

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JANUARY 2, 2008

6:30 P.M.

1. Council President Stinney announced that notice of this meeting was given in accordance with the Open Public Meetings Act and led the assembly in the Pledge of Allegiance, followed by roll call.

PRESENT

Ken Cartier
Tom Inge
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Solicitor Andrew Bayer, Engineer Chris Rehmann, Township Clerk Mary Ann Young

2. Chairwoman Stinney called the meeting to order at approximately 6:30 PM.
3. Closed Session Res. No. 46-2008

Mrs. Stinney advised that Council will go in to Closed Session at the end of tonight's meeting.

RESOLUTION NO. 46-2008

WHEREAS, SECTION 8 OF THE OPEN PUBLIC MEETINGS ACT, CHAPTER 231, P.L. 1975 PERMITS THE EXCLUSION OF THE PUBLIC FROM A MEETING IN CERTAIN CIRCUMSTANCES; AND
WHEREAS, THIS PUBLIC BODY IS OF THE OPINION THAT SUCH CIRCUMSTANCES PRESENTLY EXIST;
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PUBLIC SHALL BE EXCLUDED FROM DISCUSSION OF AND ACTION UPON THE HEREINAFTER SPECIFIED MATTERS.
2. THE GENERAL NATURE OF THE SUBJECT MATTERS TO BE DISCUSSED IS AS FOLLOWS:
CONTRACT NEGOTIATIONS
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Cartier to approve Resolution No. 46-2008. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

6. Public comments on agenda items only.

Mrs. Stinney opened the meeting up to public comments on agenda items. There being no members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

- *7. **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.**

*8. MINUTES FILED BY MUNICIPAL CLERK

- a. Regular meeting, December 19, 2007.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 47-2008

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

JOAN B. CORBIN, \$1,752.48, DUPLICATE PAYMENT OF 4TH QUARTER 2007 TAXES, ASSESSOR GRANTED 2007 SENIOR CITIZEN DEDUCTION, ASSESSOR GRANTED 2007 WIDOW OF VETERAN DEDUCTION ON BLOCK 842, LOT 18.

MARY PERKINS, \$125.00, OVERPAYMENT OF FIRST HALF OF 2008 TAXES DUE TO ASSESSOR GRANTING WIDOW OF VETERAN DEDUCTION ON BLOCK 827.02, LOT 15.

RESOLUTION NO. 48-2008

RESOLUTION AUTHORIZING SERVICE CHARGES FOR RETURNED CHECKS

WHEREAS, P.L. 1990, CHAPTER 105, SUPPLEMENTING TITLE 40 OF THE NEW JERSEY STATE REVISED STATUTES HAS BEEN ENACTED TO ALLOW A MUNICIPALITY THE AUTHORITY TO IMPOSE A SERVICE CHARGE TO BE ADDED ON AN ACCOUNT WHICH WAS BY CHECK OR OTHER WRITTEN INSTRUMENT RETURNED FOR INSUFFICIENT FUNDS; AND, WHEREAS, WHENEVER AN ACCOUNT OWES A MUNICIPALITY FOR A TAX OR SPECIAL ASSESSMENT, THE SERVICE CHARGE AUTHORIZED BY THIS SECTION SHALL BE INCLUDED ON WHATEVER LIST OF DELINQUENT ACCOUNTS IS PREPARED FOR THE ENFORCEMENT OF THE LIEN.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE TAX COLLECTOR BE AUTHORIZED TO CHARGE THE AFOREMENTIONED FEE AT A RATE OF \$20.00 PER CHECK OR OTHER WRITTEN INSTRUMENT FOR ALL CHECKS RETURNED FOR INSUFFICIENT FUNDS DURING 2008; AND,

BE IT FURTHER RESOLVED, THAT THE TAX COLLECTOR MAY REQUIRE FUTURE PAYMENTS TO BE TENDERED IN CASH OR BY CERTIFIED OR CASHIER'S CHECK; AND,

BE IT FINALLY RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CMFO, TAX COLLECTOR AND AUDITOR.

RESOLUTION NO. 49-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF SEWER CHARGES TO THE PEMBERTON TOWNSHIP MUA COLLECTED BY THE TAX COLLECTOR THROUGH INSTALLMENT PLAN PAYMENTS FOR BLOCK 605 LOT 15

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO PAY THE PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY (PTMUA) \$999.21 WHICH COVERS THE DELINQUENT PTMUA CHARGES FROM FEBRUARY 1, 2005 TO JULY 31, 2007 AND INTEREST DUE AS OF JANUARY 4, 2008 ON SAID CHARGES ON BLOCK 605 LOT 15, 26 CHIPPEWA TRAIL, ASSESSED TO SHIRLEY POSEY, AND;

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO AN INSTALLMENT PAYMENT PLAN WITH SHIRLEY POSEY, AND;

WHEREAS, WE HAVE RECEIVED ENOUGH MONTHLY INSTALLMENT PAYMENTS TO COVER OPEN PTMUA CHARGES INCLUDED IN THE PLAN WITH INTEREST TO JANUARY 4, 2008.

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

1. THAT THE COUNCIL DOES HEREBY AUTHORIZE THE TAX COLLECTOR AND FINANCE OFFICER TO PAY THE PEMBERTON TOWNSHIP MUNICIPAL UTILITIES AUTHORITY, P.O. BOX 207, PEMBERTON, NEW JERSEY 08068 \$999.21.
2. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, FINANCE OFFICER AND THE PTMUA.

RESOLUTION NO. 50-2008

WHEREAS, BY RESOLUTION NO.176-2007, ADOPTED JUNE 20, 2007, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO ALPER ENTERPRISES, INC., 530 KINGS HIGHWAY, MOORESTOWN, NJ 08057, FOR \$63,500.00, FOR THE MIRROR LAKE CONCESSION BUILDING ROOF REPLACEMENT PROJECT PT-3-2007; AND

WHEREAS, BY RESOLUTION NO. 275-2007, ADOPTED NOVEMBER 7, 2007, THE TOWNSHIP COUNCIL AWARDED CHANGE ORDER NO. 1 TO ALPER ENTERPRISES, INC., 530 KINGS HIGHWAY, MOORESTOWN, NJ 08057 FOR \$1,744.00; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 2 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL DECREASE IN THE CONTRACT PRICE BY (\$18,170.80), WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$47,072.92; AND

WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 2; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ENGINEER AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 2, AS SUBMITTED BY ALAIMO GROUP, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

RESOLUTION NO. 51-2008

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE PAYMENT OF SOLID WASTE CHARGES TO THE PEMBERTON TOWNSHIP SOLID WASTE DEPARTMENT COLLECTED BY THE TAX COLLECTOR THROUGH INSTALLMENT PLAN PAYMENTS FOR BLOCK 605 LOT 15

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO PAY THE PEMBERTON TOWNSHIP SOLID WASTE DEPARTMENT (PTSWD) \$407.50 WHICH COVERS THE DELINQUENT PTSWD CHARGES FROM JANUARY 1, 2005 TO DECEMBER 31, 2005 AND OCTOBER 1, 2006 TO JUNE 30, 2007 AND INTEREST DUE AS OF JANUARY 2008 ON SAID CHARGES ON BLOCK 605 LOT 15, 26 CHIPPEWA TRAIL ASSESSED TO SHIRLEY POSEY, AND;

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO AN INSTALLMENT PAYMENT PLAN WITH SHIRLEY POSEY, AND;

WHEREAS, WE HAVE RECEIVED ENOUGH MONTHLY INSTALLMENT PAYMENTS TO COVER OPEN PTSWD CHARGES INCLUDED IN THE PLAN WITH INTEREST TO JANUARY 2, 2008.

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

3. THAT THE COUNCIL DOES HEREBY AUTHORIZE THE TAX COLLECTOR AND FINANCE OFFICER TO PAY THE PEMBERTON TOWNSHIP SOLID WASTE DEPARTMENT, 500 PEMBERTON-BROWNS MILLS ROAD, PEMBERTON, NEW JERSEY 08068 \$407.50.
4. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, FINANCE OFFICER AND THE PTSWD.

RESOLUTION NO. 52-2008

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE TRANSFER OF APPROPRIATIONS WITHIN THE 2007 RESERVE BUDGET.

WHEREAS, N.J.S.A. 40A: 4-59 AUTHORIZES APPROPRIATION TRANSFERS DURING THE FIRST THREE MONTHS OF THE SUCCEEDING FISCAL YEAR; AND,

WHEREAS, IT IS NECESSARY TO TRANSFER FUNDS BETWEEN APPROPRIATIONS IN THE 2007 RESERVE BUDGET; NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING BUDGET APPROPRIATION TRANSFERS BE MADE:

<u>FROM:</u>				<u>TO:</u>			
TAX COLLECTION	145	O & E	4,000.00	TOWNSHIP CLERK	120	O & E	500.00
PLANNING	180	O & E	3,000.00	UEZ	170	S & W	1,000.00
ZONING	185	O & E	3,000.00	TRAFFIC SIGNALS	300	O & E	500.00
POLICE	240	O & E	15,000.00	BUILDING & GRDS	310	S & W	35,000.00
EMERGENCY MGMT PAID AMBULANCE SERVICE	252	O & E	5,000.00	ANIMAL CONTROL	340	S & W	2,000.00
SOLID WASTE DISPOSAL	262	O & E	4,000.00	ELECTRIC	430	O & E	10,000.00
	465	O & E	15,000.00				
			49,000.00				49,000.00

11. j. Applications submitted for memberships, licenses, permits:

***1. Fire Company Memberships:** (Council confirmation/acknowledgement of new members):
Presidential Lakes Fire Co.: Auxiliary member Tammy A. Anderson

***13.** Approval by Council required for payment of vouchers on bill list dated **12/28/07**.

Motion by Scull and Prickett to approve the Consent Agenda. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

10. UNFINISHED BUSINESS

a. Continued review and discussion regarding draft lot grading ordinance.

Mr. Rehmann informed that a revision to the lot grading ordinance has been provided to Council that will hopefully encompass the items that were requested and would like Council to review the information. Mr. Rehmann informed that in Section 190-35(e), Applicability of Lot Grading and Drainage Requirements, the two acre lot maximum has been removed and they are suggesting where the disturbance is less than 500 square feet should be exempted; and gave as an example, when someone is putting up an addition or small shed where it would not necessarily impact the lot grading. Mr. Rehmann advised in Section 190-35(f), Definition, the following has been added, “and/or any subdivision of land classified as a major subdivision by the Township Planning Board”, so that there is no question when even though there is a major subdivision approval, individual lot grading plans would be required by the builder or developer to be submitted and approved to ensure micro-managing of the development occurs as opposed to the broad scale at the Planning Board. Mr. Rehmann conveyed that in Section 190-35(l), Performance Standards, wording was added, “the land shall be graded in accordance with the NJDEP Stormwater Best Management Practices Manual” and also added methods for the engineer to consider. Mr. Rehmann noted that there are also other methods that may be considered for approval and spoke of those methods. Mr. Inge stated that if there are already existing ordinances regarding these issues, he does not want to see the residents being charged additional costs and asked for the Engineering charges. Mr. Rehmann replied the fees are in the ordinance; \$250.00 for grading plan review, \$100.00 foundation plan, and inspection fees for major and minor subdivisions; which is approximately \$500-\$600 per household. Mr. Inge asked if there was a footing inspection performed by the Building Inspector. Mr. Rehmann advised there was, but there is no survey

done at that point to determine if the footing meets the minimum set back requirements of the Township. Mr. Rehmann added that the Township Zoning Office has to make the determination if it is within the minimum requirements of the setback ordinances. Mr. Rehmann commented that this can be eliminated if Council feels this is not necessary and is presently covered under the Construction Code Official. Mr. Inge added that if an addition is being built, the homeowner must provide a survey of the property and have the addition drawn on the property. Mr. Rehmann acknowledged this is correct but this would be to ensure that the addition is actually put in the place as proposed. Mr. Rehmann noted that if the elevation of the footing is incorrect, the lot will never get graded properly; if the footing is too low there will be a hole around the house that the person is intending to purchase. Mr. Rehmann expressed that in his experience when this does occur, it ends up here at a Council meeting with the audience questioning what will be done. Mr. Rehmann reiterated that this is trying to eliminate the chance for this type of problem to occur. Mr. Prickett expressed that he is pleased to see these revisions and would like to see some additional changes that would include Township property roads. Mr. Prickett spoke of engineer waivers and asked for a written waiver with criteria that the engineer will sign. Mr. Rehmann clarified that Mr. Prickett is seeking to establish criteria within the ordinance as to what the engineer would be considering under those circumstances to grant a waiver. Mr. Cartier asked if drainage can cause adverse conditions on neighboring properties and right-of-ways and if that would solve Mr. Prickett's concerns. Mr. Prickett asked if "right-of-ways" was the correct term to use. Mr. Prickett suggested that Section 190-35(m) Pinelands Requirements include non-Pinelands Standards. Mr. Rehmann advised that it would be included. Mr. Prickett noted the costs add up to approximately \$600.00 and are an additional cost to the homeowner, but could prevent a lot of aggravation to the homeowner if they are not savvy to drainage issues when purchasing a home. Mrs. Stinney advised that Council will await Mr. Rehmann's further revisions for the next Council meeting.

11. NEW BUSINESS

- a. Request received from County Engineer for Township to adopt a local ordinance prohibiting left turns into and out of Noteboom Avenue, and prohibiting through movements between Noteboom Avenue and Clubhouse Drive.

Mr. Cartier expressed concerns that residents and businesses on Noteboom Avenue will have an issue getting out to Pemberton Browns Mills Road. Mr. Cartier suggested prohibiting left turns out of Rancocas Lane and Clubhouse as well. Mr. Cartier conveyed that the County has made improvements with lane striping but there are still concerns on these roads. Mr. Cartier reiterated his concerns when it comes to limiting the access to the residents on Noteboom Avenue without having to traverse through dirt road sections. Mr. Rehmann conveyed that he has spoken with the Burlington County Traffic Engineer, Mr. Livingston, and he has made some mistakes on the directions when delineating the turns and will be revising this. Mr. Rehmann added that he will ask him to review other turning movements within that area and also express Mr. Cartier's concerns. Mr. Cartier added that it should be southbound out of Noteboom Avenue. Mrs. Scull asked Mrs. Stinney if this was the topic when they both met with the County and did not hear anything back from the County. Mrs. Scull spoke of the meeting with the County and conveyed that she agreed with Mr. Cartier's concerns. Mrs. Scull added that she doesn't know if this will solve the issues that need to be solved regarding this area. Mrs. Stinney asked Mr. Rehmann if the residents could be kept informed other than through a Council meeting as to what is going on. Mr. Rehmann relayed prior to major reconstruction, there could be a public information center where the residents would be invited to be informed of what is being done, the reasons for it,

the expected outcomes and also to receive their input. Mr. Rehmann suggested providing an aerial photograph of the intersections involved during the information meeting. Mr. Rehmann advised that the Tax Assessor's data base is attached to the geographic information system to pull information as to who lives near the areas of discussion. Mr. Cartier confirmed that Mr. Rehmann will reach out to Mr. Livingston with Council's concerns. Mr. Rehmann replied he would but added that he will be meeting with the Mayor and Traffic Officer of the area first. Mrs. Scull commented that she would like to hear more from the County. Mr. Prickett expressed that the County should clarify what they want.

- b.** Discussion of proposed Ordinance to exceed the Municipal Budget appropriation limits and to establish a cap bank.

Mr. Vaz explained the need for this ordinance, to which Council determined to have it placed on the next agenda for introduction.

- c.** Discussion of proposed Ordinance creating the position of Municipal Housing Liaison.

Mr. Vaz explained the need for this ordinance. Mr. Prickett stated that this position is combining two positions, Municipal Housing Liaison and RCA Administrator and speaks of compensation in the ordinance. Mr. Prickett questioned what the difference is between a Municipal Housing Liaison and the RCA Administrator. Mr. Vaz replied the Municipal Housing Liaison and RCA Administrator are essentially the same. Mr. Prickett asked if there was an Administrator, would the Administrator be compensated. Mr. Prickett conveyed that Mr. Vaz went through the program and it looked as though he might be the person and asked if he would have the time to do this. Mr. Vaz noted that the Administration staff would assist with the clerical aspects. Mr. Prickett asked if the Solicitor could review this as he is an expert in COAH. Mr. Bayer answered that generally in terms of the housing liaison, under COAH's Third Round Rules, every town is required to have a Municipal employee that is responsible to ensure if a development has affordable housing units in it, to ensure that the units are properly marketed, the deed restrictions are in place to ensure that the units are affordable; the town is required to have someone in place that oversees this and quite often that work is contracted out but ultimately there needs to be an employee that is responsible. Mrs. Stinney stated an ordinance would be put together for the next meeting.

- d.** Discussion of proposed resolution to appoint Linda Eden as CMFO.

Mr. Cartier asked if official notification was received. Mr. Vaz acknowledged that Administration had received verbal notification of Ms. Eden's certification but awaits the written confirmation. Mr. Prickett replied that he would like Council to move forward with this as Ms. Eden has worked very hard to get certified. Mr. Cartier asked if the current CFO has submitted written resignation, to which Mr. Vaz noted that there would be no problem receiving it. Council concurred for a resolution to be prepared for the next meeting.

- e.** Administration requests Council's authorization to solicit bids for an Architect for the proposed Municipal Building improvement.

Mayor Patriarca spoke of the proposed roof for the existing courtyard and informed that bids will be required from an architect for the design and cost of this project. Mr. Cartier asked if this included the safety issues that were brought up at the previous year's budget. Mayor Patriarca informed Administration would be asking permission to go out to bid, but no; this is just for the roof over the

courtyard because it is such an involved project. Mr. Bayer asked the Mayor if this would be a request for a proposal as an architect is really a professional service and is not really a bid; it's a solicitation for a request for proposals. Mayor Patriarca replied that there is an ordinance to cover an architect under professional services. The Mayor conveyed that Mr. Bayer is suggesting doing this in an RFP format. Mr. Bayer replied yes, because it's not subject to the strict bidding laws. Mr. Prickett expressed concerns about the drainage problems with the roof and would like to see any RFPs specify that the engineer has experience in drainage and new roofs. Mr. Prickett added that he would like to see this process worked out with Mr. Rehmann and the Township Engineer involved in the design. Mr. Prickett expressed that Council should weigh putting the roof on, and determine whether it's going to overwhelm the drainage of the other part of the roof to the municipal building and suggested this be carefully considered. Mayor Patriarca relayed that Administration is anticipating this structure to have its own drainage system and pull away from the roof in a separate channel as opposed to adding it in to our current drainage system which does have issues.

Motion by Cartier and Scull to authorize Administration to solicit RFPs. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

- f. Administration requests Council's authorization to solicit bids for an Appraiser for tax appeals.

Mr. Vaz commented that the Township may need to start adding this position to those we currently send out RFPs for as part of annual reorganizations, but at present, this is needed to look out for the Township's interests in connection with processing tax appeals.

Motion by Scull and Prickett to authorize Administration to solicit RFPs for Tax Appeals Appraiser. Scull, yes; Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes. Motion carried.

- g. Administration requests Council's authorization to solicit bids for Emergency Medical Services.

Mr. Vaz conveyed that the existing emergency medical services contract will expire in February. Mr. Vaz noted that Administration is working on a plan to bring emergency medical services in-house and would only need to go out to bid for a six month contract. Mrs. Scull expressed disappointment that it's not ready now. Mr. Prickett stated that Administration has been working on bringing this in-house and Council needs to see this information noting that there must be an ordinance adopted as well. Mr. Vaz replied that the information is not ready for distribution yet and he will be getting that to them. Mr. Prickett conveyed that he is concerned about the liability to the Township. Mr. Cartier and Mr. Vaz discussed the dates of the contract. Mr. Inge asked if the existing contract had any provisions for extensions to the contract. Mr. Vaz will be advising Council on the necessary actions for this service.

Motion by Cartier and Prickett to authorize Administration to solicit bids for Emergency Medical Services. Cartier, yes; Prickett, yes; Scull, yes; Inge, yes; Stinney, yes. Motion carried.

- h. Memorializes Council's (Scull, Stinney, & Cartier) approval on December 31, 2007, for the purchase of 2 equipped police vehicles, from state contract vendor Winner Ford, in the amount of \$52,331.28.

Motion by Cartier and Scull to memorialize Council's approval on December 31, 2007 for the purchase of 2 equipped police vehicles. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

- i. Memorializes Council's (Scull, Stinney, & Cartier) approval on December 31, 2007, for the purchase of 1 computer server system, from state contract vendor IBM, in the amount of \$30,000.

Motion by Cartier and Scull to memorialize Council's approval on December 31, 2007, for the purchase of 1 computer server system. Cartier, yes; Scull, yes; Prickett, yes; Inge, yes; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

At this time, Council President Mrs. Stinney opened the meeting to public comments. Those wishing to comment were: **Donna Jenkins: 1.** Commented on inviting Council and Administration last month to the Lion's Club toy drive. Mrs. Jenkins thanked Mayor Patriarca and his wife Sherry; Mr. Prickett; Mrs. Stinney; Mr. Cartier and his wife Joanne and mother-in-law; Chief of Police Lewandowski and his wife Elsa and her father; members of the Police Force, Bob Ettinger, Bruce Phillips and his son, Officers Tom Stewart and Tom Lucas. Mrs. Jenkins added that Liz Canyon did a wonderful job this year and there were at least 85 children in Pemberton Township with big smiles on their face because of the toys they received. Mrs. Jenkins thanked everyone that donated to help achieving this goal. Mrs. Stinney commented that it was an experience for her and she did enjoy it and thanked Mrs. Jenkins for her on-going efforts in serving Pemberton Township. **Ed Tournquist, Country Lakes Homeowner's Alliance: 1.** Expressed concerns with the costs involved for dam examination and report. Mr. Tournquist noted that R&V was in excess of \$30,000 for an examination and report on Dam #2 at Country Lakes. Mr. Tournquist asked if anyone has seen this report. Mr. Tournquist commented that someone should be demanding a report from R&V so that their report can be examined for their recommendations.

There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Andrew Bayer: 1. Advised there is nothing to report at this time. **2.** Mr. Bayer thanked the Mayor and Council for their continued support.

ENGINEER'S REPORT:

Mr. Chris Rehmann: 1. Thanked Council and the taxpayers of Pemberton Township for allowing him to serve as Township Engineer for another year. **2.** Informed that he is awaiting the approval of the construction management for the water improvements and the Engineer's design of Norcross Lane. Mr. Rehmann conveyed that he would like to have Norcross Lane go out to bid as early as possible as that would allow the opportunity to get the best prices. Mr. Rehmann commented that contractors like to have a number of projects to start off the year and as soon as that is done, approval from the NJ Pinelands Commissions will be required. **3.** Referenced a letter from the County was received asking for locations of all structures crossing Township roads between 5' and 20' in span width. Mr. Rehmann explained that anything less than 20' is now going to be inspected by the State of NJ at no cost to the municipality. Mr. Rehmann noted that unfortunately it is not known where they are all located so someone is going to have to locate these if the Township wants to participate in this program. Mr. Rehmann added that if the Township does not want to participate, he would need to send a letter to the County Engineer's office indicating that the Township is not interested in doing this. Mr. Rehmann informed this program came about as a result of the bridge

collapse in Minneapolis on the interstate highway. Mr. Rehmann advised there is a federal program that pays for bridge inspections on a bi-annual basis for anything larger than 20'. Mr. Rehmann noted that all of those bridges in the State of NJ are inspected once every two years and no one inspects the bridges or culverts that are less than 20' and greater than 5'. Since the Minneapolis collapse, Governor Corzine has directed the Department of Transportation to find funds to do this inspection of the smaller bridges. Mr. Rehmann informed this could be a project by the Public Works Director, and he would be glad to provide maps for Public Works and would also add these maps to the GIS. Mr. Cartier asked if these are Township roads and not County Roads. Mr. Rehmann confirmed they are. Mr. Prickett asked if the County needed any assurance that the Township has identified all structures that need to be inspected and if this could be done on an incremental basis; a work in progress. Mr. Rehmann explained that this is a one-shot deal where a certain amount of money has been appropriated and state wide contracts will be issued for the various counties in NJ. Mr. Cartier asked who will be responsible for the inspections five years down the road. Mr. Rehmann answered that if they are Township facilities, then the Township would be responsible. Mrs. Scull asked if they were inspected in the past and how long ago they were inspected. Mr. Rehmann conveyed that in the Townships he has represented over the past 37 years, very seldom do towns inspect unless they are aware of a particular structure that is well known that is in a high risk area; they don't inspect these structures as there just aren't enough tax dollars to employ people to do this. Mr. Rehmann reiterated that he could provide a baseline of information so that the State could have an idea of what the costs would be. Mr. Rehmann advised that Burlington County has a bridge section and has the expertise. Mrs. Scull commented that it would be a good idea to have this information in a database. Mr. Prickett agreed with Mrs. Scull's comment. Mrs. Stinney agreed as well noting it would be unjust to the Township if this program were passed by. Mr. Rehmann expressed the County would like the information by Friday, January 18th. Mayor Patriarca noted that these areas are already familiar to Public Works and should they should be able to meet this deadline. The Mayor expressed concern if there was any type of mandatory remediation process built in to this and questioned that when they come back with their findings if the Township would be put into some type of time schedule as to when they must remediate. Mr. Rehmann spoke of bridge rehabilitation and the process through the State. Mr. Bayer noted that as the Mayor pointed out, the Township may not need to remediate as structure, but it does create a potential liability issue. Mrs. Scull stated that it could also be a potential consequence as well if it is not fixed and then found out that the Township should have checked it. Mr. Bayer advised that under the Tort Claims Act there are immunities for inspecting and failing to inspect structures so he doesn't think the Township could be successfully sued for not finding a condition but once the Township is aware of it, the Township has an obligation to make it safe. Mr. Rehmann advised they would be able to reduce the weight of vehicles going over the bridge or close the bridge. Mr. Rehmann gave examples of having a plan and implementing the plan as a reasonable fashion. **4.** Mr. Rehmann noted a memo was previously forwarded to Council and the Mayor regarding funding opportunities from various programs. Mr. Rehmann asked Council and the Mayor to review this information. **5.** Mr. Rehmann informed he has issued an inspection report for Country Lakes Dam #1 and Dam #3 and concluded that both dams are in an unsafe condition. Mr. Rehmann noted that Dam #1 is not in a condition where it will fail tomorrow as it has obviously been in this condition for a number of years but it does not meet today's standards and needs to be fixed. Mr. Rehmann informed that Dam #3 has a water control structure that has a gate that sits on the bottom of the lake and has a wheel that turns and the gate comes up in order to drain the lake for maintenance purposes. Mr. Rehmann advised that the wooden structure it is on needs to be replaced. Mr. Rehmann reiterated that it is not going to fail tomorrow but does need to be looked

at with some sense of urgency. He noted that work has been done by previous engineers on these lakes going back as far as 2002. Mr. Rehmann conveyed the Mayor is setting up a committee with Country Lakes residents and they have been provided copies of the inspection reports. Mr. Rehmann clarified that the idea is not to say there is a problem, but rather, how they are going to fix it and how it can be done within a certain period of time. Mr. Rehmann commented that it will probably take the State of NJ approximately six months as to what should be done with the lakes. He stated that in the interim, Mr. Vaz, the Mayor and Mr. Rehmann are arranging a meeting with a consultant to go over the plans to ensure they are meeting the purpose of what is needed for a replacement structure. Mr. Rehmann relayed that the newly formed committee comprised of Country Lakes residents will be meeting on a monthly basis and he will be donating his time to talk with this committee. Mr. Rehmann advised that the consultant issued a letter and report to the Department of Environmental Protection in 2002 and received a letter in 2004 on the review. Mr. Rehmann explained that they need to provide the Department of Environmental Protection with a sense of urgency. This can be done if done together and cannot be done if everyone is going in separate directions. Mrs. Stinney conveyed that she is happy to hear that the homeowners of Country Lakes will be involved in this process from the beginning. Mrs. Stinney thanked Mr. Rehmann for his report and for arranging the meeting with the consultant. Mr. Rehmann clarified that Mr. Vaz is in the process of scheduling the meeting. Mr. Prickett asked who the consultant is. Mr. Rehmann noted that it is R&V. Mr. Prickett asked what the next step would be after meeting with the consultant. Mr. Rehmann advised he will provide a report to Council and the Homeowner's Association as to the status of the plans, applications and reports. Mr. Rehmann noted there is a deadline currently in place for the Township to have a response to the Bureau of Dam Safety by January, 2008. Mr. Rehmann recommends that he, the Mayor and a member of the Homeowner's Association to meet with the Bureau of Dam Safety so that a line of communication can be established. Mr. Prickett asked if the DEP will have made some type of determination in June after reading his report. Mr. Rehmann acknowledged they would. Mr. Prickett asked what the DEP will be looking for. Mr. Rehmann advised the DEP will do an inspection of the facility and may require the Township to do some temporary construction on Dam #3 in order to lower the lake in the event of a major storm or something of that nature. Mr. Rehmann conveyed the DEP may also require the wooden structure be cut and the lake drained. Mr. Rehmann noted that Dam #2 was originally determined to be unsafe, however, it is his opinion that it is not an unstable dam and both Dams #1 and #3 drain to Dam #2 which would prevent any flood downstream. Mr. Rehmann relayed that once the DEP is shown that they are moving forward in a concerted manner, they will see that they are serious. Mr. Prickett stated that the DEP would be inspecting the dam between now and June and asked if the DEP would provide a report quickly or if it was a time consuming process. Mr. Rehmann conveyed that DEP should respond fairly quickly once they complete their inspection. Mrs. Scull volunteered her services to attend the meetings in Country Lakes so she would know first hand when being asked by the residents. Mr. Rehmann offered his power point presentation to the Country Lakes Homeowner's Association. Mrs. Scull expressed her appreciation for the presentation as it showed exactly what the problems were and agreed it is a good suggestion to provide the presentation to the Country Lakes Homeowner's Association. Mrs. Stinney conversed with Mr. Tournquist to hold off until the February meeting for the Country Lakes Homeowner's Association. Mr. Inge commented that he would like to see Mr. Prickett involved with this as he has been involved with this longer than any other Council member.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Relayed that he is looking forward to another good year. Mayor Patriarca stated that there was a lot of repair work that had to be done and is continuing daily to get the Administration and town flowing in the right direction. The Mayor noted that they should start seeing the results of this work in the near future. 2. Leaf collection is continuing daily. 3. Mayor Patriarca informed that Village Chrysler Plymouth has moved out of town. The Mayor noted that the UEZ Officer is currently working with another business to come in to that facility and it will be a positive business for the community and their UEZ program. Mayor Patriarca anticipated the new business moving in this month. 4. Mayor Patriarca noted that Mirror Lake has been filled again but from all of the run off that is occurring from the rain and the lake will be down until approximately February so that homeowner's can still do work on their properties. The Mayor noted that the colder weather will help them in the lake management with the weeds. 5. Mayor Patriarca apologized to the Veterans of the town in that the picnic tables placed at the Memorial for the parade were not quickly removed. 6. Reported that the Mirror Lake Concession Roof has been completed and Dominique Johnson will hopefully be completed soon. 7. The Mayor reported he recently met with the new Tax Collector and she has a very positive attitude, and they will be seeing a lot of positive changes in that area. 8. Mayor Patriarca informed he completed 81 wedding ceremonies in 2007 at no cost to the residents.

POLICE CHIEF'S REPORT:

None this evening.

Mr. Cartier asked if there was a reason the Chief of Police was not present tonight to which the Mayor advised there was not. Mayor Patriarca noted that the Business Administrator advised he had a prior commitment and asked to be excused.

BUSINESS ADMINISTRATOR'S REPORT:

Mr. Vaz informed that the Emergency Management Coordinator advised that the Township is in Code Blue due to the temperatures. Mr. Vaz advised that residents can dial "211" until Friday morning if they are in need of shelter. There are two shelters in town and this information is posted on the website.

COUNCIL MEMBER COMMENTS:

Ken Cartier: 1. Thanked everyone for coming out and looking forward to a very productive year in 2008.

Tom Inge: 1. Thanked everyone for coming out and expressed hope that everyone had a nice Christmas and a Happy New Year.

Sherry Scull: 1. Thanked everyone for coming out and wished everyone a Happy New year.

Richard Prickett: 1. Noted the familiar faces around the room and hoped everyone is taking care of themselves and going to the doctor if they are ill. 2. Commented that the Township is receiving \$1.5 million dollars from Township property that was sold and reiterated that this could be used to fix up the Town Center. 3. Asked where the Planner is. He commented that if the Planner was here tonight they could ask him about using the \$1.5 million dollars to fix up the town center. 4. Stated to everyone to please be careful.

Diane Stinney: 1. Thanked everyone for coming out on this cold night and wished them a safe trip home. 2. Thanked everyone for a wonderful 2007 experience, noting she is looking forward to 2008 as Council President. 3. Stated

to Administration that they have done their homework and thanked Mr. Rehmann for his information and recommendations he brought before Council. 4. Wished everyone a good night.

4. CLOSED SESSION

Mrs. Stinney recessed the open session meeting at approximately 8:35 PM to go into Closed Session, immediately following a short break.

Mrs. Stinney reconvened the meeting at approximately 9:00 PM. There being no formal action necessary pursuant to closed session, the meeting was adjourned at 9:02 PM.

Respectfully submitted,

Mary Ann Young, CMC
Township Clerk