

TOWNSHIP OF PEMBERTON
REGULAR MEETING
APRIL 6, 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: Mayor David Patriarca, Business Administrator Christopher Vaz, Township Solicitor Andy Bayer, Township Engineer Kelly Willis, 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. 93-2011

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:
DANITOM CONTRACTRACT NEGOTIATIONS FOR DTDR; TOWNSHIP OF PEMBERTON VS. SAMMY UTHMAN (BUSTER'S) LITIGATION; ATTORNEY CLIENT PRIVILEGE.
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 Scull to approve Res. No. 93-2011. Prickett, yes; Scull, yes; Allen, yes; Stinney, 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 called for a moment of silence for Congressman John Adler and asked that his family be kept in everyone's thoughts.

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. 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.

MEETING MINUTES

Meeting minutes as filed by Clerk for Special Meeting, March 8, 2011 and Special Meeting, March 9, 2011.

RESOLUTIONS

RESOLUTION NO. 94-2011

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.

DOROTHY WILDE
ANGELINA WATTERS
SHANTEL TAYLOR
ERIN PHILLIPS

RESOLUTION NO. 95-2011

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

AMIT & URVASHI PATEL, \$1,777.34, OVERPAYMENT OF PROPERTY TAXES, BLOCK 841, LOT 52.02

KEN LANG, \$25.00, DUPLICATE PAYMENT OF RENTAL INSPECTION, BLOCK 645, LOT 8

RESOLUTION NO. 96-2011

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

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

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 533 LOT 17,

31 ASTON ST.. OWNED BY EDWARD WILDER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF MARCH 14, 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 533 LOT 17 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO MARCH 13, 2011 ARE \$969.84; AND WHEREAS, TOTAL TAX FOR FIRST HALF OF 2011 - \$ 2,423.51 OF WHICH TAXES HAVE BEEN PAID IN THE AMOUNT OF \$1,211.76 FOR THE YEAR 2011, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FIRST HALF 2011 TAXES IN THE AMOUNT OF \$1,211.75 AND ISSUE A REFUND OF \$241.92 FOR OVERPAYMENT OF 1ST ¼ 2011.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF MARCH 14, 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 533 LOT 17 AS OF MARCH 14, 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.

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$241.92 TO: EDWARD WILDER, 31 ASTON ST., BROWNS MILLS NJ 08015.

RESOLUTION NO. 97-2011

WHEREAS, THE PROPERTY OWNER ON THE ATTACHED SCHEDULE, NAMELY DAVID RODRIQUEZ OF 138 OLIVE STREET (BLOCK 258, LOT 51-58) WAS IN VIOLATION OF CHAPTER 145 OF THE CODE OF TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON AFTER SERVING THE REQUIRED NOTICES, AND HAVING RECEIVED NO RESPONSE, PROCEEDED WITH THE NECESSARY ACTION THROUGH THE CODE ENFORCEMENT OFFICE TO ABATE THE VIOLATIONS; AND

WHEREAS, THE SUPERINTENDENT OF PUBLIC WORKS HAS CERTIFIED COSTS OF THE AFOREMENTIONED ACTION AS SET FORTH IN THE ATTACHED SCHEDULE.

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A MAINTENANCE LIEN UPON THE PROPERTY IN THE AMOUNT OF \$518.98 AS SET FORTH IN THE ATTACHED SCHEDULE.

RESOLUTION NO. 100-2011

WHEREAS, THE NEW JERSEY URBAN ENTERPRISE ZONE ACT, SPECIFICALLY, N.J.S.A. 52:27H-66.6, PROVIDES THE CRITERIA FOR EXISTING UEZ COMMUNITIES TO REQUEST A 16-YEAR EXTENSION OF THE UEZ PROGRAM, FOLLOWING THE FIRST 15 YEARS OF DESIGNATION; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON UEZ WILL COMPLETE THE 15TH YEAR OF INITIAL DESIGNATION ON MAY 23, 2011; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON MEETS THE CRITERIA FOR EXTENSION SINCE THE AVERAGE ANNUAL UNEMPLOYMENT RATE FOR PEMBERTON TOWNSHIP IN 2010 (11.1%) EXCEEDS THE AVERAGE ANNUAL UNEMPLOYMENT RATE FOR THE STATE OF NEW JERSEY (9.7%) FOR THE SAME PERIOD.

NOW, THEREFORE, BE IT RESOLVED, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, DOES HEREBY REQUEST A 16-YEAR EXTENSION OF THE UEZ PROGRAM IN PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED, THAT THE TOWNSHIP CLERK SHALL FORWARD CERTIFIED COPIES OF THIS RESOLUTION TO THE NEW JERSEY URBAN ENTERPRISE AUTHORITY AND THE UEZ COORDINATOR.

RESOLUTION NO. 101-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-36(6) MAY BY RESOLUTION OF ITS GOVERNING BODY AUTHORIZE THE PRIVATE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE WITHOUT ADVERTISING FOR RECEIPT OF BIDS WHEN SUCH PROPERTY TO BE SOLD DOES NOT EXCEED THE APPLICABLE BID THRESHOLD IN ANY ONE SALE; AND

WHEREAS, THE BROWNS MILLS EMERGENCY SQUAD (BMEMS) RECEIVED A GRANT TO BE USED FOR THE PURCHASE OF A NEW AMBULANCE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HOLDS TITLE TO ONE (1) USED BOX STYLE AMBULANCE THAT IS NO LONGER NEEDED FOR PUBLIC USE DUE TO THE AGE AND CONDITION OF THE VEHICLE; AND

WHEREAS, THE TOWNSHIP WISHES TO CONVEY THE USED AMBULANCE (VIN NO. 1FDXE40F1XHB77837, A 1999 HOR WAGON) TO BMEMS SO THAT IT WILL SPECIFICALLY BE USED AS A TRADE-IN FOR THE VALUE OF \$2,500 TOWARD THE PURCHASE OF THE NEW AMBULANCE; AND

WHEREAS, THE BMEMS INCLUDED THE TRADE-IN AS PART OF ITS SPECIFICATION WHEN BMEMS RECEIVED BIDS FOR THE NEW AMBULANCE AND THE SUCCESSFUL VENDOR OFFERED A TRADE-IN VALUE OF \$2,500; AND

WHEREAS, THE TRADE-IN VALUE OF THE USED AMBULANCE DOES NOT EXCEED THE APPLICABLE BID THRESHOLD; AND

WHEREAS, IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO ENSURE THAT BMEMS HAS SAFE VEHICLES SINCE BMEMS PROVIDES SERVICES TO THE TOWNSHIP.

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

1. THAT THE BUSINESS ADMINISTRATOR IS AUTHORIZED TO TRANSFER 1999 FORD HORTON AMBULANCE VIN. NO. 1FDXE40F1XHB77837 TO THE BROWNS MILLS EMERGENCY SQUAD AND TO EXECUTE ANY DOCUMENTS NECESSARY FOR THAT PURPOSE; AND
2. THAT THE SALE IS AUTHORIZED TO BE MADE SOLELY FOR TRADE-IN FOR AND CONSIDERATION OF THE NEWLY PURCHASED 2011 FORD F3H WAGON (VIN. NO. 1FDRF3HT0BEB49712); AND
3. THAT THE TOWNSHIP COUNCIL FIND THAT THIS TRADE-IN BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF MAINTAINING A SUFFICIENT FLEET OF VOLUNTEER EMERGENCY MEDICAL SERVICES VEHICLES; AND
4. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE BROWNS MILLS EMERGENCY SQUAD.

RESOLUTION NO. 102-2011

WHEREAS, IN ORDER FOR THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL TO OPERATE AIRCRAFT AND APPLY MOSQUITO LARVICIDE AND/OR ADULTICIDE OVER PEMBERTON TOWNSHIP IN 2011, IT IS NECESSARY FOR THE MAYOR TO EXECUTE AN AGREEMENT; AND

WHEREAS, THE AGREEMENT IS REQUIRED BY FAA REGULATIONS AND IS REQUESTED ANNUALLY.

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

1. THAT THE MAYOR AUTHORIZED TO EXECUTE THE ATTACHED AGREEMENT/AUTHORIZATION; AND
2. THAT THE DIVISION OF MOSQUITO CONTROL IS AUTHORIZED TO PERFORM ITS AERIAL APPLICATIONS OVER PEMBERTON TOWNSHIP DURING 2011; AND
3. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL.

RESOLUTION NO. 103-2011

BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE CHIEF FINANCIAL OFFICER IS HEREBY AUTHORIZED AND DIRECTED TO REFUND MONIES TO THE FOLLOWING PERSONS FOR THE AMOUNTS AND REASONS SET FORTH:

SABRINA PERKINS, \$55.00, UNABLE TO ATTEND YOGA FOR WOMEN PROGRAM

JOANNA MULCAHY, \$30.00, UNABLE TO ATTEND ZUMBA PROGRAM

AMANDA MAY, \$40.00, UNABLE TO ATTEND ZUMBA PRORAM

RUBY TUCKER, \$187.50, UNABLE TO ATTEND SPRING BREAK CAMP

RESOLUTION NO. 104-2011

A RESOLUTION AUTHORIZING A COOPERATIVE AGREEMENT BETWEEN THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION FOREST FIRE SERVICE FOR LOAN OF FEDERAL EXCESS PERSONAL PROPERTY

WHEREAS, THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY IS A FIRE DEPARTMENT LOCATED WITHIN THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AND IS ENGAGED IN THE PREVENTION AND SUPPRESSION OF FIRES; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY CAN MORE ADEQUATELY CARRY OUT ITS DUTIES IF ADDITIONAL EQUIPMENT IS AVAILABLE; AND

WHEREAS, PURSUANT TO THE FEDERAL PROPERTY AND ADMINISTRATIVE SERVICES ACT (40 U.S.C. 521) CERTAIN TYPES OF VEHICLES AND EQUIPMENT CAN BE PROVIDED TO ENTITIES FOR THE PURPOSE OF WILDFIRE AND RURAL FIRE SUPPRESSION, AND THE COOPERATIVE FORESTRY ASSISTANCE ACT (16 U.S.C. 2101) ALLOWS THE LOAN OF FEDERAL EXCESS PERSONAL PROPERTY ("FEPP") BY THE STATE FORESTER TO RURAL FIRE DEPARTMENTS; AND

WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY, FOREST FIRE SERVICE (THE "FOREST FIRE SERVICE") HAS DETERMINED IT TO BE ADVANTAGEOUS IN THE DISCHARGE OF ITS RESPONSIBILITIES TO MAKE CERTAIN FEPP AVAILABLE TO QUALIFIED COOPERATORS; AND

WHEREAS, THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY DESIRES TO ENTER INTO A FIVE (5) YEAR COOPERATIVE AGREEMENT (THE "COOPERATIVE AGREEMENT") WITH THE FOREST FIRE SERVICE FOR THE PURPOSE OF:

1. ENHANCING THE ORGANIZATION OF FIRE PROTECTION ON FORESTED, WILD LAND/URBAN INTERFACE, AND RURAL LANDS THROUGHOUT THE STATE;
2. PROVIDING THE CLOSEST POSSIBLE MUTUAL AID COOPERATION IN SUPPRESSING WILDFIRES AND RURAL FIRES; AND

WHEREAS, AS PART OF THE COOPERATIVE AGREEMENT THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY WILL ACCEPT CERTAIN VEHICLES AND/OR EQUIPMENT AS FEPP ON LOAN FROM THE FOREST FIRE SERVICE, AS SET FORTH MORE FULLY IN THE COOPERATIVE AGREEMENT; AND

WHEREAS, THE FIRE FOREST SERVICE HAS DEMONSTRATED THAT IT IS QUALIFIED TO PROVIDE THE REQUIRED SERVICES IN THE MANNER AND ON THE TERMS AND CONDITIONS SET FORTH IN THE COOPERATIVE AGREEMENT.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A FIVE (5) YEAR COOPERATIVE AGREEMENT, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE PEMBERTON TOWNSHIP VOLUNTEER FIRE COMPANY AND THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION, DIVISION OF PARKS AND FORESTRY, FOREST FIRE SERVICE FOR THE LOAN OF FEDERAL EXCESS PERSONAL PROPERTY.

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

OF THE FOLLOWING:

- A. NJDEP FOREST FIRE SERVICE
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

NEW BUSINESS

Purchases at \$2,625.00 or over:

1. Public Works Dept.: 501 25-Gallon Recycling Buckets from TM Fitzgerald & Association, in the amount of \$6,262.50.

Licenses and Permits:

- *1. 2011 Pine Barrens 300 Adventure Ride: Off road tour of Pine Barrens through State Parks and Wildlife Management areas, 4/16 & 17/2011.
- *2. South Jersey Enduro Riders: Off-highway motorcycle event through Byrne State Forest, 6/26/11.
- *3. Social Affair Permit: Burlington County College Alumni Association, Scholarship Fund Raiser w/wine, at Parker Center Student Lounge, 4/14/11, 5PM-7:30PM
- *4. Social Affair Permit: Pemberton Rotary Club: Wine & Theater fund raiser at Burlington County College, 4/28/11, 5:45PM-7PM.

Acknowledgement/Affirmation of fire company memberships: Dorothy Wilde, Shantel Taylor, Angelina Watters.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 4/1/11.

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

OTHER RESOLUTIONS

RESOLUTION NO. 98-2011

TO AMERICAN BUS & COACH, LLC, FOR THE PURCHASE OF A SENIOR CITIZEN TRANSPORTATION BUS
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PURCHASE OF A BUS FOR TOWNSHIP SENIOR CITIZENS IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND
WHEREAS, THE LOWEST RESPONSIBLE BIDDER IS AMERICAN BUS & COACH, LLC HEADQUARTERED AT 2515 EAST STATE STREET, TRENTON, NJ SUBMITTING A BID OF \$47,887.00; AND
WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED AMERICAN BUS & COACH, LLC'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND
WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO AMERICAN BUS & COACH, LLC 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 THE LOWEST QUALIFIED BIDDER, AMERICAN BUS & COACH, LLC FOR THE PURCHASE OF A BUS.
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 A NEW BUS FOR TOWNSHIP SENIOR CITIZENS BE AND HEREBY IS AWARDED TO AMERICAN BUS & COACH, LLC AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND AMERICAN BUS & COACH, LLC IN AN AMOUNT NOT TO EXCEED \$47,887.00; AND
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 0-01-28-371-000-999; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. AMERICAN BUS & COACH, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Council President Cartier noted that he requested to have this listed separately in anticipation of discussion. Councilwoman Scull asked if this was for a new bus for the Seniors and was advised by Mr. Vaz that it was. Council President Cartier asked where the funds were coming from and it was noted that these funds were approved in 2010. Councilman Prickett asked what would happen to the buses they currently have and Mr. Vaz advised they would be sold once the new bus is received. Councilwoman Scull relayed that it was reported to her by the Seniors the poor condition of the current buses and expressed they need to be replaced.

Motion by Scull and Stinney to approve Res. 98-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 99-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES (COLLECTIVELY "IT SERVICES") FOR USE BY THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACT LAW, N.J.S.A. 40A:11-1, ET SEQ. ; AND

WHEREAS, THE LOWEST RESPONSIBLE BIDDER IS COMPUTER SOFTWARE, INC. HEADQUARTERED AT 100 HIGHPOINT DRIVE, SUITE 104 CHALFONT, PA 18914, SUBMITTING A BID OF \$77,040.00 FOR 24 MONTHS OF SERVICE AT \$3,210.00 PER MONTH; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED COMPUTER SOFTWARE, INC.'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO COMPUTER SOFTWARE, 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 THE LOWEST QUALIFIED BIDDER, COMPUTER SOFTWARE, INC., FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR USE BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO COMPUTER SOFTWARE, INC., AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND COMPUTER SOFTWARE, INC. FOR THE PROVISION OF COMPUTER NETWORKING AND INFORMATION TECHNOLOGY SERVICES FOR A 24 MONTH PERIOD IN AN AMOUNT NOT TO EXCEED \$77,040.00 AT \$3,210.00 PER MONTH; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBERS 1-01-20-130-000-290 AND T-14-56-286-200-999; AND

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

- A. COMPUTER SOFTWARE, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Councilwoman Scull questioned what this contract was for and was advised by Mayor Patriarca that this is a contract done every two years for their computer service technicians that take care of all of their computer needs. Councilman Prickett questioned if this was for the networking and how do they know what they are getting for the price. Mayor Patriarca advised that the company has a technician at their location one day a week where they take care of any issues that may arise and they additionally can access their network remotely to take care of any urgent issues that occur while they are not here. Council President Cartier asked about the amount on the bill list and difference in price listed on the contract and it was noted that CSI will at times purchase needed items such as cables and hard drives and that is added to the monthly bill.

Motion by Scull and Stinney to approve Res. 99-2011. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 9-2011

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

Council President Cartier read the ordinance by title. Council President Cartier advised that this establishes the stipend for the Licensed Water Operator. Mr. Vaz explained that it has been in the budget but statutes require a salary ordinance be done. Councilman Prickett asked if this was for the Water Superintendent and Mayor Patriarca advised it was for the Water Supervisor to compensate for the use of his license which Pemberton Township is required by law to have a Licensed Water Operator.

Motion by Stinney and Prickett to introduce Ord. 9-2011 with a public hearing on April 20th. Stinney, yes; Prickett, yes; Scull, abstain; Allen, yes; Cartier, yes. Motion carried.

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

ORDINANCE NO. 8-2011

ORDINANCE TO EXCEED THE MUNICIPAL BUDGET APPROPRIATIONS LIMIT AND TO ESTABLISH A CAP BANK

Council President Cartier read title of ordinance.

Motion by Stinney and Allen to adopt Ord. 8-2011.

Council President Cartier opened the meeting for public comment on the ordinance and seeing no members of the public wishing to speak he closed the meeting to public comment.

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

NEW BUSINESS

Discussion regarding BMIA Building.

Council President Cartier advised that this was listed on the agenda at the request of Council. He further advised that information was requested from Administration regarding the funds spent and what is still available from Ordinance No. 14-2010 and this information was in Council's agenda packages.

Mayor Patriarca advised the ordinance was for \$277,000.00 and there is a balance of \$256,000.00, so approximately \$21,000.00 has been expended from the ordinance. He further noted that most of those funds were expended for the new Police Entrance and there is an approximately \$5,000.00 encumbrance for the BMIA building. Council President Cartier asked what the status of the BMIA building is and Mayor Patriarca advised that the project is on hold and that the Department of Public Works is soliciting quotes for air quality control samples and then remediation of the mastic on the kitchen floor and then it will be Council's decision where they want to go with the project.

Councilman Prickett asked about the ordinance they received from the Solicitor canceling the old bond balances and Council President Cartier noted that they also received additional information from Mr. Vaz who did some research on the ordinance. Mr. Vaz advised that if they do the ordinance as Mr. Bayer has written they will reduce the amount of monies spent however those monies would go towards surplus for next year; it will not affect this year's budget. Councilwoman Scull noted that it may end up costing a substantial amount of money to fix the problem at the BMIA building so they may need to utilize those funds this year. Council President Cartier further explained that the funds in the ordinance can be redirected towards another capital project such as the water system. Council President Cartier asked Council to keep in mind as to what projects they think can be put on hold and which projects they need to move forward with. Councilman Prickett noted that he would like to see the same type of information for the 2007-2009 budget years and thinks from this point forward that Council should review the information yearly so monies from ordinance and grants are directed properly. Mayor Patriarca advised that they are currently working on a report that will evaluate all of the capital projects and has gone back as far as budget year 2002. Council President Cartier stated that Council looks forward to seeing the report. Councilman Prickett added that he would like to see a monthly financial report, not just the bill list.

GENERAL PUBLIC COMMENTS

Council President Cartier opened the meeting for general public comment.

Council President Cartier asked Councilwoman Stinney to invite her guest forward at this time and Councilwoman Stinney asked Mr. Wallace to come forward. Councilwoman Stinney noted that they had spoken with Mr. Wallace about some great things going on at Deborah Hospital and she invited him here to share it with Council.

Jim Wallace, Community and Government Relations Officer at Deborah Hospital – Mr. Wallace advised that he is the external face for Deborah and has been with them for six weeks now. He distributed to Council a card with some information and facts regarding Deborah and noted that many people after seeing the information noted they didn't know some of those things about Deborah. Mr. Wallace relayed that Deborah has been in the community for approximately 90 years and its mission is to provide the highest quality in patient and out patient services for heart, lung and vascular disease. Deborah is a specialty hospital, New Jersey has 76 general acute care hospitals and only one specialty hospital. Mr. Wallace

advised that getting the Lourdes Emergency Department at Deborah is not only a big deal for the community but also the State and noted that the emergency department has been terrific for Deborah with just over 1,000 admissions in 2010. He explained there have been many questions over the last few years regarding the stability of Deborah and he advised that he had sufficient confidence in Deborah to come to Deborah at this point in his career and he thinks Deborah is going to be here for a long time. Mr. Wallace reported that Deborah treats every patient without respect of their ability to pay and there are only four medical institutions in the United States that can make that statement, Deborah being one, St. Jude Children's Hospital, Shriners Hospital for Children and City of Hope. Deborah Hospital has never billed a patient, they will take your health insurance if you have it, however they do not bill the patient for the balance. Mr. Wallace pointed out that last year Deborah waived \$14,000,000.00 in balances of co-pays and deductibles. Mr. Wallace advised of the key leaders of Deborah Hospital, Board Chairman Paul Stendardi, CEO Joe Chirichella, COO Joseph Manni, CFO Grant Leidy, VP of Patient Care Rita Zenna and VP of Medical Affairs is Dr. Lynn McGrath, MD. Mr. Wallace explained that Dr. McGrath is a cardio thoracic surgeon and has done more heart surgeries than any other cardio thoracic surgeons in the United States. Mr. Wallace advised that Deborah employs approximately 1,000 employees with a budget of \$145,000,000.00 with about half of that being a salary budget and those are dollars that will be spent and re-spent in the community. Mr. Wallace went on to explain some of the services that are provided by Deborah and how that has changed over the years. Mr. Wallace highlighted the new things at Deborah such as the Lourdes Emergency Department which has been great for the community and opening this month will be the Joselin Diabetes Center which is affiliated with the center in Boston and a wound center which will open by the end of the year, in addition they are developing a women's heart care center. He further explained there will be strategy discussions to see where Deborah is going next and he would like to have discussions with Council and the community to get a sense of what they think Deborah needs next.

Councilwoman Scull noted that she is somebody who loves Pemberton Township and the history which includes Deborah Hospital and she is excited to see someone who is a six week employee have such enthusiasm and knowledge. Councilman Allen commented that it was a pleasure meeting Mr. Wallace and although it is always a sad thing to hear about people being admitted to the hospital but it is a good thing that they have Deborah to provide these services. Councilman Allen asked what duration of time the \$14,000,000.00 waived co-pays and deductibles was for. Mr. Wallace advised that was for a one year period. Councilman Pricked asked Mr. Wallace how much of their \$144,866,000.00 budget was through donations and Mr. Wallace said he did not have that number this evening but would get back to him on that. Councilman Prickett commented that he was proud of Deborah and it is a beneficial thing for Pemberton Township as well as Burlington County and beyond.

Claire Wadsworth, Browns Mills – 1. Confirmed Mr. Wallace's statement regarding Dr. McGrath, he was her mother's surgeon less than a year ago. 2. Asked the Mayor if he had the amount of funds regarding funded projects and grant projects that have not been done, Mayor Patriarca noted that he does not have that amount at this time. Ms. Wadsworth noted that she agrees it is a good idea for Council to review this on an annual basis. 3. Commented on the Mayor's statements at the prior meeting regarding partisan bickering, noting that he personally named her and ridiculed her ability to understand the budget process. Ms. Wadsworth shared that she has an extensive back ground in accounting and she spent many days before the budget hearing studying the budget in detail with the goal of offering specific and reasonable suggestions at the public budget hearings. She commented that maybe the Mayor does not believe the public can think for themselves and she is sure other residents spoke with Members of Council regarding the budget. She expressed belief that the fact that she came up with the same budget cut suggestions as a Council Member who has served more than 8 years supports that her suggestions may have merit and that she does understand the budget process. Additionally Ms. Wadsworth felt that the Mayor's suggestion that she come to him and Administration to privately discuss the budget is opposite of what a public budget process is all about and makes her wonder if the Mayor understands his responsibility to the residents. Ms. Wadsworth invited the Mayor to publicly respond to her budget cut suggestions and if he does not agree with them to explain to everyone why.

America Phillips, Presidential Lakes – 1. Commented that she tells everyone she speaks to that they are lucky to live in Pemberton Township and part of that is due to Deborah Hospital, noting that she has had to use the services of Deborah and is here today because of the

treatment she received there. 2. Questioned how long Magnolia Road Fire Company has been closed and was advised that it has been closed approximately 2 weeks. Ms. Phillips expressed that the signs should be removed and Mr. Vaz advised that it is not the Township's building, but Administration will send them a letter suggesting that they do that. 3. Commented on the condition of Magnolia Road and the passing zones and how dangerous it is. It was noted that Magnolia Road is a County roadway and Ms. Willis, Township Engineer, offered to send a letter to the County Engineer with the concerns. 4. Questioned the new bus being purchased for the seniors and what was wrong with the ones they have. Councilwoman Scull advised that both buses currently used are in very bad shape. 5. Asked about the blue buckets for paper recycling and if the chips were in them yet. Council President Cartier advised that the chips are not in the buckets and Councilwoman Stinney recalled that they did get a presentation regarding the chips in the buckets but it did not work out yet. 6. Requested that the intersection of New York and Tennessee Trail be looked at, noting there are branches blocking the stop sign and it is a safety hazard. 7. Requested again that the drainage on Tennessee Trail be looked at from #100 through #107, in that every time it rains hard the street fills with water. 8. Commented on portable toilets at the Presidential Lakes ball field, the kids are playing there and the firehouse is not always open for them to use. 9. Commented on the field trips that the summer camp goes on to Great Adventure and noted they don't get an education there. Council President Cartier advised that the Township is not an educational institution, and that they are just providing a service to the resident, the trips are not required to be educational. 10. Noted that they put mulch at the entrance of Presidential Lakes and she will be out there to work on that. 11. Asked if the leaf pick up was cancelled due to the budget and Council President Cartier advised that it was not in the budget.

George Petronis, Browns Mills – 1. Commented that he did not initially agree with the Mayor's comments at the last meeting regarding partisan bickering but noted that the Mayor provided a budget for the people to study before the hearing. He complimented Council President Cartier on trying to make this truly a public budget process. He reflected that a lot of motions were made but not seconded and reminded Council that just because they second something it does not mean they are committing themselves to supporting it, they are just opening it up to the floor to be discussed and he thinks they owe that to the public to discuss why they agree or disagree with the cuts.

There being no other members of the public indicating a desire to be heard, the meeting was closed for general public comments.

Solicitor's Report

None

Engineer's Report

Ms. Willis reported that: 1. Layne Christensen, the contractor for the gravel pack removal on Well #13 is ready to mobilize tomorrow. 2. Princeton Hydro is moving forward with the geotechnical study for the Country Lakes Dams. 3. She advised that she spoke with SHIPO regarding the roof drains at the Train Station and it was agreed that the same materials should be used. Ms. Willis received a quote from the contractor for the Train Station and advised that she would be presenting a new change order for the roof drains totaling \$7,800.00, as the cost of copper is far more expensive than powder coated aluminum. Council President Cartier asked if the additional cost still fell within the grant and Ms. Willis confirmed that it did. 4. Lemmon Avenue and the 2010 Road Program are ongoing, the contractor, which is the same for all of the road projects, is finishing up on Brandywine Road and then they will begin Lemmon Avenue and then move on to North Whitesbog Road.

Councilman Prickett asked regarding the Train Station about the gate at the basement staircase off the deck and he believes there was one there originally and he believes it is a safety issue. Ms. Willis noted that the approved plans they inherited did not include a gate, however she agrees with Mr. Prickett and they will look to see if that can be added to the project, noting they would have to go through the full review process with FHWA because it is a larger expense item. Councilman Prickett questioned the decking and the need to have it sealed. Ms. Willis noted that she does not believe the decking was to be sealed by the contractor and they have noted other issues with the decking that they have spoken to the contractor about to be remedied. Councilman Prickett asked if she had a recommendation on how soon the

decking should be sealed and Ms. Willis advised that they will be receiving a complete maintenance manual from the contractor at the end of the project which should detail what type of maintenance needs to be done and in what time frame. Councilman Prickett asked about the installation time of the lamp posts and Ms. Willis advised that it took a while to find the correct design for the cast iron lamp posts as there are only so many castings available but they have been ordered and will be installed.

Mayor and or Business Administrator's Report

Mayor Patriarca: 1. Extended an offer to Ms. Wadsworth again to come to his office to discuss the budget, noting this is Council's meeting and their budget to do with what they wished, advising again that his door is always open. 2. Advised that the Department of Public Works is continuing work on the new Police Entrance and this is being done as part of their accreditation process along with the fobbing of the doors that was just complete. 3. Department of Public Works is also continuing the removal of trees that are disturbing the sidewalks in Lake Valley, noting they have removed about 30 trees so far and will be going back to remove the affected sidewalks and then replacing them. 4. In addition Public Works has been at the Legion Ball Field putting in a new back stop for the upcoming softball season. 5. Explained that they met again regarding the Redevelopment plan and it is moving along well and believes it will be on the Planning Board agenda this month, he feels the board will be pleased with it and hopes Council will too once it gets to them. 6. Advised that Imagination Kingdom is scheduled to go through a safety check to make sure everything is in good shape, noting the park is getting a lot of use. 7. Congratulated Brigadier General Grosso on her promotion to that position, noting she did a great job here as a Colonel and hopes that she remains stationed here for some time. 8. Commented on the down spouts for the Train Station and the cost for those and advised they wanted to consult the County since the County will be taking over the property and would be responsible for replacement if necessary. 9. Advised those in attendance of the Community Wild Fire Awareness program that is scheduled for Tuesday, April 12th, 7:00 p.m. at the Country Lakes Firehouse, he encouraged all residents to attend to learn about fire threats in our area.

Councilman Prickett noted to the Mayor the faulty lighting at the Train Station and feels they shouldn't be paying for something that doesn't work properly. Mayor advised that he believes it is metered so they are not paying for it if it is not on. Councilman Prickett requested that the Mayor have Public Works go to the intersection of Tennessee and New York that Ms. Phillips was complaining about and take a digital picture and email it to Council so they could see the situation. Councilman Prickett asked for a final copy of the marketing report that was presented to Council and the Mayor advised that the final report is on the website and there is a copy in the Township Clerk's office.

Council Comments

Diane Stinney – Thanked the public for coming out and noted it was always nice to see the younger residents attend. She thanked Mr. Wallace for bringing that information, noting it is nice to hear good things going on in the Township as too often they hear negative things. She applauded Mr. Wallace for wanting to sit down with Council and the Community as she believes sitting down at the table and listening to each other is what gets things done.

Rick Prickett – Noted that he always enjoys hearing public comment even though it is not always comfortable to hear some of the comments. He always gets something out of the public's remarks. He agrees with Councilwoman Stinney that a lot of things get done through public comments and listening to each other. He commented that it was good to see everybody.

Sherry Scull – Commented on the program she attended at Deborah last Wednesday with the Tibetan Monks and she did not realize the history of their country and what they had gone through. She advised Mr. Wallace she would have liked to have seen more of the humanities students and history teachers at the program as she saw this as a once in a life time opportunity, it was very educational and eye opening. She noted that she had the experience of being in the Emergency room when a patient was brought in that unfortunately did not make it, but she was impressed to see the tremendous effort and the hard work of the staff to save that life and she is very proud because she knows many of them are Pemberton Township graduates, noting the nurse in charge is a Pemberton Township graduate. She is very proud to have them in their community. She commented that 150 years ago this April was the beginning of the Civil War

and Pemberton Township lost over 35 residents. She is aware that Southampton will be doing a program and she would like to see Pemberton Township put together something to commemorate the 150th anniversary, to recognize the contributions and sacrifices their ancestors made. She thanked everyone for coming out.

Jason Allen – Thanked everyone for coming out and noted it was a pleasure meeting Mr. Wallace. He expressed that it is great that the public voices their opinions and concerns and it helps Council do their jobs better. He wished everyone a good night.

Kenneth Cartier – Thanked Mr. Wallace for coming out and introducing himself to Council, noting that it was enlightening to hear some of his comments and know that Deborah continues to do good things here in Pemberton Township. He commented on a story in the Sunday Burlington County Times explaining that the unemployment rate in Burlington County is going up and Pemberton Township will be contributing to that and it is disheartening to him. He believes Council needs to find a way to save the jobs or at least give the Mayor the opportunity to save the jobs, as it is his understanding that there are still six employees being laid off after the concessions made by the unions.

Meeting adjourned approximately 8:53 pm.

Respectfully submitted,

Mary Ann Finlay, MMC, Township Clerk