

TOWNSHIP OF PEMBERTON

**MEETING MINUTES
OF
REGULAR MEETING**

JANUARY 5, 2011

6:30 P.M.

FLAG SALUTE

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

ROLL CALL

PRESENT

Jason Allen
Ken Cartier
Richard Prickett
Sherry Scull
Diane Stinney (arrived at 6:40pm)

ABSENT

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

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 38-2011

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:
POTENTIAL LITIGATION INVOLVING THE BROWNS MILLS SHOPPING CENTER
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Scull and Prickett to approve Resolution No. 38-2011.

Scull, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion Carried

Council President Cartier recessed the open meeting at approximately 6:30 PM to go into closed session, and then reconvened the open meeting at approximately 7:00 PM.

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

Council President Cartier reported that there would be no formal action necessary pursuant to closed session.

CONSENT AGENDA

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 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, Council President Cartier closed the meeting to public comments on consent agenda items.

***MINUTES FILED BY MUNICIPAL CLERK**

Regular Meeting, December 15, 2010.

***CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 39-2010

WHEREAS, BY RESOLUTION NO. 53-2010, ADOPTED JANUARY 20, 2010, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO LEXA CONCRETE, LLC, FOR \$136,720.25, FOR THE LEMMON AVENUE RECONSTRUCTION PROJECT; AND WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL DECREASE IN THE CONTRACT PRICE BY \$6,627.25, 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 \$157,043.00; AND

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

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER 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 BUSINESS 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

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

NEW BUSINESS

***2011 LICENSE RENEWALS:**

Body Art Establishment Application: Uncanny Ink, LLC, 100 PBM Rd., Browns Mills, NJ.

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

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 1-2011 (Title read by Council President Cartier)

AN ORDINANCE AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS WITHIN THE TOWNSHIP OF PEMBERTON

Motion by Scull and Stinney to introduce Ordinance 1-2011 with a public hearing on January 19, 2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 2-2011 (Title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 41 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED "POLICE DEPARTMENT" ESTABLISHING THE POSITION OF CHAPLAIN

Council President Cartier clarified that this is a non-paid position.

Motion by Stinney and Scull to introduce Ordinance 2-2011 with a public hearing on January 19, 201. Stinney, yes; Scull, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Council President Cartier opened the meeting to general public comments. Those indicating a desire to be heard were:

Glen McCrum: Apple Way, Browns Mills – 1. Questioned why Buster's Junk Yard is in

operation again. Mr. Vaz explained that there is an enforcement process going on, it was delayed due to the resignation of the Zoning Officer that had originally started the process. Mr. Vaz additionally advised that DEP and the Division of Fire Safety has issued violations against the property owner, and the Pemberton Township Planner and Township Solicitor have been asked to review the history. Council President Cartier asked if there was anything that could be done to stop the operation immediately. Mr. Bayer advised there could be things considered to go to court and ask for an injunction and that was being looked into.

Steven Skulimoski, Browns Mills. – **1.** Congratulated Council and the Mayor on their reelection. **2.** Questioned why there was such a large salary range on the introduced ordinance. Mayor Patriarca advised that they had a particularly difficult time in filling this position and the salary range allowed the Township to bring someone in at a lower salary, although the Township has a set salary for the person that was hired, but if that person were to leave, the range gives the Township the ability to hire someone that requires a little more salary. **3.** Commented on the article in the Burlington County Times reporting that Mr. Berardi backed out of the funding opportunity and questioned what the Township's response was going to be. Mr. Bayer advised that the Township is evaluating their legal options. Mr. Skulimoski expressed that he would like to see the condemnation process started again and followed through with as he believes Mr. Berardi has no intention of doing anything with the property.

John Willits: 524 Willow Boulevard, Browns Mills – **1.** Asked about the Snow Emergency Route sign posted on his street and asked for clarification as to what it meant. Council President Cartier explained that by requiring the vehicles to park on one side of the street it allowed sufficient room for the plows to get down the street and clear it. **2.** Commented that he had noticed that the work at the Train Station seemed to have closed down and he had heard that the contractor has subbed out the work to another contractor. Township Engineer Chris Rehmann advised that they have not been notified of such circumstances and that they would have to have approval from them to do so. **3.** Relayed that he had heard a rumor that the Historical Society is taking the Township to the District Attorney because of the way the Train Station has been handled. Township Solicitor Andrew Bayer relayed that the Township has not been served with any notice. Councilwoman Scull contributed that as a trustee of the Historic Trust, she has not been informed of any intention, nor has that been any vote or approval for such an action, but does not dismiss that someone can be "running their mouth". Mr. Rehmann provided that the plans were approved by the Historic Trust and they have tried to keep them aware of any decisions and further explained that what has been done has been checked with the State Office of Historic Preservation and the New Jersey Department of Transportation.

Rich Koster: Browns Mills – **1.** Commented that Pemberton-Browns Mills Road is crumbling and questioned that since it is a County Road, does the Township fix it and get reimbursed from the County or do they have to pressure the County to have them fix it. Mayor Patriarca advised that the Township does not fix County roads; they do inform them when a road is in need of repair. Mr. Koster advised that the first two down-hill sections are in need of repair and added he had reported twice last year areas on East Lakeshore Drive between Bayberry and Cactus Street that appears to be sinking sewer lines and craters are forming in the roadway.

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

SOLICITOR'S REPORT

Andy Bayer: No report.

ENGINEER'S REPORT

Chris Rehmann: No report. Mr. Prickett noted that he had questions for the Engineer on the report received for this meeting, specifically on Well #12 at Beech Street. He was concerned about the levels of some of the contaminants and chemicals that were significantly above the mdl and he is concerned that these are things that should be kept out of the drinking water. Township Engineer Chris Rehmann explained that these levels were taken from a sample prior to the well being flushed and they have since tested again and they are waiting for those results, but he guaranteed that the well will not be put online until the DEP gives the Township a permit to do so and all of the maximum levels are satisfied.

MAYOR'S REPORT

Mayor Patriarca reported on the small fire in one of the air handlers in the library which has resulted in heat loss in the building. Public Works is replacing the motor and they are evaluating the entire system to update it, even though it is relatively new, there have been ongoing problems with it since the building was constructed. Councilwoman Scull asked if they could receive emails when issues like this occur so they can be aware when asked by resident. Councilman Prickett asked if the library was closed due to the fire and he was advised that it was closed for a day.

COUNCIL MEMBERS' COMMENTS

Rick Prickett: 1. Thanked everyone for coming out noting he was glad to see them and expressed hope that they did not get too much snow on Friday.

Diane Stinney: 1. Thanked those that came out and gave support on their Reorganization and extended congratulations to Council noting she looks forward to a good year.

Sherry Scull: 1. Congratulated Stackhouse School on the outstanding job they did with Alex's Lemonade Stand, noting they raised over \$1,100 through the dedication of the staff, students and parents. 2. Would like to see added to their website a list of the County Roads so the residents are aware which roads the County is responsible for that are not being plowed. She expressed her displeasure that the Township road crews get blamed for the condition of the roads they are not responsible for and it really bothers her that their facility sits right here in their town, yet their roads get their attention last. Councilman Cartier expressed that maybe the County needs to be reminded that they now have an emergency room facility in their town that the ambulances need access to. 3. Requested that Administration look into posting on their website for the next holiday season a list of those houses that owners wish for residents to come and see their Christmas lights. She noted that the Burlington County Times highlighted some of the houses however she noticed many homes through out different areas of the town. 4. Thanked everyone for coming out and she looks forward to a good year on Council.

Jason Allen: 1. Noted that this past Saturday Council and he had the honor of being sworn in as a Council Member and he wanted to reiterate what he said on Saturday, that he is excited about serving and looks forward to serving as he is sure is the rest of the Council. 2. Wished everyone a good night.

Council President Cartier addressed a few house keeping matters advising Council that on the next meeting agenda the MUA appoints will be listed and they should be receiving letters of interest and if they know of anyone interested they should instruct them to send their letters of interest to the Township Clerk's office. In addition he advised that also listed on the next agenda will be the TAG Liaison appointment, noting that he had spoken to Councilman Allen about that position along with Councilwoman Stinney, however if anyone else was interested, please let them know. In closing Council President Cartier thanked everyone for coming out and wished them a safe drive home.

The meeting was adjourned at approximately 7:30 pm.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk