

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
OCTOBER 19, 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

Diane Stinney (arrived approximately 6:45 p.m.)

**ABSENT**

Sherry Scull

Also present: Mayor David Patriarca, Business Administrator Christopher Vaz, Township Solicitor Andrew Bayer, Township Engineers Chris Rehmann and Kelly Willis, and Deputy Township Clerk Amy P. Cosnoski.

**CALL TO ORDER**

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

**CLOSED SESSION**

**RESOLUTION NO. 227-2011**

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:  
BEMS LITIGATION, UNION CONTRACT NEGOTIATIONS, CONTRACTION NEGOTIATIONS FALLON ASSOCIATES, HISTORIC TRUST 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 Allen to approve Resolution No. 227-2011. Motion died for lack of second.

Council President Cartier recessed the open meeting at approximately 6:31 PM and reconvened the open meeting at approximately 7:00 PM. (Note: Closed Session was not held during this break but was held at the end of the meeting.)

**PUBLIC HEARING**

Continued discussion of municipal sale of Retail Distribution License

Council President Cartier opened the meeting to the public.

Chris Stevens, Country Lakes Pub – Mr. Stevens passed out a packet of information he prepared explaining the negative impact that offering a Retail Distribution License would have on the current business owners, noting the packet contained a petition of approximately 3100 patrons' signatures in opposition of offering a Retail Distribution License. Mr. Stevens went through the points in the packet and explained how a large retail distribution license can operate at a much lower cost. Mr. Stevens further explained the loss of jobs this would cause and loss of businesses and ratables. Mr. Stevens noted that the current businesses are vested in the town and support the local sports teams and organizations, advising that that would not happen with the large chain stores. Councilman Prickett questioned how many employees a retail distribution establishment would need and Mr. Stevens explained that the manufacturers of the products supply merchandisers to stock the shelves therefore the store does not need as many employees. Councilman Allen asked Mr. Stevens how many full-time employees he had and Mr. Stevens replied 8.

Pete Gordon, Country Lakes – Mr. Gordon advised that he has been a resident of the Township for 47 years and noted that Mr. Stevens had already covered most of his points. Mr. Gordon

advised that many of the people he has spoken to feel this would not be a good thing for this town and he asked that Council think about how this would affect the existing establishments. Mr. Gordon expressed that the only place he sees this type of business going is in the old Acme and he doesn't see that as a welcome sign to the Township. Mr. Gordon asked Council to think if the revenue generated from the sale would cover the loss of the closures to existing businesses.

Rick Brown, Browns Mills – Mr. Brown felt the sale of this license would mean a loss of jobs and other financial losses for the Township, noting the town would get some income from the sale but the losses because of the sale would be greater. Mr. Brown asked Council to really think about this decision and commented on the Early Child Hood Center and its location, explaining there were people at the time expressing concern and those concerns are becoming valid. Mr. Brown felt the Township should follow the plan for redevelopment that was approved by the Planning Board.

Rev. Doctor Harris, Browns Mills– Rev. Harris advised he is not concerned about the liquor; he is concerned about the town, its residents and the other businesses. Rev. Harris felt a long term impact study should be done before another license is offered for sale.

Stacey Locker, Jameson's Bar & Grill – Ms. Locker asked Council to carefully reconsider this possible sale and explained her circumstances for purchasing and operating Jameson's. Ms. Locker explained what happened with her son and noted that she purchased the bar to help those in need, to hold fundraisers and help keep her in a position to help others in need.

America Phillips, Presidential Lakes – Ms. Phillips commented on the closed businesses in town and she felt Administration should be looking into opening up something for the children in town, not bringing in a liquor store.

Thomas Hurley, Presidential Lakes – Mr. Hurley expressed that nobody wants something to go into the old Acme more than he does, but putting in a liquor store would cause 4-5 other empty buildings.

Councilwoman Stinney questioned why everyone was mentioning the old Acme and it was noted that it is the largest vacant space.

John Shaw, Browns Mills – Mr. Shaw noted that he has been a resident since 1977 and has visited some of the local establishments and feels they should keep what they have and bring in different businesses as they do not need any more places that sell liquor.

Vicki Baker, Hungry Piney – Ms. Baker noted that all of the owners were instrumental in putting the packet of information together and specified that her business would go under as 70% of her business is packaged goods. Ms. Baker explained that she has a lot of service men come in and she has made many long standing ties with them and teaches them about our town, she recently received calls from Dubai and Spain from military personnel she met through her business.

Thomas Inge, Hornets Nest – Mr. Inge noted that he has been a resident for 52 years and although he does not think this would hurt his business he asked Council to consider how it would affect the other businesses and the loss of jobs for residents. Mr. Inge advised there are many vacant homes in the town and that would increase if this were to happen. Mr. Inge commented from his perspective as a former Councilman he understands it is Administration's job to look into everything that is presented to the town and was glad to see this on the agenda for discussion. He remembered a program put in place while he was on Council for the Live Where You Work program to try and help people to purchase homes where they work, which this would go against that. Mr. Inge noted that having a business in the town where you live is something to be proud of and he does not think this will help the other establishment owners.

Harvey Crawford, Browns Mills – Mr. Crawford advised that he heard on the street that this was a deal etched in stone. He expressed that he didn't feel this was a good thing for the town and it would put residents out of jobs and they would see more vacant homes. Mr. Crawford felt the Township should be trying to bring in another food store, as that is what the Township needs along with a sit down restaurant and that bringing in a large box liquor store will change the character of the town which he does not want to see happen.

Julene Burley, Browns Mills – Ms. Burley advised that she had worked for the Country Lakes Pub and the Hungry Piney and noted that the customers do become like family but in this economy they would go someplace where they could spend less money and that would hurt the local businesses.

Seeing no other members of the public wishing to speak, Council President Cartier closed the meeting to the public.

Councilman Allen thanked Mr. Stevens and the other owners for all the work they did in putting together the information packet and advised that he had gone to some of the establishments and gathered information on how the businesses ran and the employees needed, noting the majority of the businesses had 11-15 employees which were mostly residents of the town. Councilman Allen relayed that he also went to large a chain liquor store in Cherry Hill and was advised that they only employed 6-8 people. Councilman Allen commented that there would be a social aspect lost if some of the bars in town closed down and he would like to see something else come into town before a liquor store.

Councilman Prickett commented that the people that came to speak tonight reminded him of the English Pubs in that they are a small community and he appreciated all their comments and their efforts to keep the prosperity and jobs in town.

Councilwoman Stinney read from the public notice and commented regarding gaining the public's input. She thanked Ms. Locker for sharing the story of her son and thanked her for what she does for the community through her business. Councilwoman Stinney advised that she would never vote for putting a liquor store in the old Acme.

Council President Cartier thanked and commended those that put the information together and thanked Councilman Allen for getting the information he had.

Councilwoman Stinney advised she would not support a retail liquor establishment and Councilman Allen agreed with her and reiterated he would prefer to see another type of establishment brought into the Township. Councilman Prickett noted that he would not consider going any further with this and Council President Cartier agreed.

Mayor Patriarca advised that this was brought up at a meeting because a resident had come up to him looking to open an establishment.

Council took a 5 minute recess.

### **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 the public on consent agenda items only.

Claire Wadsworth, Browns Mills – Ms. Wadsworth questioned the amounts of the refunds on the resolutions and commented on the public getting the resolutions. Council President Cartier advised her of those amounts and noted that resolutions are never given out prior to approval by Council. Ms. Wadsworth questioned what would happen to the balance of the money from the project for the air conditioning at the Country Lakes Recreation Building and was informed by the Mayor that the money would stay in the Capital Improvement Budget.

Steve Skulimoski, Browns Mills – Mr. Skulimoski questioned if Resolution 235-2011 approving the Settlement Agreement had to do with the failed condemnation with Mr. Berardi. Mr. Bayer confirmed that it was and that the settlement amount was \$110,000.00, noting that the Township successfully obtained dismissal as part of the settlement which ends all litigation at the trial level. However, Mr. Berardi will have the right to appeal. Mr. Skulimoski questioned what inverse condemnation was; Mr. Bayer explained and how it pertained to Mr. Berardi's claims and advised that the settlement did not contain any restrictions against future condemnation

action. Mr. Skulimoski questioned if any action could be taken against Mr. Berardi because he refused the loan from Burlington County and Mr. Bayer advised there was not. Councilman Prickett relayed that Council adopted a resolution at the last meeting conditionally approving a developer and gave them 45 days to negotiate. Mr. Bayer further explained the process of condemnation. Mr. Skulimoski expressed that he hoped Council continued with the action this time and Councilman Prickett noted the difference this time is that there is a developer in place, noting there was none the last time.

Seeing no other members of the public wishing to speak, Council President Cartier closed the meeting to the public.

Motion by Stinney and Allen to approve consent agenda as listed.

**RESOLUTIONS**

**RESOLUTION NO. 228-2011**

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR STREET VACATIONS, THAT A TREASURERS ESCROW SUB-ACCOUNT BE ESTABLISHED, AND WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB ACCOUNTS. NOW THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE RELATED TREASURERS ESCROW SUB-ACCOUNTS.

ACCOUNT	NAME	MAILING ADDRESS	REFUND
E-25-56-286-270-135	CHARLES MARLIN	PO BOX 32 NEW LISBON, NJ 08064	\$368.00
E-25-56-286-270-272	WILLIAM ANDERSON	432 RIDGEVIEW AVE. BROWNS MILLS, NJ 08015	\$816.00
E-25-56-286-270-353	WILSON ASBURY	54 PEMBERTON BLVD. BROWNS MILLS, NJ 08015	\$165.25
E-25-56-286-270-353	MARK MATTHEWS	102 PEMBERTON BLVD. BROWNS MILLS, NJ 08015	\$165.25

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION SHALL BE PROVIDED TO THE CHIEF FINANCIAL OFFICER, MUNICIPAL TREASURER, AND BUSINESS ADMINISTRATOR.

**RESOLUTION NO. 229-2011**

WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR ROAD OPENINGS, THAT A TREASURERS ESCROW SUB-ACCOUNT BE ESTABLISHED, AND WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB ACCOUNTS. NOW THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE RELATED TREASURERS ESCROW SUB-ACCOUNTS.

PAYEE	ACCOUNT NUMBER	LOCATION	PERMIT #	REFUND AMT.
ALDO ALIMENTI/AMERICAN SIDING PO BOX 295 BROWNS MILLS, NJ 08015	E-25-56-286-270-139	124 CANNA ST.	32-2003	\$ 200.00
BRETT MACPHERSON PO BOX 1456 BROWNS MILLS, NJ 08015	E-25-56-286-270-151 E-25-56-286-270-123	231 HARGROVE 4 PHEASANT	50-2003 13-2003	\$ 326.00 \$ 202.17
		TOTAL		\$ 528.17
CHARLES MARLIN PO BOX 32 NEW LISBON, NJ 08064	E-25-56-286-270-105 E-25-56-286-270-144 E-25-56-286-270-199 E-25-56-286-270-252 E-25-56-286-270-357 E-25-56-286-270-365 E-25-56-286-270-387	359 GARDEN 3 SIOUX TR. 150 HARDWICK 312 PIUTE 206 IRIQUOIS 17 PHYLLIS 1720 RED FEATHER	36-2003 55-2003 11-2004 56-2004 55-2002 63-2002 85-2002	\$ 258.96 \$ 245.96 \$ 280.96 \$ 387.20 \$ 565.42 \$ 609.35 \$ 565.42
		TOTAL		\$ 2,913.27
DANITOM DEVELOPMENT 120 ROUTE 17 N. PARAMUS, NJ 07652	E-25-56-286-270-107 E-25-56-286-270-130 E-25-56-286-270-202 E-25-56-286-270-212 E-25-56-286-270-228 E-25-56-286-270-231 E-25-56-286-270-233 E-25-56-286-270-265 E-25-56-286-270-270 E-25-56-286-270-335 E-25-56-286-270-336 E-25-56-286-270-337 E-25-56-286-270-339 E-25-56-286-270-372 E-25-56-286-270-373 E-25-56-286-270-397	225 CHIPPEWA 360 GOLDENROD 37 FOXGLOVE 19 GROUSE 216 EAGLE 1011 HANOVER 206 BLACKFOOT 120 CHEROKEE 112 SNOW AVE. 29 ASHTON ST. 70 FOXGLOVE 128 DEARBORN 31 ASHTON 313 GOLDENROD 117 PLUM ST. 117 JUNIPER	12-2003 22-2003 97-2000 6-2001 28-2001 31-2001 33-2001 66-2004 83-2001 29-2002 30-2002 31-2002 37-2002 70-2002 71-2002 95-2002	\$ 200.00 \$ 135.00 \$ 147.20 \$ 187.20 \$ 175.00 \$ 115.00 \$ 115.00 \$ 581.95 \$ 135.00 \$ 110.00 \$ 135.00 \$ 135.00 \$ 110.00 \$ 135.00 \$ 135.00 \$ 135.00
		TOTAL		\$ 2,686.35
GRATER CONSTRUCTION 276 ARNEYS MOUNT RD...	E-25-56-286-270-143	14 SEPULGA	47-2003	\$ 200.00

PEMBERTON, NJ 08068					
GEORGE WILlich	E-25-56-286-270-155	24 RIVER ST.	56-2003	\$	147.98
4 WHITES BOG RD.					
BROWNS MILLS, NJ 08015					
LEONARDS MECHANICAL	E-25-56-286-270-217	95 MONROE ST.	32-2004	\$	570.00
25 KENNEDY LN.	E-25-56-286-270-208	359 PHILLIPS	21-2004	\$	367.68
PEMBERTON, NJ 08068		TOTAL		\$	937.68
MAC-ROSE	E-25-56-286-270-129	BANK ST.	21-2003	\$	300.00
85 RIDGE RD.	E-25-56-286-270-133	124 CANNA ST.	24-2003	\$	200.00
BROWNS MILLS, NJ 08015	E-25-56-286-270-158	71 HAWTHORNE	59-2003	\$	750.00
	E-25-56-286-270-175	44-48 BISHOP ST.	73-2003	\$	500.00
	E-25-56-286-270-205	1100 EVERGREEN	17-2004	\$	200.00
		TOTAL		\$	1,950.00
PAETZOLD CONSTRUCTION	E-25-56-286-270-142	9 SHADY LN.	43-2003	\$	200.00
PO BOX 1207	E-25-56-286-270-150	49 SEPULGA	49-2003	\$	200.00
BROWNS MILLS, NJ 08015	E-25-56-286-270-157	301 SERRANO	57-2003	\$	200.00
	E-25-56-286-270-190	HYDRANGEA ST.	3-2004	\$	1,193.00
	E-25-56-286-270-191	DEARBORN	4-2004	\$	350.00
	E-25-56-286-270-258	134 BREWSTER	57-2004	\$	157.53
	E-25-56-286-270-266	5 BROADWAY	67-2004	\$	250.88
	E-25-56-286-270-342	49 SEPULGA	49-2003	\$	95.00
		TOTAL		\$	2,646.41
SCOTT MCLAUGHLIN	E-25-56-286-270-185	15 LANE AVE.	82-2003	\$	250.96
2 RANDALL DR.					
MT. HOLLY, NJ 08060					
STALLONE ELECTRIC	E-25-56-286-270-102	BEECH ST. TOWER	39-2003	\$	273.65
PO BOX 35					
RIVERSIDE, NJ 08075					
THOMAS STEWART	E-25-56-286-270-323	1500 EVERGREEN	20-2002	\$	465.42
1261 SMITHVILLE-					
JACKSONVILLE RD.	E-25-56-286-270-155	24 RIVER ST.	56-2003	\$	147.98
BORDENTOWN, NJ 08505	E-25-56-286-270-399	210 CHEROKEE	96-2002	\$	445.42
		TOTAL		\$	1,058.82

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION SHALL BE PROVIDED TO THE CHIEF FINANCIAL OFFICER, MUNICIPAL TREASURER, AND BUSINESS ADMINISTRATOR.

RESOLUTION NO. 230-2011

WHEREAS, THE FOLLOWING ACCOUNTS IN THE TREASURER'S ESCROW SUB-ACCOUNTS FOR PSE&G HAVE APPROPRIATION BALANCES WHICH REMAIN UNEXPENDED AND PRIOR ATTEMPTS TO REFUND MONIES TO PSE&G HAVE BEEN UNSUCCESSFUL, AND IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED TO SURPLUS:

NOW, THEREFORE, BE IT RESOVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE UNEXPENDED BALANCES FROM THE TREASURER'S ESCROW SUB-ACCOUNTS LISTED BELOW BE CANCELED:

<u>ACCOUNT</u>	<u>PERMIT #</u>	<u>ADDRESS</u>	<u>REFUND</u>
E-25-56-286-270-100	69-2004	301 PARK ST.	\$ 138.35
E-25-56-286-270-103	38-2003	14 SEPULGA DR.	\$ 200.00
E-25-56-286-270-104	37-2003	3 SANTA CLARA TR.	\$ 200.00
E-25-56-286-270-106	40-2003	801 S. BRYNWOOD	\$ 200.00
E-25-56-286-270-109	12-2003	225 CHIPPEWA TR.	\$ 200.00
E-25-56-286-270-110	15-2003	210 TENNESSEE TR.	\$ 200.00
E-25-56-286-270-111	33-2003	311 PARK ST.	\$ 200.00
E-25-56-286-270-112	34-2003	146 DENNIS AVE.	\$ 58.00
E-25-56-286-270-114	35-2003	64 BEGONIA ST.	\$ 200.00
E-25-56-286-270-115	45-2003	39 SCRAPETOWN RD.	\$ 200.00
E-25-56-286-270-116	46-2003	50 DAHLIA	\$ 200.00
E-25-56-286-270-117	16-2003	23 WILDGEESSE CR.	\$ 200.00
E-25-56-286-270-118	17-2003	228 MEDFORD ST.	\$ 200.00
E-25-56-286-270-119	28-2003	1002 CONNECTICUT	\$ 200.00
E-25-56-286-270-121	26-2003	124 CANNA ST.	\$ 200.00
E-25-56-286-270-124	41-2003	36 PARTRIDGE ST.	\$ 200.00
E-25-56-286-270-125	25-2003	502 W. VIRGINIA DR.	\$ 200.00
E-25-56-286-270-126	18-2003	306 PIUTE TR.	\$ 200.00
E-25-56-286-270-127	19-2003	360 GOLDENROD ST.	\$ 200.00
E-25-56-286-270-128	20-2003	318 RHODE ISLAND	\$ 200.00
E-25-56-286-270-132	23-2003	351 BARCLAY ST.	\$ 200.00
E-25-56-286-270-134	29-2003	3 SIOUX TR.	\$ 200.00
E-25-56-286-270-136	30-2003	518 LAUREL BLVD.	\$ 200.00
E-25-56-286-270-138	31-2003	49 SEPULGA DR.	\$ 200.00
E-25-56-286-270-140	42-2003	1203 HANOVER BLVD.	\$ 200.00
E-25-56-286-270-141	44-2003	170 CANNA ST.	\$ 200.00
E-25-56-286-270-145	44-2000	513 PARDEE BLVD.	\$ 141.50
E-25-56-286-270-146	52-2003	437 TULIP ST.	\$ 200.00
E-25-56-286-270-147	42-2000	118 APPLE AVE.	\$ 72.50
E-25-56-286-270-148	53-2003	50 BEGONIA ST.	\$ 200.00
E-25-56-286-270-149	54-2003	398 HUNT ST.	\$ 200.00
E-25-56-286-270-153	51-2003	402 PEMBERTON BLVD.	\$ 200.00
E-25-56-286-270-154	48-2003	231 HARGROVE	\$ 200.00
E-25-56-286-270-156	58-2003	603 JUNE RD.	\$ 200.00
E-25-56-286-270-159	60-2003	24 RIVER ST.	\$ 200.00
E-25-56-286-270-160	61-2003	281 E. LAKESHORE DR.	\$ 200.00
E-25-56-286-270-161	62-2003	601 WASHINGTON BLVD.	\$ 200.00
E-25-56-286-270-162	58-2000	427 CALIFORNIA TR.	\$ 47.80
E-25-56-286-270-164	63-2003	301 SERRANO TR.	\$ 200.00
E-25-56-286-270-165	64-2003	412 LOUISIANA TR.	\$ 200.00
E-25-56-286-270-166	67-2003	304 NAVAJO TR.	\$ 200.00
E-25-56-286-270-167	66-2003	304 KENTUCKY TR.	\$ 200.00
E-25-56-286-270-168	65-2003	54 SEPULGA DR.	\$ 200.00
E-25-56-286-270-169	71-2003	24 WASP ST.	\$ 200.00
E-25-56-286-270-170	72-2003	200 PENNSYLVANIA TR.	\$ 200.00
E-25-56-286-270-171	68-2003	146 PARDEE BLVD.	\$ 200.00
E-25-56-286-270-173	69-2003	602 EVERGREEN BLVD.	\$ 200.00
E-25-56-286-270-174	70-2003	1 MELROSE WAY	\$ 200.00
E-25-56-286-270-176	74-2003	407 W. VIRIGINA	\$ 200.00
E-25-56-286-270-177	75-2003	174 DONOMA ST.	\$ 200.00
E-25-56-286-270-178	76-2003	110 PRESS AVE.	\$ 200.00
E-25-56-286-270-179	77-2003	8 THOMAS ST.	\$ 200.00
E-25-56-286-270-180	78-2003	19 CANNA ST.	\$ 200.00
E-25-56-286-270-181	79-2003	305 SEMINOLE TR.	\$ 200.00
E-25-56-286-270-182	81-2003	20 AZALEA ST.	\$ 200.00
E-25-56-286-270-183	80-2003	254 KENTFORD ST.	\$ 200.00
E-25-56-286-270-186	81-2000	37 FOXGLOVE	\$ 27.20
E-25-56-286-270-187	1-2004	401 FLORIDA TR.	\$ 200.00
E-25-56-286-270-189	2-2004	1 UTAH TERRACE	\$ 200.00
E-25-56-286-270-192	6-2004	1100 EVERGREEN BLVD.	\$ 200.00
E-25-56-286-270-193	7-2004	22 RANCOCAS LN.	\$ 255.00
E-25-56-286-270-194	8-2004	150 HARWICH ST.	\$ 200.00
E-25-56-286-270-195	9-2004	13 LAKEVIEW BLVD.	\$ 200.00
E-25-56-286-270-196	10-2004	357 PHILLIPS AVE.	\$ 200.00
E-25-56-286-270-197	13-2004	8 BELLA COOLA TR.	\$ 200.00
E-25-56-286-270-200	12-2004	1302 W. LAKESHORE DR.	\$ 200.00
E-25-56-286-270-201	14-2004	224 SCAMMELL DR.	\$ 200.00
E-25-56-286-270-203	15-2004	204 HADDON RD.	\$ 200.00
E-25-56-286-270-204	16-2004	238 SASSAFRASS ST.	\$ 200.00
E-25-56-286-270-206	19-2004	205 RIDGEVIEW AVE.	\$ 24.65
E-25-56-286-270-207	18-2004	12 COLUMBINE AVE.	\$ 81.53
E-25-56-286-270-210	20-2004	48 RIVER ST.	\$ 139.16
E-25-56-286-270-213	29-2004	231 DENNIS	\$ 200.00
E-25-56-286-270-214	30-2004	126 SNOW AVE.	\$ 200.00
E-25-56-286-270-215	13-2001	250 DOGWOOD	\$ 140.00
E-25-56-286-270-216	31-2004	143 SNOW AVE.	\$ 200.00
E-25-56-286-270-218	33-2004	202 WASHINGTON BLVD.	\$ 200.00
E-25-56-286-270-220	36-2004	4 PIEGAN LN.	\$ 200.00

E-25-56-286-270-221	38-2004	112 BISHOP ST.	\$ 200.00
E-25-56-286-270-224	35-2004	134 BREWSTER	\$ 200.00
E-25-56-286-270-225	48-2004	5 DAKOTA TR.	\$ 61.60
E-25-56-286-270-229	43-2004	1302 S. LAKESHORE DR.	\$ 19.91
E-25-56-286-270-230	44-2004	613 HARDING RD.	\$ 62.41
E-25-56-286-270-232	45-2004	312 PIUTE TR.	\$ 55.73
E-25-56-286-270-234	46-2004	119 HARWICH	\$ 61.60
E-25-56-286-270-236	27-2004	69 COLUMBUS AVE.	\$ 120.00
E-25-56-286-270-237	47-2004	40 HEATHER	\$ 27.85
E-25-56-286-270-238	40-2004	314 N. CAROLINA TR.	\$ 138.60
E-25-56-286-270-239	42-2004	312 HUNTERS BLVD.	\$ 63.66
E-25-56-286-270-240	41-2004	5 SANTA CLARA TR.	\$ 89.48
E-25-56-286-270-241	49-2004	MONTANA TR.	\$ 29.10
E-25-56-286-270-242	51-2004	1600 RED FEATHER	\$ 200.00
E-25-56-286-270-243	6-2003	113 KENTUCKY TR.	\$ 95.00
E-25-56-286-270-244	52-2004	205 WITCHITA TR.	\$ 130.96
E-25-56-286-270-245	50-2004	406 CHEROKEE TR.	\$ 135.00
E-25-56-286-270-246	58-2001	EARLIN AVE., BLDG. #15	\$ 115.00
E-25-56-286-270-247	15-2000	506 LOUISIANA TR.	\$ 110.00
E-25-56-286-270-248	54-2004	227 N. CAROLINA TR.	\$ 104.85
E-25-56-286-270-249	53-2004	700 EVERGREEN (ALMOND)	\$ 22.38
E-25-56-286-270-250	55-2004	2203 N. LAKESHORE (ASTER)	\$ 123.25
E-25-56-286-270-251	65-2001	311 FLORIDA TR.	\$ 184.00
E-25-56-286-270-253	61-2004	88 TENSAW DR.	\$ 200.00
E-25-56-286-270-254	62-2004	206 ALGONQUIN TR	\$ 200.00
E-25-56-286-270-255	58-2004	13 CHIPPEWA TR.	\$ 304.60
E-25-56-286-270-256	60-2004	313 WASHINGTON BLVD.	\$ 104.60
E-25-56-286-270-257	59-2004	332 SENECA TR.	\$ 104.60
E-25-56-286-270-259	73-2001	207 MANAHAWKIN TR.	\$ 100.00
E-25-56-286-270-260	74-2001	102 CALIFORNIA TR.	\$ 35.00
E-25-56-286-270-261	80-2001	218 GARDEN	\$ 155.00
E-25-56-286-270-262	64-2004	410 WASHINGTON BLVD.	\$ 138.35
E-25-56-286-270-263	65-2004	41 CLEMATIS ST.	\$ 138.35
E-25-56-286-270-264	63-2004	120 CHEOKEE TR.	\$ 104.60
E-25-56-286-270-267	81-2001	446 BEECH AVE.	\$ 65.00
E-25-56-286-270-268	86-2001	27 ALYSSUM	\$ 75.00
E-25-56-286-270-269	84-2001	15 SPRINGFIELD RD.	\$ 310.00
E-25-56-286-270-271	82-2001	202 IDAHO TR.	\$ 538.00
E-25-56-286-270-274	89-2001	59 LARKSPUR ST.	\$ 109.00
E-25-56-286-270-275	91-2001	903 RED FEATHER TR.	\$ 102.00
E-25-56-286-270-276	92-2001	310 CAYUGA TR.	\$ 100.00
E-25-56-286-270-277	93-2001	36 CLOVER ST.	\$ 107.00
E-25-56-286-270-278	26-2001	213 CHIPPEWA TR.	\$ 65.00
E-25-56-286-270-279	97-2001	304 PENNSYLVANIA TR.	\$ 75.00
E-25-56-286-270-280	96-2001	134 PRESS AVE.	\$ 105.00
E-25-56-286-270-281	95-2001	309 BLACKFOOT TR.	\$ 383.00
E-25-56-286-270-282	98-2001	120 MEFORD ST.	\$ 102.00
E-25-56-286-270-283	99-2001	500 LAUREL BLVD	\$ 75.00
E-25-56-286-270-284	100-2001	249 CURTAIN AVE.	\$ 97.00
E-25-56-286-270-285	102-2001	136 DENNIS AVE.	\$ 215.00
E-25-56-286-270-286	101-2001	34 SHELDON RD.	\$ 75.00
E-25-56-286-270-287	103-2001	1303 NEW YORK AVE.	\$ 65.00
E-25-56-286-270-288	24-2004	CHIPPEWA TR.	\$ 110.00
E-25-56-286-270-289	74-2003	407 W. VIRGINIA	\$ 65.00
E-25-56-286-270-290	106-2001	214 CHEROKEE TR.	\$ 65.00
E-25-56-286-270-291	108-2001	351 GOLDENROD	\$ 75.00
E-25-56-286-270-292	107-2001	112 SNOW AVE.	\$ 65.00
E-25-56-286-270-293	109-2001	2 HIGH ST.	\$ 75.00
E-25-56-286-270-294	110-2001	16 CHEROKEE TR.	\$ 266.00
E-25-56-286-270-295	3-2002	306 MOHAWK TR.	\$ 101.00
E-25-56-286-270-296	2-2002	6 GLADIOLUS ST.	\$ 115.00
E-25-56-286-270-297	1-2002	24 HYDRANGEA	\$ 118.00
E-25-56-286-270-298	4-2002	5 SHELDON	\$ 115.00
E-25-56-286-270-299	5-2002	533 PARDEE	\$ 106.00
E-25-56-286-270-300	6-2002	1702 HANOVER BLVD.	\$ 112.00
E-25-56-286-270-302	8-2002	515 NEW JERSEY	\$ 75.00
E-25-56-286-270-303	9-2002	16 BELL PL.	\$ 125.00
E-25-56-286-270-304	10-2002	37 WILDGESE CR.	\$ 117.00
E-25-56-286-270-306	14-2002	129 SPLIT ROCK RD.	\$ 113.00
E-25-56-286-270-307	13-2002	2401 N. LAKESHORE DR.	\$ 75.00
E-25-56-286-270-308	12-2002	1728 RED FEATHER	\$ 221.00
E-25-56-286-270-309	11-2002	106 PLYMOUTH ST.	\$ 293.00
E-25-56-286-270-311	102-2001	2 HIGH ST.	\$ 95.00
E-25-56-286-270-312	16-2002	1500 EVERGREEN BLVD.	\$ 75.00
E-25-56-286-270-313	51-2001	126 DENNIS AVE.	\$ 452.00
E-25-56-286-270-314	21-2001	4 WENATCHI TR.	\$ 65.00
E-25-56-286-270-315	19-2001	19 GROUSE	\$ 23.72
E-25-56-286-270-316	20-2001	200 SASSAFRAS ST.	\$ 60.00
E-25-56-286-270-317	43-2001	260 GARDEN AVE.	\$ 75.00

E-25-56-286-270-319	19-2002	15 SIOUX TR.	\$ 110.00
E-25-56-286-270-320	17-2002	344 DENNIS AVE.	\$ 105.00
E-25-56-286-270-321	18-2002	19 TEABERRY	\$ 111.00
E-25-56-286-270-322	21-2002	51 SEPULGA DR.	\$ 222.00
E-25-56-286-270-324	22-2002	1501 EVERGREEN BLVD.	\$ 117.00
E-25-56-286-270-325	23-2002	113 CHEROKEE TR.	\$ 113.00
E-25-56-286-270-326	27-2002	1603 E. LAKESHORE DR.	\$ 140.00
E-25-56-286-270-327	24-2002	85 SEPULGA DR.	\$ 85.00
E-25-56-286-270-328	26-2002	29 PEAR AVE.	\$ 75.00
E-25-56-286-270-329	28-2002	116 SCAMMEL DR.	\$ 115.00
E-25-56-286-270-330	25-2002	1602 E. LAKESHORE DR.	\$ 195.00
E-25-56-286-270-332	34-2002	KELSONVILLE RD.	\$ 438.00
E-25-56-286-270-333	32-2002	201 CHEYENNE TR.	\$ 65.00
E-25-56-286-270-334	33-2002	12 SEPULGA DR.	\$ 65.00
E-25-56-286-270-338	36-2002	104 BARCLAY	\$ 110.00
E-25-56-286-270-340	38-2002	112 MARGARET ST.	\$ 75.00
E-25-56-286-270-341	40-2002	14 BOBOLINK BLVD.	\$ 111.00
E-25-56-286-270-343	43-2002	213 & 222 LESTER ST.	\$ 419.00
E-25-56-286-270-344	50-2002	29 & 33 ASHTON ST.	\$ 674.00
E-25-56-286-270-346	49-2002	306 CLAN	\$ 503.00
E-25-56-286-270-348	48-2002	206 IRIQUOIS	\$ 75.00
E-25-56-286-270-349	47-2002	19 PHYLLIS	\$ 75.00
E-25-56-286-270-350	46-2002	17 PHYLLIS	\$ 75.00
E-25-56-286-270-351	45-2002	70 FOXGLOVE	\$ 104.00
E-25-56-286-270-352	44-2002	308 BLACKFOOT TR.	\$ 65.00
E-25-56-286-270-354	51-2002	1201 W. LAKESHORE DR.	\$ 115.00
E-25-56-286-270-355	39-2004	103 SPRING LAKE BLVD.	\$ 131.00
E-25-56-286-270-356	53-2002	422 VIRGINIA DR.	\$ 114.00
E-25-56-286-270-358	56-2002	6 WILDGEESE CR.	\$ 108.00
E-25-56-286-270-359	58-2002	158 CLOVER	\$ 172.00
E-25-56-286-270-360	57-2002	6 WENATCHI TR.	\$ 65.00
E-25-56-286-270-362	61-2002	108 SCAMMEL DR.	\$ 116.00
E-25-56-286-270-363	60-2002	111 SEPULGA DR.	\$ 168.00
E-25-56-286-270-366	64-2002	155 GARDEN ST.	\$ 105.00
E-25-56-286-270-367	66-2002	28 CHICKORY ST.	\$ 65.00
E-25-56-286-270-368	65-2002	150 HEATHER ST.	\$ 108.00
E-25-56-286-270-370	68-2002	420 FLORIDA TR.	\$ 75.00
E-25-56-286-270-371	69-2002	309 NEW JERSEY RD.	\$ 65.00
E-25-56-286-270-374	74-2002	33 FAIRFIELD	\$ 75.00
E-25-56-286-270-375	73-2002	206 PIUTE TR.	\$ 75.00
E-25-56-286-270-376	72-2002	17 MUSKOGEE TR.	\$ 111.00
E-25-56-286-270-377	71-2002	117 PLUM ST.	\$ 106.00
E-25-56-286-270-378	70-2002	313 GOLDENROD ST.	\$ 75.00
E-25-56-286-270-379	77-2002	31 ASHTON ST.	\$ 95.00
E-25-56-286-270-380	78-2002	306 APACHE TR.	\$ 110.00
E-25-56-286-270-381	81-2002	115 MASSACHUSSETTS RD.	\$ 455.00
E-25-56-286-270-382	80-2002	223 EAGLE AVE.	\$ 108.00
E-25-56-286-270-383	79-2002	334 ANEMONE ST.	\$ 80.00
E-25-56-286-270-384	83-2002	33 PEAR AVE.	\$ 75.00
E-25-56-286-270-385	84-2002	316 MOHAWK TR.	\$ 108.00
E-25-56-286-270-386	82-2002	133 RAYMOND ST.	\$ 99.00
E-25-56-286-270-388	86-2002	1720 RED FEATHER TR.	\$ 87.00
E-25-56-286-270-389	87-2002	58 DAHLIA ST.	\$ 65.00
E-25-56-286-270-390	88-2002	604 HERBERT RD.	\$ 215.00
E-25-56-286-270-391	89-2002	1601 W. LAKESHORE DR.	\$ 75.00
E-25-56-286-270-392	90-2002	219 BAYBERRY ST.	\$ 102.00
E-25-56-286-270-393	91-2002	326 PEMBERTON BLVD.	\$ 35.00
E-25-56-286-270-394	92-2002	210 CHEROKEE TR.	\$ 65.00
E-25-56-286-270-396	94-2002	63 BRANDYWINE RD.	\$ 65.00
E-25-56-286-270-398	93-2002	10 PINE MILL RD.	\$ 110.00
E-25-56-286-270-400	1-2003	59 TENSAW DR.	\$ 65.00
E-25-56-286-270-401	2-2003	214 HADDON AVE.	\$ 230.00
E-25-56-286-270-402	3-2003	117 JUNIPER AVE.	\$ 200.00
E-25-56-286-270-403	4-2003	308 SERRANO TR.	\$ 65.00
E-25-56-286-270-404	5-2003	2 PENNSYLVANIA TR.	\$ 200.00
E-25-56-286-270-405	6-2003	16 COVILLE RD.	\$ 200.00
E-25-56-286-270-406	7-2003	101 KENTUCKY TR.	\$ 200.00
E-25-56-286-270-407	8-2003	215 FLORIDA TR.	\$ 200.00
E-25-56-286-270-408	9-2003	4 PHEASANT DR.	\$ 200.00
E-25-56-286-270-409	10-2003	1701 E. LAKESHORE DR.	\$ 200.00
E-25-56-286-270-410	11-2003	42 TECUMSEH TR.	\$ 701.00
		TOTAL	\$ 34,877.89

RESOLUTION NO. 231-2011

WHEREAS, THE NEW JERSEY BOARD OF PUBLIC UTILITIES, OFFICE OF CLEAN ENERGY ADMINISTERS THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM (PROGRAM), AN INCENTIVE PROGRAM TO ASSIST LOCAL GOVERNMENT AGENCIES TO CONDUCT ENERGY AUDITS AND TO ENCOURAGE IMPLEMENTATION OF ENERGY CONSERVATION MEASURES; AND,



WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HAS DECIDED TO APPLY TO PARTICIPATE IN THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM; AND,

WHEREAS, THE FACILITIES TO BE AUDITED ARE IN NEW JERSEY, ARE OWNED BY THE TOWNSHIP OF PEMBERTON, ARE SERVED BY A NEW JERSEY REGULATED PUBLIC UTILITY, AND THAT THE TOWNSHIP OF PEMBERTON HAS NOT ALREADY RESERVED \$100,000 IN THE PROGRAM THIS YEAR AS OF THIS APPLICATION; AND,

WHEREAS, IT IS ACKNOWLEDGED THAT ACCEPTANCE INTO THE PROGRAM IS DEPENDENT ON THE SCOPE OF WORK AND COST PROPOSAL, AND THAT PROGRAM RULES WILL HAVE TO BE MET IN ORDER TO RECEIVE INCENTIVE FUNDS; AND,

WHEREAS, UPON ACCEPTANCE INTO THE PROGRAM, THE TOWNSHIP OF PEMBERTON WILL PREPARE FACILITY DATA FORMS AND SCOPES OF WORK FOR EACH FACILITY TO BE AUDITED, SOLICIT QUOTATIONS FROM THE AUTHORIZED CONTRACTORS, AND SUBMIT THE PART B APPLICATION; AND,

WHEREAS, THE TOWNSHIP OF PEMBERTON UNDERSTANDS THAT ENERGY AUDIT WORK CANNOT PROCEED UNTIL AN APPLICATION APPROVAL NOTICE IS RECEIVED FROM THE PROGRAM; AND,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, APPROVES THE SUBMISSION OF AN APPLICATION FOR PARTICIPATION IN THE LOCAL GOVERNMENT ENERGY AUDIT PROGRAM OF THE NEW JERSEY BOARD OF PUBLIC UTILITIES; AND,

RESOLUTION NO. 232-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED NOVEMBER 15, 2005, BETWEEN EARL WORGESS AND JUDITH WORGESS, 248 DEL MAR AVENUE, PEMBERTON, NJ 08068 IN THE AMOUNT OF \$15,995.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH CINNAMINSON; AND

WHEREAS, ING BANK, FSB ISAOA HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND

WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 1105, LOT(S) 11, 248 DEL MAR AVENUE, IS CURRENTLY ASSESSED AT \$102,200.00 PER THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$170,677.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; 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 MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR EARL WORGESS AND JUDITH WORGESS AS ATTACHED HERewith WITH ING BANK FSB ISAOA.

RESOLUTION NO. 233-2011

BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE 2012 BUDGET OF PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, BEING PTMUA RESOLUTION 31-2011 AS ATTACHED AND MADE A PART OF THIS RESOLUTION, IS HEREBY APPROVED, PURSUANT TO THE REQUIREMENTS SET FORTH IN THE AGREEMENT OF LEASE BETWEEN THE TOWNSHIP OF PEMBERTON AND THE PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, ARTICLE IX, SECTION 9.2.

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

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

RICHARD DRIES  
BRIAN KITSON  
JOANN MILLER-MAAHS  
PAT O'DONNELL  
NICHOLAS PETRILLO  
AMERICA PHILLIPS  
LINDA SHEPARD  
JAMES MARTIN

RESOLUTION NO. 235-2008

WHEREAS, ROCCO AND ANTONIA BERARDI FILED LITIGATION AGAINST PEMBERTON ENTITLED ROCCO AND ANTONIA BERARDI V. PEMBERTON TOWNSHIP, DOCKET NO: BUR-L-2535-08 (THE "LITIGATION");

WHEREAS, THE TOWNSHIP AND ROCCO AND ANTONIA BERARDI HAVE REACHED AN AMICABLE RESOLUTION OF THE CLAIMS RAISED IN THE LITIGATION WHEREBY THE TOWNSHIP WILL PAY ROCCO AND ANTONIA BERARDI \$110,000.00;

WHEREAS, THE TOWNSHIP AND ROCCO AND ANTONIA BERARDI WANT TO MEMORIALIZE THE TERMS AND CONDITIONS OF THAT SETTLEMENT WITHIN A CONSENT ORDER (THE "AGREEMENT"), IN A FORM SUBSTANTIALLY SIMILAR TO THE FORM ATTACHED HERETO; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO RESOLVE THE DISPUTE WITH ROCCO AND ANTONIA BERARDI TO AVOID THE FURTHER COST AND RISK OF LITIGATION.

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 CONSENT ORDER AGREEMENT BY AND BETWEEN ROCCO AND ANTONIA BERARDI AND PEMBERTON TOWNSHIP IN A FORM APPROVED BY THE SOLICITOR.

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

- A. TOWNSHIP ADMINISTRATOR
- B. GLUCKWALRATH LLP.

**NEW BUSINESS**

**\*a.** Purchases at \$2,000.00 or over:

**\*1. Public Works:** Purchase of uniforms from Specialty Graphics, LLC in the total

amount of \$6,601.50.

**\*2. Fire Dept.:** Purchase of Annual Testing of Ground Ladders and Fire Hose service from Fire One in the total amount of \$4,993.50

**\*3. Public Works:** Purchase and installation of forced air/heat system for the Country Lakes Recreation Center from Dazell Hardware & Plumbing Supply in the total amount of \$10,250.00.

**\*b.** Applications submitted for memberships, licenses, permits:

**\*1.** Pine Barrens 300: Annual Motorcycle event to be held in Brendan Byrne State Forest on November 26<sup>th</sup> and 27<sup>th</sup>.

### **BILL LIST**

Approval by Council for payment of vouchers on bill list dated 10/14/11.

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

### **OTHER RESOLUTIONS**

#### **RESOLUTION NO. 236-2011**

WHEREAS, THOMAS STEWART HAS SERVED WITH DISTINCTION IN THE PEMBERTON TOWNSHIP POLICE DEPARTMENT FOR THIRTY-THREE YEARS, AND  
WHEREAS, THOMAS STEWART, DURING HIS TENURE WITH PEMBERTON TOWNSHIP HAS GIVEN OF HIS TIME AND KNOWLEDGE IN SERVICE TO THE RESIDENTS OF THE TOWNSHIP OF PEMBERTON;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, ASSEMBLED IN PUBLIC SESSION ON THIS 19<sup>TH</sup> DAY OF OCTOBER, 2011, THAT THE TOWNSHIP COUNCIL DOES HEREBY COMMEND THOMAS STEWART FOR HIS CONTRIBUTIONS AND DEDICATED SERVICE TO THE TOWNSHIP OF PEMBERTON.  
BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION SHALL BE PRESENTED TO THOMAS STEWART ON BEHALF OF THE TOWNSHIP COUNCIL.

Council President Cartier read the resolution into the record.

Motion by Prickett and Stinney to approve Resolution No. 236-2011. Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

### **ORDINANCES FOR INTRODUCTION**

#### **ORDINANCE NO. 24-2011**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 182-31 OF THE TOWNSHIP CODE, ENTITLED "SCHEDULE A: NO PARKING," IN ORDER TO ESTABLISH A NO PARKING ZONE ALONG COUNTY ROUTE 530

Council President Cartier read title of ordinance.

Councilman Prickett questioned if the issue with the bus garage could be added to this ordinance. Mr. Vaz explained that the bus garage parking issue would be on the November meeting. Councilman Prickett asked if it could be added prior to the second reading so they could save on advertising costs. Mr. Bayer advised the ordinance can be introduced by title and advertised by summary to include the bus garage issue.

Motion by Prickett and Allen to introduce Ordinance 24-2011 by title with a public hearing on November 2, 2011. Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

### **ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

#### **ORDINANCE NO. 19-2011**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 190-34 OF THE TOWNSHIP CODE, ENTITLED "FENCES, WALLS AND SITE TRIANGLES", IN ORDER TO CLARIFY THE PROCEDURE FOR PERMIT FEES AND ESTABLISH ADDITIONAL PERMITTED MATERIALS AND FINISHES

Council President Cartier read title of ordinance.

Motion by Prickett and Allen to adopt Ordinance 19-2011.

Council President Cartier opened the meeting to the public comment on Ordinance 19-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

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

#### ORDINANCE NO. 23-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 186 OF THE TOWNSHIP CODE, ENTITLED WATER,” IN ORDER TO ESTABLISH A PAYMENT PLAN SYSTEM IN THE EVENT OF WATER LEAKAGE DUE TO FAILED OR DEFECTIVE SERVICE LINES

Council President Cartier read title of ordinance.

Motion by Allen and Stinney to adopt Ordinance 23-2011.

Council President Cartier opened the meeting to the public comment on Ordinance 23-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

Councilman Prickett questioned the two tier approach that was discussed at the previous meeting. Mr. Vaz noted he does remember it being discussed but there was no consensus from Council to include it in the ordinance and noted his office is working on a level of insurance for residents that experience a break as Councilman Prickett requested.

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

#### NEW BUSINESS

Discussion of property donation request for Block 443, Lots 14-17 and Block 461, Lots 29-32.

Council President Cartier asked if there was any additional background on the properties and Mr. Vaz advised there was nothing more than what was received in their packages, however noted there didn't appear to be any hazardous material issues. Mr. Vaz relayed they have been getting quite a few of these requests probably as a result of the tax bills being mailed out recently. Councilman Prickett asked about the ability to sell the property and was advised it could be sold once the Township owns it. Council President Cartier expressed his concern regarding who the owners are and if all of those involved are aware of the request. It was a consensus of Council to consider the donation request at a future meeting.

Authorization for expenditure of funds for Adams, Rehmann & Heggan to perform Engineering work for Tax Map Update project in the amount of \$50,000.00.

Township Engineer Kelly Willis clarified that this was for GIS work. Council President Cartier asked where they were at with the project and Ms. Willis advised of the status, noting they were in Phase III. Councilman Prickett questioned the total cost of the work and difference in the Phase pricing. Ms. Willis advised that as the work was being done in phases there are start up costs that had to be added in. Councilman Prickett asked if this is part of the revaluation and if the first maps done were in use at the Tax Assessor's office. Mr. Vaz advised that they are in use and it is part of the revaluation but that can not happen until the State approves the new maps.

Motion by Stinney and Allen to approve expense of \$50,000.00 to ARH to perform GIS work for Tax Map Updates. Stinney, yes; Allen, yes; Prickett, no; Cartier, yes. Motion carried.

#### GENERAL PUBLIC COMMENTS

Council President Cartier opened up the meeting to the public.

Claire Wadsworth, Browns Mills – Ms. Wadsworth questioned the reason for the cost difference for the tax map update and was advised it was due to the project being done in phases and there are additional start up costs.

Eric Allen, Brown Mills – Mr. Allen questioned what method would be used to determine a customer's loss when it occurs prior to the meter. It was noted that the meter is not always at the street, it is sometimes in the house. Ms. Willis advised there is a loss number that can be calculated based on total amounts used and total amount billed and that is reported to the DEP. Mayor Patriarca advised he will be addressing that with the Water Department.

Fred Hardt, Train Station Attorney – Mr. Hardt commented on an item that Council may be discussing in closed session. Mr. Bayer advised Mr. Hardt against discussing a settlement agreement in public. Councilwoman Stinney asked if Mr. Hardt could be invited into the closed session discussion. Mr. Bayer advised that could not happen. Councilman Prickett questioned a document given to Council from Mr. Hardt. Mr. Bayer advised he had received the document from Mr. Hardt's office at 4:59 today and forwarded it to Mr. Vaz.

America Phillips, Presidential Lakes – Ms. Phillips commented regarding the water supply and questioned how often the meters are read. Council President Cartier advised they are read quarterly. Ms. Phillips expressed that if someone receives a large bill they should question it. Ms. Phillips noted that she hopes both parties in the Train Station matter can work things out and not let the volunteers and people of the town down.

John G. Shaw, Pemberton – Mr. Shaw noted that the new lease agreement for the Train Station would essentially terminate the Train Station and give all of the power to the Mayor. He questioned the Solicitor representing both the Mayor and Council in the Train Station matter and commented that he would appreciate the Council maintaining their power over the situation and not giving it over to the Mayor. Mr. Shaw commented on the damage done to the Trust's property from the hurricane and feels they should have been notified sooner so they could have taken care of it and advised that the issue has never been resolved on the stolen property from the Trust and the person that took it and feels the way the Trust has been treated has been less than satisfactory.

Michelle Forman, Browns Mills – Ms. Forman questioned where the Pearl Harbor pictures that were in the BMIA building are and would they be re-hung. Mr. Vaz advised he will look into it. Ms. Forman commented on the informational poster in the hallway for flood victims noting it was good information. Ms. Forman expressed hope that both parties will be good sports and resolve the issues with the Train Station and it is very sad to see this dragging on.

John M. Shaw, Browns Mills – Mr. Shaw questioned the blue truck that has been sitting in the parking lot and was informed that it is the CERT vehicle. Mr. Shaw noted that after the water main break on Lakehurst Road, the roadway was not put back to 100%. Ms. Willis explained that it is left that way purposely for a period of time and Mr. Shaw noted that it is getting too deep. Ms. Willis advised she will have that looked into.

Claire Wadsworth, Browns Mills - Ms. Wadsworth noted a the last meeting Mr. Vaz stated that the land swap agreement between the County and the Township was done, and she questioned if that was a contractual agreement and if so how could they just end it. Mr. Bayer advised the only way to compel the County to continue with the agreement is to sue them.

Seeing no other members of the public wishing to speak Council President Cartier closed the meeting to the public.

Council President Cartier requested at this time that Closed Session Resolution No. 227-2011 be reconsidered.

RESOLUTION NO. 227-2011

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:  
BEMS LITIGATION, UNION CONTRACT NEGOTIATIONS, CONTRACTION NEGOTIATIONS FALLON ASSOCIATES, HISTORIC TRUST 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 Allen to approve Resolution No. 227-2011. Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

### **Solicitor's Report**

No report.

### **Engineer's Report**

Ms. Willis reported that they received the draft water allocation permit today and their office would be reviewing that.

### **Mayor's and/or Administrator's Report**

Mayor Patriarca reported that DPW has been working on the foundation for the new Veteran's memorial and information will be put out to the public on ceremony arrangements. Mayor Patriarca commented on an editorial letter written by Thomas Maahs which stated there is no doubt there is an act of retribution as there is talk on closing of the Presidential Lakes Fire House. Mayor Patriarca relayed that he took offense to that comment, noting that Administration has no authority to close any of the fire houses and they have not done so and they have no intention of closing the Presidential Lakes Fire House and they have every intention of supporting that organization, however the members will determine that.

### **COUNCIL COMMENTS**

***Diane Stinney*** – Councilwoman Stinney stated that rumors like this need to be expelled and expressed that the Township's volunteer fire fighters are the greatest.

***Jason Allen*** – Councilman Allen noted that he attended the Fire Prevention Week event at Imagination Kingdom and it was a wonderful event and he had also attended an event regarding gangs at the Dominique Johnson Center which was very informative. Councilman Allen advised there would be a TAG meeting on Thursday, October 27<sup>th</sup> at the Country Lakes Beach Club.

***Richard Prickett*** – Councilman Pickett expressed that it is the volunteers that make this community tick and he would like to see everything possible to keep our organizations functioning and he would like to see an audit done of all the free hours this Township gets from volunteers.

***Ken Cartier*** – Council President Cartier announced that on October 28<sup>th</sup> there will be a Movies at Mirror Lake Beach, featuring Ghost Busters and there are also two competitions going on for costumes and pumpkin decorating to be judged at the firehouses and hoped that everyone got out and had some fun for the season. He thanked everyone for coming out and advised that Council would be going into closed session and there may be business to follow.

Council recessed the open session to go into closed session at approximately 9:50 p.m. and reconvened open session at approximately 11:16 p.m.

### **Resolution No. 237-2011**

#### **RESOLUTION NO. 237-2011**

WHEREAS, NJDEP FILED LITIGATION AGAINST ALMO ANTI-POLLUTION SERVICES, ET AL WHICH INCLUDED PEMBERTON TOWNSHIP, DOCKET NO: L-0895-02 (THE "LITIGATION");  
WHEREAS, THE NJDEP AND PEMBERTON TOWNSHIP HAVE REACHED AN AMICABLE RESOLUTION OF THE CLAIMS RAISED IN THE LITIGATION WHEREBY THE TOWNSHIP WILL PAY \$8,522.00; AND

WHEREAS, THE TOWNSHIP AND NJDEP WANT TO MEMORIALIZE THE TERMS AND CONDITIONS OF THAT SETTLEMENT WITHIN A SETTLEMENT AGREEMENT AND RELEASE (THE "AGREEMENT"), IN A FORM SUBSTANTIALLY SIMILAR TO THE FORM ATTACHED HERETO; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO RESOLVE THE DISPUTE WITH NJDEP TO AVOID THE FURTHER COST AND RISK OF LITIGATION.

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 SETTLEMENT AGREEMENT AND RELEASE BY AND BETWEEN NJDEP AND PEMBERTON TOWNSHIP IN A FORM SUBSTANTIALLY SIMILAR TO THE FORM ATTACHED HERETO.

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

- A. TOWNSHIP ADMINISTRATOR
- B. GLUCKWALRATH LLP.
- C. CFO

Motion by Prickett and Stinney to add Resolution No. 237-2011. Prickett, yes; Stinney, yes; Allen, abstain; Cartier, yes. Motion carried.

### Resolution No. 238-2011

#### RESOLUTION NO. 238-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS AND CONTROLS PROPERTY KNOWN AS THE NORTH PEMBERTON RAILROAD STATION LOCATED AT 3 FORT DIX ROAD IN PEMBERTON TOWNSHIP; AND  
WHEREAS, THE TOWNSHIP AND THE PEMBERTON TOWNSHIP HISTORIC TRUST ENTERED INTO A LICENSE AGREEMENT DATED OCTOBER 4, 2000 (THE "LICENSE AGREEMENT"). PURSUANT TO THE LICENSE AGREEMENT, THE TOWNSHIP LICENSED A PORTION OF THE TOWNSHIP PROPERTY, SPECIFICALLY THE RAILROAD STATION BUILDING ITSELF, AND GAVE THE HISTORIC TRUST THE NON-EXCLUSIVE RIGHT TO UTILIZE THE RAILROAD STATION BUILDING (THE "LICENSED PREMISES") AS A NEW JERSEY PINELANDS TOURIST INFORMATION CENTER; AND  
WHEREAS, THE LICENSE AGREEMENT DID NOT PROVIDE THE HISTORIC TRUST WITH PERMISSION TO UTILIZE ANY PORTION OF THE TOWNSHIP PROPERTY OTHER THAN THE RAILROAD STATION BUILDING. THE LICENSE AGREEMENT DISALLOWED THE HISTORIC TRUST FROM USING THE LICENSED PREMISES FOR ANY PURPOSE OTHER THAN A PINELANDS INFORMATION CENTER WITHOUT THE PRIOR WRITTEN CONSENT OF THE TOWNSHIP, WHICH COULD BE WITHHELD BY THE TOWNSHIP FOR ANY REASON. IF THE HISTORIC TRUST SOUGHT TO MAKE ANY ALTERATIONS TO THE LICENSED PREMISES, INCLUDING THE THEME OF THE PINELANDS INFORMATION CENTER, IT WAS REQUIRED TO SUBMIT SUCH ALTERATIONS TO THE TOWNSHIP IN WRITING AND THE TOWNSHIP HAD THE RIGHT TO REJECT SUCH REQUESTS; AND

WHEREAS, FROM 2000 THROUGH 2011, THE HISTORIC TRUST PLACED APPROXIMATELY 12 PIECES OF RAILROAD EQUIPMENT, INCLUDING CABOOSSES, PENNSYLVANIA PASSENGER SHELTER AND CAST IRON CROSSBUCKFLAT RAILROAD SIGN CAR, TWIN HOPPER CARS, GONDOLA TANK CARS, BOX CARS RAIL BUS AND A CENTER SIDE ROD ENGINE AND SUBSTANTIAL AMOUNTS OF RAILROAD TRACK AND RAILROAD TIES (COLLECTIVELY, THE "RAILROAD EQUIPMENT"), WITHOUT THE TOWNSHIP'S WRITTEN PERMISSION AND IN VIOLATION OF THE LICENSE AGREEMENT;

WHEREAS, IN 2006, THE TOWNSHIP FORMALLY ADVISED THE HISTORIC TRUST IN WRITING THROUGH LETTERS DATED JULY 5, 2006, AUGUST 9, 2006, SEPTEMBER 11, 2006, AND OCTOBER 5, 2006, AS WELL AS THROUGH COURT LITIGATION THAT WAS FILED AND SERVED ON THE HISTORIC TRUST, THAT THE LICENSE AGREEMENT DID NOT AUTHORIZE THE PLACEMENT OF RAILROAD EQUIPMENT ON THE TOWNSHIP PROPERTY. THE HISTORIC TRUST FAILED TO REMOVE THE RAILROAD EQUIPMENT AS DEMANDED BY THE TOWNSHIP.

WHEREAS, THE TOWNSHIP ENTERED INTO A SHARED SERVICES AGREEMENT WITH THE COUNTY OF BURLINGTON ON JANUARY 21, 2009. PURSUANT TO THE SHARED SERVICES AGREEMENT, BURLINGTON COUNTY AND THE TOWNSHIP AGREED TO A LAND EXCHANGE WHEREBY THE TOWNSHIP AGREED TO CONVEY TO THE COUNTY THE TOWNSHIP PROPERTY AND BURLINGTON COUNTY AGREED TO CONVEY TO THE TOWNSHIP 11.12 ACRES OF PROPERTY DESIGNATED AS BLOCK 812, LOT 9.01 IN THE TOWNSHIP OF PEMBERTON; AND

WHEREAS, IN FEBRUARY 2011, THE HISTORIC TRUST AND MICHAEL TAMN SOUGHT THE TOWNSHIP'S PERMISSION TO PLACE A 1930 ERA CENTER CAB SIDE ROD ENGINE ON THE TOWNSHIP PROPERTY BY LETTER DATED FEBRUARY 15, 2011. THE TOWNSHIP DENIED THE REQUEST BY LETTER DATED FEBRUARY 16, 2011. NOTWITHSTANDING THE DENIAL, THE HISTORIC TRUST ARRANGED FOR THE DELIVERY OF THE 1930 ERA CENTER CAB SIDE ROD ENGINE ONTO THE TOWNSHIP PROPERTY. A PORTION OF THIS PARTICULAR PIECE OF RAILROAD EQUIPMENT WAS ALSO PLACED ON A PARCEL OF PROPERTY OWNED BY THE ADJOINING PROPERTY OWNER, WAWA, INC. BY LETTER DATED MAY 26, 2011, WAWA ADVISED THE HISTORIC TRUST THAT IT DID NOT CONSENT TO THE PLACEMENT OF 1930 ERA CENTER CAB SIDE ROD ENGINE ON WAWA'S PROPERTY. WAWA FURTHER ADVISED THE HISTORIC TRUST THAT IF IT DID NOT REMOVE THE 1930 ERA CENTER CAB SIDE ROD ENGINE WITHIN 48 HOURS, WAWA INTENDED TO BRING SUIT FOR EJECTMENT AND FOR DAMAGES; AND

WHEREAS, THE TOWNSHIP HAS DEMANDED THAT THE HISTORIC TRUST REMOVE THE RAILROAD EQUIPMENT FROM THE TOWNSHIP PROPERTY BECAUSE THE LICENSE AGREEMENT DID NOT AUTHORIZE THE PLACEMENT OF THE RAILROAD EQUIPMENT ON THE TOWNSHIP PROPERTY. IN CONTRAVENTION OF BOTH THE TOWNSHIP'S AND WAWA'S WISHES, THE HISTORIC TRUST HAS REFUSED TO REMOVE THE RAILROAD EQUIPMENT FROM THE TOWNSHIP PROPERTY; AND

WHEREAS, THE COUNTY OF BURLINGTON HAS DECLINED TO CLOSE ON THE LAND EXCHANGE AS A RESULT OF THE HISTORIC TRUST'S PLACEMENT OF THE RAILROAD EQUIPMENT ON THE TOWNSHIP PROPERTY; AND

WHEREAS, THE HISTORIC TRUST FILED A LAWSUIT AGAINST THE TOWNSHIP AND MAYOR DAVID PATRIARCA AND, IN RESPONSE, THE TOWNSHIP AND MAYOR PATRIARCA HAVE FILED A COUNTERCLAIM AGAINST THE HISTORIC TRUST, MICHAEL TAMN, AND OTHER DEFENDANTS; AND

WHEREAS, MAYOR PATRIARCA HAS PRESENTED A COMPROMISE TO THE TOWNSHIP COUNCIL, IN THE FORM OF A NEW LICENSE AGREEMENT, A COPY OF WHICH IS ATTACHED HERETO, THAT PERMITS THE HISTORIC TRUST TO MAINTAIN RAILROAD EQUIPMENT ON THE TOWNSHIP PROPERTY, PERMITS THE HISTORIC TRUST TO CONTINUE TO USE THE RAILROAD STATION BUILDING AS A NEW JERSEY PINELANDS TOURIST INFORMATION CENTER (BUT ON AN EXCLUSIVE BASIS RATHER THAN A NON-EXCLUSIVE BASIS), AND CLARIFIES THE RESPONSIBILITIES OF THE HISTORIC TRUST AND THE AUTHORITY OF THE MAYOR DURING THE TERM OF THE LICENSE AGREEMENT; AND

WHEREAS, THE TOWNSHIP COUNCIL, UNDER ITS STATUTORY AUTHORITY TO APPROVE CONTRACTS PRESENTED BY THE MAYOR, BELIEVES THAT THE ATTACHED LICENSE AGREEMENT FAIRLY RESOLVES THE ISSUES CAUSED BY THE HISTORIC TRUST AND WILL EFFECTIVELY PUT AN END TO THE PENDING LITIGATION BETWEEN THE TOWNSHIP AND THE HISTORIC TRUST.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE THE ATTACHED LICENSE AGREEMENT WITH THE TRUST.

BE IT FURTHER RESOLVED AS FOLLOWS:

1. THE LICENSE AGREEMENT BETWEEN THE PEMBERTON HISTORIC TRUST AND PEMBERTON TOWNSHIP DATED OCTOBER 4, 2000 IS HEREBY TERMINATED EFFECTIVE IMMEDIATELY.
2. IN THE EVENT THAT THE HISTORIC TRUST DECLINES TO EXECUTE THE ATTACHED LICENSE AGREEMENT, OR ANOTHER AGREEMENT TO WHICH THE MAYOR AGREES TO PRESENT TO THE TOWNSHIP COUNCIL FOR CONSIDERATION, THE MAYOR MAY EXERCISE THE AUTHORITY RESERVED TO HIM IN APPLICABLE STATUTES, INCLUDING, BUT NOT LIMITED TO, N.J.S.A. 40:69A-40(F) AND (K).

Motion by Allen and Stinney to add Resolution No. 238-2011. Allen, yes; Stinney, yes; Prickett, no; Cartier, yes. Motion carried.

Council President Cartier read the title of Resolution No. 237-2011.

Motion by Prickett and Stinney to adopt Resolution No. 237-2011. Prickett, yes; Stinney, yes; Allen, abstain; Cartier, yes. Motion carried.

Council President Cartier read the title of Resolution No. 238-2011.

Motion by Allen and Stinney to adopt Resolution No. 238-2011. Allen, yes; Stinney, yes; Prickett, no; Cartier, yes. Motion carried.

The meeting ended at approximately 11:22 p.m.

Respectfully submitted,

Amy P. Cosnoski, RMC, Deputy Township Clerk