

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
AUGUST 17, 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 Andrew Bayer, Township Engineers Chris Rehmann and Kelly Willis, Township Planner Owen McCabe 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. 192-2011

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 CWA, AFSCME; BERARDI V. PEMBERTON; HISTORIC TRUST V. PEMBERTON.
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 Resolution No. 192-2011. 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 reconvened the open meeting at approximately 7:00 PM. Council President Cartier noted there would be no formal action pursuant to closed session.

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

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.

Councilwoman Scull requested the following bills be pulled from the consent agenda: PO #11-00835, PO #11-01183, PO #11-00880, PO #11-00506, PO #11-01123 and blanket purchase orders PO #11-00313, PO #11-00431 and PO #11-00512. Councilman Allen requested Resolutions 195-2011, 196-2011 and 199-2011 be pulled from the consent agenda.

Council President Cartier opened the meeting to the public on consent agenda items only and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Stinney and Scull to approve consent agenda as amended.

RESOLUTIONS

RESOLUTION NO. 193-2011

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:

KRISTEN HILL, \$75.00, REFUND FOR BUILDING RENTAL DEPOSIT.

YIKIKO SAUL, \$90.00, REFUND FOR GIRLS BASKETBALL CAMP; NOT ENOUGH REGISTRANTS.

EIKO BECKETT, \$100.00, REFUND FOR GIRLS BASKETBALL CAMP; NOT ENOUGH REGISTRANTS.

RESOLUTION NO. 194-2011

WHEREAS, NJSA 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT,

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011 IN THE SUM OF \$235,000.00, WHICH IS NOW AVAILABLE FROM THE 2011 MUNICIPAL PARK DEVELOPMENT GRANT-COUNTY OF BURLINGTON IN THE AMOUNT OF \$235,000.00.

BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$235,000.00 IS HEREBY APPROPRIATED UNDER THE CAPTION 2011 MUNICIPAL PARK DEVELOPMENT GRANT – COUNTY OF BURLINGTON.

BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM THE BURLINGTON COUNTY IN THE AMOUNT OF \$235,000.00

RESOLUTION NO. 197 –2011

WHEREAS, THE PROPERTY DESIGNATED IN PEMBERTON TOWNSHIP AS BLOCK 775, LOTS 18 AND 19, COMMONLY REFERRED TO AS THE BROWNS MILLS SHOPPING CENTER AND AN ADJOINING PARCEL OF LAND (THE “PROPERTY”), HAS BEEN DECLARED AN AREA IN NEED OF REDEVELOPMENT PURSUANT TO THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ. (THE “LRHL”); AND

WHEREAS, THE TOWNSHIP HAS TAKEN THE NECESSARY LEGAL STEPS REQUIRED IN ORDER TO UNDERTAKE THE REDEVELOPMENT OF THE PROPERTY AND HAS ISSUED AN RFP/RFQ SEEKING TO SOLICIT PROPOSALS FROM QUALIFIED MASTER REDEVELOPERS; AND

WHEREAS, THE SUBMISSION DEADLINE FOR PROPOSALS, AS INDICATED IN THE RFP/RFQ, WAS JULY 20, 2011 AND WAS SUBSEQUENTLY EXTENDED TO NO LATER THAN AUGUST 31, 2011; AND

WHEREAS, ON THE RECOMMENDATION OF THE TOWNSHIP PLANNER, THE TOWNSHIP HAS DETERMINED THAT IT IS NECESSARY TO OBTAIN AN UPDATED APPRAISAL ON THE PROPERTY TO AID PROPOSERS RESPONDING TO THE RFP/RFQ; 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 SUBMISSION DEADLINE FOR PROPOSALS FOR THE RFP/RFQ SEEKING SOLICITATIONS FROM QUALIFIED MASTER REDEVELOPERS FOR THE REDEVELOPMENT OF THE BROWNS MILLS SHOPPING CENTER IS HEREBY FURTHER EXTENDED UP UNTIL SEPTEMBER 30, 2011. HOWEVER, THE TOWNSHIP ADMINISTRATION IS HEREBY AUTHORIZED TO SET THE SUBMISSION DEADLINE SOONER AS ADMINISTRATIVELY POSSIBLE.

RESOLUTION NO. 198–2011

WHEREAS, IN ACCORDANCE WITH THE FAULKNER ACT, N.J.S.A. 40:69A-43(B), AND CHAPTER 25, SECTION 3 OF THE PEMBERTON TOWNSHIP CODE, THE TOWNSHIP OF PEMBERTON FIRE DEPARTMENT SHALL BE HEADED BY A DEPARTMENT DIRECTOR WHO IS APPOINTED BY THE MAYOR, WITH THE ADVICE AND CONSENT OF THE TOWNSHIP COUNCIL, FOR A TERM TO RUN CONCURRENTLY WITH THE MAYOR'S TERM AND UNTIL THE APPOINTMENT AND QUALIFICATION OF THE DIRECTOR'S SUCCESSOR; AND

WHEREAS, THE POSITION OF DIRECTOR OF THE FIRE DEPARTMENT IS A VOLUNTEER POSITION; AND

WHEREAS, IN ACCORDANCE WITH THE ABOVE-REQUIREMENTS, THE MAYOR OF THE TOWNSHIP OF PEMBERTON HAS APPOINTED WILLIAM DOHERTY TO THE POSITION OF DIRECTOR OF THE FIRE DEPARTMENT; AND

WHEREAS, THE TOWNSHIP COUNCIL BELIEVES THAT MR. DOHERTY IS FULLY QUALIFIED TO HOLD THE POSITION OF DIRECTOR OF THE FIRE DEPARTMENT AND THAT IT IS IN THE BEST INTERESTS OF THE TOWNSHIP TO CONSENT TO THE APPOINTMENT OF MR. DOHERTY AS THE DIRECTOR OF THE FIRE DEPARTMENT.

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 TOWNSHIP COUNCIL HEREBY CONSENTS TO THE APPOINTMENT OF WILLIAM DOHERTY AS THE DIRECTOR OF THE FIRE DEPARTMENT FOR THE TOWNSHIP OF PEMBERTON FOR A TERM TO RUN CONCURRENT WITH THE MAYOR'S TERM AND UNTIL THE APPOINTMENT AND QUALIFICATION OF THE DIRECTOR'S SUCCESSOR; AND

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

A. CHRISTOPHER VAZ, TOWNSHIP ADMINISTRATOR

B. GLUCKWALRATH LLP

BILL LIST

Approval by Council for payment of vouchers on bill list dated 8/12/11.

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

RESOLUTIONS

RESOLUTION NO. 195-2011

WHEREAS, NJSA 40A:4-87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF THE ADOPTION OF THE BUDGET; AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT,

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011

IN THE SUM OF \$34,562.52, WHICH IS NOW AVAILABLE FROM THE 2009 RECYCLING TONNAGE GRANT IN THE AMOUNT OF \$34,562.52.
BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$34,562.52 IS HEREBY APPROPRIATED UNDER THE CAPTION 2009 RECYCLING TONNAGE GRANT.
BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION IN THE AMOUNT OF \$34,562.52.

Council President Cartier advised that Councilman Allen requested to have this pulled from the consent agenda due to a conflict.

Motion by Prickett and Scull to adopt Resolution No. 195-2011. Prickett, yes; Scull, yes; Allen, abstain, Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 196-2011

FOR THE LEASE OF LAND FOR THE CONSTRUCTION OF A SELF-SUPPORTING WIRELESS COMMUNICATIONS MONOPOLE, AND ANCILLARY WIRELESS TELEPHONE SUPPORT EQUIPMENT AND STRUCTURES
WHEREAS, PURSUANT TO THE LOCAL LANDS AND BUILDINGS LAW (LLBL) N.J.S.A. 40A:12-1 ET. SEQ. A MUNICIPALITY MAY LEASE PROPERTY NOT NEEDED FOR PUBLIC USE TO THE HIGHEST BIDDER BY OPEN PUBLIC BIDDING AT AUCTION OR BY SUBMISSION OF SEALED BIDS; AND
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE LEASE OF LAND FOR THE CONSTRUCTION OF A SELF-SUPPORTING WIRELESS COMMUNICATIONS MONOPOLE AND ANCILLARY WIRELESS TELEPHONE SUPPORT EQUIPMENT AND STRUCTURES ON TOWNSHIP PROPERTY IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 906, LOT 1.01; AND
WHEREAS, THE TOWNSHIP RECEIVED ONE BID FROM LIBERTY TOWERS LOCATED AT 51 MONROE STREET, ROCKVILLE, MD WITH A TOTAL BID OF \$884,895.00 OVER A THIRTY YEAR LEASE PERIOD; AND
WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED LIBERTY TOWERS' BID AND FINDS IT TO BE LEGALLY SUFFICIENT; AND
WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO LIBERTY TOWERS AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID.
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 LEASE OF LAND FOR THE CONSTRUCTION OF A SELF-SUPPORTING WIRELESS COMMUNICATIONS MONOPOLE AND ANCILLARY WIRELESS TELEPHONE SUPPORT EQUIPMENT BE AND HEREBY IS AWARDED TO LIBERTY TOWERS, 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 LIBERTY TOWERS IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY LIBERTY TOWERS; AND
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- | | |
|----|-----------------------------------|
| A. | B. ERIC SIVERTSEN, LIBERTY TOWERS |
| B. | TOWNSHIP CHIEF FINANCIAL OFFICER |
| C. | GLUCKWALRATH LLP |

Council President Cartier advised that this was being pulled to make a correction in the resolution. Mr. Vaz noted that all references to the block and lot should be to Block 906, Lot 1 and any other block and lot references were inadvertently left in from a previous resolution. Mr. Vaz further explained that the property is known as the old landfill located on the south side of Route 70 on a 26 acre piece of property however the bid is only for a 100 ft. x 100 ft. section of it, noting the successful bidder would make lease payments over a 30 year period and additional rents if more than 3 antenna are installed on the tower. Councilman Prickett asked if the area was zoned for this type of structure and it was noted that it was the responsibility of the successful bidder to follow the zoning laws. Mr. Bayer advised that his office had written the bid specifications and they would protect the Township. Mr. McCabe advised they would still need to comply with Pinelands regulations.

Motion by Scull and Stinney to adopt Resolution No. 196-2011. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 199-2011

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON EXPRESSES THEIR SUPPORT OF THE UNITED STATE'S SENATE REGARDING COMING TOGETHER AS A NATION AND CEASING ALL WORK OR OTHER ACTIVITY FOR A MOMENT OF REMEMBRANCE BEGINNING AT 1:00 P.M. EASTERN DAYLIGHT TIME ON SEPTEMBER 11, 2011, IN HONOR OF THE 10TH ANNIVERSARY OF THE TERRORIST ATTACKS COMMITTED AGAINST THE UNITED STATES ON SEPTEMBER 11, 2001; AND
WHEREAS, AT 8:46 A.M., ON SEPTEMBER 11, 2001, HIJACKED AMERICAN AIRLINES FLIGHT 11 CRASHED INTO THE UPPER PORTION OF THE NORTH TOWER OF THE WORLD TRADE CENTER IN NEW YORK CITY, NEW YORK; AND
WHEREAS, 17 MINUTES LATER, AT 9:03 A.M., HIJACKED UNITED AIRLINES FLIGHT 175 CRASHED INTO THE SOUTH TOWER OF THE WORLD TRADE CENTER; AND
WHEREAS, AT 9:37 A.M., THE WEST WALL OF THE PENTAGON WAS HIT BY HIJACKED AMERICAN AIRLINES FLIGHT 77, THE IMPACT OF WHICH CAUSED IMMEDIATE AND CATASTROPHIC DAMAGE TO THE HEADQUARTERS OF THE DEPARTMENT OF DEFENSE; AND
WHEREAS, AT APPROXIMATELY 10:00 A.M., THE PASSENGERS AND CREW OF HIJACKED UNITED AIRLINES FLIGHT 93 ACTED HEROICALLY TO RETAKE CONTROL OF THE AIRPLANE AND THWART THE TAKING OF ADDITIONAL AMERICAN LIVES BY CRASHING THE AIRLINER IN SHANKSVILLE, PENNSYLVANIA, AND, IN DOING SO, GAVE THEIR LIVES TO SAVE COUNTLESS OTHERS; AND
WHEREAS, NEARLY 3,000 INNOCENT CIVILIANS WERE KILLED IN THE HEINOUS ATTACKS OF SEPTEMBER 11, 2001; AND
WHEREAS, TENS OF THOUSANDS OF INDIVIDUALS NARROWLY ESCAPED THE ATTACKS AT THE PENTAGON AND WORLD TRADE CENTER AND, AS WITNESSES TO THIS TRAGEDY, ARE FOREVER CHANGED; AND
WHEREAS, COUNTLESS FIRE DEPARTMENTS, POLICE DEPARTMENTS, FIRST RESPONDERS, GOVERNMENTAL OFFICIALS, WORKERS, EMERGENCY MEDICAL PERSONNEL, AND VOLUNTEERS RESPONDED IMMEDIATELY AND HEROICALLY TO THOSE HORRIFIC EVENTS; AND

WHEREAS, THE FIRE DEPARTMENT OF NEW YORK SUFFERED 343 FATALITIES ON SEPTEMBER 11, 2001, THE LARGEST LOSS OF LIFE OF ANY EMERGENCY RESPONSE AGENCY IN UNITED STATES HISTORY; AND
 WHEREAS, THE PORT AUTHORITY POLICE DEPARTMENT SUFFERED 37 FATALITIES IN THE ATTACKS, THE LARGEST LOSS OF LIFE OF ANY POLICE FORCE IN UNITED STATES HISTORY IN A SINGLE DAY; AND
 WHEREAS, THE NEW YORK POLICE DEPARTMENT SUFFERED 23 FATALITIES AS A RESULT OF THE TERRORIST ATTACKS; AND
 WHEREAS, THE IMPACT OF THAT DAY ON PUBLIC HEALTH CONTINUES THROUGH 2011, AS NEARLY 90,000 PEOPLE ARE AT RISK OF OR SUFFERING FROM NEGATIVE HEALTH EFFECTS AS A RESULT OF THE EVENTS OF SEPTEMBER 11, 2001, INCLUDING 14,000 WORKERS AND 2,400 COMMUNITY RESIDENTS WHO ARE SICK, AND TENS OF THOUSANDS OF OTHERS WHOSE HEALTH IS BEING MONITORED; AND
 WHEREAS, 10 YEARS LATER, THE PEOPLE OF THE UNITED STATES AND PEOPLE AROUND THE WORLD CONTINUE TO MOURN THE TREMENDOUS LOSS OF INNOCENT LIFE ON THAT FATEFUL DAY; AND
 WHEREAS, 10 YEARS LATER, THOUSANDS OF MEN AND WOMEN IN THE UNITED STATES ARMED FORCES REMAIN IN HARM'S WAY DEFENDING THE UNITED STATES AGAINST THOSE WHO SEEK TO THREATEN THE UNITED STATES; AND
 WHEREAS, ON THE 10TH ANNIVERSARY OF THIS TRAGIC DAY, THE THOUGHTS OF THE PEOPLE OF THE UNITED STATES ARE WITH ALL OF THE VICTIMS OF THE EVENTS OF SEPTEMBER 11, 2001 AND THEIR FAMILIES; AND
 WHEREAS, THE LIVES OF AMERICANS WERE CHANGED FOREVER ON SEPTEMBER 11, 2001, WHEN EVENTS THREATENED THE AMERICAN WAY OF LIFE; AND
 WHEREAS, IN 2009, CONGRESS AND THE PRESIDENT JOINED TOGETHER TO DESIGNATE SEPTEMBER 11 AS A NATIONAL DAY OF SERVICE AND REMEMBRANCE UNDER THE SERVE AMERICA ACT (PUBLIC LAW 111-13; 123 STAT. 1460); AND
 WHEREAS, IN SEPTEMBER 2009 AND 2010, PRESIDENT OBAMA ISSUED PROCLAMATION 8413 (74 FED. REG. 47045) AND PROCLAMATION 8559 (75 FED. REG. 56463) PROCLAIMING SEPTEMBER 11, 2009, AND SEPTEMBER 11, 2010, RESPECTIVELY, AS PATRIOT DAY AND NATIONAL DAY OF SERVICE AND REMEMBRANCE; AND
 WHEREAS, SEPTEMBER 11 WILL NEVER, AND SHOULD NEVER, BE JUST ANOTHER DAY IN THE HEARTS AND MINDS OF ALL PEOPLE OF THE UNITED STATES;
 NOW, THEREFORE BE IT RESOLVED THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON:
 (1) RECOGNIZES SEPTEMBER 11, 2011, AS A DAY OF SOLEMN COMMEMORATION OF THE EVENTS OF SEPTEMBER 11, 2001, AND A DAY TO COME TOGETHER AS A NATION; AND
 (2) OFFERS ITS DEEPEST AND MOST SINCERE CONDOLENCES TO THE FAMILIES, FRIENDS, AND LOVED ONES OF THE INNOCENT VICTIMS OF THE SEPTEMBER 11, 2001, TERRORIST ATTACKS; AND
 (3) HONORS THE HEROIC SERVICE, ACTIONS, AND SACRIFICES OF FIRST RESPONDERS, LAW ENFORCEMENT PERSONNEL, STATE AND LOCAL OFFICIALS, VOLUNTEERS, AND COUNTLESS OTHERS WHO AIDED THE INNOCENT VICTIMS OF THOSE ATTACKS AND, IN DOING SO, BRAVELY RISKED AND OFTEN GAVE THEIR OWN LIVES; AND
 (4) RECOGNIZES THE VALIANT SERVICE, ACTIONS, AND SACRIFICES OF UNITED STATES PERSONNEL, INCLUDING MEMBERS OF THE UNITED STATES ARMED FORCES, THE UNITED STATES INTELLIGENCE AGENCIES, THE UNITED STATES DIPLOMATIC SERVICE, HOMELAND SECURITY AND LAW ENFORCEMENT PERSONNEL, AND THEIR FAMILIES, WHO HAVE GIVEN SO MUCH, INCLUDING THEIR LIVES AND WELL-BEING, TO SUPPORT THE CAUSE OF FREEDOM AND DEFEND THE SECURITY OF THE UNITED STATES; AND
 (5) REAFFIRMS THAT THE PEOPLE OF THE UNITED STATES WILL NEVER FORGET THE CHALLENGES OUR COUNTRY ENDURED ON AND SINCE SEPTEMBER 11, 2001, AND WILL WORK TIRELESSLY TO DEFEAT THOSE WHO ATTACKED THE UNITED STATES; AND
 BE IT FURTHER RESOLVED THAT ON THE 10TH ANNIVERSARY OF THIS TRAGIC DAY IN UNITED STATES HISTORY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON CALLS UPON ALL OF THE PEOPLE AND INSTITUTIONS OF THE UNITED STATES TO OBSERVE A MOMENT OF REMEMBRANCE ON SEPTEMBER 11, 2011, INCLUDING (I) MEDIA OUTLETS; (II) HOUSES OF WORSHIP; (III) MILITARY ORGANIZATIONS; (IV) VETERANS ORGANIZATIONS; (V) AIRLINES; (VI) AIRPORTS; (VII) RAILROADS; (VIII) SPORTS TEAMS; (IX) THE FEDERAL GOVERNMENT; (X) STATE AND LOCAL GOVERNMENTS; (XI) POLICE, FIRE, AND OTHER PUBLIC INSTITUTIONS; (XII) EDUCATIONAL INSTITUTIONS; (XIII) BUSINESSES; AND (XIV) OTHER PUBLIC AND PRIVATE INSTITUTIONS; AND
 BE IT FURTHER RESOLVED THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON ENCOURAGES THE OBSERVANCE OF THE MOMENT OF REMEMBRANCE TO LAST FOR 1 MINUTE BEGINNING AT 1:00 P.M. EASTERN DAYLIGHT TIME BY, TO THE MAXIMUM EXTENT PRACTICABLE CEASING ALL WORK OR OTHER ACTIVITY; AND MARKING THE MOMENT IN AN APPROPRIATE MANNER, INCLUDING BY RINGING BELLS, BLOWING WHISTLES, OR SOUNDING SIRENS.

Council President Cartier advised that he requested Resolution 199-2011 be pulled from the agenda as he felt it was important enough to read into the minutes. Council President Cartier read the resolution in it's entirety into the minutes.

Motion by Scull and Stinney to adopt Resolution No. 199-2011. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 22-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 86 OF THE TOWNSHIP CODE, ENTITLED "UNIFORM CONSTRUCTION CODES" IN ORDER TO ESTABLISH FEES FOR SOLAR CONSTRUCTION

Council President Cartier read the title of the ordinance.

Motion by Prickett and Allen to introduce Ordinance 22-2011. Prickett, yes; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

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

ORDINANCE NO. 6-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR SOLAR ENGERY SYSTEMS WITHIN THE TOWNSHIP

Council President Cartier read the title of the ordinance.

Motion by Stinney and Prickett to adopt Ordinance 6-2011.

Council President Cartier opened the meeting to the public on Ordinance 6-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

Councilman Allen commented on the suggestion of the Planning Board to reduce the setbacks but they gave no reason. Mr. McCabe advised that the Planning Board recently approved a project with the setbacks they were suggesting to Council. Additionally, the Planning Board is recommending that signage be required on both residential and commercial units advising of location and voltage for safety reasons. Mr. McCabe noted that the Pinelands Commission has reviewed this ordinance and they have stated they would deny this ordinance since they have not adopted their regulations yet. Council President Cartier asked if they adopted the ordinance this evening would it apply to those areas in the non-Pineland areas. Councilwoman Scull commented that the 500' of setback is a lot of vacant land, she does agree with the signage for safety reasons. Mr. McCabe noted the ordinance would apply to the entire town. Mr. Bayer advised that if they rewrote the ordinance to cut out the Pinelands area that would not be a substantial change because the non-Pinelands area is already included in the ordinance. Mr. McCabe advised that the 500' set back was consistent with the County Master Plan recommendations. Council President Cartier asked what the set backs for a shopping center would be in the GCLI zone along Route 206 and Mr. McCabe advised it would be anywhere from 150' to 200' and commented on the County's idea of doing cluster developments along the Route 206 corridor to preserve the farmland view. Councilman Prickett commented on the financial benefit of a solar farm over a strip mall and the difference in ratables. Mayor Patriarca advised that one of the concerns mentioned at the Planning Board was our setbacks were not consistent with Eastampton and they will be enjoying their ratables and they will also be enjoying our view. Councilwoman Scull suggested waiting until the Pinelands have adopted their regulations so an ordinance for the other 90% of the Township has to be done. Councilwoman Stinney agreed that this should be held off until all the pieces are together.

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

ORDINANCE NO. 14-2011(NOTE: PUBLIC HEARING HELD 7/6/11 AS ADVERTISED)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING A TREE MANAGEMENT PLAN

Council President Cartier read the title of the ordinance.

Council President Cartier asked Mr. McCabe about the Planning Board's comments on this ordinance and Mr. McCabe advised they support it since it was confirmed it does not affect existing residential homeowners. Mr. McCabe did note that the Pinelands did request one change, the addition of the following language: 9. All compensatory planting within the Pinelands area must be done using native shrubs and trees and otherwise be consistent with N.J.A.C. 7:50-6.21-6.27.

Motion by Scull and Stinney to add section 9 as read by the Planner. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

Motion by Scull and Allen to adopt Ordinance No. 14-2011. Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier noted that the Solicitor advised that it was not a substantial enough of a change to re-advertise.

ORDINANCE NO. 17-2011

BOND ORDINANCE PROVIDING FOR VARIOUS 2011 ROADWAY IMPROVEMENTS,

BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE “TOWNSHIP”); APPROPRIATING THE ISSUANCE OF \$950,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Council President Cartier read the title of the ordinance.

Motion by Stinney and Scull to adopt Ordinance No. 17-2011

Council President Cartier opened the meeting to the public on Ordinance 17-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

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

ORDINANCE NO. 18-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE SALE OF TOWNSHIP PROPERTY LOCATED AT BLOCK 670.02, LOT 3.06, COMMONLY KNOWN AS 102 FIREHOUSE ROAD

Council President Cartier read the title of the ordinance.

Motion by Scull and Stinney to adopt Ordinance No. 18-2011

Council President Cartier opened the meeting to the public on Ordinance 18-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

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

ORDINANCE NO. 20-2011

CAPITAL ORDINANCE APPROPRIATING \$15,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY

Council President Cartier read the title of the ordinance.

Motion by Stinney and Allen to adopt Ordinance No. 20-2011

Council President Cartier opened the meeting to the public on Ordinance 20-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

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

ORDINANCE NO. 21-2011

CAPITAL ORDINANCE APPROPRIATING \$115,000 FROM THE CAPITAL IMPROVEMENT FUND TO PAY FOR VARIOUS CAPITAL IMPROVEMENTS, IN AND BY THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY

Council President Cartier read the title of the ordinance.

Motion by Stinney and Allen to adopt Ordinance No. 21-2011

Council President Cartier opened the meeting to the public on Ordinance 21-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

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

UNFINISHED BUSINESS

Continued discussion regarding Administration's recommendation for ordinance amendment increasing construction permit fees.

Administration advised they are not ready for this discussion and it will be continued at the next meeting.

Continued discussion regarding recommendation from Council sub-committee (Mr. Allen & Mr. Prickett), for possible amendment to newly adopted fence Ordinance No. 11-2011, clarifying/specifying colors that may be used for painting/staining fences.

Councilman Prickett advised of the different issues with the ordinance that needed to be addressed, specifically distinguishing between the Browns Mills Town Center Redevelopment area and the rest of the town. Councilman Prickett advised Council of the changes he is suggesting and it was noted that the changes should be consistent throughout the ordinance. Council President Cartier advised the sub-committee should present a final ordinance for consideration and it should incorporate the changes from Ordinance 19-2011 which was never introduced so it does not have to be advertised more than once.

NEW BUSINESS

Council affirmation of new Country Lakes Fire Co. member Brian E. Warrick.

Motion by Scull and Stinney to affirm Brian E. Warrick as Fire Company Member. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

Parade Permit Applications

1. Iva Klemick, the First Baptist Church of Browns Mills: Community carnival w/games, crafts, music, food and entertainment, on Anderson Rd. in Sunbury Village, on 9/17/11 from 11AM-3PM, setup 8AM, cleanup 3PM-5PM.

Council President Cartier opened the meeting to the public on the parade permit application and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Scull and Stinney to approve parade permit application for Iva Klemick, First Baptist Church of Browns Mills. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

2. Ellen Catalano, the Soroptimist International of Rancocas Valley: Candlelight vigil in memory of victims of domestic violence to be held at peace garden on South Lakeshore Drive and Arethusa Street, on 10/7/11 from 5:30PM-7PM.

Council President Cartier opened the meeting to the public on the parade permit application and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Scull and Stinney to approve parade permit application for Ellen Catalano, Soroptimist International of Rancocas Valley. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

Alcoholic Beverage License extension of license: Christopher Stevens, Jor Mar, Inc., T/A Country Lakes Pub, extension of license to parking lot for tailgate event/fire company fundraiser, on 9/11/11 from 11AM-8PM w/rain date of 9/18/11.

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

BILL LIST

Councilwoman Scull questioned if the following bills were to pay for the pond in the court yard, noting that expenditure was never discussed: 11-00835, \$669.34; 11-01183, \$905.02; 11-00880, \$87.72. Mayor Patriarca advised that those bills were for the pond in the court yard. Councilman Prickett asked if the blanket purchase orders were for the materials in the water feature project and the Mayor could not advise if the entire blanket purchase was for the water feature project.

Motion by Prickett and Scull to approve blanket PO's #11-00313, 11-00431 and 11-00512. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier requested a motion for the remaining bills that were pulled from the list.

Councilwoman Stinney question what happens if the bills do not get paid. Mayor Patriarca advised that they were required by law to pay all vendors in a responsible manner. Mr. Bayer noted that is for construction contract however they are obligated to pay a vendor for materials received. Councilwoman noted her concern about the spending of money prior to approval and she has the same issue with PO #11-00506 and PO #11-01123 as they are for work on the BMIA Building and she will not vote to pay bills for work on the BMIA Building. Councilwoman Stinney asked for an update on the asbestos and was advised by Mayor Patriarca that it has been taken care of and the contractor has started with the restoration on the kitchen. Council President Cartier asked if the restoration was limited to the kitchen and bathrooms. Mayor Patriarca noted the renovations are being done on the entire building. Council questioned how much work still needs to be done and how much has been spent out of the \$150,000.00 originally appropriated. Mayor Patriarca advised that they are considerably under budget on the project.

Motion by Stinney and Allen to approve PO #11-00506 and PO #11-01123. Stinney, yes; Allen, yes; Scull, no; Prickett, no; Cartier, yes. Motion carried.

Council President Cartier noted his concerns on the spending on the project and suggested that the work be limited and get the building back to use as quickly as possible. Mayor Patriarca noted they are following the plan for the renovation. Discussion ensued on the approval for the funding of this project and the means to cancel the funding.

GENERAL PUBLIC COMMENTS

Councilwoman Scull remained at the dais for public comment but was asked to refrain from commenting on any statements regarding the train station.

Adrienne Leonard, Browns Mills - Commented on her displeasure with the cinder block walls at the BMIA Building being covered up with sheetrock. Reminded the Mayor of her request for the kitchen pass through window to remain in place for safety and security reasons and hopes the work at the building can be completed by October so they can hold their BMIA dinner there.

Tony Miehle, Browns Mills – Commented again on the trend of items being purchased prior to Council approval. Noted that he preliminarily reviewed the audit and questioned the software purchased to help get the books in order and once again they are not in order. Mr. Bayer explained that Council gives authorization through the budget and the Mayor has the authority to purchase items up to a specified amount.

America Phillips, Presidential Lakes – Noted that she took a walk on the trail yesterday and hopes the conflict going on will be resolved. Commented the residents need to fight for the Township to keep its historical aspects.

Claire Wadsworth, Browns Mills – Questioned Mr. Bayer on the possible conflict of him advising both Mayor and Council on legal issues. Mr. Bayer noted that he advises the entire Governing Body of Pemberton Township and there is case law which does not permit the Mayor and Council to have separate attorneys. Ms. Wadsworth noted she was asking because as the Solicitor he advised the Mayor had the authority to remove the Trust and auction the trains. Mr. Bayer noted that he did not give his legal opinion on this issue in public and any opinion he gives the Mayor and Council is privileged information. Council President Cartier questioned Ms. Wadsworth where she got that information because it was not discussed in public. Ms.

Wadsworth advised it is what she was inferring from the conversation and may have been at another meeting, she will go back and check the minutes.

Ray Wells, Pemberton – Noted that school starts on September 7th and invited the Council to attend the opening of the new Early Childhood Learning Center. Requested that pseudonyms be spelled out on the agenda as it is difficult to follow what they are talking about. Commented on the increasing of the construction fees permits and noted they are seeing a decrease in student enrollment and encouraged Council to consider doing anything to encourage families to move into the Township, not deter them. Councilman Prickett asked Mr. Wells if the School Board has an audit done each year and if they have a general ledger done. Mr. Wells advised that they do and the audit has not reflected the general ledger as not being balance at least since he has been on the board.

Eric Houwen, Pemberton – Noted that Mr. Wells idea is good except when you are dealing with professionals that have to get paid. Commented if the Township does not pay their bills, the vendors owed will no longer do business with the Township. Advised that he is in support of the Train Station and expressed his concern over any grant monies that might need to be returned if they stopped operation as a museum.

Marvin Cieslak, Burlington Township – Questioned the Mayor as to why he wanted to get rid of the rail cars and if it was because it was unsightly and questioned if the Mayor would confiscate everything in the Township that was unsightly. Commented on the cost and time to do the restoration and he does not see a problem with letting the rail cars remain.

Bob Pelletier, Pemberton – Noted that he does not know much about the Train Station other than what he has seen in the papers but he believes that Council can pass a resolution and put this all to rest. Mr. Bayer suggested that Mr. Pelletier read the Faulkner Act and the Pemberton Township Code which outlines the respective powers of the Mayor and Council.

John G. Shaw, Browns Mills – Noted that although he had been upset with some comments Mr. Tamn had made at a previous meeting, he noted that Mr. Tamn and his wife have made significant contributions to the Train Station and the community. Questioned what was going to happen with the property and who was going to manage it. Commented on the value of the rail cars and the transfer of ownership, noting it would be terrible if the historic cars ended up as scrap. Councilman Prickett questioned if one of the cabooses transported soldiers during World War II and was advised that it had. Councilman Allen asked who owned the rail cars and Mr. Shaw advised that the Historic Trust did.

Carl Smith, Historic Trust – Provided additional information on the caboose. Noted that he has volunteered for the Trust for the past 12 years and advised that the went to the station on July 16th to get some materials work on and he was escorted off the site by the police, explaining he has never been escorted off a public site and believes it was wrong. Commented that the Trust has done a lot to promote the Train Station and has people from all over the eastern seaboard come to see the trains and now they are being told to get out.

Mark Trebing, Historic Trust - Commented that the rail cars at the station are representative of the cars that would have been used at Pemberton and he gave a history of the cabooses and other cars at the station. Noted that they have lost most of the summer to work on the cars and he hopes the issue is resolved soon.

Kevin Mullygan, Pemberton Borough – Noted that he lives very close to the Train Station and he is into history. He commented that this will go to litigation and cost everyone a lot of money except the lawyers. Asked the Mayor if he wanted his legacy to be the destruction of this important part of the Township's history.

Solicitor's Report

Mr. Bayer reported that Mr. Berardi of the Browns Mills Shopping Center had brought litigation against the Township for \$1.1 Million and the court dismissed that claim as being legally baseless.

Engineer's Report

Ms. Willis had no report

Planner's Report

Mr. McCabe had no report.

Mayor's and/or Administrator's Report

Mayor Patriarca reported that Councilwoman Stinney had asked him about diabetes awareness programs and he checked with our Senior Director noting there was already a program scheduled to come to the Senior Center at the end of September.

Mr. Vaz advised the he had two bills that needed to be added to the agenda for approval, AC Schultes for Well #12 Redevelopment in the amount of \$27,571.26 and Tiger Construction settlement in the amount of \$9,400.00

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

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

Council President Cartier questioned if the diabetes program is open to more then the seniors. Mayor advised that it is being held at the Senior Center and it would depend on the space availability but they can look into scheduling something at one of the other buildings.

Mayor reported that the Lake Valley Civic Association held their second annual park party and it was a very well attended and a good event. The Mayor commented on the considerable amount of flooding due to recent storms and noted that the town has not been dealing with the level of flooding some other towns have. Asked the residents to support the St. Ann's Carnival and noted there are two movies left for Movies on the Beach. Councilwoman Stinney reported to the Mayor a pot hole in the 300 block of Garden Street.

Councilwoman Scull explained that the school hours are changing and asked the Mayor if he had talked with the Superintendent regarding the traffic issues. Mayor Patriarca advised that he had not spoken with the Superintendent recently regarding the issue but they had spoken in the past with him and noted his concerns and passed that information onto the group performing the traffic study in that area. Councilwoman Scull expressed her concern that the community has not been made aware of the changes.

COUNCIL COMMENTS

Diane Stinney – Commented that she shares the sentiments that the BMIA Building is finished up quickly so the many up coming events can be held there. Noted that they had gotten the invitation for the Early Child Hood Center for the 22nd and wished Mr. DeClamenti was here to see those doors open.

Richard Prickett – Commented that the Council had previously discussed capital ordinances done over the years, have not been closed out and there is money still in them. Advised that he thinks it is time to set up a committee to go through the ordinances and close out those than can be and he asked Councilwoman Scull to be part of the committee. Councilwoman Scull noted she would not be opposed to serving on that committee. Council President Cartier noted that he believes it is a good idea, advising that the committee members would have to get permission to discuss those ordinances with the Finance Department. Mayor Patriarca advised that this is a project they are already working on that is approximately 80% complete. Council President Cartier asked Mayor Patriarca to pass that information through the committee now that it exists. Councilman Prickett wished everyone a good night.

Jason Allen – As the TAG liaison for Council, Councilman Allen gave a brief report and explained what TAG does, noting they are actively recruiting volunteer and the first meeting will be held Thursday, September 15th at the Country Lakes Recreation Center.

Sherry Scull – Explained that she did vote to approve the dump truck because she received a report showing the need for it. Commented again regarding the school time changes and it is

quite a change for the community and the schools are getting many calls about it. Noted that she agrees with Adrienne Leonard about keeping the pass through window in the kitchen at the BMIA Building. Asked the Solicitor if a Township Official could relocate vehicles at a considerable cost without prior authorization from Council. Council President Cartier advised that the owner of the vehicle is ultimately responsible for the fees incurred. Councilwoman Scull noted that everything owned by the Historic Trust is held in trust for the residents of Pemberton Township and they are really the owners of anything the Trust has. Wished everyone a good night and enjoy the rest of their summer.

Ken Cartier – Thanked everyone for coming out, have a safe trip home, enjoy the carnival and have a good night. Advised there would be no additional closed session.

The meeting ended at approximately 9:31 p.m.

Respectfully submitted,

Mary Ann Finlay, MMC, Township Clerk