

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
SEPTEMBER 21, 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, 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. 212-2011**

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:  
CONTRACTURAL AGREEMENT AMENDMENT AND/OR LITIGATION FOR HISTORIC TRUST V. PEMBERTON; JOBS IN BLUE PROGRAM GRIEVANCE, AFSCME CONTRACT NEGOTIATIONS
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 Scull and Stinney to approve Resolution No. 212-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:31 PM to go into closed session, and 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.**

Council President Cartier opened the meeting to the public on consent agenda items only.

Bob Pelletier, Pemberton – Questioned Resolution 218-2011 authorizing the PILOT agreement for West Pemberton Solar commenting he does not know why the Township is considering this since it is not bringing in jobs or is a real ratable and does not think the Township should enter into this agreement. Council President Cartier believes the word abatement is being incorrectly used and that this resolution was going to be tabled.

George Petronis, Browns Mills – Echoed Mr. Pelletier's sentiments.

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

Councilman Prickett pulled/abled Resolution 218-2011 until the Solicitor can review it, pulled from the bill list, page 15, 11-001209, Construction and Painting of Train Station, \$25, 203.13. Councilwoman Scull pulled from the bill list page 16, 11-00506, 11-00867, and 20111273, C0410914914904, BMIA Project, Pulled Resolutions 201-2011 and 202 -2011.

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

### **RESOLUTIONS**

#### **RESOLUTION NO.- 205 -2011**

WHEREAS, THE FOLLOWING BUDGET RECEIVABLES AND ACCOUNT BALANCES REMAIN OPEN UNCOLLECTIBLE AND OR UNEXPENDED:

#### **GRANT FUND RECEIVABLES**

MUNICIPAL DRUG ALLIANCE 2007-2010	1-02-117-04-200-010	40,272.54
CLEAN COMMUNITIES PROGRAM 2005	1-02-117-04-200-020	1,456.00
DCA SMALL CITIES GRANT PRIOR-2004	1-02-117-04-100-010	150,000.00
NORCROSS LANE #1 2007	1-02-117-04-100-110	17,000.00
NORCROSS LANE #2 2008	1-02-117-04-100-120	5,183.95

#### **GRANT FUND APPRIATION BALANCES**

MUNICIPAL DRUG ALLIANCE 200	G-02-41-703-702-000	8,608.12
MUNICIPAL DRUG ALLIANCE 2009	G-02-41-703-702-001	4,784.79
MUNICIPAL DRUG ALLIANCE 2010	G-02-41-703-702-002	13,988.62
DCA SMALL CITIES GRANT PRIOR-2004	G-02-41-707-702-000	4,852.00
NORCROSS LANE #1 2007	G-02-41-865-701-703	17,000.00
NORCROSS LANE #2 2008	G-02-41-865-701-704	5,183.95

WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED OR DEBITED TO SURPLUS;

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO CANCEL THESE BALANCES;

THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE ABOVE LISTED BALANCES OF THE ABOVE FUNDS BE CANCELED.

#### **RESOLUTION NO. 213-2011**

WHEREAS, WAWA STORE #982 HAD PREVIOUSLY POSTED A MAINTENANCE BOND, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 786.01, LOTS 15, 16 AND BLOCK 786.02, LOTS 1,2: WHICH GUARANTEE WAS POSTED IN THE AMOUNT OF \$225,893.00;AND

WHEREAS, THOSE IMPROVEMENTS HAVE BEEN COMPLETED; AND

WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THE RELEASE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$225,893.00; 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 MAINTENANCE BOND #105312047 IN THE AMOUNT OF \$225,893.00, BLOCK 786.01, LOTS15, 16 AND BLOCK 786.02, LOTS 1 & 2 IS HEREIN AUTHORIZED TO BE RELEASED.

#### **RESOLUTION NO. 214-2011**

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 234 LOT 70,

362 DENNIS AVE OWNED BY ADELINO O. DELGADO QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF AUGUST 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 234 LOT 70 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO AUGUST 21, 2011 ARE \$2,051.08; AND

WHEREAS, TOTAL TAX FOR 2011 - \$3,163.43 OF WHICH \$2,397.87 HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF FOURTH QUARTER 2011 TAXES IN THE AMOUNT OF \$765.56 AND ISSUE A REFUND OF \$346.79 FOR OVERPAYMENT OF THIRD QUARTER 2011 TAXES.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF AUGUST 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 234 LOT 70 AS OF AUGUST 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.

THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$346.79 TO ADELINO O. DELGADO 362 DENNIS AVE., BROWNS MILLS, NEW JERSEY 08015

#### **RESOLUTION NO. 216-2011**

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS NUMEROUS AND VARIOUS PIECES OF PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE; AND

WHEREAS, N.J.S.A. 40A:11-36 PROVIDES THAT ANY CONTRACTING UNIT BY RESOLUTION OF ITS GOVERNING BODY MAY AUTHORIZE BY SEALED BID OR PUBLIC AUCTION THE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE; 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 PERSONAL PROPERTY LISTED IN SCHEDULE A ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, ARE HEREBY AUTHORIZED TO BE SOLD IN ACCORDANCE WITH THE FOLLOWING:

1. THE PERSONAL PROPERTY IDENTIFIED IN SCHEDULE A SHALL BE SOLD BY PUBLIC AUCTION METHOD AT A PUBLIC SALE TO BE HELD ON OCTOBER 8, 2011, AT 9:00 AM AT THE PUBLIC WORKS

GARAGE, LOCATED BEHIND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING, LOCATED AT 500 PEMBERTON-BROWNS MILLS ROAD, NEW LISBON, NEW JERSEY.

2. ANY PERSONS WHO DESIRE TO INSPECT THE PERSONAL PROPERTY SET FORTH ON SCHEDULE A ARE INVITED TO ARRIVE AT THE PUBLIC WORKS GARAGE NO EARLIER THAN 8:00 A.M. ON THE DATE OF THE AUCTION FOR PURPOSES OF SAID INSPECTION.

3. NOTICE OF THIS PUBLIC SALE SHALL BE PUBLISHED IN THE BURLINGTON COUNTY TIMES.

4. THE TOWNSHIP'S BUSINESS ADMINISTRATOR OR HIS DESIGNEE ARE HEREBY AUTHORIZED TO CONDUCT THE PUBLIC SALE PROVIDED FOR IN THIS RESOLUTION.

5. THE TOWNSHIP'S BUSINESS ADMINISTRATOR SHALL HAVE THE RIGHT TO REJECT ANY AND ALL BIDS IF THE TOWNSHIP'S BUSINESS ADMINISTRATOR DETERMINES THAT SUCH REJECTION IS IN THE PUBLIC'S INTEREST.

FOLLOWING IS THE LIST OF ITEMS TO BE SOLD AT PUBLIC AUCTION TO THE HIGHEST BIDDER, SUBJECT TO THE FOREGOING TERMS: (SEE SCHEDULE A BELOW)

MISC. ITEMS				
1	3		PIPE CUTTERS	
2	1		TAP MACHINE	
3	1		CUT SAW	STIHL
4	1		PRESSURE GAUGE	
5	1		FOLDING TABLE	
6	1		LATHE DRUM CUTTER	
7	2		2 DRAWER FILING CABINET	
8	1		FOLDING TABLE	
9	1		3 DRAWER METAL FILING CABINET	
10	1		8 FT. METAL LADDER	
11	1		INDUSTRIAL FLOOR SCRUBBER	
12	1		METAL DESK	
13	1		WOODEN DESK	
14	1		PINK CHAIR	
15	1		PINK CHAIR	
16	1		TV/CABINET	
17	1		VCR PLAYER	
18	1		2 DRAWER METAL DESK	
19	1		HP LASERJET 4,000 T	HEWLETT PACKARD
20	1		HP LASERJET 2,100	HEWLETT PACKARD
21	1		METAL SHELF	
22	1		VENETIAN BLIND	
23	1		METAL CABINET WITH 3 SHELVES	
24	1		AT&T PHONE	
25	1		AT&T PHONE	
26	1		DISC HOLDER	
27	1		METAL TRIANGLE LETTER HOLDER	
28	1		DICTAPHONE AND PART	
29	1		DRUM OF KEYBOARDS AND DISKETTES	
30	3		STAPLERS	
31	1		STONE ASHTRAY	
32	1		GATEWAY LAPTOP	GATEWAY
33	1		MONITOR VEI 150	VIEW SONIC
34	1		MONITOR VEI 150	VIEW SONIC
35	1		LAPTOP ACER	ACER
36	1		DESKTOP PRINTING CALCULATOR	VICTOR
37	1		8 PORT ETHERNET	
38	1		MOTOROLA CHARGER AND RADIO	
39	1		KENSINCTION MASTERPIECE PLUS	
40			BLANK	
41	1		DUAL MONITOR ALARM	
42	1		15" MONITOR GATEWAY 2000	GATEWAY
43	1		15" MONITOR GATEWAY 2000	GATEWAY
44	1		LASERJET 11P	
45	1		BOX OF AUTO PARTS	
46	1		BOX OF AUTO PARTS	
47	2		BOXES OF BRAKE ROTOR DISCS	
48	1		BOX OF AUTOMOTIVE LIGHTS	
49	1		BOX OF TRUCK LIGHTS/LENSES	
50	2		BOXES OF BRAKE ROTOR DISCS	
51	1		BOX OF ROTOR DISCS	
52	1		SKID OF ASSORTED AUTO/TRUCK PARTS	
53	1		17" MONITOR ACER	ACER
54	1		GATEWAY COMPUTER	GATEWAY
55	1		DELL MONITOR	DELL
56	1		CANNON 350 TYPEWRITER	
57	1		HP LASERJET 1200	HP
58	1		HP COLOR LASERJET 3500	
59	1		BOX OF MICROPHONE AND WIRES	
60	1		BOX OF ASSORTED POWER TOOLS	
61	1		BOX OF COMPUTER BOOKS	
62	1		RACK	
63	8		ACER COMPUTERS VERITON 3600G	ACER
64	1		COMPUTER	
65	1		SIX EXTENSION OUTLET	
66	1		AIR COMPRESSOR	
67	1		AIR COMPRESSOR	
68	1		LAWN MOWER MOTOR FROM A HUSTLER	
69	1		SIGN BAKING MACHINE	
70	1		ASSORTED FAN BELTS	
71	1		KEYBOARD/MONITOR STAND	
72	1		LINCOLN ELECTRIC POWER MIG WELDER	
73	1		TRUCK EXHAUST PIPE	
74	1		TRUCK EXHAUST PIPE	

75	1		HOLIDAY LIGHT DECORATION			
VEHICLES						
ITEM #	QTY.	YEAR	MAKE	MODEL	VIN	MINIMUM BID
1	1	1992	FORD	UTILITY	1FTHF26H2NNA37281	
2	1	1993	FORD	E350 AMBULANCE	1FDKE30M5PHB62535	
3	1	1994	FORD	CROWN VIC	2FALP71W3RX198856	
4	1	1994	FORD	CROWN VIC	2FALP71W8RX198867	
5	1	1995	FORD	PROBE	1ZVLT20A4S5142802	
6	1	1998	FORD	EXPEDITION	1FMRU18W5WLC45549	
7	1	1999	FORD	EXPEDITION	1FMPU18L4XLC04327	
8	1	2000	FORD	CROWN VIC	2FAFP71WXYX179099	
9	1	1998	FORD	CROWN VIC	2FAFP71W1WX191817	
10	1	1997	CHEVY	CAVALIER	1G1JC1243VM149657	
11	1	1992	ACURA		JH4KA7575NC028983	
12	1	1995	FORD	E350 17 PASS BUS 7.3L DIESEL	1FDKE30F3SHA81642	
13	1	1987	FORD	L8000 DUAL CAB FIRE TRUCK	1FDPR82A1JVA17835	\$5,000.00
BICYCLES						
NUMBER	DESCRIPTION				SERIAL #	TAG#
1	BLUE KENT ACTION ZONE				GB050302056	11822
2	ORANGE MONGOOSE				R3732WMT12M05JH	11821
3	MONGOOSE REBEL BMX				RM61586770	11823
4	GREEN ROADMASTER MOUNTAIN BIKE				SN0NP06G28674	23701
5	BLACK BLITZ X-SPORT 24 SPEED MOUNTAIN BIKE				NONE LISTED	11840
6	BLUE NEXT BIKE				GS090968104	11834
7	SILVER NEXT BIKE				02TD5032479	11824
8	BLACK SCHWINN MOUNTAIN BIKE				T150300934	11825
9	RED MONGOOSE REDLINE BIKE				AP0167242	11826
10	20" BLUE MURRAY BIKE				SNFSD07JK5740	11827
11	YELLOW NEXT ENFORCER BIKE				NONE LISTED	11828
12	ORANGE MONGOOSE				SMACE06F11274	11829
13	26" PACIFIC LEGEND MOUNTAIN BIKE				CA8B2383	11836
14	BLUE HUFFY BIKE				NONE LISTED	11835
15	RED MONGOOSE BIKE				SNACE06D06018	11830
16	BLACK & SILVER KENT BIKE				GC080100684	11837
17	SILVER LAND RIDER MOUNTAIN BIKE				UV02165520	11831
18	SILVER ROAD MASTER SILVER RIDGE BIKE				D0019790	11832
19	SILVER 20" BICYCLE MODEL 8596-20				54545232	11833
20	RED SCHWINN TRAVELER III 10SPEED BIKE				NONE LISTED	11810
21	GRAY DYNACRAFT BMX BIKE				54545232	11838
22	WHITE DIAMOND BACK BMX BIKE				ASJ0106933	11839
23	WHITE DSY CARRERA 21 SPEED MOUNTAIN BIKE				CX00804055	11844
24	PAINTED BLUE FAME / ORANGE FORK BMX BIKE				FE 1J16	11845
25	GREEN HUFFY SUPRA 1A 15 SPEED MOUNTAIN BIKE				NONE LISTED	11846
26	RED MESA SCHWINN MOUNTAIN BIKE				M7J141511	11847
27	WHITE MONGOOSE FREESTYLE TRAIL BMX BIKE (NO				SNACB08E26080	11848
28	RED SCHWINN FRONTIER MOUNTAIN BIKE				M7EF11530	11849
29	BLACK HUFFY 10 SPEED				8116HUFFY26827	11850
30	PURPLE HUFFY BIKE				NONE LISTED	11851
31	ORANGE MONGOOSE OUTER LIMIT BMX BIKE				SNACE06D06018	11852
32	WHITE MONGOOSE BMX				CA20852674	11853
33	BLUE PEUGEOT BIKE				NONE LISTED	11854
34	PAINTED BLUE AND RED CHILD'S BIKE				NONE LISTED	11855
35	PAINTED TAN BMX BIKE				NONE LISTED	11856
36	RED NEXT POWER XD BMX BIKE				LWGE005967	11857
37	GRAY MONGOOSE EXTREME AIR BMX BIKE				SNA0E08H11290	11858
38	BLUE HUFFY ECHO VALLEY MOUNTAIN BIKE				NONE LISTED	11859
39	BLUE TETRA QUEST CHILD'S BIKE				LWEG065828	11860
40	RED CENTRIX BIKE				JL30606714	11861
41	BLUE ROADMASTER GROUND ASSAULT MOUNTAIN BI				SNFSAG8E96968	11862
42	ORANGE NEXT POWERCLIMBER BMX BIKE				TD2088064242	11863
43	PAINTED BLUE BMX BIKE				SMNACB8G10278	11864
44	BLACK RAZOR KOBRA BMX BIKE				GS080927412	11865
45	SILVER MAGNA GREAT DIVIDE MOUNTAIN BIKE				NONE LISTED	11866
46	PURPLE GIRL'S BIKE				UV03182807	11867

RESOLUTION NO. 217-2011

WHEREAS, THE PEMBERTON TOWNSHIP DEPARTMENT OF PUBLIC WORKS, STREETS AND ROADS DIVISION, COMPLETED A ROAD IMPROVEMENT RATING PROJECT IN WHICH OVER 500 LOCAL ROADS WERE EVALUATED AND RATED; AND

WHEREAS, TENSAW DRIVE WAS RECOMMENDED FOR MAJOR RECONSTRUCTION; AND

WHEREAS, FUNDING REQUESTED BY THE TOWNSHIP UNDER THE STATE'S FISCAL YEAR 2012 MUNICIPAL AID APPLICATION PROCESS WILL OFFER THE TOWNSHIP AN OPPORTUNITY TO COMPLETE THE RECONSTRUCTION OF TENSAW DRIVE INCLUDING MILL/OVERLAY; SIGNAGE AND ROADWAY MARKING REPLACEMENT AS NEEDED; INSTALLATION, REPAIR AND/OR REPLACEMENT OF STORM SEWER AS REQUIRED; AND MODIFICATIONS TO EXISTING INLET STRUCTURES, IF ANY, TO COMPLY WITH EXISTING STATE OF NEW JERSEY STORMWATER MANAGEMENT REGULATIONS; AND

WHEREAS, THE MAYOR STRONGLY RECOMMENDS THAT PEMBERTON TOWNSHIP SEEK FUNDING FOR THIS PROJECT UNDER THE MUNICIPAL AID PROGRAM ADMINISTERED BY THE NEW JERSEY DEPARTMENT OF TRANSPORTATION.

NOW, THEREFORE, BE IT RESOLVED THAT COUNCIL OF THE TOWNSHIP OF PEMBERTON, FORMALLY APPROVES THE GRANT APPLICATION FOR THE ABOVE STATED PROJECT.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SUBMIT AN ELECTRONIC GRANT APPLICATION IDENTIFIED AS (2012-00722) TO THE NEW JERSEY DEPARTMENT OF TRANSPORTATION ON BEHALF OF PEMBERTON TOWNSHIP.

BE IT FURTHER RESOLVED THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO SIGN THE GRANT AGREEMENT ON BEHALF OF PEMBERTON TOWNSHIP AND THAT THEIR SIGNATURE CONSTITUTES

ACCEPTANCE OF THE TERMS AND CONDITIONS OF THE GRANT AGREEMENT AND APPROVES THE EXECUTION OF THE GRANT AGREEMENT.

RESOLUTION NO. 219-2011  
WHEREAS, THE AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND TIGER CONSTRUCTION SERVICES CORPORATION BOND (G00096) ASSOCIATED WITH THE CONSTRUCTION OF WELLS #12 AND #13 WITHIN THE TOWNSHIP OF PEMBERTON; AND  
WHEREAS, THOSE IMPROVEMENTS HAVE BEEN COMPLETED; AND  
WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THE RELEASE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$603,369.00; 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 BOND (G00096) IN THE AMOUNT OF \$603,369.00 IS HEREIN AUTHORIZED TO BE RELEASED.

**BILL LIST**

Approval by Council for payment of vouchers on bill list dated 9/16/11.

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

Council President Cartier advised that the presentation that was listed on the agenda was determined to not be necessary.

**OTHER RESOLUTIONS**

RESOLUTION NO. 220-2011  
WHEREAS, JOHN KAUFMAN HAS SERVED WITH DISTINCTION IN THE PEMBERTON TOWNSHIP PUBLIC WORK'S DEPARTMENT FOR NEARLY THIRTY-FOUR YEARS, AND  
WHEREAS, JOHN KAUFMAN, DURING HIS TENURE WITH PEMBERTON TOWNSHIP HAS GIVEN OF HIS TIME AND KNOWLEDGE IN SERVICE TO THE RESIDENTS OF THE TOWNSHIP OF PEMBERTON;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, ASSEMBLED IN PUBLIC SESSION ON THIS 21<sup>ST</sup> DAY OF SEPTEMBER, 2011, THAT THE TOWNSHIP COUNCIL DOES HEREBY COMMEND JOHN KAUFMAN FOR HIS CONTRIBUTIONS AND DEDICATED SERVICE TO THE TOWNSHIP OF PEMBERTON, AND BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION SHALL BE PRESENTED TO JOHN KAUFMAN ON BEHALF OF THE TOWNSHIP COUNCIL.

Councilwoman Scull read the resolution into the record.

Motion by Prickett and Scull to adopted Resolution No. 220-2011. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 201-2011  
WHEREAS, ORDINANCE 2004-12 CAPITAL LEASE BRIDGE COMMISSION HAS UNEXPENDED AND UNENCUMBERED BALANCES AS LISTED ON ATTACHMENT A; AND  
WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO CANCEL THESE BALANCES; AND  
WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE UNEXPENDED APPROPRIATIONS AND AUTHORIZED DEBT MAY BE REMOVED FROM THE RECORDS OF THE TREASURER;  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE ABOVE BOND ORDINANCE BALANCES BE CANCELED.  
2004 GOVERNMENTAL LEASING PROGRAM EQUIPMENT LEASE  
I, THE UNDERSIGNED AUTHORIZES PARTICIPANT REPRESENTATIVE OF THE TOWNSHIP OF PEMBERTON (THE "PARTICIPANT"), DO HEREBY CERTIFY PURSUANT TO AND IN ACCORDANCE WITH SECTION 2.5(E) OF THE LEASE AND AGREEMENT BETWEEN THE BURLINGTON COUNTY BRIDGE COMMISSION (THE COMMISSION") AND THE PARTICIPANT, DATED AD OF MAY I, 2004 (THE AGREEMENT"), AS FOLLOWS (CAPITALIZED TERMS SHALL HAVE THE MEANING SET FORTH IN THE AGREEMENT):  
1. THE PARTICIPANT HAS DELIVERED ACCEPTANCE CERTIFICATES FOR ALL ITEMS OF EQUIPMENT TO BE ACQUIRED OR INSTALLED UNDER THE AGREEMENT AND THE REMAINING FUNDS ON DEPOSIT IN THE PARTICIPANT'S PARTICIPATION ACCOUNT IN THE PROJECT FUND SHALL BE TRANSFERRED AND APPLIED IN ACCORDANCE WITH SECTION 503 OF THE BOND RESOLUTION.

PROJECT 1 - PURCHASE VEHICLES	CANCEL BALANCE OF	\$ 1,855.14
PROJECT 2 - PURCHASE VEHICLES & EQUIPMENT	CANCEL BALANCE OF	\$ 0.00
PROJECT 3 - POLICE CARS	CANCEL BALANCE OF	\$ 9,156.11
PROJECT 4 - PICKUP TRUCKS & EQUIPMENT	CANCEL BALANCE OF	\$ 37,439.70
PROJECT 5 - ROOF MUNICIPAL BUILDING	CANCEL BALANCE OF	\$ 19,125.27
PROJECT 6 - CONSTRUCT WATER LINES, REHAB WELLS	CANCEL BALANCE OF	\$0.00
PROJECT 7 - CONSTRUCT WATER LINES	CANCEL BALANCE OF	\$0.00
PROJECT 8 - REDEVELOP WELLS	CANCEL BALANCE OF	\$83,727.30
PROJECT 9 - SECURITY IMPROVEMENTS	CANCEL BALANCE OF	\$ 57,480.00
PROJECT 10 - KINSLEY ROAD	CANCEL BALANCE OF	\$0.00
PROJECT 11 - LIBRARY SECURITY	CANCEL BALANCE OF	\$0.00
PROJECT 12 - STREET & DRAINAGE	CANCEL BALANCE OF	\$ 8,652.96
PROJECT 13 - DRAINAGE & ROAD	CANCEL BALANCE OF	\$ 78,055.04

Councilwoman Scull questioned if it would be better to keep these balances and use it for other items. Councilman Prickett noted that it may be better to cancel the balances due to interest rates being lower now. Mayor Patriarca advised the cancellations are at the recommendation of the Bridge Commission.

Motion by Scull and Prickett to adopt Resolution No. 201-2011. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

**RESOLUTION NO. 202-2011**

WHEREAS, ORDINANCE 2005-11 CAPITAL LEASE BRIDGE COMMISSION HAS UNEXPENDED AND UNENCUMBERED BALANCES AS LISTED ON ATTACHMENT A; AND

WHEREAS, THE TOWNSHIP COUNCIL DEEMS IT APPROPRIATE TO CANCEL THESE BALANCES; AND

WHEREAS, IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THE UNEXPENDED APPROPRIATIONS AND AUTHORIZED DEBT MAY BE REMOVED FROM THE RECORDS OF THE TREASURER;

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE ABOVE BOND ORDINANCE BALANCES BE CANCELED.

2005 GOVERNMENTAL LEASING PROGRAM EQUIPMENT LEASE

I, THE UNDERSIGNED AUTHORIZES PARTICIPANT REPRESENTATIVE OF THE TOWNSHIP OF PEMBERTON (THE "PARTICIPANT"), DO HEREBY CERTIFY PURSUANT TO AND IN ACCORDANCE WITH SECTION 2.5(E) OF THE LEASE AND AGREEMENT BETWEEN THE BURLINGTON COUNTY BRIDGE COMMISSION (THE COMMISSION") AND THE PARTICIPANT, DATED AS OF AUGUST 15, 2005 (THE AGREEMENT"), AS FOLLOWS (CAPITALIZED TERMS SHALL HAVE THE MEANING SET FORTH IN THE AGREEMENT):

1. THE PARTICIPANT HAS DELIVERED ACCEPTANCE CERTIFICATES FOR ALL ITEMS OF EQUIPMENT TO BE ACQUIRED OR INSTALLED UNDER THE AGREEMENT AND THE REMAINING FUNDS ON DEPOSIT IN THE PARTICIPANT'S PARTICIPATION ACCOUNT IN THE PROJECT FUND SHALL BE TRANSFERRED AND APPLIED IN ACCORDANCE WITH SECTION 503 OF THE BOND RESOLUTION.

PROJECT 1 - SALT SPREADERS	CANCEL BALANCE OF	\$0.00
PROJECT 2 - DUMP TRUCKS	CANCEL BALANCE OF	\$0.00
PROJECT 3 - FORKLIFT	CANCEL BALANCE OF	\$0.00
PROJECT 4 - SCISSOR LIFT	CANCEL BALANCE OF	\$0.00
PROJECT 5 - COUNTRY LAKES DAMS	NOT TO BE CANCELED	\$226,816.41 OPEN
PROJECT 6 - HEATER	CANCEL BALANCE OF	\$0.00
PROJECT 7 - GARAGE DOORS	CANCEL BALANCE OF	\$0.00
PROJECT 8 - FUEL CARD READER	CANCEL BALANCE OF	\$0.00
PROJECT 9 - OIL TANK REMOVAL	CANCEL BALANCE OF	\$0.00
PROJECT 10 - ROOF REPLACEMENT	CANCEL BALANCE OF	\$0.00
PROJECT 11 - ELECTRIC GENERATOR	CANCEL BALANCE OF	\$0.00
PROJECT 12 -IMAGINATION KINGDOM	CANCEL BALANCE OF	\$48,567.16
PROJECT 13 - KINSLEY ROAD	CANCEL BALANCE OF	\$10,432.90
PROJECT 14 - STREET & DRAINAGE	CANCEL BALANCE OF	\$238,198.63
PROJECT 15 - WATER SYSTEM IMPROVEMENT	CANCEL BALANCE OF	\$53,605.08

Motion by Scull and Stinney to adopt Resolution No. 202-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

**ORDINANCES FOR INTRODUCTION**

**ORDINANCE NO. 19-2011**

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

Council President Cartier read title of the ordinance.

Motion by Prickett and Scull to introduce Ordinance No. 19-2011 with a public hearing to be held on October 19, 2011. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

**UNFINISHED BUSINESS**

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

Mayor Patriarca advised he does not have any additional information, they are still working on getting information from other towns, but noted as stated previously Pemberton Township is the lowest and additional funding will be needed to run the department either by the users or the tax payers.

**NEW BUSINESS**

Parade Permit Application: **(PUBLIC HEARING REQUIRED)** American Red Cross of Burlington County, motorcycle rally from Woodlane Rd., cross Rt. 206 to Fort Dix Rd. to Base entrance, 10/9/2011 from 10AM-10:30AM.

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 Prickett to approve parade permit application, pending review of Chief of Police, for American Red Cross of Burlington County. Scull, yes; Prickett,

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

Review/discussion of Best Practice Inventory Worksheet as submitted by CFO.

Councilman Prickett commented that there was improvement noting that this year we have a 92% while last year it was about 80%. Councilman Prickett advised there were some questions that were answered no and wondered if we can correct those, some questions answered by Administration were prospective and the ones answered by Council were no. Councilman Prickett questioned when the last time the Council had a meeting with the School Board and asked prospectively if that could be done. Mr. Vaz advised that many of these questions are based on what was done in 2010 so some of them may not be able to be changed. It was noted that the meeting could be held for this year so that it can be answered yes for 2011. Councilman Prickett asked regarding question #4 about budget preparation and reports and asked when Council can expect to see the report, or is this the bill list they are already getting or are there other documents they are talking about. Mr. Vaz advised that they are working on something with the new financial software system that would allow Council to have access to the information at all times. Councilwoman Scull asked if the questions are the same each year. Mr. Vaz advised they are different this year. Councilwoman Scull noted the items can be worked on so they can be answered yes for next year. Councilwoman Scull commented on the absence policy question, noting it has been a problem and it can be addressed so it can be answered yes next year. Discussion ensued on the establishment of an absence policy.

Review of process for municipal sale of Retail Distribution License.

Councilman Prickett asked why this is being considered at this time and was advised by Council President Cartier that this was by request of Administration. Mayor Patriarca advised that they have been approached by some individuals seeking to open a retail distribution establishment, noting based on our population and code the Township has the ability to sell 3 retail distribution licenses. Mayor Patriarca noted that residents seeking that service are going outside the Township, they do not want to enter a consumption establishment to make a liquor purchase. Councilman Prickett noted that he thinks this needs to be given a lot of considering and involve the public and consumption establishment owners and would like to see this advertised. Council President Cartier noted this will be listed on a future agenda for further discussion.

### **BILL LIST**

Bill 11-00120 in the amount of \$25,203.13

Councilman Prickett questioned if this was the final payment on the Train Station. Ms. Willis advised that this was the final payment, noting there was a change order done that resulted in a reduction of the total contract amount of approximately \$10,000.00. Councilman Prickett noted his concern over cracks in the sidewalks and releasing the final payment. Ms. Willis advised that she will check into Councilman Prickett's concerns, noting that there is still a maintenance bond in place for two years to take care of any issues that may come up after the final payment is made.

Motion by Prickett and Stinney to approve Bill 11-00120 in the amount of \$25,203.13.  
Prickett, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

Bills 11-00506, 11-00867, and 20111273 in the total amount of \$1,589.24.

Councilwoman Scull questioned if there was still a pass through window in the kitchen area of the BMIA Building. Mayor Patriarca advised there is still a window and they are looking for a roll down cover and the window will remain.

Motion by Stinney and Prickett to approve the BMIA bills 11-00506, 11-00867, and 20111273 in the total amount of \$1,589.24. Stinney, yes; Prickett, yes; Scull, no; Allen, yes; Cartier, yes. Motion carried.

### **GENERAL PUBLIC COMMENTS**

Council President Cartier opened the meeting to the public.

Adrienne Leonard, Browns Mills – Noted that she is happy to hear the kitchen pass through window will remain at the BMIA building. Questioned if the sign at the park at W. Lakeshore and Clubhouse Road would be replaced. Mayor Patriarca advised that the wording on the sign was inappropriate and it would not be replaced in kind. Councilman Prickett commented that maybe a more current sign could be placed. Ms. Leonard requested if the sign is not going to be replaced the poles be removed and asked in addition if the lines at W. Lakeshore and Clubhouse could be repainted as they have disappeared.

Claire Wadsworth, Browns Mills – Questioned if the public could get copies of the bill list or if they can be posted on the website. Questioned how much money has been spent on litigation for the Train Station. Mr. Vaz advised that currently approximately \$7,500.00 has been spent. Ms. Wadsworth requested that Council does not fund any further litigation.

Bob Pelletier, Pemberton – Agreed with Ms. Wadsworth that no additional funds should be spent on litigation for the Train Station. Questioned what the future of the Train Station is and asked if Council supported the litigation. Council President Cartier advised Mr. Pelletier of the resolution that Council adopted. Mr. Pelletier questioned when ordinances are available and it was noted that ordinances are made available after the Council introduces the ordinance. Commented that the webbing placed around the trains at the Station is an eyesore. Mr. Pelletier asked if a maintenance bond was the same thing as a warranty and was advised that it is similar. Noted regarding the issuance of a retail distribution license advising that it had come up in the early 90's when Oscar Brooks was on Council, noting he was against it, however believes it is something that should be looked at very carefully and does not want to see our current establishments lose any more business than they already have.

America Phillips, Presidential Lakes – Commented on the papers being damaged at the Train Station during the storm. Feels the residents need to work together as a team in the community. Commented that the residents are paying the attorney fees for the Train Station Litigation. Asked if the Township has sprayed for mosquitoes and was advised by Council President Cartier that it is the County that sprays for the mosquitoes. Commented regarding the retail distribution license, noted it would not be good for our small town and the younger generation will end up paying and does not want to see more liquor brought into town.

George Petronis, Browns Mills – Commented on the contrast of discussing bringing a retail distribution establishment into town and also discussing the raising the construction permit fees. Noting that as a small business owner, he knows that businesses look at those things when determining where to relocate their business. Advised that the water feature in the atrium would be considered fluff and is what he considers far beyond an expenditure that most people would consider for themselves, noting that the atrium was used for the Halloween event. Commented on the money being spent on the Train Station litigation and suggested the Council take the money the residents are giving you and spend it more wisely.

Michele Forman, Browns Mills – Asked about the noise ordinance and the meter used, advising she was told by the Police Department that they do not have the proper equipment to enforce that ordinance. Mayor Patriarca advised that the current issue is that the certification of those trained in the use of the equipment has lapsed and they are currently working on getting recertified. Mr. Vaz advised that Administration was not made aware of any issues with the equipment. Ms. Forman advised that she had contacted the County regarding mosquitoes and they responded to her request.

### **Solicitor's Report**

Mr. Bayer had no report.

Councilman Prickett asked the Solicitor if Council had the ability to stop litigation by not funding it and control the cost through the budget. Councilwoman Scull questioned if Council had to give the authority for litigation. Mr. Bayer advised that Council has the authority to approve settlement, litigation is an administrative function under the Township's form of government. Mr. Vaz noted he has case law that notes filing lawsuits is an administrative function. Discussion ensued on various forms of government.

### **Engineer's Report**

Ms. Willis reported regarding the Train Station that she had looked into the water that got into



the Train Station basement as Councilwoman Scull requested and it could have been surface water and ground water, noting that with the amount of rain that fell during that time it would be difficult to tell if the construction caused the water to get into the basement. Councilwoman Scull noted her concern to protect the building from this happening again in the future.

Ms. Willis advised they provided a memo regarding design and survey work estimate for the 2011 Road Program. Council President Cartier advised that Council has always reserved the right to approve these and noted this was not placed in the agenda package. Councilman Prickett expressed he would like more time to review the information. Councilwoman Scull noted they need more guidance as to Council's authority on these matters. Ms. Willis advised that they had already begun some of the work to take advantage of the good weather but that work will have to cease until this is approved.

Motion by Scull and Stinney to add proposal from ARH to perform design and survey work for 2011 Road Program to agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Scull and Allen to approve expenditures of \$107,000.00 for ARH to perform design and survey work for 2011 Road Program. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier asked Ms. Willis about the status of Country Lakes Dams. Ms. Willis noted they will be out on Dam #2 to do the geotechnical work. Councilman Prickett commented on the access to that dam being limited due to a piece of property being sold by the Township.

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

Mayor Patriarca reported on the water main break at Mirror Lake Dam, noting there was a full crew working on that and it is temporarily repaired. Councilman Prickett commented on the noise ordinance and the need for certification and equipment to measure the sound, asking the Mayor if he thought we should go back to it a judgment call and if the Mayor thought this would be a good opportunity for a shared service. Councilwoman Scull asked if the Township could be held liable because we can not enforce our own ordinance and discussion ensued on the role of the Police in enforcement of this ordinance. Councilwoman Scull noted she would like Council to be made aware of these types of issues.

#### **COUNCIL COMMENTS**

**Sherry Scull** – Noted that the downtown revitalization has been going on for a lot more than five years. Gave the history of the roadway that was across Pemberton-Browns Mills Road from Springfield Road, it was called Pipeline Road and you could go straight through from Pemberton-Browns Mills Road to Pointville Road and it was a pipeline from New Lisbon that supplied water to Ft. Dix. Pipeline Road went to Lemon Town which is a town that no longer exists. Hoped everyone goes out and enjoys Community Day on October 1<sup>st</sup>.

**Richard Prickett** – Gave the history of the Sanatorium, around 1914 when the roadway was macadam, there was Boy Scouts going down the road on their bikes when they were alerted to the sheep barn behind the Sanatorium and the Boy Scouts were able to save all but one or two sheep. Commented on the 9/11 ceremony in Country Lakes that Council was invited too, feels we should not forget that day and the people that were lost and feels it is our patriotic duty to visit Freedom Park in New York and pay homage to all those that sacrificed. Commented on the article written by Mark Zammaro regarding the trains and read a quote "the feud is far from over" and he does not think it is a good idea for the Township to be funding a "feud". Mayor Patriarca suggested Councilman Prickett to review the article, advising that is not a quote.

**Jason Allen** – Advised he was not able to attend the 9/11 ceremony, part of his work involves assisting the military with training before they report to Iraq and he was on the base that day. Thanked everyone for coming out.

**Diane Stinney** – Commented that she did have the opportunity to attend the ceremony and she was honored to read the proclamation. Expressed that she hoped to see everyone at Community Day, wished everyone a good night and thanked everyone for coming out. Extended her condolences to Mr. Maahs on the loss of his mother.

***Ken Cartier*** – Extended his condolences to Mr. Maahs. Wished everyone a fun time at Community Day on October 1<sup>st</sup>, noting he will unfortunately be out of town celebrating his Grandmother's 90<sup>th</sup> birthday.

The meeting ended at approximately 9:26 p.m.

Respectfully submitted,

Amy P. Cosnoski, RMC, Deputy Township Clerk