

**TOWNSHIP OF PEMBERTON
REGULAR MEETING AGENDA
MARCH 2, 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

ABSENT

Also present: Township Solicitor Andy Bayer, Township Engineers Chris Rehmann and Kelly Willis; and Deputy Township Clerk Amy P. Cosnoski. Note: Business Administrator Christopher Vaz was present for portions of the meeting but not for its entirety.

CALL TO ORDER

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

CLOSED SESSION

RESOLUTION NO. 69-2011

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:
CONTRACT NEGOTIATIONS WITH DANITOM, POTENTIAL LITIGATION CONCERNING 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 Prickett and Stinney to approve Resolution No. 69-2011.

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

Council President Cartier recessed the open meeting at approximately 6:31 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

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 and seeing no members of the public wishing to make comments closed the meeting to public.

Councilwoman Stinney noted that Administration requested to have Resolution 70-2011 and Resolution 72-2011 pulled. Councilman Prickett requested to have Resolution 75-2011 pulled.

MEETING MINUTES

Meeting minutes as filed by Clerk for Regular Meeting, February 16, 2011.

RESOLUTIONS

RESOLUTION NO. 71-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON A CONTRACT FOR THIRD PARTY PLUMBING SUB-CODE INSPECTION SERVICES (THE "PROJECT") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*, AND INSTRUCTED ALL BIDDERS TO SUBMIT A BID REFLECTING A PERCENTAGE OF THE STATE DCA FEES; AND
WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 40A:11-15(11) PERMITS SAID CONTRACTS TO BE AWARDED FOR A TERM NOT TO EXCEED THREE (3) YEARS; AND

WHEREAS, THREE BIDDERS SUBMITTED BIDS FOR THE PROJECT AND THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER AND ACCORDING BID AMOUNTS IS AS FOLLOWS:

BUILDING INSPECTION UNDERWRITERS, INC.

20 E. TAUNTON ROAD – SUITE 525

BERLIN, NJ 08009

YEAR 1 – 69% OF DCA FEES

YEAR 2 – 69% OF DCA FEES

YEAR 3 – 69% OF DCA FEES; AND

WHEREAS, THE ADMINISTRATION AND THE TOWNSHIP SOLICITOR HAVE REVIEWED ALL BID(S) AND RECOMMEND THAT THE CONTRACT BE AWARDED TO BUILDING INSPECTION UNDERWRITERS, INC. AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO BUILDING INSPECTION UNDERWRITERS, INC.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THIRD PARTY PLUMBING SUB-CODE INSPECTION SERVICES IS HEREBY AWARDED TO BUILDING INSPECTION UNDERWRITERS, INC. AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A THREE (3) YEAR CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND BUILDING INSPECTION UNDERWRITERS, INC. IN AN AMOUNT NOT TO EXCEED 69% OF THE STATE DCA FEES; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 1035-2-51103; AND

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

- A. BUILDING INSPECTION UNDERWRITERS, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 73-2011

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 402 LOT 6, 118 BROADWAY. OWNED BY BRUCE BEATTIE QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF FEBRUARY 9, 2011; 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 402 LOT 6 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO FEBRUARY 8, 2011 ARE \$317.07; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 402 LOT 6 IN THE AMOUNT OF \$317.07 FOR THE YEAR 2011, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2001 TAXES IN THE AMOUNT OF \$1144.90.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF FEBRUARY 9, 2011.

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

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2011 PROPERTY TAXES ON BLOCK 402 LOT 6 AS OF FEBRUARY 9, 2011, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30. 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. 74-2011

WHEREAS, BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS HAS PROPOSED AN AGREEMENT TO THE TOWNSHIP COUNCIL TO MAKE AVAILABLE THE MEALS AND PREPARATION SERVICE FOR SAME BY BUTTONWOOD HOSPITAL, FOR THE PEMBERTON TOWNSHIP SENIOR CITIZENS CENTER LUNCH PROGRAM LOCATED AT BROOK STREET IN BROWNS MILLS FOR FEBRUARY 1, 2011 THROUGH DECEMBER 31, 2011; AND WHEREAS, SAID AGREEMENT PROVIDES FOR AN ALLOCATION OF RESPONSIBILITIES AND OBLIGATIONS FROM SAID AGREEMENT;

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT TO BE IN THE BEST INTEREST OF THE RESIDENTS OF PEMBERTON TOWNSHIP ENTER INTO SUCH AN AGREEMENT FOR SAID PERIOD OF TIME;

NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE ATTACHED AGREEMENT WITH BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS AND BUTTONWOOD HOSPITAL FOR THE AFOREMENTIONED PURPOSES AND AS STIPULATED IN TERMS OF SAID AGREEMENT.

RESOLUTION NO. 76-2011

WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2011 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND

WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATION ADOPTED IN THE YEAR 2011 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$ 6,899,429.20

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:
CURRENT FUND

	GENERAL	
100	ADMINISTRATION	
	SALARY & WAGES	65,000.00
110	COUNCIL	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	1,800.00
120	TOWNSHIP CLERK	
	SALARY & WAGES	40,000.00
	OTHER EXPENSES	5,000.00
130	FINANCE	
	SALARY & WAGES	65,000.00
	OTHER EXPENSES	20,000.00
135	AUDIT SERVICES	
	OTHER EXPENSES	20,000.00
145	TAX COLLECTOR	
	SALARY & WAGES	55,000.00
	OTHER EXPENSES	5,000.00

146	SOLID WASTE	
	SALARY & WAGES	20,000.00
	OTHER EXPENSES	500.00
150	TAX ASSESSOR	
	SALARY & WAGES	45,000.00
	OTHER EXPENSES	500.00
155	LEGAL SERVICES	
	OTHER EXPENSES	100,000.00
165	ENGINEERING SERVICES	
	OTHER EXPENSES	40,000.00
170	URBAN ENTERPRISE ZONE	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	500.00
180	PLANNING BOARD	
	SALARY & WAGES	5,000.00
185	ZONING BOARD	
	SALARY & WAGES	10,000.00
195	CODE ENFORCEMENT	
	SALARY & WAGES	35,000.00
	OTHER EXPENSES	9,000.00
210	OTHER INSURANCE	
	OTHER EXPENSES	220,000.00
215	WORKERS COMPENSATION	
	OTHER EXPENSES	150,000.00
220	EMPLOYEE GROUP MEDICAL	
	OTHER EXPENSES	1,000,000.00
240	POLICE	
	SALARY & WAGES	2,000,000.00
	OTHER EXPENSES	75,000.00
252	EMERGENCY MANAGEMENT	
	SALARY & WAGES	2,500.00
	OTHER EXPENSES	1,000.00
254	FIRE DEPARTMENT	
	OTHER EXPENSES	50,000.00
275	MUNICIPAL PROSECTOR	
	OTHER EXPENSES	15,000.00
290	STREETS & ROADS	
	SALARY & WAGES	400,000.00
	OTHER EXPENSES	75,000.00
300	TRAFFIC SIGNALS	
	OTHER EXPENSES	1,500.00
305	SOLID WASTE COLLECTION	
	OTHER EXPENSES	550,000.00
310	BUILDING & GROUND	
	SALARY & WAGES	300,000.00
	OTHER EXPENSES	100,000.00
315	FLEET	
	SALARY & WAGES	65,000.00
	OTHER EXPENSES	67,000.00
340	ANIMAL CONTROL	
	SALARY & WAGES	30,000.00
370	RECREATION	
	SALARY & WAGES	80,000.00
	OTHER EXPENSES	30,000.00
371	SENIOR CITIZEN SERVICES	
	SALARY & WAGES	40,000.00
490	MUNICIPAL COURT	
	SALARY & WAGES	80,000.00
	OTHER EXPENSES	5,000.00
430	ELECTRICITY	100,000.00
435	STREET LIGHTING	90,000.00
440	TELEPHONE	15,000.00
441	POSTAGE COSTS	5,000.00
446	NATURAL GAS	10,000.00
447	FUEL OIL	15,000.00
455	SEWER	2,000.00
460	GASOLINE	125,000.00
472	SOCIAL SECURITY - TAXES	300,000.00
475	POLICE & FIRE RETIREMENT	300,000.00
2011 EMERGENCY TEMPORARY BUDGET		6,861,300.00
930	BOND INTEREST	4.75
940	STATE & COUNTY PAYMENTS	157.86
BALANCE OF DEBT		
2011	SERVICE	162.61
GRANT	RECYCLING GRANT	37,966.59
RESOLUTION FOR CURRENT FUND		6,899,429.20

2. THAT ONE CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 77-2011

WHEREAS, AN EMERGENT CONDITION HAS ARISEN WITH RESPECT TO PAYMENT OF OTHER EXPENSES OF CERTAIN APPROPRIATIONS AND ADEQUATE PROVISION HAS NOT BEEN MADE IN THE 2011 TEMPORARY BUDGET FOR THE AFORESAID PURPOSES AND N.J.S. 40A:4-20 PROVIDES FOR THE CREATION OF EMERGENCY TEMPORARY APPROPRIATIONS FOR THE PURPOSES ABOVE MENTIONED; AND WHEREAS, THE TOTAL EMERGENCY TEMPORARY APPROPRIATIONS ADOPTED IN THE YEAR 2011 PURSUANT TO THE PROVISIONS OF CHAPTER 96, P.L. 1951 (N.J.S. 40A:4-20), INCLUDING THIS RESOLUTION TOTAL \$ 165,200.00.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, (NOT LESS THAN TWO-THIRDS OF ALL THE MEMBERS THEREOF AFFIRMATIVELY CONCURRING) THAT IN ACCORDANCE WITH THE PROVISIONS OF N.J.S. 40A:4-20:

1. EMERGENCY TEMPORARY APPROPRIATIONS BE AND THE SAME ARE HEREBY MADE FOR:

WATER UTILITY FUND

500	WATER OPERATING	
	SALARY & WAGES	65,000.00
	OPERATING EXPENSES	100,000.00
512	CAPITAL OUTLAY	200,000.00
2011	TEMPORARY EMERGENCY WATER OPERATING	
BUDGET		165,200.00

2. THAT ONE CERTIFIED COPY OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF LOCAL GOVERNMENT SERVICES.

NEW BUSINESS

Special Permit for Social Affair: Pemberton Rotary Club, April 28, 5:45 p.m.-7p.m., at Burlington County College, for Wine & Theater Night fund raiser.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 2/25/11.

Motion by Stinney and Scull to adopt consent agenda as amended. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

OTHER RESOLUTIONS

Resolution Nos. 70-2011 and 72-2011

Motion by Scull and Stinney to table Resolution 70-2011 and Resolution 72-2011 until the March 16th meeting. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion Carried.

Resolution No. 75-2011

Councilman Prickett requested to pull Res. 75-2011 for the administrative contract with CGP&H, LLC, to administer the Small Cities Rehabilitation Program. Councilman Prickett expressed his concern over the cost of the administration contract as it was approximately 39% of the program costs and it was his belief that for grants the administrative costs should not be more than 20%. Mr. Vaz advised that may be the norm for most projects, however that this contract was for CGP&H to administer the entire program. Mr. Vaz explained that the \$78,430 would count towards the cash match requirement of the grant. Councilman Prickett continued to voice his concern over the amount being paid to administer the program when that money could be used towards rehabilitating the homes and he asked that the resolution be tabled so that he can look into it further if this did not have to be adopted at this meeting. Mr. Vaz reflected that this RFP was the only one received for this and Mr. Bayer advised that they can always ask to negotiate a lower price. Discussion ensued regarding the qualifications of CGP&H and it was a consensus of Council that they are well qualified; however they would like to see if it can be negotiated to a lower price. Mr. Vaz offered to have CGP&H meet with any of the Council Members so they could ask them any of their questions on what would be done.

Motion by Prickett and Scull to table Resolution 75-2011 until the March 16th meeting. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Resolution No. 64-2011

Council President Cartier advised that Administration requested this Resolution be tabled since they have been diligently working on the budget and was not able to get the information together for this resolution.

Motion by Scull and Stinney to table Resolution 64-2011 until the March 16th meeting. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 7-2011 (title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, AMENDING AN ORDINANCE ESTABLISHING SALARIES, COMPENSATION AND BENEFITS OF PEMBERTON TOWNSHIP MUNICIPAL EMPLOYEES

Motion by Stinney and Allen to introduce with a public hearing on March 16th, 2011. Stinney, yes; Allen, yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carried.

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

ORDINANCE NO. 3-2011 (title read by Council President Cartier)

AN ORDINANCE AMENDING CHAPTER 10, ARTICLE II, ENTITLED "NONPROFIT ORGANIZATIONS," OF THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, IN ORDER TO REQUIRE CONTRACTUALLY BASED STANDARDS AND CONDITIONS IN CASES OF CONTRIBUTIONS TO VOLUNTEER FIRST AID OR EMERGENCY MEDICAL SERVICES ORGANIZATIONS UNDER N.J.S.A. 40:5-2

Council President Cartier noted that the Administrator advised Council that he had not heard back from Pemberton First Aid Squad and further advised Mr. Vaz will not be able to give the presentation previously discussed due to budget preparation. Councilman Allen asked if this was tabled would Mr. Vaz be giving the presentation at the following meeting. Council President Cartier noted that is what the memo eluded too. Councilwoman Scull asked if his presentation was needed. Council President Cartier advised that request had come from the public.

Motion by Scull and Prickett to table Ordinance 3-2011 until March 16th meeting. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 4-2011 (title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REQUIREMENTS FOR THE PROPER HANDLING OF LEAVES AND OTHER YARD DEBRIS

Solicitor Andrew Bayer read the changes into the record:

1. Penalty for violators was changed to a fine not to exceed \$300 per violation.
2. Definition for grass clippings was further defined as grass clippings generated from mowing grass or de-thatching lawns.
3. Specific dates for leaf pick up were removed from the ordinance and a statement was added that specific dates would be determined by the Superintendent of Public Works and approved and advertised by the Business Administrator.

Motion by Scull and Stinney to adopt Ordinance 4-2011.

Council President Cartier opened the meeting to the public on the changes to the ordinance and seeing no members wishing to speak closed the meeting to the public.

Councilman Prickett questioned the 6" diameter limit noted under item #7 and after discussion it was determined that it was not needed and could be struck from the ordinance and would not be considered a substantial change.

Motion by Scull and Stinney to adopt with correction to Ordinance 4-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 5-2011 (title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING ACCEPTANCE OF DONATION OF PROPERTY FROM SUN NATIONAL BANK

Motion by Scull and Stinney to adopt Ordinance No. 5-2011.

Council President Cartier opened the meeting to the public for comment on Ordinance 5-2011.

Steve Skulimoski, Browns Mills, asked about the lighting and wanted to know where they stood on that. Mr. Bayer advised that they did not reach an agreement on that with the bank to provide the lighting and the lighting will be moved onto their property.

Council President Cartier noted that Mr. Skulimoski is correct and he was the one that argued along with Mr. Inge at the time about leaving the lighting in place as they believed it is going to end up being too dark and used as a hang out if it is left that way.

Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, no. Motion carried.

NEW BUSINESS

Approves PTMUA's award of 2011 professionals contracts for Attorney, Auditor and Engineer, as to the fees.

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

Designation of Council sub-committee to review RFPs received for the following projects:

1. Federal Legislative Advocacy Services for Country Lakes Infrastructure Improvements. *This was removed from the budget by Administration and will not be needed and was not acted on by Council.*
2. Special Counsel Re: Downtown Redevelopment EB-5 Program Advisor

Council President Cartier noted that this is something that will be needed in a few months and Council can either vote on it now or at some other time. Councilman Prickett commented that this might not be necessary as the UEZ designation may be rescinded by the end of June. Councilwoman Scull questioned how this would affect our redevelopment program. Council President Cartier noted that this will not stop our redevelopment program. Councilman Prickett additionally noted that without the enticement of the UEZ it will be a loss for Pemberton Township. Councilwoman Stinney suggested that Pemberton and Mount Holly get together as they have done in the past to lobby for the UEZ. Councilwoman Scull and Councilman Allen volunteered to be on the sub-committee.

GENERAL PUBLIC COMMENTS

John Shaw, Browns Mills – Commented that he had brought up in October or November last year the issue of the white stripe on Hanover Boulevard at East Lakeshore needing to be replaced, it had not been done yet and he would like to know the status. Councilwoman Scull asked if that was Township or County responsibility. Council President Cartier noted that East Lakeshore is a Township road; the County road goes up West Lakeshore. Mr. Shaw was advised that he would need to contact Administration during the day. Ms. Willis advised Mr. Shaw that they have taken note and will discuss it with Administration.

Scott Hamilton, Browns Mills – Commented that he knows the budget is probably already done but hopes that the Township is prioritizing things like they should. Mr. Hamilton noted the items that concern him are police and law enforcement, infrastructure maintenance and then personnel required by law. He does not think they are in the situation to be spending money on fun and games and that they are in bad times and does not think people are grasping how bad it is. He suggested they look at the salaries and compare them to what others get paid for the same job in the private sector and see if anything can be done to lower those. He doesn't want to see anyone lose their job if they are a good employee and they want to work. He commented on a previous tax increase and was told it was being done to save jobs and then heard of large increases that some supervisors received noting that he never received a raise like that in all the years he was a good employee at the insurance company. He feels like people are laughing at him because he keeps warning everybody about how bad things are going to get, but then others are taking him seriously because they see it too. He would just like to see everyone slow down a bit and learn from the mistakes of the past. He does not want to see the town go one more dime into debt. Commented that all the great civilizations in history have had a distinct beginning and an end and he fears they are closing in on their end. Mr. Hamilton thanked the Council for their time.

Ed Tornquist, Country Lakes – Questioned what he had heard about Country Lakes being dropped from the budget. He noted he is on the board of the Country Lakes Home Owners Alliance and they are concerned about what is going to happen with their lakes. Mr. Tornquist was advised that Country Lakes was not dropped from the budget, it was the cost of the lobbyist that was dropped from the budget and they were going to be used to look for money to fix the dams in Country Lakes.

Shem Miller, Presidential Lakes – Commented that he comes to these meetings expecting that things are taken care of and approved and well thought out, but was disappointed as it appeared Council fumbled around with an ordinance and then voted on it based on one individual's opinion.

George Petronis, Browns Mills – Expressed that they are all pretty quick to criticize what they

don't like and they should but it is human nature to say nothing when things are done well, and noted for what it is worth he would like to thank Council and the Administration for following through on a promise and Tabling 3-2011 until there is time for a public presentation from the Administration.

Mike Balas, Pemberton Borough – Mr. Balas noted that although he is not a Township resident, he does run the Township sponsored baseball program. He noted his concerns regarding the concession stand agreement with another organization as he was not consulted on this agreement and it would interfere with his game schedules. Mr. Balas additionally expressed his concerns over allowing the smaller organization cutting out the Township sponsored organization from using the concession stand. Mr. Balas gave a history of the smaller organization and that it came about as they were not happy with his organization. He noted that he does not have a problem with anyone starting their own organization if that is what they want to do, but he believes this organization is not based in their town and it is being falsely advertised to businesses in town that it is Pemberton based. Mr. Balas advised that he has been having an issue with getting a return phone call or an answer from the Township on issues related to the sports complex. He noted that he had made an unofficial agreement with the Recreation Department to pull all of his teams from using the Presidential Lakes field to accommodate the other organization; additionally he was unable to get use of some of the school fields because they are being used by that organization. He is concerned that an organization with 3 teams is taking away from his organization that has 30 teams and the Township is supporting this. Mr. Balas advised that his organization with the help of many volunteer parents do a lot of maintenance and improvement to the sports complex fields. Their volunteers have really picked up the last few years and they spend a lot of their time and resources on the fields and due to a successful fundraising year they are planning on spending approximately \$40,000.00 fixing the dugouts this year. He noted that a lot of these volunteers are questioning how they are doing all the work to maintain the fields and other organizations are being allowed to use them without putting their time in. His organization is also the only sports organization in town that does the background checks; in addition he has been trying to get grants and has requested help in the past in writing those grants. Another issue he has been trying to get an answer on is the use of one of the storage sheds at the sports complex and he is given a different answer each time, he would like a definitive answer from Administration on who is going to be utilizing the sixth storage shed. He commented that he has requested signage along Four Mile Road for four to five years now to prevent parking along their due to the unsafe conditions. Council President Cartier asked the Engineer to check with the County on that. Mr. Balas requested information on permits he may need for a wrestling event they will be holding and was advised by the Deputy Clerk that he may need a parade permit and would get him that paperwork the next day. Councilman Prickett asked how many games the SJW program have across the street. Mr. Balas noted that last year he had three games that got moved from the sports complex fields because of SJW and for two of the games no one showed up. Council President Cartier advised that he did receive information that the other organization was requesting use of the concession stand in July and August. Mr. Balas noted that he still uses the fields in July for the Sr. Babe Ruth program. Councilman Prickett asked Mr. Balas how significant the funds from the concession stand were to his organization. Mr. Balas advised that they made approximately \$7,000.00 in profit last years. Councilman Prickett noted that the township is involved in maintaining the fields as well. Mr. Balas commented on the trash pick up and notes that he has done it with his own vehicle because it only gets picked up once a week. Mr. Balas gave a breakdown of the fees for participation in his organization and noted that the funds received from the Township do not cover everything and he noted the things he has done to help save on those costs. Councilwoman Scull noted her concern about how residents would know who is running the concession stand if there are two groups running out of the building and additionally concerned that no one had discussed this with Mr. Balas. Council President Cartier noted for the record that he has tried to recuse himself from this discussion as he is affiliated with the baseball organization as an officer and noted it was a very well run organization. Councilwoman Stinney thanked Mr. Balas for the great job he does with the hundreds of kids in Pemberton Township through his organization.

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

Solicitor's report. – No comments.

Engineer's report. – Ms. Willis advised Council that they went before DEP requesting a change in the timeline on the ACO for Well #13 for the gravel pack issue and they did grant the extension. The extension was requested to allow time to get Well #12 on line. Council President Cartier asked about contamination concern with Well #13. Ms. Willis advised that there are no immediate concerns regarding contamination, the concerns are for far in the future when the casing eventually erode, however when the gravel pack problem is fixed the well can be sealed and there would be no concern of contamination. Mr. Rehmann advised that the Water

Department is doing the required testing of the wells on at least a quarterly basis and sometimes more than that. Ms. Willis additionally advised Council that the 2010 Road Program is starting up again with the nicer weather and she will be attending the Pemberton Historic Trust meeting on Monday night.

Council Members' Comments.

Diane Stinney thanked the Council President for allowing her to dialogue during Public Portion comment and she thanked all the public for coming out and continue giving them support.

Sherry Scull announced the date and time of the school budget meeting as March 3, 2011 at 7pm at the Pemberton Township High School Library. She noted that the state aid was better than expected and the 3 and 4 year old program remains intact for next year. Additionally she thanked all those that wrote letters to the Governor and noted that Kathy Forman delivered 500 letters to the Governor's office and to the representative's offices. She thanked everyone for coming out.

Jason Allen thanked everyone for coming out and noted it was nice seeing so many people show up. Commented to Mr. Hamilton that is always nice hearing his insight and his genuine concern about the township. Commented to Mr. Balas that although he has never been a baseball player, he enjoyed hearing about his program and the service that it provides to the kids and the Township. Thanked everyone for coming out.

Richard Prickett announced the Township budget hearings were next Tuesday and Wednesday, March 8th & 9th starting at 6:30 p.m. He commented that he hopes it would not be a repeat of last year where only two people were in the audience. He noted that he believes it is very important for the public to be in attendance. Councilman Prickett expressed that Mr. Hamilton was right and they have to look at every penny and in order to do that they need to look at every line. He advised Mr. Hamilton that he could find the Township financial documents on the website. He noted that he has a lot of concerns about this budget. He wished everyone a good night and hoped to see them next week at the budget hearings.

Ken Cartier asked the Deputy Township Clerk, if the budget is made available at the library. Ms. Cosnoski noted that it normally is not prior to introduction, but would look into getting copies there and further advised that there would be copies available at the public hearings and in the front office. Council President Cartier noted that it is important to have it available to the public so they can be prepared with their questions as well as Council. In addition, Council President Cartier noted that the Mayor advised him that he will meet his statutory requirement to have the budget to them by tomorrow or possibly on their desks this evening. He emphasized that if they come to the hearing prepared with their questions, the review can be done in an orderly fashion and he does not believe it is productive to go line by line. He wished everyone a good night and looks forward to seeing them at the meetings.

The meeting was adjourned at approximately 8:32 pm.

Respectfully submitted:

Amy P. Cosnoski, RMC/CMR
Deputy Township Clerk