

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
AUGUST 3, 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 Deputy Township Clerk Amy P. Cosnoski.

**CALL TO ORDER**

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

**CLOSED SESSION**

**RESOLUTION NO. 174A-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:  
TIGER CONSTRUCTION PENDING LITIGATION, HISTORIC TRUST POTENTIAL LITIGATION
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Councilman Prickett questioned why it was thought that there was potential litigation with the Historic Trust as he had not read anything that indicated there was. The Township Solicitor advised that the letter received from the Historic Trust's attorney threatens litigation, in addition he had telephone conversations with the attorney and potential litigation was discussed.

Motion by Prickett and Stinney to approve Resolution No. 174A-2011. Prickett, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

Township Solicitor Andrew Bayer noted that Councilwoman Scull would need to recuse herself from the discussion regarding the Historic Trust due to a conflict and asked Councilman Prickett if he was a member of the Historic Trust. Councilman Prickett noted that he is not a Trustee of the Trust, not a member of the Trust, further noting his last volunteer effort with the Trust was with the Train Show in November of 2010. He did go to part of a meeting to see the new rolling stock on the facility, but it was months ago.

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; however Council will be going back into closed session at the end of the meeting.

(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.**

Councilman Prickett requested to have Resolution No. 182-2011 removed from the consent agenda and Councilwoman Scull requested to have bill 11-00672 in the amount of \$2,181.22 and bill 11-00867 in the amount of \$311.33 on page 19 of the bill list removed from the consent agenda.

Council President Cartier opened up the meeting for public comments on consent agenda items only and seeing none the meeting was closed to the public for comments.

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

**MEETING MINUTES**

Regular meeting, June 15, 2011; Regular meeting, July 6, 2011.

**RESOLUTIONS**

**RESOLUTION NO. 175-2011**

WHEREAS, ELIZABETH M. CARROLL, INC. T/A JC MARKET (NO. 0329-43-005-002) VOLUNTARILY DETERMINED DURING 2011-2012 RENEWAL TERM THAT THE LICENSEE WOULD NO LONGER RENEW THEIR LICENSE; AND WHEREAS, ABC REQUIRES GOVERNING BODIES TO PASS A RESOLUTION STATING THAT A NON-RENEWED LICENSE HAS LAPSED AND CEASED TO EXIST FOR FAILURE TO RENEW; NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF PEMBERTON TOWNSHIP; COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE LICENSE, ELIZABETH M. CARROLL, T/A JC MARKET NO. 0329-43-005-002 IS LAPSED AND CEASED TO EXIST FOR FAILURE TO RENEW.

**RESOLUTION NO. 176-2011**

WHEREAS, A MEMBER OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") PUBLIC WORKS DEPARTMENT NOTIFIED ADMINISTRATION THAT THE FIRE PUMP IN THE TOWNSHIP LIBRARY BUILDING WAS SPARKING; AND WHEREAS, UPON FURTHER INSPECTION, IT WAS DISCOVERED THAT THE FIRE PUMP MOTOR AND THE FIRE PUMP CONTROL PANEL CONTACTOR WERE DAMAGED AND MUST BE REPLACED; AND WHEREAS, THE STATE OF NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS SENT A REPRESENTATIVE TO INSPECT THE DAMAGED FIRE PUMP EQUIPMENT AND INDICATED THAT THE TOWNSHIP HAS 30 DAYS TO REPAIR THE DAMAGED FIRE PUMP; AND WHEREAS, THE TOWNSHIP SOLICITED QUOTATIONS FROM QUALIFIED CONTRACTORS; AND WHEREAS, TRI-STATE FIRE PROTECTION, INC. ("TRI-STATE") SUBMITTED THE MOST ADVANTAGEOUS PROPOSAL AS DETERMINED BY THE TOWNSHIP; AND WHEREAS, PURSUANT TO N.J.S.A. 40A:11-6, A MUNICIPALITY MAY AWARD A CONTRACT WITHOUT PUBLIC BIDDING WHEN AN EMERGENCY AFFECTING PUBLIC HEALTH, SAFETY OR WELFARE REQUIRES THE IMMEDIATE PERFORMANCE OF SERVICES; AND WHEREAS, THE PUBLIC HEALTH, SAFETY AND WELFARE OF THE TOWNSHIP RESIDENTS IS AT RISK AS IN THE EVENT OF A FIRE, THE CURRENT SPRINKLER SYSTEM WILL NOT PROVIDE ADEQUATE PROTECTION RESULTING IN THE INABILITY TO PUT OUT A FIRE; AND WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD AN EMERGENCY CONTRACT TO TRI-STATE, 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 AN EMERGENCY CONTRACT FOR FIRE PUMP REPLACEMENT SERVICES IN THE TOWNSHIP LIBRARY BUILDING IS HEREBY AWARDED TO TRI-STATE FIRE PROTECTION, INC.. IN AN AMOUNT NOT TO EXCEED \$20,000 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 TRI-STATE; 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 C-04-907-415-904; AND BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. TRI-STATE FIRE PROTECTION, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 177-2011**

WHEREAS, PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS BEEN ORGANIZED TO PROVIDE PROGRAMS TO ENCOURAGE DEVELOPMENT WITHOUT DRUGS BY VIRTUE OF CARE, EDUCATION AND VIGILANCE; AND WHEREAS, THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE IS A POTENTIAL SOURCE OF FINANCIAL SUPPORT AND THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS APPLIED TO RECEIVE A SHARE OF THIS FUND FOR LOCAL PURPOSES.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE IS AUTHORIZED TO FILE APPLICATIONS WITH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR FUNDING.

**RESOLUTION NO. 178-2011**

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE SUPPLY OF POLICE UNIFORMS FOR USE BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1, ET SEQ.); AND WHEREAS, THIS CONTRACT IS BEING AWARDED AS AN OPEN-END CONTRACT AND MUST BE AWARDED PURSUANT TO THE REGULATIONS GOVERNING SUCH CONTRACTS FOUND IN N.J.A.C. 5:30:11.10 AND N.J.A.C. 5:30-5.5; AND

WHEREAS, THE LOWEST RESPONSIBLE BIDDER IS OAKWOOD UNIFORM & EQUIPMENT, INC. ("OAKWOOD") OF 148 WINDSOR AVENUE IN WESTMONT, NEW JERSEY 08108 WITH A BID OF \$28,852.75; AND WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO OAKWOOD AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED OAKWOOD'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

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 POLICE UNIFORMS FOR USE BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT BE AND HEREBY IS AWARDED TO OAKWOOD, 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 OAKWOOD IN ACCORDANCE WITH THE BID PROPOSAL SUBMITTED BY OAKWOOD; AND  
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS IN THE AMOUNT OF \$28,852.75, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 1-01-25-240-000-320, HOWEVER, SHOULD ADDITIONAL QUANTITIES BE NEEDED, THE CHIEF FINANCIAL OFFICER SHALL EXECUTE A CERTIFICATION OF FUNDS FOR EACH ORDER SUBMITTED IN ACCORDANCE WITH N.J.A.C. 5:30-11.10; AND  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. OAKWOOD UNIFORM & EQUIPMENT, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 179-2011

WHEREAS, BY RESOLUTION 154-1980, ADOPTED SEPTEMBER 5, 1980, THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF PEMBERTON ESTABLISHED A PETTY CASH FUND ACCOUNT FOR THE DEPARTMENT OF POLICE; AND

WHEREAS, SAID PETTY CASH FUND HAS BEEN APPROVED BY THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES; AND

WHEREAS, DAVID A. JANTAS HAS RECENTLY BEEN APPOINTED AS CHIEF OF POLICE TO REPLACE FORMER CHIEF ROBERT LEWANDOWSKI AND HAS REQUESTED THAT LT. BRIAN WECHKUS BE NAMED AS CUSTODIAN OF SAID FUND; AND

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT LT. BRIAN WECHKUS BE NAMED AS CUSTODIAN OF SAID PETTY CASH FUND, WITH A SURETY BOND IN THE AMOUNT OF \$1,000,000.00; AND

BE IT FURTHER RESOLVED, THAT A COPY OF THIS RESOLUTION BE FILED WITH THE DIVISION OF LOCAL GOVERNMENT SERVICES.

RESOLUTION NO. 180-2011

WHEREAS, TIGER CONSTRUCTION SERVICE CORP. ("TIGER") BROUGHT SUIT AGAINST THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IN THE SUPERIOR COURT OF NEW JERSEY, LAW DIVISION CAPTIONED TIGER CONSTRUCTION SERVICES CORPORATION V. TOWNSHIP OF PEMBERTON, BEARING DOCKET NO. BUR-L-80-11 (THE "LITIGATION"); AND

WHEREAS, THE LITIGATION INVOLVES CLAIMS BETWEEN TIGER AND THE TOWNSHIP WITH RESPECT TO A CONTRACT FOR CONSTRUCTION AND REPAIRS OF TOWNSHIP WELLS; AND

WHEREAS, IN ORDER TO AVOID THE COST AND UNCERTAINTY ASSOCIATED WITH PURSUING LITIGATION, TIGER AND THE TOWNSHIP HAVE AMICABLY RESOLVED ALL CLAIMS AMONGST THEM IN THE LITIGATION; AND

WHEREAS, THE MAYOR HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL APPROVE THE SETTLEMENT OF THE LITIGATION.

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED TO SIGN A MUTUAL RELEASE AND SETTLEMENT AGREEMENT, AS APPROVED BY THE TOWNSHIP SOLICITOR, AND ANY ALL OTHER DOCUMENTS NECESSARY TO EFFECTUATE THE TERMS OF THE SETTLEMENT OF THE LITIGATION.

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

- A. SHANNON FURY CURTIS
- B. TOWNSHIP CHIEF FINANCIAL OFFICER
- C. GLUCKWALRATH LLP

RESOLUTION NO. 181-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-36(2) 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 IS SOLD TO ANOTHER CONTRACTING UNIT (INCLUDING ANY MUNICIPALITY); AND

WHEREAS, THE TOWNSHIP OF WASHINGTON (WASHINGTON) IN BURLINGTON COUNTY IS IN NEED OF A USED TANKER TO SUPPORT ITS FIRE SUPPRESSION SERVICES AND THE TOWNSHIP OF PEMBERTON OWNS A TANKER THAT IS NO LONGER NEEDED FOR PUBLIC USE; AND

WHEREAS, THE TOWNSHIP WISHES TO SELL THE USED TANKER (VIN NO. 1HTGHN6T1NH426054, A 1992

INTERNATIONAL MODEL 2654 6X4 WITH A CHASSIS MOUNTED KME FIRE APPARATUS) TO WASHINGTON; AND

WHEREAS, THE SALES PRICE OFFERED BY WASHINGTON IS \$25,000, WHICH THE TOWNSHIP ADMINISTRATION DEEMS TO BE FAIR AND REASONABLE GIVEN THE AGE AND CONDITION OF THE VEHICLE.

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 THE 1992 INTERNATIONAL MODEL 2654 6X4 TANKER WITH A CHASSIS MOUNTED KME FIRE APPARATUS, VIN. NO. 1HTGHN6T1NH426054, TO WASHINGTON TOWNSHIP AND TO EXECUTE ANY DOCUMENTS NECESSARY FOR THAT PURPOSE; AND
2. THAT THE SALE IS AUTHORIZED TO BE MADE FOR THE SALES PRICE OF \$25,000; AND
3. THAT WE FIND THAT THIS SALE BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON; AND
4. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE TOWNSHIP CLERK OF THE TOWNSHIP OF WASHINGTON.

RESOLUTION NO. 183-2011

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 626 LOT 9, 312 SEMINOLE TRAIL OWNED BY CHARLES & MARTA C GODFREY QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 7, 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 626 LOT 9 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO JULY 6, 2011 ARE \$1,633.03; AND

WHEREAS, TOTAL TAX FOR FIRST THREE QUARTERS OF 2011 - \$2,398.44 OF WHICH ALL HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2011 TAXES AND ISSUE A REFUND OF \$765.41 FOR OVERPAYMENT OF 2011 TAXES.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 7, 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 626 LOT 9 AS OF JULY 7, 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 \$765.41 TO CHARLES & MARTA C GODFREY, 312 SEMINOLE TR., BROWNS MILLS, NEW JERSEY 08015

RESOLUTION NO. 184-2011

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 240 LOT 29, 109 HARGROVE AVE. OWNED BY CARMEN KIEFHABER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF APRIL 5, 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 240 LOT 29 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO APRIL 4, 2011 ARE \$862.26; AND  
WHEREAS, TOTAL TAX FOR FIRST THREE QUARTERS OF 2011 - \$2,509.02 OF WHICH \$1,750.70 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2011 TAXES IN THE AMOUNT OF \$758.32 AND ISSUE A REFUND OF \$888.44 FOR OVERPAYMENT OF 2011 TAXES.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF APRIL 5, 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 240 LOT 29 AS OF APRIL 5, 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 \$888.44 TO CARMEN KIEFHABER, 109 HARGROVE AVE., BROWNS MILLS, NEW JERSEY 08015

RESOLUTION NO. 185-2011

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 \$56,251.00, WHICH IS NOW AVAILABLE FROM THE 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT IN THE AMOUNT OF \$56,251.00.  
BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$56,251.00 IS HEREBY APPROPRIATED UNDER THE CAPTION 2009 EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT.  
BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM THE UNITED STATES DEPARTMENT OF JUSTICE IN THE AMOUNT OF \$56,251.00.

RESOLUTION NO. 186-2011

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012; AND  
WHEREAS, THE SAME HAVE BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND  
WHEREAS, THE RENEWAL APPLICATIONS HAVE BEEN COMPLETED IN ALL RESPECTS AND ALL OF THE BELOW-NAMED APPLICANT IS QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSE BE RENEWED FOR THE PERIOD OF JULY 1, 2011 TO JUNE 30, 2012, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN:  
PLENARY RETAIL CONSUMPTION LICENSE:  
MAGNOLIA ROAD TAVERN, LLC #0329-33-008-013  
(INACTIVE LICENSE)

RESOLUTION NO. 187-2011

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 581 LOT 6, 607 KATHERINE RD. OWNED BY ALVIN & AYANO ADAMS QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JULY 22, 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 581 LOT 6 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO JULY 21, 2011 ARE \$1,711.72; AND

WHEREAS, TOTAL TAX FOR FIRST THREE QUARTERS OF 2011 - \$2,231.52 OF WHICH \$1,711.72 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2011 TAXES IN THE AMOUNT OF \$609.80.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JULY 22, 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 581 LOT 6 AS OF JULY 22, 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. 188-2011

WHEREAS, NOVA PROPERTIES HAD PREVIOUSLY POSTED A BOND, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 748-750, LOTS 26-48/2-9 WHICH GUARANTEE WAS POSTED IN THE AMOUNT OF \$97,407.60.

WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THAT THE PERFORMANCE BOND BE RELEASED; AND

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO GRANT THIS RELEASE;

THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE PERFORMANCE BOND FOR PROPERTY LOCATED AT BLOCK 748-750, LOTS 26-48/2-9, IN THE AMOUNT OF \$97,407.60, IS HEREIN AUTHORIZED TO BE RELEASED.

RESOLUTION NO. 189-2011

WHEREAS, IN ORDER TO PRESERVE THE RURAL CHARACTER OF BURLINGTON COUNTY (THE "COUNTY") AND ENHANCE THE QUALITY OF LIFE FOR ITS RESIDENTS, THE BOARD OF CHOSEN FREEHOLDERS OF BURLINGTON COUNTY (THE "BOARD") HAS LONG CHAMPIONED THE PRESERVATION OF FARMLAND AND CRITICAL ENVIRONMENTAL, HISTORIC AND SCENIC RESOURCES AND HAS PURSUED AGGRESSIVE PROGRAMS FOR THE ACQUISITION OF LANDS FOR BOTH FARMLAND AND OPEN SPACE PRESERVATION; AND WHEREAS, IN RECOGNITION OF THE NEED TO ESTABLISH A STEADY AND RELIABLE FUNDING SOURCE TO FINANCE ITS PRESERVATION PROGRAMS, THE BOARD OBTAINED VOTER APPROVAL TO CREATE THE BURLINGTON COUNTY FARMLAND, OPEN SPACE, RECREATION AND HISTORIC PRESERVATION TRUST FUND ("TRUST FUND") TO BE SUPPORTED BY A PROPERTY TAX THAT IS NOT TO EXCEED \$0.04 PER \$100 OF ASSESSED VALUATION; AND

WHEREAS, THE COUNTY WISHES TO DEVELOP AN ONGOING PARTNERSHIP WITH ITS MUNICIPALITIES TO FURTHER MUTUAL GOALS FOR RESOURCE CONSERVATION THROUGH SHARING IN THE COST OF ACQUISITION OF OPEN SPACE OF COUNTY AND LOCAL SIGNIFICANCE; AND

WHEREAS, THE COUNTY HAS ESTABLISHED A LOCAL OPEN SPACE LAND GRANT PROGRAM TO ASSIST MUNICIPALITIES IN THE PRESERVATION OF LOCALLY IMPORTANT OPEN SPACE AND HAS DEDICATED A PORTION OF THE TRUST FUND FOR THIS PURPOSE; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS SUBMITTED AN OPEN SPACE PLAN AND IS ELIGIBLE TO RECEIVE FUNDING ASSISTANCE FROM THE TRUST FUND; AND

WHEREAS, N.J.S.A 40A:65-1 ET SEQ. AUTHORIZES A COUNTY AND MUNICIPALITY TO ENTER INTO CONTRACTS FOR THE JOINT PROVISION OF ANY SERVICE WHICH ANY PARTY TO THE AGREEMENT IS EMPOWERED TO RENDER WITHIN ITS OWN JURISDICTION; AND

WHEREAS, THE LOCAL LAND AND BUILDINGS LAW, N.J.S.A 40A: 12-1 ET SEQ., PERMITS THE TOWNSHIP TO CONVEY TO THE COUNTY A DEED OF EASEMENT (RESTRICTING THE USE OF THE PROPERTY FOR OUTDOOR RECREATION AND CONSERVATION PURPOSES) FOR LAND THAT THE TOWNSHIP DETERMINES IS NOT NECESSARY FOR PUBLIC USE BY PRIVATE SALE TO THE COUNTY.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A SHARED SERVICE AGREEMENT, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP AND THE COUNTY OF BURLINGTON FOR OPEN SPACE GRANT FUND.

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

- A. JEFF RABIN, BURLINGTON COUNTY SOLICITOR'S OFFICE
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

**BILL LIST**

Approval by Council for payment of vouchers on bill list dated 7/29/11.

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

**PUBLIC HEARING**

Public hearing regarding the application of municipal consent to construct and operate a cable television system in the Township of Pemberton, as filed by Comcast of Garden State, LP.

Council President Cartier invited anyone wishing to discuss this application to please come forward.

**Fred DeAndrea**, Director of Government Affairs for Comast in southern New Jersey – He conveyed appreciation for the opportunity they have had to provide cable television service to Pemberton residents. Mr. DeAndrea, explained the process for the cable renewal for their non-exclusive cable franchise, noting that this public hearing is part of that process. Mr. DeAndrea further explained the parameters that the Governing Body must consider for renewal of the franchise.

**Ray Wells**, Pemberton – Noted that he is not a cable subscriber, and advised that the last time this came up for renewal there was as question as to why all of the Township is not included in the ability to get cable. Mr. DeAndrea advised that the proposal includes a primary service area within the Township, outside of that service area, line extensions and connections are governed by a line extension policy, based on state law on a reasonable expectation to recoup costs to provide service. Mr. Wells noted that he has never been able to get the formula they use, he lives in an area where there is a fair density of housing, he has applied to have the survey done and he would be offered a line on the contingency that he signs a 10 year contract. Mr. Bayer advised that this would be a non-exclusive franchise that would allow other competitors to come in. Mr. Wells expressed he feels Comcast only services 50% of the Township and does not believe this license should be renewed.

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

Mr. DeAndrea gave his card to Mr. Wells for him to contact and have a survey conducted. Council President Cartier asked if a copy of that survey could be provided to Council and was advised by Mr. DeAndrea that it would be best for that to come from the homeowner. Mr. Wells noted he would be happy to provide the survey if he gets a copy of it. Councilman Allen asked if it was possible for Comcast to increase their service area and Mr. DeAndrea advised that those outside of the primary service area are still able to get service through the line extension policy. Mr. Bayer advised Council that the Mayor, Administration and himself met with Mr. DeAndrea before the meeting to get an understanding of the renewal process. He relayed that negotiations will begin and they can go over the terms of the renewal as this will be coming back to Council over the next months.

Mr. DeAndrea relayed that separately from the renewal process, that Comcast is launching a program called Internet Essentials which is a low cost internet service. It will be available to those families who meet the eligibility requirements for the free lunch program, costing \$9.95 per month. In addition they will be looking at subsidizing computers, at prices under \$150 for a computer to get computers and internet into the homes that don't currently have it. They have reached out to the majority of the school superintendents in southern New Jersey and he will be reaching out to the Pemberton Township school district.

Councilman Prickett question their surveys regarding customer satisfaction and Mr. De Andrea advised they have their own internal surveys but they also pay attention to the major customer service outlets such as Office of Cable Television and JD Power. Councilman Prickett commented about the addition of advertisements and Mr. DeAndrea explained that switch initially caused some confusion but overall it was well received by the customers and it is being rolled out nationally. Councilwoman Stinney commented on being able to get a different remote control for those visually impaired and asked if Comcast could get that word out.

## **RESOLUTIONS**

### **RESOLUTION NO. 182-2011**

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 250 LOT 21, 119 ALMOND AVE. OWNED BY WILLIAM A. & DIANE P. STINNEY QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 17, 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 250 LOT 21 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO JUNE 16, 2011 ARE \$1,687.55; AND

WHEREAS, TOTAL TAX FOR FIRST THREE QUARTERS OF 2011 - \$2,782.24 OF WHICH \$2,528.10 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF 2011 TAXES IN THE AMOUNT OF \$254.14 AND ISSUE A REFUND OF \$840.55 FOR OVERPAYMENT OF 2011 TAXES.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 17, 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 250 LOT 21 AS OF JUNE 17, 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 \$840.55 TO WILLIAM A. & DIANE P. STINNEY, 119 ALMOND AVE., BROWNS MILLS, NEW JERSEY 08015

Motion by Prickett and Scull to approve Resolution No. 182-2011. Prickett, yes; Scull, yes; Allen, yes; Stinney, abstain; Cartier, yes. Motion carries.

## **ORDINANCES FOR INTRODUCTION**

### **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. Councilman Prickett commented that this ordinance is for road repairs.

Motion by Scull and Allen to introduce Ordinance No. 17-2011 with a public hearing on August 17, 2011.

Councilman Prickett noted that this is for the repair and improvement of Ashton Street, Columbus Avenue, College Drive, Coville Drive, Elm Street, Sunset Street, Kentucky Trail, Market Street, New Jersey Road, North Road and Tensaw Drive. Council President Cartier advised that it would be as many of those roads that are feasibly possible. Township Engineer, Chris Rehmann, relayed this was part of the five year road program that will be done on a rolling basis, as one year is done, other roads will be evaluated and added and that is part of their proposal.

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

### **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 Allen and Scull to introduce Ordinance 18-2011 with an amendment to include "for the amount of mortgage payoff plus \$5,000.00", with a public hearing on August 17, 2011.

Council President Cartier asked how this property came to be Pemberton Township's. Mr. Bayer advised that the County Lakes EMS building reverted back to the Township by a clause in the deed. Council President Cartier questioned what the winning bid was. Mr. Vaz noted it is not in the ordinance and he believes it should be, noting it was the amount of the mortgage payoff plus \$5,000.00. At this time Council President Cartier stepped down as chair of the meeting as his employer holds the mortgage on this property. Councilwoman Stinney stepped in as Chair.

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

Councilwoman Stinney yielded the chair back to Council President Cartier at this time.

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

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 190-34 OF THE TOWNSHIP CODE, ENTITLED "FENCES, WALLS AND SITE TRIANGLES", IN ORDER TO CLARIFY PERMIT FEES ARE DUE UPON APPLICATION

Council President Cartier read the title of the ordinance.

Councilman Prickett noted there are other items that need to be addressed with this fence ordinance and suggested they hold off on introduction so they could all be done in one amendment and save on advertising costs. Mr. Bayer advised that this ordinance could be held off for introduction.

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

### **ORDINANCE NO. 15-2011**

CAPITAL ORDINANCE APPROPRIATING \$130,000 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. 15-2011.

Council President Cartier opened the meeting to the public on this ordinance.

**Claire Wadsworth**, Browns Mills – Asked what the money is being spent on. Council President Cartier advised it was for the acquisition and installation of a heating, ventilation and air conditioning system at the Country Lakes Club House building, and the acquisition of a dump truck.

**Jim Wasniewski**, Country Lakes – Asked for a breakdown of what monies are going to what project. Mayor Patriarca advised it was \$15,000 for the air conditioning system and \$115,000 for the dump truck.

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

Councilwoman Scull asked if they had justifications for the \$115,000 for the dump truck and was advised that the Township Clerk's office did not receive any reports.

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

Councilwoman Stinney expressed her concern about the Country Lakes Recreation Center not getting a working air conditioner. Mr. Bayer advised since the ordinance failed they would have to start the process over. Council President Cartier instructed Mr. Bayer to prepare two separate ordinances to be introduced later in the meeting.

### **ORDINANCE NO. 16-2011**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE ACQUISITION OF REAL PROPERTY FROM LIGHT AND LOVE EVANGELISTIC CHURCH TO BE PRESERVED AS OPEN SPACE

Council President Cartier read the title of the ordinance.

Motion by Stinney and Prickett to adopt Ordinance 16-2011.

Council President Cartier opened the meeting to the public on the ordinance.

**Theresa Letman**, Pinelands Preservation Alliance – Questioned how many acres the parcel was because it was not noted in the ordinance and requested that it be put in the ordinance as there have been incidences of what was thought to be protected land being sold later in years after subdivisions.

**Pastors Frederick and Evelyn Dean**, of Light & Love Evangelistic Church – relayed that the land in question is almost 31 acres.

**Ray Wells**, Pemberton – Asked if there would be provisions in the deed to prevent it from being sold by a future Council, expressing that 100 years from now that 31 acres could be very valuable. Mayor Patriarca noted the intention is to put the parcel of land in the Open Space Inventory.



**Jim Wasniewski**, Country Lakes – Asked what the Township planned on doing with the property and if the property would be policed, advising that Pemberton Township is known as a place one can take construction debris and dump it. Mayor Patriarca advised that the property is intended to be used as a park and they generally do not have a dumping problem within their parks.

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

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

### **UNFINISHED BUSINESS**

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.

Mr. McCabe advised that the two concerns were if colors should be specified by having a pallet of colors available and who should be the designated appointee responsible for making sure the color chosen, complied. The wording suggested was “all fences shall be of a complimentary color, stain or sealant that is consistent with the principle use and that of the community characteristics” and suggested that the Zoning Officer be the one responsible for compliance review. Mr. McCabe noted this would be part of section F1 under the new fence ordinance. Councilman Prickett noted that part of the previous discussion dealt with the conflicting sections with the redevelopment plan and Councilman Prickett just wants to make sure those in the redevelopment zone are referred to that section. Councilman Prickett asked that this be held for another two weeks so they can finalize everything. Council President Cartier asked the Planner to get both the ordinance amendments together and have one ordinance introduced for the next meeting.

Recommendation from Council sub-committee (Mr. Prickett & Mrs. Scull) regarding contract award for Small Cities Rehabilitation Administration.

Councilman Prickett advised that a resolution was prepared awarding the contract to REHABCO as their costs were within the 20% administrative costs that he advocated for. Mr. Vaz advised that he received some updated references. Council President Cartier noted if it is Council’s pleasure this would be resolution 190-2011.

Motion by Prickett and Scull to add Resolution 190-2011 to the agenda. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Motion by Prickett and Allen to approve Resolution 190-2011. Prickett, yes; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

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

Mr. Vaz reported he was not ready to discuss this topic this evening and will be discussing it at the next meeting.

### **NEW BUSINESS**

#### **Parade Permit Applications (Public Hearing Required)**

1. Randy Butters: Annual Block Party, Sassafra Street between Clan and Rugby, from 2PM-10PM, 8/13/11.

Council President Cartier opened the meeting to the public and not seeing any wishing to speak he closed the meeting to the public for comments on the application.

Motion by Scull and Stinney to approve parade permit. Scull, yes; Stinney, yes; Prickett, yet; Allen, yes; Cartier, yes. Motion carries.

2. Alison Artiga: Block Party, Homestead Drive, from 1PM-10PM, 8/13/11.

Council President Cartier opened the meeting to the public and not seeing any wishing to speak he closed the meeting to the public.

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

Authorization for Twp. Clerk to solicit RFPs for receipt in the Fall for 2012 Professionals and designation of Council sub-committee to review RFPs received and to make recommendation along with Administration for 2012 Reorganization appointments.

Council President Cartier noted this is slightly early however they have been notified that their Clerk needs to get this put together because she will be unavailable later this year.

It was determined that Stinney and Scull will be on the subcommittee. Council authorized the Township Clerk to solicit RFP's.

Review of draft ordinance establishing fees for solar systems:

Mr. McCabe noted these are the numbers that were derived from the last meeting in July and they are now in ordinance format that was prepared by the solicitor's office.

Council President Cartier noted this will be listed on the next agenda for introduction.

### **BILL LIST**

Approval of Council required for payment of bills list dated 7/29/11.

Bill 11-00672 in the amount of \$2,181.22, page 19.

Councilwoman Scull noted this is for BMIA and she was very adamant that she wanted that money to go towards saving employees and the money was allocated so her intent is to vote no.

Motion by Prickett and Stinney to approve Bill 11-00672.

Council President Cartier asked if the items had already been purchased and the Mayor advised it has been. Councilman Prickett noted that the BMIA building is under renovation and he does not think the building can be left in disrepair. Council President Cartier asked about the progress of the asbestos remediation to which the Mayor advised it is ongoing, the results of the kitchen came back today and it was negative. Councilwoman Stinney commented that she intends to second Councilman Prickett's motion because she believes the residents deserve a nice facility. Councilwoman Scull clarified that her intention to vote no has nothing to do with whether or not to provide the residents with a nice building, her vote is based on the financial constraints the Township found themselves in and that Council had expressed their concern about spending this money and it upsets her greatly that the residents were not put first and this project continued. Councilwoman Scull further noted that she respects Councilman Prickett's comments, recalling that it is funny because she has similar comments regarding the courtroom project and now they seemed to have switched sides, but she believes there is a time when you have to take a stand.

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

Bill 11-00867 for \$311.33.

Motion by Prickett and Stinney to approve Bill 11-00867. Prickett, yes; Stinney, yes; Scull, no; Allen, yes; Cartier, yes. Motion carried.

### **ADDITION OF ORDINANCES**

Solicitor Andrew Bayer advised that Ordinance 20-2011 to be added to the meeting would be with a title and wording identical to the failed Ordinance 15-2011 with the exception of the

amount and description. He advised the amount would be \$15,000 and the project description would be the language for the Country Lakes heating, ventilation and air conditioning unit and related expenses.

Motion by Stinney and Allen to add Ordinance 20-2011 to the agenda. Stinney, yes; Allen, yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carried.

Motion by Stinney and Scull to introduce Ordinance 20-2011 with a public hearing on August 17, 2011. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

Solicitor Andrew Bayer advised that Ordinance 21-2011 to be added to the meeting would be with a title and wording identical to the failed Ordinance 15-2011 with the exception of the amount and description. The amount would be \$115,000 and the project description would be the language for the purchase of a dump truck.

Motion by Scull and Stinney to add Ordinance 21-2011 to the agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carries.

Council President Cartier advised that he is going to ask for a motion to introduce and asked Council to keep in mind of their intentions on this ordinance, if it gets introduced it would have to be advertised for a public hearing and expend the funds for advertising.

Motion by Scull and Stinney to introduce Ordinance 21-2011, with the hearing on August 17, 2011. Scull, yes; Stinney, yes; Prickett, no; Allen, yes; Cartier, no. Motion carries.

Councilwoman Scull requested back up on this ordinance.

Council took a 10 minute recess.

### **GENERAL PUBLIC COMMENTS**

Council President Cartier opened the meeting to General Public Comments:

Mr. Bayer advised there would be a 5 minute time limit for each speaker in anticipation of the many members of the public wishing to speak and to give everyone the opportunity. Mr. Bayer also strongly recommended that Council listen to the comments but refrain from commenting and getting into a back and forth commentary due to potential litigation.

Council President Cartier clarified they will be entertaining everyone that wishes to comment however they will not be entertaining any questions concerning the Historic Trust or the Train Station.

Councilwoman Scull recused herself from the dais at this time.

**Fred Hardt**, Attorney for the Historic Trust – Expressed hope that the matter can be resolved before litigation is necessary. He argued that he does not believe the Mayor had the legal power to evict the Historic Trust from the Train Station and that it required Council action, in addition he equated the Mayor selling the rolling stock to “stealing”. Mr. Hardt requested an opinion in writing from the County regarding the moving of the equipment.

Mr. Bayer commented that he thinks it would be in all parties’ best interest to come to the table and talk.

**America Phillips**, Presidential Lakes – Noted that she has been a resident for 32 years and when they first arrived her children had asked about the trains and she questioned what memories will be left for future children. She commented on the Township considering the Train Station being an eyesore when they should look at the Acme as being an eyesore and nothing is being done about that. She expressed that one can not put a price on volunteer service. She advised that

she is noting for the last time of the trees blocking the view at the intersection at 217 Tennessee Trail. She thanked those that helped with the Presidential Lakes cleanup on July 16<sup>th</sup> noting that went very well. She asked that the Township supply the volunteers with something to eat during the Water Carnival.

**Clare Wadsworth**, Browns Mills – Commented that she enjoys the Train Station with her grandchildren and the volunteers have always taken the time to answer questions and are very knowledgeable. She believes the Station deserves to be preserved as it is one of the few bright spots in the Township. She commented on the Solar Ordinance and asked Council once again to consider putting provisions in there that would allow for front yard mount arrays, noting the option of getting a variance for one is a costly process.

**Marisa Wilkins**, Pemberton –Advised that she is not nor has ever been a member of the Historic Trust, but has attended their events. She relayed that her daughter was home schooled and they used the Train Station many times for education opportunities. She expressed belief now more than any other time the Township is focusing on children and she thinks that is fantastic and believes the kids need to know the Township history and that the trains are a big part of that. She expressed hope that they can all get together and show their children how grownups can act and settle this matter before it gets to a point of no return.

**Terry Patton**, Historic Trust Member –Expressed that Pemberton Township has a fantastic history and number of industries where they were either leaders or excelled in and the trains had something to do with all of those industries. He believes all of the rolling stock and artifacts should remain at the Train Station.

**Denise Prickett**, Pemberton –Advised that she was here for two reasons, one to pay her respects to Mrs. Jean Dwane, noting Mrs. Dwane was a vital part of political history and taught her if you had an opinion or disagreed with something going on in your town, you not only had the right but an obligation to stand up and be heard. This brought her to her second reason for being at the meeting, she asked Council to make a difference in the Train Station situation and felt that as elected officials they had the power to put a stop to what was going on. She expressed this was about more than an argument between two people, it was about the history of Pemberton Township. She expressed thanks to Mrs. Dwane for giving her the courage to speak up and wished her God speed.

**John G. Shaw**, Country Lakes – Commented that he has been working for the Historic Trust for the past 10-12 years and advised that the Township had helped them dispose of the wood to clear the area for the trains. He advised that the Trust has been taking care of the trail for the past ten years and it is the Township that has abandoned the trail, the Trust did not abandon the property. He commented that he estimates the Trust has put in well over 5,000 man hours in taking care of the trail which should have been the Township's responsibility. He expressed those hours could have been used working on the trains. He further expressed that this is a fight between the Mayor and Michael Tamn and he believes Mr. Tamn owes the Mayor an apology for the comments he made at a previous meeting regarding the Mayor and the Engineer. He commented on the theft of the property from the Train Station and was told that the Police did not treat it as a theft and he could not believe that in this country someone can take someone else's property and it not be considered theft. He expressed belief this started with the actions of the contractor destroying some historic aspects of the site without consideration. He asked Council not to let the Mayor destroy the train cars.

**Tony Miehle**, Browns Mills – He commented that he has made it clear that he is in favor of keeping the Historic Trust at the Train Station along with the rolling stock. He noted that he is seeing a trend of things being purchased before being approved by Council. He expressed that he has not heard any complaints about the Train Station but everyone he has heard come forward are in favor of keeping it open. He expressed to Mr. Bayer that in regards to his opinion he offered, that just because something is legal does not mean that it is right.

**Mark Trebbing**, Eastampton – Commented that he joined the Historic Trust two years ago and has been coming out on Saturdays to help maintain and improve the site which has caused him to buy gasoline and other items in the town. He expressed that having those rail cars at the station has been a benefit to the Township, that they are an important part of Pemberton Township's

history and he urges the Township not to get rid of the rail cars.

**Debra Mada**, Burlington County –Relayed that she has been a Burlington County Resident for 30 years and an employee of the Board of Education for over 25 years. She expressed that the Train Station is a beautiful part of their community. She advised she is originally from Bayone in Hudson County and remembers coming down to this area and seeing all the nice little towns and all the history associated with them. She noted that she is a member of the Historic Trust and is asking that Pemberton not do what other towns have done; remove history, because once it is gone, it will never be the same. She reflected on a story about the 8<sup>th</sup> Street Train Station in Bayonne that was torn down and they have since replaced it, but it is not the same. She asked Council to keep something positive in Pemberton.

**Michele Forman**, Browns Mills – She thanked all the people at the Train Station for everything they do for maintaining the trail and being kind to her kids when they are there. She commented on the Mayor saying the trains impose a danger and she does not believe that is true as she is very over protective and she does not feel like they are a danger. She noted never having heard a complaint about the Train Station at all the meetings she has come to. She shared that it will really hurt her to see all these people invest their time in the Train Station and it is taken away. She thanked Mr. Peakcock for coming over and checking her water and the Mayor for getting the air conditioner fixed at the library.

**Dennis Jordan** – Commented that the Township should not allow the history of the town to go away and it should remain for the future generations to see.

**Ron Parzyck**, Browns Mills – Commented that he just recently got involved with the Train Station and learned a lot of history from Mr. Tamn. He expressed this history is not just of Pemberton but all surrounding communities, noting that “you don’t shut down history”. He advised that he is appalled that his government has let it get this far and there are other areas of the town that need to be looked at and taken care of. He informed Council that George Westinghouse invented a 3 point breaking system for trains that is still used today and he did his tests at the Pemberton Train Station.

**Rich Koster**, Browns Mills – Expressed belief that the Mayor’s office is being used for a personal agenda against someone and the abuse of power needs to be shut down; noting the best thing the Mayor can do for Pemberton Township is resign.

**Rudy Irizarry**, Browns Mills – Commented that he does not think the Train Station should be taken away and believes the Trust needs to regroup and see how they can improve things and search for funding to assist them and get things done.

**Jim Wasniewski**, Country Lakes – Noted that he doesn’t know much about the Train Station but commented that it seems the Township seems to “shoot it self in the foot” when it comes to things that are valuable to the town and they should be looking at things that devalue the town such as the old Acme and the Red Carpet Inn.

**Diane Fanucci**, Pemberton Borough – Noted that she was a Township resident and she uses the trail almost daily and can attest that the Trust maintains the trail and that the Township has been getting a lot of free service from the Trust. She pleaded with everyone to work this situation out and keep the Train Station open.

**Theresa Lettman**, Pinelands Preservation Alliance –She advised that she wanted to come in person to let the Township know she is keeping an eye on things they are doing and she feels the Township violated the Pinelands CMP. She noted she is unhappy with the re-vegetation plan the Township submitted and did. She commented that she understands the Townships are experiencing hardships but she wants them to know she is keeping an eye on them.

**Ray Wells**, Pemberton – Liason, Pemberton Township Schools, gave each Council a diploma which on the back listed all the schools the Pemberton graduates were accepted to. He expressed that a comment made by a Council Member at the last meeting bothered him and he doesn’t believe it is true. Mr. Wells went over a report of school lunches with the Council, advising that Pemberton Township School District meets the State requirements. Council President Cartier noted that he appreciates Mr. Well’s time in putting the report together.

Councilwoman Scull commented that she had complained to the District, Superintendent and Administrator. She had made the comment about the school lunch in relation to a comment made about a department in the Township that was required to be self-supporting and how that ended up affecting service. Councilwoman Scull does believe the comment she made regarding the school lunches are true. It concerns her that the lunch staff or other staff has to make enough money to pay their salaries and benefits however the Administrators do not.

Council President Cartier expressed that this conversation should continue at the School Board.

**America Phillips**, Presidential Lakes – She commented on needing more agendas for the next meeting.

Seeing no one else wishing to speak Council President Cartier closed the meeting to public comments.

#### **Solicitor's Report**

No Report.

#### **Engineer's Report**

Kelly Willis – reported that the water allocation permit was submitted for Well #12 and she had spoken with the DEP and advised that the review has been completed by the primary reviewer and it is looking favorable. Ms Willis noted this was very good news as they were expecting this to take six months for review and that they thanked them for moving this forward to help with the NJEIT funding opportunity.

#### **Planner's Report**

No report.

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

Mayor Patriarca commented that Mrs. Dwane will be missed and expressed the loss of another resident, Sister Carmela who was a very instrumental and strong advocate for many groups in Pemberton Township.

#### **COUNCIL COMMENTS**

***Diane Stinney*** – Thanked everyone for coming out, noting they also lost Johnny Robinson who played for the seniors and throughout Pemberton Township.

***Jason Allen*** – Took this time to promote an event, the Deborah Hospital Walkathon on Saturday September 24<sup>th</sup>, advising to please contact him if they need any further information, noting monies will be raised to provide care for patients at Deborah Hospital. He advised that this past Friday he volunteered his time at the BCCAP School on Lakehurst Road, noting that 80% of what it takes to run their program is federally funded and the other 20% comes from volunteer efforts. He relayed that if anyone is interested in volunteering to let him know.

***Sherry Scull*** – Apologized for getting so emotional, they have brought up the issue of the food many times; every time they do they are threatened with contracting out. It is very hard for her members to hear that, but that is not the thrust of her comments at the last month, the point was having to pay for their benefits. Commented on receiving conflicting attorneys' views and from her experience she has seen this also on the School Board level, noting that was why it had been discussed by Council to have separate attorneys. She commented on Eminent Domain and questioned if eminent domain letters have been sent to some of their residents in reference to the new town center to which Mr. McCabe advised that they have not. Ms. Scull noted she is being told by some residents they got letters if they live along Noteboom Avenue, and she knows she wouldn't promote it. The only eminent domain she wants to hear about is the Browns Mills Acme. Mr. McCabe reiterated there were no letters that have gone out about eminent domain procedures along Noteboom Avenue. Mr. McCabe noted that two years ago they sent out notices under the municipal land use law. Ms. Scull wants to thank the Fire Department for saving her rooster at the Peripole building; it is a shame because she didn't even know that there had been a fire there until last night when she was at Touch a Truck which was a phenomenal event. She questioned the contract for cleaning of police uniforms, we were talking about that is supposed to go out soon. Mr. Vaz noted that cleaning is coming up. She wanted to make sure

because she has had businesses coming up to her about that and she doesn't want them to miss it and blame her. She commented on reports from Administration and has asked in the past and still thinks they should get a monthly report from Administration so Council knows where they are at with issues instead of just taking for granted that things are taken care of. She reflected that they knew the Township was told to clean up the stuff by the Pinelands but they never got a report and she doesn't think she should have to remember to ask at every meeting to for a report on everything that has happened, noting she would have appreciated an email about the fire at the Peripole building. She noted the Hall of Fame fundraiser, the Golf Tournament, which is Friday, at Ft. Dix, noting that every year they award at least \$6k in scholarships and it is their main fundraiser. She expressed hope that people will be out there supporting that and with that it is time for nominations for people who could be inducted into the hall of fame, usually done in October, nominations and the form is on the School website and it is for anybody that has spent at least 2 years at Pemberton High School. She thanked everyone for coming out tonight and thanked Mr. Wells for the report on where their kids are going to college and wished everyone a good evening.

**Richard Prickett** – Commented on the passing of Jean Dwane, noting she was a very big part of Pemberton Township and she was devoted to the government here. Councilman Prickett listed the areas that Mrs. Dwane served; Planning Board, PTMUA, and the Township Committee for 12 years and more recently on the Township Council for 1 year. In addition she worked in the court system, was a supervisor at the telephone company and was one of the first female first aid squad members, if not the first. He relayed that when Mrs. Dwane came to the dais, one paid attention. He commented to Mayor Patriarca that he and Mrs. Dwane has something in common as she was against employees having vehicles and Mayor Patriarca was able to fulfill her dream.

**Ken Cartier** – Wished everyone a safe journey home, thanked them for coming out noted their comments have not fallen on deaf ears.

Council President Cartier advised that Council will now go back in to closed session and there may be legal action following.

Councilwoman Scull left the meeting prior to going into closed session.

At approximately 11:55 a.m. Council President Cartier reconvened the open session and requested Resolution 191-2011 be added to the agenda.

Council President Cartier read the resolution into the minutes.

RESOLUTION NO. 191-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON ENTERED INTO A LICENSE AGREEMENT WITH THE PEMBERTON HISTORIC TRUST (THE "TRUST") ON OCTOBER 4, 2000 WHICH PROVIDED THE TRUST WITH THE NON EXCLUSIVE RIGHTS TO USE THE RAILROAD STATION BUILDING AS A NEW JERSEY PINELANDS TOURIST INFORMATION CENTER ON PROPERTY DESIGNATED AS BLOCK 787, LOT 3 OWNED BY THE TOWNSHIP OF PEMBERTON (THE "PROPERTY"); AND WHEREAS, THE TRUST PLACED ROLLING STOCK ON THE PROPERTY WITHOUT OBTAINING PERMISSION FROM THE TOWNSHIP OF PEMBERTON; AND WHEREAS, THE TOWNSHIP SENT A LETTER DATED FEBRUARY 16, 2011 ADVISING THE TRUST THAT IT DID NOT HAVE PERMISSION TO MOVE A 1930'S ERA CENTER CAB SIDE ROD ENGINE TO THE PROPERTY BUT REGARDLESS OF THAT FACT THE TRUST MOVED SAID CAB TO THE PROPERTY; AND WHEREAS, THE MAYOR SENT A LETTER TO THE HISTORIC TRUST TERMINATING THE LICENSE AGREEMENT ON JUNE 5, 2011; AND WHEREAS, ADMINISTRATION SENT A LETTER DATED JUNE 7, 2011 DEMANDING THAT THE TRUST DEVELOP A PLAN FOR EITHER RENOVATION OR REMOVAL OF THE PROPERTY; AND WHEREAS, ADMINISTRATION SENT A LETTER DATED JUNE 21, 2011 DEMANDING THAT THE TRUST REMOVE THE COLLECTION OF ROLLING STOCK ON THE PROPERTY WITHIN 30 DAYS AND THEREAFTER ADMINISTRATION HAS ESTABLISHED AN AUCTION FOR THE SALE OF THE ROLLING STOCK ON AUGUST 12, 2011; AND WHEREAS, THE TOWNSHIP COUNCIL BELIEVES IT IS IN THE BEST INTEREST OF THE TOWNSHIP TO WORK WITH THE TRUST AND NON-PROFIT ORGANIZATION TO PRESERVE THE ROLLING STOCK AND TO POSTPONE THE AUCTION. NOW THEREFORE BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, THAT IT HEREBY URGES THE MAYOR TO ADJOURN THE AUCTION TO PERMIT THE HISTORIC TRUST SUFFICIENT TIME TO MEET WITH TOWNSHIP OFFICIALS AND NON-PROFIT ORGANIZATIONS TO RESOLVE THE DISPUTE BETWEEN THE MAYOR AND THE HISTORIC TRUST.

Motion by Prickett and Stinney to add Resolution 191-2011 to the agenda. Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Stinney and Prickett to adopt Resolution 191-2011. Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

The meeting ended at approximately 12:01 a.m.

Respectfully submitted,

Amy P. Cosnoski, RMC, Deputy Township Clerk