH is somewhat involved in it and has experts they use. Mr. Rehmann agreed with Mr. Prickett that it should be with caution. ARH looked at windmills for the city of Wildwood because that is on an area where there is sufficient wind speeds to be able to get value out of the windmill. The drop zones of the windmills have to be fairly large because of the tower that could collapse but also a pinwheel that could move away from the tower. ARH had to give up the windmills because of insufficient room on the site. Mr. Prickett stated there are a lot of surface areas on top of the schools and the schools could use a break in electric bills if it was possible to put some solar collectors on top of the surface areas on the 13 schools in the Township. That would be a great savings and the security on top of the building from vandalism hopefully would be negligible. That's something that we could work with the school board in that process as well. Mr. Rehmann advised ARH is looking in to a grant from the Department of Energy Bureau of Public Utilities to see if we can obtain a grant for a consultant to evaluate our energy uses and the ideal situation would be to include the schools and see whether or not we can by having a larger base that someone would be more interested in giving us a better price. Mrs. Stinney stated credit for shared services. Mr. Inge asked if there are any stipulations now for homeowners. A neighbor of his works in north Jersey and his employer installs solar cells for individual residents. They receive back almost 90% of the cost from the federal government. Mr. Rehmann commented that if using it solely as an offset against your personal electric use, it is an accessory to your house and as long as you comply with the uniform construction code and get the required permits and if it is attached to the house it can be considered as a chimney or electric heater as long as all of the construction requirements have been met. Mr. Inge asked Mr. Prickett if he is okay with moving ahead with the residential. Mr. Prickett replied yes, residential, on site and accessory use meaning it benefits the occupant or whatever is going on at the site. For example, by him where he lives on Vincentown Pemberton Road, the Artemis Farm has an array of \$250,000 of solar panels. It produces enough energy to power the farm and the house and to provide a meager amount to the grid. That is a savings and makes that business more able to function in today's society. That is what we are looking for to enhance the ability of businesses and residents to financially get by in a better way. Mr. Inge noted it seems like the money is there now if the people can afford to have it installed, they will get it back. They are also trying to go to where the electric company is willing to pick up some of the tap or they deduct what you return back to the grid so you don't get a check from them but that deduction just comes off until their portion is paid off that they lent the homeowner. That is what they are looking at now to increase their business even more. Mr. Rehmann stated running the meter in reverse. Mr. Cartier suggested a copy of these minutes be forwarded to Mr. Ragan so he can come prepared at the next Council meeting and address some of these concerns. Mr. Prickett agreed and suggested the engineer also as he has a lot of good ideas and after all this is engineering.

12. NEW BUSINESS

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

- *1. Recreation Dept.: Inflatable, portable movie screen from Outdoor Movies, Inc., in the amount of \$6,133.00.**

Mr. Prickett stated it is a lot of money for an inflatable movie screen. There have been movies in the park for the last 6 or 8 years and those movies had to be

shown on some kind of a screen. Mr. Prickett questioned why we have to put out \$6,000 to purchase a new screen when for that much money Public Works could come up with a screen for a lot less than \$6,000. The cost is an extravagance that we could probably do without. We have done without that for a lot of years and have used some kind of a screen in the town. Mr. Cartier asked if we had this screen how would we project the movie out there. Mayor Patriarca answered with the same projection system that we are using now. That does not change only where we project it to. The pull down screen that we currently use; we would use a large inflatable. The Mayor agreed that he could buy \$6,000 worth of plywood and build a drive in theater if that is the desire but in other communities the screens are much larger and provide a much different effect. Our movies on the beach have been quite successful and it is a very well received program by the residents. The Mayor welcomed Council to come join the next movie "Up" on Friday. It is something the residents do enjoy and we do get a lot of use out of it. Mayor Patriarca continued that we would like to take it to other beaches and locations in the Township to provide different movies. We could keep taking the screen that we have down at Mirror Lake but we would have to dismount it and make a new mounting system and so on. This system would allow us to take it down, blow it up and we would have a quite large screen. Mr. Inge confirmed with the Mayor that the screen could be taken to Presidential Lakes and Country Lakes. The Mayor added that it could be brought down to the park and have a movie in the field. There are more options with the larger, portable screen. Mr. Prickett asked why this is on the agenda now and how many more movies are scheduled to be in the Township. Mr. Prickett stated most of the movies have been shown already. The Mayor stated this is the last movie being shown this year and this will not affect this year but will be in preparation for next year's movies. This is coming out of the trust and will not affect this year's budget or next year's budget. This is a trust fund that does not affect the budget. Mr. Prickett clarified that it will be purchased this year and stored until next year. Mayor Patriarca commented that there may be plans to show a movie before the year is out but he has not heard of any yet. It doesn't mean that if we had the equipment, we couldn't do one. The Mayor added that there was discussion regarding using it for the winter parade with Christmas videos.

Motion by Stinney and Inge to approve the Recreation Department's request to purchase an inflatable, portable movie screen from Outdoor Movies, Inc., in the amount of \$6,133.00.

Mrs. Stinney conveyed that the movies have been a success and have been an asset for the residents. She would love for the screen to be transported to the other beaches and shared among all of the residents of Pemberton Township. Mr. Inge asked how long it will take for the screen to come in once ordered. Mayor Patriarca did not know the delivery time but will provide the information to Council tomorrow. Mr. Inge stated if we obtain the screen now and get a few more movies in he would feel better to get more use this year. We still have nice weather and haven't really had anything in other parts of town especially Presidential Lakes. The Mayor replied that Administration will look in to it. Mr. Cartier commented that movies don't have to always be outdoors. The Township has recreation buildings that could hold the screen.

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

c. Applications submitted for memberships, licenses, permits:

1. Parade Permit Applications: **(PUBLIC HEARING REQUIRED)**
 1. Dona Gossard: Community Cancer Walk, 9AM starting at VFW Post 6805, 10/9/10 (rain date: 10/16/10).
 2. Alison Artiga: Meet

and Greet Block Party (exclusive for residents of the Preserve), at Harvest Lane at the Preserve at Rancocas Creek, 3PM-8PM, 9/18/10.

Mr. Cartier opened the meeting for public comments regarding the parade permit for the Community Cancer Walk on 10/9/10. There being no members of the public indicating a desire to be heard, Mr. Cartier closed the meeting to public comments.

Motion by Prickett and Stinney to approve the parade permit application for Dona Gossard: Community Cancer Walk, 9AM starting at VFW Post 6805, 10/9/10 (rain date: 10/16/10). Prickett, yes; Stinney, yes; Inge, yes; Cartier, yes. Motion carried.

Mr. Cartier opened the meeting for public comments regarding the parade permit for Meet and Greet Block Party on 9/18/10. There being no members of the public indicating a desire to be heard, Mr. Cartier closed the meeting to public comments. Mrs. Stinney stated it is great to see the communities and residents coming together with block parties and hopes to see it continue throughout the Township.

Motion by Prickett and Stinney to approve the parade permit application for Alison Artiga: Meet and Greet Block Party (exclusive for residents of the Preserve), at Harvest Lane at the Preserve at Rancocas Creek, 3PM-8PM, 9/18/10. Prickett, yes; Stinney, yes; Inge, yes; Cartier, yes. Motion carried.

GENERAL PUBLIC COMMENTS

Mr. Cartier opened the meeting to general public comments. Those indicating a desire to be heard were: **Clare Wadsworth:** Asked if the stain on the matting at Imagination Kingdom is permanent. Mayor Patriarca stated he is not aware of the stain and asked for the location which Ms. Wadsworth provided. The Mayor replied that he will look in to it. Mr. Rehmann advised the contractor is still under contract and has some repairs that have to be made. Mr. Rehmann continued that high heeled shoes may have caused some divots in the surface and will be repaired. Ms. Wadsworth noted that a crane had siding on it and it is now removed and has unpainted wood exposed and asked if that will be replaced. Mayor Patriarca informed the tire swing was originally installed with a design not conducive to the theme of the park and has since been replaced with a new design which represents a catapult. The materials used in that design are synthetic materials. **Steve Skulimoski:** At first glance he would have been against the portable movie screen. There is a local family that has been here for years and every year they have a Halloween party at their house and set up a hut type of building and have a mobile screen inside for the children to watch scary movies while waiting for their turn to take a hayride. It turns out to be a success and it is portable and can be moved around. The out of pocket cost is \$500 a night to rent so the \$6,000 to have it permanently is money well spent. Commented that the crane type apparatus at Imagination Kingdom had Jenkins Well Drilling on it or something to that affect. Mayor Patriarca stated that is inaccurate and Jenkins was never mentioned on there and it had nothing to do with Jenkins. Mr. Skulimoski stated it's a shame that someone that devoted so much of their life and energies to Imagination Kingdom that had any reference to his type of industry would be removed. **Karen Kritz:** Received a certified letter that a solar farm is being proposed next to the farmland she owns on North Pemberton Road. She also went to the Zoning office to see what is being proposed. Stated she is not against solar power or solar farms. Ms. Kritz conveyed they are proposing approximately 90% of the land be covered with solar farm and asked where the water is going to go. Suggested it should be addressed in the ordinance. Informed that the governor signed legislation that

stated solar panels are exempt from impervious material coverage and that is reflected in the application. Ms. Kritz stated the water is going to go to the Rancocas Creek. The proposal stated underneath it will be stone and it will be converted back to agriculture. Ms. Kritz conveyed that it cannot be done once the stone is put down and the compaction of the soil. There are no studies stating it can be converted back to agricultural activity without impacting the soil structure. Ms. Kritz recalled Mr. Bayer stating if the bond failed a lien could be placed on the property. She added that most of the solar plants are leased properties. Solar companies will not install solar panels on roofs until the engineer certifies that it is structurally sound. Commented that the Mayor addressed the mirror reflection on homes. Ms. Kritz asked about the megabase and the pilots' lives being jeopardized by the reflection of the large solar panels. The one next to her farm is 242 acres. It's the Greenberg Farm and the Wilson Farm which is now owned by the Perez'. Half of the planes coming in for a landing go over that area. Ms. Kritz asked if we are possibly jeopardizing the pilot's lives. Commented no Mr. Prickett raising the issue of prime soils. The farm next to her is prime soil. They will be covering 242 acres of soil that is of prime importance to the state. She doesn't think it is the right location. In the master plan she was really disappointed that Mr. Cartier did not push that issue a little more during the master plan process. We need to address it within the master plan as opposed to adopting an ordinance later on. Renewable energy was addressed in the master plan but there was no specifics. It should have been a specific within the master plan. This is like a catch up effect; trying to catch up on something we missed. She attended all of the master plan meetings and workshops. The issue was raised but never gotten in to the details. Over the 20 years she has worked on solar projects, when working on the ordinance for residential give them the opportunity to go back to the grid. Don't say that you can only install panels adequate for the use of the homeowner. Don't just say installing panels on residents or businesses. She doesn't know if it will be 10% or 20% but at least give them that option. Another thing is solar on houses is exempt from real property taxes as well as panels on the ground. Ms. Kritz referenced a court case in the 1980's and in 1979. The tax benefit for the Township with the power plants for solar would be solely the conversion of farmland assessment to commercial rates. The property next to her is paying less than \$2,000 in farmland assessment. If solar panels are put in, our Township will get \$120,000. Ms. Kritz stated \$120,000 for what it will do to the prime soils is something to take in to consideration. The BPU grants have been around for a long time and she is disappointed the Township has not taken advantage of it sooner. The farm communities have been taking advantage of it for six years.

Sana Syed Enz: Stated the inflatable screen can get punctured. Asked what the maintenance costs are. She grew up watching movies at drive ins which were white painted walls. If there is more than one location for movies, the residents will get confused. If there is one specific location, residents know that is the place to watch movies. Asked when moving the screen, how many people does it take to move it, what are the costs, how long does it take to inflate and deflate and is power needed. Ms. Enz noted there are companies that provide maintenance for solar panels for free or a cost. Commented on someone only paying one sixth of the cost for solar panel installation because they will sell the electricity back and it's almost free. Mr. Cartier noted that is where the company retains ownership of the panels and that is no different than buying it from the electric company. Ms. Enz commented that they don't pay electric bills for the rest of their life. Mr. Cartier conveyed that is not entirely true and their electric bills have actually gone up after getting solar panels from a company like that. Mr. Vaz stated the inflatable movie screen has a repair kit and he has actually seen the screen be inflated in other communities and it is quickly. The size of the one being proposed would probably be inflated in under one minute. Ms. Enz asked for the size of the screen. Mr. Vaz answered with the frame it is 23 feet wide by 18.5 feet tall. Ms. Enz inquired if darts could be thrown at it. Mr. Vaz answered no and added that it could be done by one man but it typically gets done by two men. Mr. Inge noted

the problem regarding the different locations, most of the locations do not have houses located there. If a structure is put up, there would be more of a chance of that being vandalized than the screen being punctured. If we bring it to Presidential Lakes Beach there is no way to protect the screen during the night. Ms. Enz informed she has never been to the movies and didn't know the Township even had them. **Ray Wells:** Handed out calendars to Council and Administration. Informed the schools did a preliminary study on solar panels. The school board asked the state prior to starting construction on the new school which is being built by the state to consider installing solar panels but they would not consider it. Approximately 5,000 students will be starting school next week. Mr. Wells invited Council to stand outside and watch the students arrive at the schools and see the excitement and how happy they are. Most of the schools are themed entrances. The board of education responsibilities to the elected people are, the primary thing they do is write and impose policy. They have just finished doing after 18 years of not being updated. They are also responsible for hiring and firing one person, the superintendent. The superintendent is the fiscal person in charge and he hires and fires everyone else. He is the Chief Operating Officer of the school. The school board does not participate in the daily activities of the school. The board is also guardian of the money both to supply and spend and this year it is approximately \$110 million. Roughly \$9 million every month. It is a responsibility taken seriously and try to stay within those parameters. If the board is unhappy with something that is done, they go to the superintendent who is responsible. If at such a point where there is sufficient problems, you get rid of him and hire another one. At a recent public meeting, a young mother talked about an issue of her daughter having been accosted by a Township employee. She had indicated she would be present tonight and does not know if she is. Mr. Wells asked if that complaint has been brought here. Mr. Vaz replied that it is an internal affairs investigation and is going through the process. Mr. Wells asked if public has it been to which Mr. Vaz answered no. Mr. Wells stated during the open public portion, the board doesn't respond typically. Several people spoke on a particular subject to which he asked for clarification. It was an issue regarding transferring people. It sort of got in to a racial thing. Mr. Wells continued that for the record there were 12 employees who were moved; 3 were of color. All of the talk had to do about that and people being there a long time moving. This will be the first year there is at least one in every school; this is a tough business. 12 people from the public spoke that night and only one of those 12 talked about the kids' education. The rest was about other issues. Mr. Wells was very disappointed and concerned that things are trying to be shown there that shouldn't be and there are side issues. Mr. Wells confirmed with the Mayor that recently some of the lawn mowing was privatized. Mr. Wells asked if there were specifications and if it was bid. The Mayor replied it was put out as an RFP. Mr. Vaz added if the proposals didn't come it at a certain amount, we wouldn't do it because we budgeted a certain amount of money. In anticipation that it had to be under the \$26,000 bid level it didn't go through a more formal process but it went through an informal RFP process which involved calling contractors, faxing and emailing. Mr. Wells asked if he could receive the specifications and if it was a standard RFP it wouldn't help him. Mr. Vaz explained the actual specs was basically a list of the fields that would be done and it was done that way so they could independently go out and access the square footage and what would be involved and it wasn't anything technical. Mr. Wells asked if height or frequency of mowing was talked about. Mr. Vaz replied yes it was. Mr. Wells asked Mr. Vaz to send him a copy of it. Mr. Wells asked the Mayor why someone wasn't hired locally in a full time position for the lawn mowing job because we have been mowing it ourselves and there are so many people that need a job. The Mayor agreed and added that there are also so many contractors that need work and it was put out at about \$20,000 and we couldn't hire someone for that with health benefits and so forth. Contracting that out freed the employees up that we have that are doing other jobs that would have cost us much more to put out. It was a management decision to bring to Council and

spend some funds for what was a more responsible way for the residents and saving us money in the long run. Mr. Wells commented that they seem to be doing a very good job and asked if it was limited to Township people only. Mr. Bayer stated you can't. The Mayor relayed that we did not and the only ones that really applied for the positions were Township and it really came down to one that really wanted it. Mr. Wells stated it could have been someone from Cherry Hill and they would have gotten the bid. The Mayor agreed. Mr. Vaz stated Administration literally took out the phone book and looked for Browns Mills, NJ and unfortunately there wasn't a large number of people who actually submitted proposals. Administration had initially been talking to a company that was putting in to their heads the fact that it could be done for a certain amount of money but in the end that company didn't end up bidding because one more field was added to the list and that field caused them to not be able to do it affordably on his end. Mr. Wells conveyed that from a business standpoint it makes great sense and it's something that he's sensitive about with such a tight budget and sometimes you just have to do that. He is glad it went to someone local. Mr. Wells stated to the Mayor that he used the word double fudgers when talking at his meeting and asked for an explanation. The Mayor replied he referred to the current police pensions as double fudge; double dark chocolate like really sweet pensions because police salaries are much higher than they were when he retired or people before him retired. Mayor Patriarca reminded that he referred to his pension as a sweet pension. He is very fortunate to have the pension he has. He was referring to the current police pensions as even sweeter than his because they are making more money because salaries have gone up. Mr. Wells stated they are like baseball players that the old days were just as good as they are today but made no money. Mayor Patriarca agreed and added it's in any profession, any pension, any salary; there's a good salary coming from a police pension today. One that you can live off of. Mr. Wells stated it seemed to him that the Mayor was suggesting to not hire people who have a sweet pension. The Mayor stated no that he was suggesting when hiring for premium positions in the district, we should be looking to hire residents and not non-residents. The last six retired police officers that were hired by the district are non-residents and they are coming to the district. Mr. Wells asked the Mayor how he knows that. The Mayor stated he knows the officers that have been hired. Mr. Wells stated to the Mayor that he did not mis-quote him and he didn't quote him. He apologized to him because at the moment he felt he had but went back and read his notes and the Mayor made the statement and he recorded that statement which is his job and he did it fairly. When the Mayor stated he mis-quoted him, he doesn't believe he did. The Mayor confirmed it was regarding the OPRA request for students going out of district and Mr. Wells is referring to the fact that it couldn't be done because their solicitor stated it had to do with names or addresses or identities or things of that nature that are not permitted to be given out on students. The Mayor added that his response was he never asked for that information and has always asked for just a number of students and that is not something that can't be obtained. The Mayor noted that the attorney agreed also. Mr. Wells agreed that is what the Mayor stated here but that is not what he recorded when the Mayor initially stated it. Mr. Wells conveyed it is a personal thing and he takes it seriously and tries to do the best he can.....The Mayor interjected that he doesn't think Mr. Wells asked the board or the solicitor if we could get the number. Mr. Wells reported it in the direction he is supposed to go and that is Dr. Gorham who he has a good relationship with. As far as he understands, OPRA is open to everyone. Mr. Cartier replied yes. **America Phillips:** Stated the house at 200 New Hampshire Road has been empty since June 12, 2009 and nothing has been done about it. Ms. Phillips expressed concern because there are lights on in the house and no one is living there. It is possible that the homeless are living there and watching her while she is in her backyard. Animals have been going in and out and coming to her property. Mr. Vaz informed that the Police Department agrees it is a vacant property. Mr. Vaz advised Lt. Kreig spoke with Ms. Phillips personally and spoke with her regarding

the property and she was satisfied with his explanation. Ms. Phillips replied she has to check her caller i.d. as to whether that is true or not. Ms. Phillips wants specific people, that she can't remember at the moment, present at the meeting so she can question them directly. Mr. Cartier asked Mr. Vaz if something is being done about the property. Mr. Vaz replied it is going through the process that we have to take. Mr. Cartier reminded that Ms. Phillips brought this to Council's attention four months ago and it doesn't take four months to cut the grass. Mr. Vaz didn't know the answer to cutting the grass as he was thinking of the property aspect of it. There is a list of properties that are scheduled to be cut but it has been put through the entire process and it was approximately 3 to 4 weeks after the last time Ms. Phillips raised it. Ms. Phillips remarked that she will attend the next meeting with the same questions. Mr. Prickett asked Ms. Phillips if the house is boarded up, are windows boarded up, are the doors open and if the property is secured. Ms. Phillips replied the house is not secured and the electric is still on day in and day out. Mr. Prickett asked Mr. Vaz how long it takes to get a property like that boarded up; animals can go in and kids can go in and things can happen. Ms. Phillips stated there are three pedophiles living in her development and she goes by their houses. Mr. Vaz wanted to address whether or not there was an actual conversation between Ms. Phillips and the Police Department because he was told there was a conversation and that Ms. Phillips expressed satisfaction with the response that she had gotten with the Police Department. Mr. Vaz expressed concern regarding that because that is what he was told and he relied on that information and expectation that the problem was being resolved because we want it resolved and also because Ms. Phillips wanted it resolved. Ms. Phillips reiterated that she will check her caller i.d. and will call Lt. Kreig and find out what is going on. Ms. Phillips asked who the Chief of Police is. Mayor Patriarca replied it is Chief Jantas and asked Ms. Phillips if she is stating that she never spoke to Lt. Kreig in regards to this matter. Ms. Phillips replied that she does not recall now and no and she has to check the calls coming in to her house. She knows that she did not talk to him on her cell phone as it is only for emergencies. Mr. Cartier asked if someone can investigate to the owner is. Mr. Vaz answered he has that information. Mr. Cartier asked if anyone has been in contact with them. Mr. Vaz replied yes and the problem is the mortgage companies and banks have so many of these that they don't know what they have at this point and most of the time it's very difficult to have someone say they'll have a property management company out. For a really bad problem such as windows broken, there is a different process of going on the list with public works for plywood and that type of work that has to get done. Mr. Cartier understands that public works is overwhelmed but it takes one day to cut the grass. If there is overgrown grass it will end up dying and all it's going to take is one match and then we're looking at that house and the house on each side of it. Ms. Phillips informed there are also two old cars in the back yard. Ms. Phillips stated across the street from the firehouse in Presidential Lakes she has to come in the middle of the road at the intersection because the leaves and trees are blocking the view. It is not her place to knock on the door and inform the residents their trees and leaves are blocking the view in the intersection. Thinks the solar panels are a good idea. She sees every single Township has the solar panels and lights. Asked if the lights could be installed in the parks and it would save a lot of money. The Township will help the residents also because as taxpayers we are paying for that. Gave up on the houses on New York and North Carolina. When something happens she will state she told you so. Announced that she will be retiring after 60 more days.

Mr. Cartier recessed the meeting at approximately 8:47 pm for a short break and reconvened the meeting at approximately 8:57 pm.

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

SOLICITOR'S REPORT

Andy Bayer: Nothing to report.

ENGINEER'S REPORT

Chris Rehmann: ARH has issued a report for September 1st. The attachment is the ACO and the Water Superintendent is doing a good job in keeping up with the demands of the water system even though there was a pipe break. He still managed to work the system well and he is very concerned about it and it's good to see an employee who is conscientious like that. All of the testing so far of the wells being used are well within the radium limits and are in compliance in that regard. Working on Well #12. There is some discharge piping being installed and need to do some testing prior to that being put on line to make sure all of the equipment has been disinfected so we can add that to the water system. Reported that there is a preconstruction conference scheduled for the historic train station. May be able to finally get that project underway. Mr. Prickett asked if there is a date for the conference. Ms. Willis informed ARH does not have the date and today received the contracts from the contractor and will be turning them over to the Township hopefully by the end of the week. It is once those are executed that the meeting can be scheduled.

MAYOR'S REPORT

Mayor David Patriarca: 1. There was a water main break off Hunter Boulevard in Browns Mills, and it was repaired by our employees. 2. Public Works is working on completing a few projects. Currently in the scheduling process for our capital projects.

BUSINESS ADMINISTRATOR'S REPORT

Chris Vaz: 1. Drove to Washington, DC with the Mayor and five residents of the Country Lakes Homeowners Association. Congress is on hiatus until September. Met with the appropriations staff of both US Senators and also met with the Washington, DC Chief of Staff of Congressman Adler. The main mission of the meeting was to receive further support for our requests for funding for the country lakes dam project. We are at a point in the project to start with the design. We wanted to emphasize to the staff that we don't need \$8 million now but we need design money now and want to protect what the senators have already indicated to us that they are supporting. Before breaking for the summer, the appropriations committee for that bill didn't mark the bill up so no decisions were made on the senators' requests. Within the next couple of weeks, they'll probably start looking at the bill and marking it up. Based on their recommendations and help we are going to start working on a strategy with the US Army Corp of Engineers who actually fund construction costs for these kinds of projects. We also asked Congressman Adler to also support that project in Country Lakes and also a project that we have already received approval through the mark up process which is \$200,000 for a gang prevention program. It was a good day and it was very helpful in a very big way to have the residents from Country Lakes. They were very impressive and spoke very articulately, especially Dave Herbert who is the dam liaison to the Township. Mr. Herbert did a wonderful job of explaining the eco system impacts and the economic impact of a blight situation if the dams are not fixed and the lakes have to be drained. Mr. Vaz reiterated that it was a very good day and hopefully it will have some very positive outcomes once that process moves forward. 2. There is a link on our website called a public safety and community alert system; NIXLE is the company that we have partnered with. It is a free service for the Township and the Mayor was very much behind it. One registers for their free account, finds Pemberton Township, check the box and when there is an emergency situation or an alert, it will send you an alert via a text message if you provide your cell phone number. It can be used for traffic, road closures, or storm or hurricane related events. Pemberton E-news is limited in its capabilities because it is only email and not text messaging. There will be an

insert with the tax bills that informs the residents on how to sign up. 3. This is the last weekend for swimming in the lakes in terms of protected beaches. The water trampoline will be packed away after this weekend. Mr. Prickett asked how quickly a house like the one Ms. Phillips was talking about gets boarded up when there are broken windows and the doors are open. The concern is people can go in the house and things can happen and it would certainly be preventative to get these things boarded up. Mr. Vaz replied unless there is an immediate safety hazard, it gets done by groups at a time. The lists are accumulated and the code enforcement officer signs off that the appropriate steps have been taken to give notification to the owner or mortgage company and then it gets added to the list. A period of time is set aside for the public works crew to mow the lawn, install plywood and so on. It's not done everyday; they are scheduled to be done in groups. Mr. Prickett asked how many are done a month. Mr. Vaz answered he doesn't think it's a month as much as it is the beginning of the summer and end of the summer type of program. Mr. Prickett asked Mr. Vaz if he knew when the house Ms. Phillips is referring to will get boarded up. Mayor Patriarca replied he doesn't know that it will be boarded up because we don't know that it's open and vacant. The Mayor noted that Ms. Phillips did state that it was secured but then there were animals coming in. The Mayor continued that we have to investigate it first to see if it's even open, and we can't just go out and board up a house. At this point he has to believe that the house is secured and if we find it different and it becomes a hazard to the residents then we can board it up. Mrs. Stinney asked Administration for an update on Mr. Turner from a previous meeting. Mr. Vaz responded that Mr. Turner submitted additional information to Administration via email and that was forwarded to the tax assessor who responded last Friday. The end result is it will boil down to Council making a decision on how they want to handle these situations in the future. The Assessor responded point by point and Administration will be providing that information to Council. Mr. Inge asked how big the water break was. Mr. Cartier stated it was big enough to affect the water at his house and he lives on the other side of the dam. Mr. Inge noted water was coming down the hill on Evergreen and part of the bridge was blocked up because the water was so high it couldn't go in the drain and was coming up over the sidewalk. Mr. Vaz stated that even though it was a large break, they did a decent job of getting it fixed by 12:30 pm. Mr. Inge stopped by at 7:30 am and they had just found the break and were doing a good job. Mr. Vaz relayed that the employees have been getting good compliments through email along with written letters complimenting the crew that they have done a good job. Mr. Inge asked who had to take care of the county road where the sand was washed out. Mayor Patriarca replied it might have been the water department but he is not sure. Mr. Vaz relayed that he did see a county truck in the area. Mayor Patriarca asked Ms. Willis if the water break affected our firm source capacity. Ms. Willis responded there will be a note in the record when it is submitted to the state that there was a break and it will be part of the firm source capacity and part of what the usage was. Ms. Willis did not know if the DEP will disregard that portion of the water and she will look in to that. Mayor Patriarca commented the note will have to indicate the size of the line and the amount of time it was broken to calculate the amount of flow. Ms. Willis noted that every well has a record for what its usage was. Mr. Cartier stated water main breaks are typically seen during the colder months and it's actually odd to see a water main break during the summer months when there isn't frost and things like that. Mr. Cartier asked if that is a concern. The Mayor stated there are water main breaks throughout the year; it might not be to the magnitude of this break but there are a lot of breaks that the employees are addressing. Mrs. Stinney commented that at the point where the sand washed down on Hunter and Evergreen there is a lot of sand at the point and it would be difficult for a car to stop or accelerate. Mayor Patriarca will have a crew look in to it and take care of it or call the county.

COUNCIL MEMBERS' COMMENTS

Diane Stinney: 1. Enjoyed the spaghetti dinner at the Presidential Lakes fire house. 2. Thanked Council for their continued support with recreation. Stated that we should have balance in recreation in every development in the town. She loves the inflatable movie screen because it does offer that balance that every development in the town would be able to share movies. Referenced the high cost of going to the movies and applauded the recreation department for taking the inflatable screen to the different areas in the Township. 3. Noticed the beautiful site of the paddle boats in Presidential Lakes. 4. Continued to thank the school district for sharing information that is logged on Channel 19. Referenced Mr. Wells speaking earlier regarding the school board meeting and no one speaking about the children's education. Mrs. Stinney thanked Mr. Vaz for getting information to Channel 19 to share information on what is happening in Pemberton Township. Spoke of enjoying watching the information displayed on Channel 19 regarding recreation and everything that is going on. 5. Thanked everyone that came out this evening. 6. Thanked Council again for the on going support with recreation. Recreation has done a wonderful job with the cost of things going on now because it is very hard. Mrs. Stinney has seen the parents, grandparents and visitors that come to Pemberton Township. Referenced her grandchildren's cousins from Virginia going to the beach to watch the movies.

Tom Inge: 1. Thanked Mr. Wells for telling Council what is going on with the school board. 2. Public Works and the Water Department did a great job of locating the water break and repairing it and the streets from what happened to the water running down the streets. 3. Some farms are looking at having solar panels put in. A few months ago when going over the master plan and the Greenberg farm, we need to look at do we want development and cluster housing or are we going to work with the farmers with solar panels on their properties. Mr. Inge noted a lot of farmers are looking at alternatives from farming because they are either too old and their family members aren't willing to take over farming but we have to look at the total picture. Mr. Inge was against the Greenberg's developing cluster houses because he was looking at the amount of traffic coming in to town. On the other hand, we can't keep telling people what they can and can't do with their property. If that is going to be an issue with solar panels, we should get with the farmers, the planning board, the zoning board, Council and Administration and look to see what the best alternative is for that. Mr. Inge noted that we might not be able to do anything because if the state makes a mandate that they can't consider solar panels as a water run off, we might not have a say so anyway. If we can help with figuring out if we go with grass, sod, gravel or pea gravel which may let the water filter down through the soils and we have to look at other places that went to a different source of using their farms and tried to convert back. Mr. Inge asked if there was documentation stating that once you put stone or gravel down over good soil is there a good way to remove it and not have a problem with the soil after the stone or gravel is removed and can it go back to its original state. Those are the things we need to look. We have to get the farmers and people that own these properties to see where they are coming from and their ideas. They might have a problem and need to do something and farming is not the thing now and we need to look at what we want for this Township. Do we want a lot of traffic and cluster housing? Mr. Well might say yes because it brings kids in to the schools. We have to look at it do we want to keep our community the way it is now. Some good points were made regarding the commercial aspects of solar energy. What it can do to the soils and he wasn't originally looking that deep in to it and he was looking at more of the aspect of that is a persons' property and they should have the right to develop it within reason. We can't stop people from making a living and we don't want people to lose properties that have been in their families for generations. Mr. Inge was glad that it was pointed out that he was not as concerned about the residential aspects of it. 4. Thanked Rita's Water Ice in Browns Mills. It's nice to have businesses like that. Commented on the various

functions held there for color guard, cheer leading, cancer and so on. It helps promote the schools. Mr. Inge thanked the owners of Rita's Water Ice and suggested other businesses get together and get some ideas of the programs the owner at Rita's is running. **5.** Wished everyone a safe trip home.

Richard Prickett: **1.** Good to see new faces in the audience and welcomed them. **2.** Spoke of the calendars Mr. Well's handed out to Council. Commented that the audiovisual department at the high school does a fantastic, very professional job in everything they do. This calendar is an example of that. Mr. Prickett noted the smiles on the kids' faces puts a smile on his face. Mr. Prickett stated it makes him believe there a bunch of very happy kids in the school system and that has to be because they like learning and being in our schools. The cover of the calendar is adorable and the photo of the young girl going back to school should put a smile on anyone's face. Mr. Prickett complimented Mike Pinto as well as others on the school board and certainly the kids. Noted that whenever he sees the kids out in the community they are always the happiest bunch of kids. They are confident kids as well. Mr. Prickett commented on the young girl who attended a Council meeting and asked if she was on her way to the Philippines yet. Mr. Wells replied about a week. Mr. Prickett asked Mr. Wells how she feels about leaving. Mr. Wells informed she is ecstatic. **3.** Wished everyone a good night and safe drive home.

Ken Cartier: **1.** Wished everyone a safe holiday weekend. Noted that our police force will be out.

The meeting was adjourned at approximately 9:28 pm.

Respectfully submitted by:

Amy P. Cosnoski, RMC
Deputy Township Clerk