

TOWNSHIP OF PEMBERTON

REGULAR MEETING

DECEMBER 16, 2009

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 (arrived at 6:35 p.m.)
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also Present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andrew Bayer and Antonella Colella, Township Engineer David Cella, Township Clerk Mary Ann Finlay

2. Chairwoman Stinney called the meeting to order at 6:30 P.M.
3. Closed Session Res. No. 267-2009

RESOLUTION NO. 267-2009

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:
-DISCUSSION OF PROPOSAL FOR RAGAN DESIGN TO PERFORM REVALUATION OF REDEVELOPMENT AREA OF THE BROWNS MILLS SHOPPING CENTER
-JILLIAN KLATT WORKERS COMPENSATION CASE DISCUSSION
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mrs. Stinney confirmed with Ms. Colella that there were no other items to add to Closed Session.

Motion by Prickett and Cartier to approve Resolution No. 267-2009.
Prickett, yes; Cartier, yes; Scull, yes; Stinney, yes. Motion carried

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

Council President Stinney recessed the meeting at approximately 6:33 p.m. for Council to go in to Closed Session. Mrs. Stinney reconvened the meeting at approximately 7:00 p.m.

5. Formal action as necessary pursuant to closed session.

6. PRESENTATIONS

a. Presentations of plaques and certificates to Winter Parade Grand Marshalls.

Mrs. Stinney conveyed that tonight is a very historical evening with the sections of the residents coming forward and their years of service provided to Pemberton Township are beyond anything that she can recommend over the thirty years that she has been a resident. Mrs. Stinney informed that she spoke with Mr. Tamn a few years ago at a fire company event regarding the history in the fire companies. Mrs. Stinney relayed that she suggested to Mr. Tamn that he has a lot of history and suggested each fire company put together a historical book to be passed along to the residents. Council President thanked the Grand Marshalls for their many years of service. Mrs. Stinney also thanked the Recreation Director, Ms. Paula Redmond, for her vision in the selection of who would be Grand Marshall as it was certainly an excellent choice. Mrs. Stinney extended thanks to anyone else that sat on the team putting the vision together for the selection of the Grand Marshalls. Mayor Patriarca expressed his praise for volunteer services. The Mayor commented on the Winter Parade of the Township which has been very successful in previous years but was unable to present the parade this year due to the weather. During the process, a Grand Marshall is chosen for the parade and the selection committee chose the volunteer services of Pemberton Township. As a result, the selection committee put together the fourteen individuals to represent the many years of volunteer service given to this community by our volunteers and residents. These individuals are a symbol of what they represent, the volunteer services. The Mayor advised that a Proclamation and awards were intended to be presented to the volunteer service during the Winter Parade. Mayor Patriarca read the Proclamation which is attached to and made a part of these minutes. The Mayor continued that some of the individuals that are present tonight are still active in their organizations and those that are not active are not forgotten. Mayor Patriarca expressed appreciation for everything they have done and introduced the Recreation Director, Paula Redmond, and Fire Chief, Craig Augustoni, to present the plaques to the Grand Marshalls. The Mayor again thanked them for all that they do and noted there is not one organization that receives more attention from him than the volunteer services. He likes to keep everyone on an equal basis but noted that our volunteer services might get a little edge from him. Fire Chief Augustoni expressed that he has had the privilege to work with all of the Grand Marshalls. Chief Augustoni noted that they have donated 700 years of emergency services collectively together. Chief Augustoni stated he has had the privilege of standing along side of them many nights listening to them and heeding their advice. What is before everyone are the shakers and movers of the community's emergency services. The new generation owes them a debt of gratitude for what they have paved for them. What we have today is strictly through their energy and sacrifice to everyone. The Chief continued that he deeply appreciates it, will always be indebted to them, they deserve it very much and thanked them from everyone. Chief Augustoni and the Deputy Chief presented the Grand Marshalls with a gift from the fire department and emergency services as well as individual plaques.

- Chief Boldizar – Goodwill Fire Company
- Captain Jerry Bowser–Presidential Lakes Fire & Rescue–accepted by Chief Maahs
- Chief Bobby Bush-Magnolia Road Fire Company-accepted by Chief Frake

- Skip Clayton – Communications Operator
- Walt Earlin - Life member of Browns Mills Fire Company and Forest Fire Warden
- Chief Louis Emmons, Sr.
- Chief Joe Fort – Goodwill Fire Company – Served since 1941
- Chief Frank Foulks – Browns Mills Fire Company Life Member
- Chief Ed Harvey – Browns Mills Fire Company
- Joe Kline - Trustee of Country Lakes Volunteer Fire Company
- Chief Hanns Rottau – Magnolia Road Fire Company – Served as a Charter Member of the organization and a Burlington County Fire Coordinator
- John Southard – Magnolia Road Fire Company – Served in many capacities
- Chief Mike Tamn – Country Lakes Fire Company – Previous Committee Member of Pemberton Township
- Chief Joseph Zlinsky – Presidential Lakes Fire & Rescue

Chief Augustoni and the audience acknowledged their many years of dedication. Photographs were then taken of the group. Chief Augustoni conveyed that the Grand Marshalls were going to be on a float in the Winter Parade coordinated by Chief Chad Bozoski.

Mayor Patriarca announced that a key to the city will be presented to the fire department offices.

Mrs. Stinney recessed the meeting for a short break at approximately 7:23 p.m. and reconvened the meeting at 7:36 p.m.

7. Public comments on consent agenda items only.

Council President Stinney opened the meeting for public comments on consent agenda items. Mrs. Stinney reminded that if she does not have the answer to questions posed by the public, she will get the answers for them. Those indicating a desire to be heard were: **Christine Kallil:** Thanked Council and Administration for the fence installed on Split Rock Road. Mrs. Stinney noted that public comment at this time is for consent agenda only. **Bob Pelletier:** Noted that a lot of times the resolutions on a consent agenda involve money and Resolution Numbers 259-2009, 272-2009 and 275-2009 on tonight's consent agenda appear to. Resolution 259-2009 is for the redevelopment study at 203 Fort Dix Road. Mr. Pelletier confirmed the location of the address with Council President Stinney. Mr. Pelletier commented that this is probably a contaminated site and referenced the Patriot Gas Station on Pemberton Browns Mills Road that was also contaminated and cost a lot of money to clean up. Mr. Pelletier asked who will pay for the clean up of 203 Fort Dix Road. Noted an area on Lakehurst Road that has been demoed but still has the concrete pad. Mr. Pelletier stated it is money that should not be spent at this time. With the current budget situation, money, taxes and unemployment, this kind of money should not be spent doing this type of research. Mr. Pelletier commented this is also on the outer areas of the town and is not anywhere in the redevelopment zone like downtown Browns Mills. Mr. Pelletier also spoke of the authorization to extend the contract for the Township Master Plan project. Mr. Pelletier asked how much that will cost. Mrs. Stinney deferred to Mr. Vaz through the Mayor. Mr. Vaz answered that Resolution No. 272-2009 regarding extending the contract for the master plan project can be pulled. Mr. Vaz continued that after speaking with Mr. Ragan, the resolution is unnecessary as

the master plan is complete. In terms of the other two resolutions, it is a grant application for a preliminary assessment. It's not binding the Township to do any future type of work and it's to find out what exactly is going on on the properties. Mr. Vaz reiterated to Mr. Pelletier that whatever number he is seeing is a grant application and will not be paid out of Township funds. Mr. Pelletier asked if it is like DEP money for pollution studies. Mr. Vaz responded yes and clarified that it provides the money to do the studies to see if there is contamination and how bad it is. The next step would be some sort of rehabilitation to the property. Mr. Pelletier asked if these are two the worse properties in the Township. Mr. Vaz replied the property at 203 Fort Dix Road in his observation is the worse and the property at Lakehurst Road does have its issues. Mr. Vaz commented that 203 Fort Dix Road has visible concerns and really needs to come down but we are hesitant to do that until we know what the extent of the problem is. Mr. Pelletier stated it would be helpful in the future to put information on the agenda for the public. Mr. Vaz advised that Administration has discussed internally having a separate explanatory agenda of the things Administration requests to put on the agenda so that the public could read explanations on those items. Mr. Pelletier asked if a consent agenda resolution is pulled, it is still subject to coming back at a later date for approval. Mr. Vaz answered yes and specifically these two resolutions have a deadline of the end of the month to apply for this year's funding.

Karen Kritz: Lives down the street from 203 Fort Dix Road. She has been a resident of Pemberton Township for 30 years. Mrs. Kritz brought to Council's attention that there are underground storage tanks at the property and demolition needs to take place. There are an ample amount of tires that need to be cleaned up. Mrs. Kritz stated the property is an environmental hazard. Mrs. Kritz commented that the consent agenda resolution states it supports a redevelopment study and not an environmental analysis. Mrs. Kritz asked the Council if it is a redevelopment study or an environmental analysis. Mr. Vaz replied it is an environmental analysis as part of a potential redevelopment. Mr. Bayer added that to qualify for the grant money the Township needs to commit to the concept of redevelopment. Mr. Bayer clarified that it is an environmental study within the confines of a potential redevelopment. Mrs. Kritz noted that in 2003 the land was assessed at about \$70,000. Mrs. Kritz wanted the public to know she has several friends that have pulled very small residential underground fuel tanks which were clean pulls and cost \$20,000 each. From working with agricultural operations in having to pull tanks that were leaking and this property probably will be leaking after thirty plus years is approximately a quarter of a million dollars. Mrs. Kritz asked if a quarter of a million dollars is going to be spent to clean up a site that was only assessed at \$69,000 can we recapture as taxpayers the money the Township would be investing in this property. Mr. Bayer replied that the concept that the Administrator pointed out is the Township is not spending municipal money to do this and the Township is applying for state grant money to do it. Mrs. Kritz stated she is a taxpayer. Mr. Bayer noted that this is privately owned property and not municipally owned property and ultimately it will be the property owners responsibility to clean it up. To further the potential redevelopment, the state has these monies available to investigate environmental conditions of property for potential redevelopment which would add greater tax value to the property if remediated and redeveloped. Mrs. Kritz stated if the Township takes the property back as part of a tax sale or something of that nature, the Township will never recoup the costs of clean up and turning that property over in reinvestment to sell it to someone on the market. Mrs. Stinney stated that's if it is the desire of the Township to do that. Mrs. Kritz commented it's a half acre lot and the set back requirements in that zone would limit what could be put on that property. In

addition, it's in an area that in previous meetings she has attended, people with a background in this have attested that the area does not perk. There are not sewer and water there. Mrs. Kritz remarked that Council and Administration may want to say it's a redeveloped area, but that area in the thirty years she has been in the Township, has had nothing go in that area. It's in the master plan to be redeveloped, but there will be major problems with that. Mrs. Kritz expressed concern that even though it's not coming out of taxpayer money to do the study, it's coming out of taxpayer's money and should the Township be investing money through this grant to investigate private property. Mrs. Kritz asked if there is Township property that this money can be spent on for site remediation. Mrs. Kritz continued that as a taxpayer that would be a better investment than going after private landownership. Mayor Patriarca asked if as Township shouldn't we investigate contaminated sites that may jeopardize the health of the residents and the community itself. The Mayor stated this grants is free of charge to find out what is there. We can't just stick our heads in the sand and say we know that it is contaminated so we shouldn't put any money in it. We should know what is there and then pursue the clean up through the owner. Mayor Patriarca noted Mrs. Kritz referred to what if the Township takes this land over and as long as he is Mayor, he will recommend that the Township never take this land over. It's the owner's land and it's their responsibility and forcing them to clean it up might be another issue. The Mayor reiterated it is the owner's responsibility to clean it up. The Township has a right to know what the owner has done to contaminate our Township. That is what the study is there to do. Mrs. Kritz commented that right now the property has an excessive amount of tires that are stored there and people are using it as a dumping ground. Mrs. Kritz asked if the Township is going to take action to advise the owner of the property to clean that up. It's visual and the Township knows that is a problem. Mayor Patriarca replied there is a problem with the ownership of the property and it's held by a tax lien now. The Township may take the steps to do a demolition there and apply an additional lien on the property but that doesn't mean the Township is going to take the property. Mrs. Kritz asked if the tax lien is from the Township or the state. Mr. Vaz advised the Fort Dix Road property is owned by a company that typically bids on the tax liens at tax sales, Breen. The Lakehurst Road property has a tax lien on it and the latest owner is a Synagogue from New York that purchased it thinking it would be an investment and then realized there is not much of an investment so they have stopped paying their taxes. Mr. Vaz continued that for the Fort Dix Road property for all intent and purposes, there is really not an owner for the Township to go after from a Code Enforcement perspective. We are really left to our own devices to investigate the contamination, deal with surface issues such as the tires and so on. There is really no one to go after. Our Police Department has tried and they kicked out some squatters last year that had taken up residence on the premise. Mrs. Kritz noted she has alerted the DEP Solid Waste enforcement regarding the tires because of the west Nile virus issue and the mosquitoes because it is a breeding ground. Mrs. Kritz advised the DEP had the same problem trying to locate the owner of the property. Mrs. Kritz noted that she was not aware that Breen was an investment firm that purchased the tax certificate. The Mayor commented that as an example the Lakehurst Road property is a synagogue that is controlling it and they have made an offer for the Township to take the property over and we have declined that offer with the unknown that we know exists there. We don't own the properties and we don't want them. We may have to clean them up as far as surface. We did demolish one on Lakehurst Road and it does present a better appearance for the community but we still have an unknown underground that we have a right to know what is there and that is the study that we are doing. That will probably be

what occurs at Fort Dix Road. At some point, the Township will demolish that, put a lien against it and clean that property up but we still need to know what is under that soil. Mrs. Kritz reiterated that the tanks have been there for over thirty years and there's no chance that they are not leaking. A thirty year old tank made back then was not double walled. Mayor Patriarca stated he wouldn't say there is no chance as he removed one that was in from 1969 and it was full and the house was vacant for almost twenty years and it did not have any leaks. Mrs. Kritz commented that historically these types of facilities when they had oil, antifreeze, liquids and hazardous waste materials, used to just dump it in the back so there will be contaminated soil. The Mayor expressed that he has no doubt there will be those positive results but we can surmise that here on and on but we don't know that and to have that document that states the property is contaminated we will then know what we have and pursue that avenue. Without the proper documentation, it's not going to work. Mrs. Kritz stated to try not to get it on our tax records and ownership of it because it will be a white elephant and we'll never get rid of it and we don't need that. **Eric Houwen:** Spoke of Resolution No. 268-2009 regarding the bike path on Birmingham Road. Mr. Houwen asked if that is part of Rails to Trails and who owns the property. Mrs. Stinney asked the Mayor to comment on the grant. Mr. Houwen stated it is not a grant but rather grant's permission. Mayor Patriarca replied it is just Birmingham Road and is on the road and it's a bike path they want to connect North Pemberton and South Pemberton Roads with a bike path as done on other roads where there is a five or eight foot path for cyclists along the road. The Mayor explained it runs parallel to the road as on Fort Dix Road where there is a bike path that runs along the road. Mr. Houwen asked for the block and lots that it is adjacent to. Mr. Cartier replied it is the entire length of the road. Mr. Houwen then asked if it is the entire length of Birmingham Road from North Pemberton out to South Pemberton Road. Mr. Cartier responded that is the way the resolution reads. Mr. Houwen again asked if this is part of Rails to Trails or is a separate bike path that goes from North Pemberton Road to South Pemberton Road. Confirmed that Resolution No. 272-2009 is going to be pulled and asked if there is any type of notice as to when this will be readdressed. Mrs. Stinney answered not at this time. Mr. Vaz stated Resolution No. 272-2009 does not need to be readdressed. Once it is pulled tonight, there is no need for the resolution. Mr. Vaz commented that the same resolution was adopted by Council at the end of 2008 and it extended the contract but there was no additional contract cost to the Township. Mr. Houwen asked if the contract ended in 2008 and extended to 2009. Mr. Vaz agreed. Mr. Houwen verified the master plan will be finished up. Mr. Vaz remarked that part of the contract is done and therefore there is no need to extend the contract. They are still the Town Planner and they still do other work but that specific part is over. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comment.

***8. 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.**

***9. MINUTES FILED BY MUNICIPAL CLERK**

***a. Regular Meeting, December 2, 2009.**

***10. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 268-2009

RESOLUTION GRANTING PERMISSION FOR COUNTY BIKE PATH—BIRMINGHAM ROAD
 WHEREAS, THE RESOURCE CONSERVATION DEPARTMENT OF BURLINGTON COUNTY IS SEEKING TO IMPROVE OPPORTUNITIES FOR BICYCLISTS IN THE COUNTY; AND
 WHEREAS, THE RESOURCES CONSERVATION DEPARTMENT HAS REQUESTED PERMISSION TO INSTALL A SINGLE LANE BIKE PATH ALONG BIRMINGHAM ROAD, A PEMBERTON TOWNSHIP ROADWAY; AND
 WHEREAS, THE ROADWAY IS IN A NARROW THIRTY-THREE FOOT (33') RIGHT OF WAY; AND
 WHEREAS, THE COUNTY WILL EXTEND THE WIDTH OF THE PAVED AREA TO ALLOW FOR THE BIKE PATH; AND
 WHEREAS, THE INSTALLATION OF THE BIKE PATH WILL ENHANCE RECREATION OPPORTUNITIES AS LONG AS THE TRAVELLING PUBLIC IS SAFE.
 NOW, THEREFORE, BE IT RESOLVED, BY THE PEMBERTON TOWNSHIP COUNCIL THAT PERMISSION IS GRANTED SUBJECT TO:

1. A REPORT BY THE COUNTY ENGINEER STATING THAT THE TRAVELLING PUBLIC WILL BE SAFE IN ACCORDANCE WITH THE APPLICABLE TRAFFIC SAFETY STANDARDS.
2. ANY RIGHT OF WAY REQUIRED FOR THE INSTALLATION OF THE BIKE PATH BE THE OBLIGATION OF THE COUNTY TO ACQUIRE.
3. THE BIKE PATH LOCATION SHALL NOT BE PART OF THE EXISTING PAVEMENT FOR SAFETY MEASURES.
4. CONSTRUCTION COSTS SHALL BE THE RESPONSIBILITY OF THE COUNTY.

RESOLUTION NO. 269-2009

WHEREAS, BROWNS MILLS FIRE COMPANY DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;
 NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE BELOW LISTED MEMBERS BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICERS FOR A TERM OF FIVE YEARS FROM THE DATE OF THIS APPOINTMENT TO PERFORM DUTIES AS PRESCRIBED IN N.J.S.A. 15:8-4 UPON TAKING APPROPRIATE OATH BEFORE THE TOWNSHIP CLERK, A COPY OF WHICH IS TO BE FILED WITH THE CLERK AND ALSO THE SECRETARY OF THE FIRE COMPANY.

ROBERT GROVER
 THERESA FORCE

RESOLUTION NO. 270-2009

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:

KEN FESTINO, \$2,508.75, DUPLICATE PAYMENT OF 4TH QUARTER PROPERTY TAXES, BLOCK 539, LOT 18
 JAMES & MARSHA MEADE, \$1,350.00, CONTIGUOUS OWNER EXERCISED THEIR RIGHT TO PROPERTY SOLD AT LAND AUCTION, BLOCK 502.02, LOT 5.02
 ROBERT STOUT, \$1,150.00, CONTIGUOUS OWNER EXERCISED THEIR RIGHT TO PROPERTY SOLD AT LAND AUCTION, BLOCK 59, LOTS 55-58
 OSCAR MENDOZA/MARYANN REYES, OVERPAYMENT OF CERTIFIED COPY OF MARRIAGE LICENSE, \$18.00
 JENNIFER ZAISS, \$1,015.46, OVERPAYMENT DUE TO BANKING ERROR, BLOCK 176, LOT 64-65
 EDWARD GALBIERCZYK, \$144.86, OVERPAYMENT OF 2009 TAXES, BLOCK 526, LOT 12

RESOLUTION NO. 271-2009

RESOLUTION AUTHORIZING THE REFUND OF OR CLOSING OF TREASURER'S ESCROW SUB-ACCOUNTS
 WHEREAS, PEMBERTON TOWNSHIP REQUIRES FOR VARIOUS CONSTRUCTION AND OR HOME IMPROVEMENT PROJECTS, THAT A TREASURERS ESCROW SUB-ACCOUNT BE ESTABLISHED; AND
 WHEREAS, THE CHIEF FINANCIAL OFFICER HAS DETERMINED THAT NUMEROUS PROJECTS ARE NOW COMPLETE; AND
 WHEREAS, THE CHIEF FINANCIAL OFFICER WISHES TO REFUND THE REMAINING MONIES TO THE APPLICANTS, AND CLOSE OR MERGE THE RELATED ESCROW SUB ACCOUNTS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY HEREBY APPROVES THE FOLLOWING REFUNDS TO THE APPLICANTS AND AUTHORIZES THE CHIEF FINANCIAL OFFICER TO CLOSE THE RELATED TREASURERS ESCROW SUB-ACCOUNTS.

| REFUND AMT. | ACCT# | ACCT. NAME | MAILING ADDRESS | BLOCK & LOT |
|-------------|--------|----------------------------------|---|-------------|
| \$284.50 | 250093 | DAVID MATTHEWS | 744 PEMBERTON-BROWNS MILLS RD. PEMBERTON, NJ 08015 | 85-1 |
| \$0.00 | 250109 | BILLIE JO RHODES | 19 VERBENA ST. BROWNS MILLS, NJ 08015 | 392-29 |
| \$420.00 | 250126 | CRICKET COMMUNICATIONS | 450 COLWELL LN. CONSHOHOCKEN, PA 19428 | 554-7 |
| \$135.81 | 250125 | NJ AMERICAN WATER | PO BOX 5627 CHERRY HILL, NJ 08034 | 812-18.03 |
| \$44.47 | 250130 | ANGELO & DONNA BONANNO | 124 SPLIT ROCK RD. BROWNS MILLS, NJ 08015 | 671-16 |
| \$104.50 | 250132 | P&C RUSSELL | 376 LAKEHURST RD. BROWNS MILLS, NJ 08015 | 854-66.01 |
| \$8.00 | 250131 | ROBERT GOODSTEIN | 2 THIRD AVE. PEMBERTON, NJ 08068 | 835-3 |
| \$50.75 | 250121 | MIRACLE TABERNACLE CHURCH | 19 FLEMISH WAY, MT. HOLLY, NJ 08060 | 822-14 |
| \$356.80 | 250123 | MARTUCCI-U-HAUL | 7 STEWARD CT. CLARKSBURG, NJ 08510 | 854-58.02 |
| \$57.50 | 130022 | DAVID DAVIS | 43 KENNEDY LN PEMBERTON, NJ 08068 | 800-5.01 |
| \$57.50 | 130018 | GARET SHIVERS | 48 NORTH RD. MT. HOLLY, NJ 08060 | 784-27 |
| \$140.00 | 130017 | SANDY WOLFE | PO BOX 125, LUMBERTON, NJ 08048 | 785-3.01 |
| \$312.50 | 130016 | SEASONAL WORLD FOR MILLINGTON | 532 MONMOUTH RD. CLARKSBURG, NJ 08510 | 664-3 |
| \$0 | 130012 | CRAIG & STACY MAYLE | 6 OAK AVE. BROWNS MILLS, NJ 08015 | 408-9 |
| \$0 | 130015 | LARRY KING JR. | 2 CHIPMUNK RUN BROWNS MILLS, NJ 08015 | 484-1 |
| \$102.50 | 130011 | PHILLIP LIPPINCOTT | 57 FERN STREET, BROWNS MILLS NJ 08015 | 336-43 |
| \$125.00 | 130005 | DAVID MATTHEWS | 744 PEMBERTON RD. PEMBERTON NJ 08068 | 812-13 |
| 91.20 | 250135 | EDWARD WYSZYNSKI | 154 CHESTERFIELD-GEORGETOWN | 803-10 |

| | | | | |
|------------|--------|----------------------------|---|-------------|
| | | | RD. CHESTERFIELD, NJ 08515 | |
| 133.75 | 250113 | GRANT WOOD- TRI STATE TIRE | 222 TRENTON RD. BROWNS MILLS, NJ 08015 | 528-24.02 |
| 0 | | | | |
| 141.25 | 130021 | BARBARA "BONNIE" MURPHY | 58 NORTH RD. MT. HOLLY, NJ 08060 | 784-30 & 31 |
| 52.50 | 250138 | DANIEL LAWRENCE | 126 BLANCHE ST. BROWNS MILLS, NJ 08015 | 225-49-53 |
| 1.24 | 250133 | CURTIS WILLIAMS | 101 CALIFORNIA TR. BROWNS MILLS, NJ 08015 | 857-40.02 |
| 129.50 | 250119 | ICK MO & SUNG HUI YANG | 22 JULIUSTOWN RD. BROWNS MILLS, NJ 08068 | 554-11.04 |
| \$2,279.42 | 1233 | WAWA | 260 W. BALTIMORE PIKE WAWA, PA 19063 | 786.01 |
| \$0 | 1168 | DANITOM DEVELOPMENT | | 750/2 & 12 |

RESOLUTION NO. 272-2009

RESOLUTION AUTHORIZING EXTENSION TO CONTRACT OF PROFESSIONAL PLANNER FOR THE PEMBERTON TOWNSHIP MASTER PLAN PROJECT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") IS REQUIRED TO CONDUCT A GENERAL REEXAMINATION OF THE TOWNSHIP'S MASTER PLAN, WHICH REQUIRES THE SERVICES OF A PROFESSIONAL PLANNER; AND

WHEREAS, THE TOWNSHIP PREVIOUSLY ISSUED A REQUEST FOR PROPOSALS AND SELECTED A PROFESSIONAL PLANNER IN ACCORDANCE WITH A FAIR AND OPEN PROCEDURE IN ACCORDANCE WITH N.J.S.A. 19:44A-20A ET SEQ. AND THE TOWNSHIP OF PEMBERTON CODE; AND

WHEREAS, THE RAGAN DESIGN GROUP ("RAGAN") SUBMITTED A PROPOSAL FOR THE PROJECT AND THE TOWNSHIP COUNCIL DETERMINED THAT RAGAN POSSESSED THE NECESSARY QUALIFICATIONS TO PERFORM THE SERVICES OUTLINED IN THE RFP; AND

WHEREAS, THE TOWNSHIP AND RAGAN (COLLECTIVELY THE "PARTIES") ENTERED INTO A ONE YEAR PROFESSIONAL SERVICES AGREEMENT ("AGREEMENT"), EXECUTED DECEMBER 15, 2007, FOR RAGAN TO PROVIDE PROFESSIONAL PLANNING SERVICES TO THE TOWNSHIP FOR THE PURPOSE OF ESTABLISHING APPROPRIATE PLANNING CRITERIA AND DESIGN GUIDELINES FOR THE TOWNSHIP OF PEMBERTON MASTER PLAN, REVISING THE MASTER PLAN AND CONSULTING ON REVISIONS TO THE TOWNSHIP ZONING ORDINANCE (THE "PROJECT"); AND

WHEREAS, RAGAN HAS COMPLETED THE DRAFT MASTER PLAN; AND

WHEREAS, ADDITIONAL TIME MAY BE NEEDED FOR PUBLIC HEARINGS CONCERNING ADOPTION OF ORDINANCES NEEDED TO IMPLEMENT THE MASTER PLAN; AND

WHEREAS, THE TOWNSHIP ISSUED A REQUEST FOR PROPOSALS (THE "RFP") FOR PROFESSIONAL PLANNING SERVICES FOR 2010 IN ACCORDANCE WITH A FAIR AND OPEN PROCEDURE IN ACCORDANCE WITH N.J.S.A. 19:44A-20A ET SEQ. AND THE TOWNSHIP OF PEMBERTON CODE; AND

WHEREAS, RAGAN SUBMITTED A PROPOSAL IN RESPONSE TO THE RFP; AND

WHEREAS, UNDER THE LOCAL PUBLIC CONTRACTS LAW, A CONTRACT FOR PROFESSIONAL SERVICES MAY BE AWARDED WITHOUT COMPETITIVE BIDDING; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT IT IS APPROPRIATE TO AWARD A PROFESSIONAL SERVICES CONTRACT TO RAGAN IN ORDER TO COMPLETE THE PROJECT; AND

WHEREAS, RAGAN HAS AGREED TO COMPLETE THE PROJECT AT NO ADDITIONAL COST TO THE TOWNSHIP AND IN COMPLIANCE WITH ALL OF THE TERMS AND CONDITIONS OF THE AGREEMENT; AND

WHEREAS, THE TOWNSHIP AND RAGAN HAVE AGREED TO EXTEND THE AGREEMENT BY ONE YEAR VIA ANOTHER WRITTEN AGREEMENT (THE "AGREEMENT EXTENSION"). 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 EXECUTE AN AGREEMENT EXTENSION IN A FORM SUBSTANTIALLY SIMILAR TO THAT CONTAINED HEREIN AS EXHIBIT A.

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

- A. RAGAN DESIGN GROUP
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 273-2009

A RESOLUTION AUTHORIZING EXECUTION OF A STORM WATER MAINTENANCE AGREEMENT WITH PINE GROVE PAD, LLC

WHEREAS, A RETAIL AUTO PARTS STORE IS BEING CONSTRUCTED ON A PARCEL OF PROPERTY LOCATED AT 116 TRENTON ROAD AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 530, LOT 11.10 (THE "PROPERTY"); AND

WHEREAS, PINE GROVE PAD, LLC., AN ENTITY INVOLVED IN THE CONSTRUCTION, HAS AGREED TO MAINTAIN ALL STORMWATER DRAINAGE SYSTEMS AND OTHER STORMWATER DRAINAGE SWALES, DETENTION, RETENTION, OR RECHARGE FACILITIES LOCATED ON THE PROPERTY; AND

WHEREAS, PINE GROVE PAD, LLC HAS ALSO AGREED TO POST TWO STORM WATER MAINTENANCE BONDS IN FAVOR OF THE TOWNSHIP IN AMOUNTS TO BE DETERMINED BY THE TOWNSHIP ENGINEER; AND

WHEREAS, THE TOWNSHIP DESIRES TO ENTER INTO AN AGREEMENT WITH PINE GROVE PAD, LLC MEMORIALIZING THE TERMS OF THE STORM WATER MAINTENANCE AT THE PROPERTY; AND

NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, REVIEWED BY THE TOWNSHIP SOLICITOR AND ATTACHED HERETO, BETWEEN THE TOWNSHIP OF PEMBERTON AND PINE GROVE PAD, LLC FOR STORM WATER MAINTENANCE TO BE PROVIDED BY PINE GROVE PAD, LLC AT PROPERTY LOCATED AT 116 TRENTON ROAD AND IDENTIFIED ON THE OFFICIAL TAX MAP OF THE TOWNSHIP AS BLOCK 530, LOT 11.10; AND

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

- A. PINE GROVE PAD, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

RESOLUTION NO. 274-2009

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS MADE AVAILABLE, AS A BENEFIT TO ITS VARIOUS OFFICIALS AND EMPLOYEES, CERTAIN MEDICAL AND HEALTH BENEFITS, WHICH ARE PROVIDED THROUGH ITS SELF-INSURED MEDICAL PLAN KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," AND

WHEREAS, THE TOWNSHIP IS CONTRACTUALLY OBLIGATED TO CONTINUE PROVIDING SAID HEALTH BENEFITS TO ITS EMPLOYEES; AND

WHEREAS, SAID PLAN INCLUDES A THIRD PARTY ADMINISTRATION CONTRACT AND A REINSURANCE CONTRACT THAT EXPIRE DECEMBER 31, 2009; AND

WHEREAS, THE TOWNSHIP COUNCIL DESIRES THAT THERE BE NO INTERRUPTION IN CLAIMS ADMINISTRATION AND REINSURANCE COVERAGE; AND
 WHEREAS, THE TOWNSHIP ADMINISTRATION HAS EVALUATED THE COST EFFECTIVENESS, THOROUGHNESS AND EFFICIENCY OF THE CURRENT SELF-INSURED MEDICAL BENEFITS PROGRAM AND DETERMINED THAT THE MOST COST EFFECTIVE AND EFFICIENT WAY OF PROVIDING MEDICAL BENEFITS TO ITS EMPLOYEES IS TO CONTINUE THE SELF-INSURED HEALTH BENEFITS PROGRAM, AND THAT THE SAID PLAN CONTINUE TO BE ADMINISTERED BY ATLANTICARE ADMINISTRATORS, INCORPORATED AS THE TOWNSHIP'S THIRD PARTY ADMINISTRATOR (TPA) AND BY STANDARD SECURITY LIFE INSURANCE COMPANY OF NEW YORK IN REGARD TO THE STOP LOSS/REINSURANCE COVERAGE; AND

WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT THE FUNDS ARE AVAILABLE FOR THE AWARD OF SAID CONTRACT;

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 TOWNSHIP WILL CONTINUE ITS SELF-INSURED MEDICAL BENEFITS PROGRAM KNOWN AS THE "PEMBERTON TOWNSHIP MEDICAL BENEFITS PLAN," WHICH PLAN SHALL INCLUDE COVERAGE FOR MAJOR MEDICAL, DENTAL, PRESCRIPTION, OPTICAL AND ALL OTHER FORMS OF HEALTH COVERAGE CURRENTLY MADE AVAILABLE TO EMPLOYEES AND OFFICIALS OF THE TOWNSHIP.
2. CONTRACTS FOR SERVICES FOR THE SELF-INSURED PROGRAM KNOWN AS "PEMBERTON TOWNSHIP MEDICAL PLAN" SHALL TAKE EFFECT ON JANUARY 1, 2010 AND TERMINATE ON DECEMBER 31, 2010, UNLESS OTHERWISE AUTHORIZED TO TERMINATE SOONER BY AGREEMENT OF THE TOWNSHIP AND ATLANTICARE ADMINISTRATORS, INCORPORATED AND/OR STANDARD SECURITY.
3. THAT A CONTRACT FOR CLAIMS ADMINISTRATION IS HEREBY AWARDED TO ATLANTICARE ADMINISTRATORS, INCORPORATED AND STANDARD SECURITY FOR SPECIFIC STOP-LOSS COVERAGE.

BE IT FURTHER RESOLVED THAT THE TOWNSHIP COUNCIL IS SATISFIED THAT ATLANTICARE ADMINISTRATORS, INCORPORATED IS QUALIFIED TO SERVE AS THE PLAN ADMINISTRATOR, AND STANDARD SECURITY IS QUALIFIED TO PROVIDE STOP-LOSS INSURANCE AND THAT THIS APPOINTMENT IS EXEMPT FROM THE BIDDING REQUIREMENTS OF THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-5(M); AND

BE IT FURTHER RESOLVED THAT EVEN THOUGH THE AWARD OF THESE CONTRACTS IS EXEMPT FROM THE LOCAL PUBLIC CONTRACTS LAW, THE TOWNSHIP ADMINISTRATION DID OVERSEE AN INFORMAL REQUEST FOR PROPOSAL PROCESS FOR THE STOP-LOSS COVERAGE; AND

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE CONTRACTS, IF ANY, IN CONNECTION WITH THIRD PARTY ADMINISTRATION SERVICES WITH ATLANTICARE ADMINISTRATORS, INCORPORATED (\$40.25/EMPLOYEE PER MONTH) AND FOR REINSURANCE WITH STANDARD SECURITY (ACCORDING TO THE ATTACHED PROPOSAL); AND

BE IT FURTHER RESOLVED THAT THIS CONTRACT ACTION SHALL BE PUBLISHED IN THE TOWNSHIP'S LEGAL NEWSPAPER.

RESOLUTION NO. 276-2009

WHEREAS, N.J.S.A. 40A: 4-58 AUTHORIZES APPROPRIATION TRANSFERS DURING THE LAST TWO MONTHS OF THE FISCAL YEAR; AND,

WHEREAS, IT IS NECESSARY TO TRANSFER FUNDS BETWEEN APPROPRIATIONS IN THE 2009 BUDGET;

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING BUDGET APPROPRIATION TRANSFERS BE MADE:

FROM

| | | | |
|-------------------------------|-------|-------------------|--------------|
| FINANCE DEPARTMENT # 0130 | O & E | LINE ITEM # 02600 | \$ 400.00 |
| STREET LIGHTING # 0435 | O & E | LINE ITEM # 07500 | \$ 15,000.00 |
| TO | | | |
| PAID AMBULANCE SERVICE # 0262 | O & E | LINE ITEM # 15106 | \$ 400.00 |
| ELECTRICITY # 0430 | O & E | LINE ITEM # 07500 | \$ 15,000.00 |

| | |
|-----------------------|--------------------|
| TOTAL TRANSFER | \$15,400.00 |
|-----------------------|--------------------|

RESOLUTION NO. 277-2009

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS MADE AVAILABLE, AS A BENEFIT TO CERTAIN OFFICIALS AND EMPLOYEES, CERTAIN LIFE INSURANCE AND ACCIDENTAL DEATH AND DISMEMBERMENT (AD&D) BENEFITS; AND

WHEREAS, THE TOWNSHIP DESIRES TO CONTINUE PROVIDING SAID LIFE INSURANCE BENEFITS TO CERTAIN OFFICIALS AND EMPLOYEES; AND

WHEREAS, THE TOWNSHIP COUNCIL DESIRES THAT THERE BE NO INTERRUPTION IN THE EXISTING LIFE INSURANCE AND AD&D COVERAGE; AND

WHEREAS, THE TOWNSHIP ADMINISTRATOR HAS RECEIVED AND EVALUATED THE COST EFFECTIVENESS, THOROUGHNESS AND EFFICIENCY OF THE CURRENT LIFE INSURANCE AND AD&D COVERAGE AND DETERMINED THAT THE MOST COST EFFECTIVE AND EFFICIENT WAY OF PROVIDING SAID BENEFITS TO CERTAIN OF THE TOWNSHIP'S OFFICIALS AND EMPLOYEES IS TO RENEW THE EXISTING PLAN THAT IS ADMINISTERED BY SUN LIFE ASSURANCE COMPANY; AND

WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT THE FUNDS ARE AVAILABLE FOR THE AWARD OF SAID LIFE INSURANCE AND AD&D CONTRACT;

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 TOWNSHIP WILL RENEW ITS CURRENT LIFE INSURANCE AND AD&D BENEFITS IN ACCORDANCE WITH THE QUOTATION THAT IS ATTACHED HERETO.
2. THE AFORESAID POLICY SHALL TAKE EFFECT ON JANUARY 1, 2010 AND TERMINATE ON DECEMBER 31, 2010.

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK BE AND ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE THE AFORESAID RENEWAL CONTRACT; AND

BE IT FURTHER RESOLVED THAT THIS CONTRACT AWARD SHALL BE PUBLISHED IN THE TOWNSHIP'S LEGAL NEWSPAPER IF REQUIRED BY LAW.

RESOLUTION NO. 278-2009

RESOLUTION AUTHORIZING THE DISCHARGE OF A MORTGAGE AND NOTE FOR 203 SENECA TRAIL, BROWNS MILLS, NEW JERSEY

WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") HAS ESTABLISHED A HOUSING AND REHABILITATION PROGRAM FUNDED THROUGH THE TOWNSHIP'S PARTICIPATION IN A REGIONAL CONTRIBUTION AGREEMENT WITH OTHER MUNICIPALITIES AND, THROUGH THAT PROGRAM, HAS MADE LOANS TO ITS RESIDENTS FOR THE REHABILITATION OF EXISTING LOW AND MODERATE INCOME HOUSING WITHIN THE TOWNSHIP'S BORDERS IN ACCORDANCE WITH REGULATIONS PROMULGATED BY THE COUNCIL ON AFFORDABLE HOUSING (COAH); AND

WHEREAS, THROUGH THIS HOUSING AND REHABILITATION PROGRAM, THE TOWNSHIP MADE A LOAN IN THE AMOUNT OF \$17,000.00 TO MARK HAGER, OWNER OF PROPERTY LOCATED AT 203 SENECA TRAIL IN BROWNS MILLS, NEW JERSEY (THE "PROPERTY"), WHICH WAS SECURED BY A MORTGAGE AND NOTE IN FAVOR OF THE TOWNSHIP; AND

WHEREAS, FORECLOSURE PROCEEDINGS HAVE BEEN COMMENCED AGAINST THE PROPERTY BY THE FIRST MORTGAGE HOLDER AND IT IS NECESSARY FOR THE OWNER TO SELL THE PROPERTY AT A DISTRESSED PRICE IN ORDER TO SATISFY ALL OUTSTANDING LIENS; AND

WHEREAS, THE OWNER HAS REQUESTED THAT THE TOWNSHIP DISCHARGE ITS MORTGAGE AND NOTE AGAINST THE PROPERTY IN CONSIDERATION FOR THE PAYMENT OF A COMPROMISE AMOUNT OF \$8,500.00; AND WHEREAS, THE TOWNSHIP COUNCIL FINDS IT IN THE BEST INTERESTS OF THE TOWNSHIP AND ITS RESIDENTS TO DISCHARGE ITS MORTGAGE AND NOTE AGAINST THE PROPERTY FOR THIS COMPROMISE AMOUNT. 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 EXECUTE ANY AND ALL DOCUMENTS NECESSARY TO DISCHARGE THE MORTGAGE AND NOTE AGAINST THE PROPERTY CONDITIONED UPON THE TOWNSHIP RECEIVING THE AMOUNT OF \$8,500.00 AT CLOSING.

13. NEW BUSINESS

***a.** Requests from various departments to expend funds in excess of \$2,000.00:

- *3. Buildings & Grounds:** Purchase of electrical supplies from state contract vendor Pemberton Electrical Supply in the amount of \$5,751.55.
- *4. Recreation Dept.:** Reimbursement to Paula Redmond for Rutgers courses in the amount of \$3,913.00.
- *5. Public Works:** Tree removal services from Reynolds & Sons in the amount of \$6,450.00.
- *6. Public Works:** Purchase of two boats, one trailer and accessories from Fuller's Marine and Machine in the amount of \$5,649.17.
- *7. Police Dept.:** For on-site training for up to ten people for the new Twp. Noise ordinance from Rutgers Noise Technical Assistance in the amount of \$3,500.00.
- *8. Tax Collector:** Purchase of three new computer stations from state contract vendor Hewlett Packard in the amount of \$2,115.00.

b. Applications submitted for memberships, licenses, permits:

- *1. Ocean County Competition Riders:** Annual Scrub Pine Enduro ride, 3/14/10.

***14.** Approval by Council required for payment of vouchers on bill list dated 12/11/09.

Mr. Prickett requested Resolution Numbers 259-2009 and 275-2009 be pulled from the consent agenda. Mr. Cartier requested to pull Resolution Number 272-2009. Mr. Inge requested to pull from item 13a. New Business, numbers 1 and 2.

Motion by Cartier and Scull to approve the consent agenda as amended. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution Numbers 259-2009 and 275-2009

Mr. Prickett asked what list the two potentially contaminated sites at Fort Dix Road and Lakehurst Road were picked from. The DEP has a list on their websites of areas throughout Pemberton Township most of which are in Browns Mills that are listed as having hazardous waste. Mr. Prickett asked why these two particular sites were picked for this grant. Mr. Vaz answered they were not picked from a particular list. The Manson Garage property was presented because Administration had received the offer from the synagogue and because it is known to have been formerly used as a gas station. The Fort Dix Road property has been on Administration's radar screen since day one to try to find some solution to the problem. There have been meetings with Code Enforcement and Lieutenant Kreig to try and find solutions to that problem. Mr. Prickett pointed out that the

Township and state have limited funds. He agreed with the Mayor in that we can't jeopardize the health of the residents. Mr. Prickett added that is why we have to be careful with which sites we pick. We have to pick those sites that will most jeopardize the residents and his thinking is in Browns Mills where a lot of people live, potentially they should be the sites that are cleaned up first. In the case of Lakehurst Road, if there is a stream that runs in to the lake, that's a reason to clean that one up first. Mr. Prickett suggested in the future to take a look at all of the sites in Pemberton Township that need a clean up and prioritize those sites as far as health and safety of the residents. Mr. Prickett noted the finances and financial mechanisms for these grants. We have been sending emails back and forth with Mr. Vaz and the solicitor talking about the mechanisms. The grant for the Manson's Garage is \$92,000 and when that money is expended, we have to show intent as a municipality to take the property and there has to be a lien put on the property to cover those expenses. Inevitably that creates the white elephant that Ms. Kritz spoke about because that is more than the property is most likely worth. If we go a little further and have further clean up to do it's going to be even more money; maybe hundreds of thousands of dollars more and that may be a lien as well. Mr. Prickett stated he has heard that if the town takes the site, the grant is forgiven and does not have to be paid back. If the town then wants to sell the property to a business man that wants to use the property for commercial development, what happens to that money, is it still forgiven or does the state forgive that money or is that then a cost that has to be accounted for when the property is sold. If it's not, then the Township is stuck with these properties more or less forever. Mr. Vaz replied there is no proposal at this time to acquire the property. We would not in our worse nightmare want these properties now so that is not even before the Council. That might be the case if we applied down the road for a remediation type of grant; actual money to mitigate the problems at the property but at this stage that is not something that is being proposed to Council. Mr. Vaz continued the intent that Mr. Prickett mentioned to acquire the property, they have been informed through ARH and Ms. Colella that intent is present intent based on what the outcome of the site investigation would be. Mr. Prickett stated that we should think this through not only from the initial analysis of the site but down the road beyond the final clean up and getting it back on the tax roles. Mr. Prickett conveyed that he does not want to hold these two resolutions up tonight and he is going to continue to do some research. Mr. Prickett continued that if and when we get the grant, we do not have to accept it if we find that it's not a good thing for the Township.

Motion by Prickett and Cartier to adopt Resolution Numbers 259-2009 and 272-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes.
Motion carried.

RESOLUTION NO. 259-2009

RESOLUTION SUPPORTING A REDEVELOPMENT STUDY AT THE BREEN CAPITAL INVESTMENT PROPERTY, 203 FORT DIX ROAD, BLOCK 802, LOT 5, PEMBERTON TOWNSHIP, BURLINGTON COUNTY, NEW JERSEY

WHEREAS, PURSUANT TO N.J.S.A. 40A:12A-6, THE MAYOR AND TOWN COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIRES TO UNDERTAKE PRELIMINARY INVESTIGATIONS TO DETERMINE WHETHER THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY IDENTIFIED AS BLOCK 802, LOT 5, LOCATED AT 203 FORT DIX ROAD (HEREIN REFERRED TO AS THE "PROPERTY") IS AN AREA IN NEED OF REDEVELOPMENT ACCORDING TO THE CRITERIA SET FORTH IN N.J.S.A.40A:12A-5; AND

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HAVE DETERMINED THAT THERE HAS BEEN, OR IT SUSPECTS THAT THERE HAS BEEN, A DISCHARGE OF HAZARDOUS SUBSTANCES OR A HAZARDOUS WASTE ON THE PROPERTY.

WHEREAS, THE TOWNSHIP OF PEMBERTON IS APPLYING FOR FUNDING FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE INVESTIGATION OF THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY IN ORDER TO DETERMINE THE EXTENT OR THE EXISTENCE OF ANY HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL FOR THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THE REDEVELOPMENT OF THE BREEN CAPITAL INVESTMENT CORPORATION PROPERTY FOR THE PURPOSE OF RETURNING THE PROPERTY TO A VIABLE PRODUCTIVE PART OF THE COMMUNITY, WHICH NOT ONLY STIMULATES FURTHER ECONOMIC GROWTH BUT ALSO PROTECTS THE ENVIRONMENT. FURTHERMORE, THE TOWNSHIP OF PEMBERTON FINDS THAT A REALISTIC OPPORTUNITY EXISTS FOR THE REDEVELOPMENT OF THE BREEN CAPITAL

INVESTMENT CORPORATION PROPERTY WITHIN A THREE-YEAR PERIOD AFTER THE COMPLETION OF THE REMEDIATION OF THIS SITE EITHER THROUGH THE PLANNED REDEVELOPMENT PROJECT, OR THROUGH ALTERNATE REDEVELOPMENT.

RESOLUTION NO. 275-2009

RESOLUTION SUPPORTING A REDEVELOPMENT STUDY AT THE FORMER MANSON'S GARAGE SITE (A.K.A., UNITED MUNKACSER YESHIVOS PROPERTY) 591 LAKEHURST ROAD, BLOCK 894, LOTS 25, 26, AND 27, IN PEMBERTON TOWNSHIP, IN THE COUNTY OF BURLINGTON, IN THE STATE OF NEW JERSEY

WHEREAS, PURSUANT TO N.J.S.A. 40A:12A-6, THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, DESIRES TO UNDERTAKE PRELIMINARY INVESTIGATIONS TO DETERMINE WHETHER THE UNITED MUNKACSER YESHIVOS PROPERTY IDENTIFIED AS BLOCK 894, LOT 25, 26, AND 27 AND ADDRESSED AT 591 LAKEHURST ROAD (HEREIN REFERRED TO AS THE "PROPERTY") IS AN AREA IN NEED OF REDEVELOPMENT ACCORDING TO THE CRITERIA SET FORTH IN N.J.S.A. 40A:12A-5; AND

WHEREAS, THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON HAVE DETERMINED THAT THERE HAS BEEN, OR IT SUSPECTS THAT THERE HAS BEEN, A DISCHARGE OF HAZARDOUS SUBSTANCES OR A HAZARDOUS WASTE ON THE PROPERTY.

WHEREAS, THE TOWNSHIP OF PEMBERTON IS APPLYING FOR FUNDING FROM THE HAZARDOUS DISCHARGE SITE REMEDIATION FUND FOR THE INVESTIGATION OF THE UNITED MUNKACSER YESHIVOS PROPERTY IN ORDER TO DETERMINE THE EXTENT OR THE EXISTENCE OF ANY HAZARDOUS SUBSTANCE OR HAZARDOUS WASTE.

NOW, THEREFORE, BE IT RESOLVED, BY THE MAYOR AND COUNCIL FOR THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE TOWNSHIP OF PEMBERTON IS COMMITTED TO THE REDEVELOPMENT OF THE UNITED MUNKACSER YESHIVOS PROPERTY FOR THE PURPOSE OF RETURNING THE PROPERTY TO A VIABLE PRODUCTIVE PART OF THE COMMUNITY, WHICH NOT ONLY STIMULATES FURTHER ECONOMIC GROWTH BUT ALSO PROTECTS THE ENVIRONMENT. FURTHERMORE THE TOWNSHIP OF PEMBERTON FINDS THAT A REALISTIC OPPORTUNITY EXISTS FOR THE REDEVELOPMENT OF THE UNITED MUNKACSER YESHIVOS PROPERTY WITHIN A THREE-YEAR PERIOD AFTER THE COMPLETION OF THE REMEDIATION OF THIS SITE EITHER THROUGH THE PLANNED REDEVELOPMENT PROJECT, OR THROUGH ALTERNATE REDEVELOPMENT.

Item 13.a. New Business:

- *1. Municipal Court:** Purchase of court room furniture from Transamerican in the amount of \$4,857.00.
- *2. Public Defender:** Purchase of court room furniture from Transamerican in the amount of \$3,129.00.

Mr. Inge inquired as to why funds have to be expended for item 1. He does not see anything wrong with the chairs in the courtroom and it's a waste of taxpayers money to purchase chairs for the courtroom. It's not like they're going in there to watch tv; you go in and take care of the problem and leave. If someone has a speeding ticket and only goes in the courtroom maybe once in ten years, it doesn't matter what they sit in. If there is a repeat offender that is used to coming in to the courtroom, why make it so they can have a nice place to sit, relax and wait for their turn to be heard by the judge; it's a waste of Township money. There are a lot of residents that have a problem with furniture in their house and can't afford to go out and buy new furniture but they will spend money for furniture for people to go to court to pay a fine. Mr. Inge reiterated that he doesn't see it, it's a waste of money, there are no problems with the chairs in the courtroom now and the entire court thing is a waste of the taxpayer's money. There were complaints about change orders and approving this courtroom renovation and Council will listen this time and not approve any more money to be spent in that room. In reference to item 2, he feels the same way. It's just more taxpayer's money being wasted; it's not needed, they can do with what they have and we should stop spending the taxpayer's money. Mr. Prickett informed he has questions about the chairs and furniture for the courtroom. There are chairs in the courtroom now that are well built; they do need new upholstery. There are 30 courtroom defender chairs and 60 prosecutor chairs at approximately \$50.00 each. Mr. Prickett asked to be assured by Administration that the new chairs will hold up as well as the chairs currently in the courtroom now and whether those should be reupholstered instead of replaced. Mayor Patriarca replied the 30 public defender chairs and the 62 prosecutor chairs that Mr. Prickett is referring to are not prosecutor and public defender chairs, they are chairs for the courtroom defendants and witnesses. They are split because of the two different funds that are being charged. The public defender fund is a fund that accumulates money that we customarily have not used in the past and have had to give back to the state which is foolish. That is why this fund is being

charged. The other fund being charged is the line item that was budgeted in the budget for this furniture for this room. Mayor Patriarca responded that he did not know that it would be more feasible to take the chairs that have been in the courtroom for 25 years and reupholster them as opposed to purchasing new chairs. Administration's intention is to purchase new chairs. Mr. Prickett asked the Mayor if he is saying the new chairs will be as strong and durable as the old chairs. Mayor Patriarca replied he has not performed a stress analysis on the chairs but he has to believe that the chairs come with a warranty. The Mayor continued that he also has to believe that the warranty on the old chairs has expired.

Motion by Cartier and Scull to approve the purchase for the Municipal Court of item 13a1. Cartier, yes; Scull, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

Motion by Cartier and Scull to approve the purchase for the Public Defender, item 13a2. Cartier, yes; Scull, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

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

Council President Stinney received a consensus from Council to address Ordinance No. 33-2009 prior to Mr. Ragan's presentation.

f. ORDINANCE NO. 33-2009 (title read by Mrs. Stinney)

AN ORDINANCE TO AMEND CHAPTER 25 OF THE ORDINANCES OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY, IN ORDER TO ADOPT CERTAIN RECOMMENDATIONS

Mrs. Stinney opened the meeting to public comments on Ordinance No. 33-2009. Mrs. Stinney thanked Mr. Doherty for taking time out of his leisure schedule to work on this ordinance that has been for years in dire need to come before this municipality and work in the form that this ordinance said it would work. Those wishing to comment were: **Bill Doherty:** Mr. Doherty is present to speak on behalf of the first responders. On March 10, 2009, Council approved Ordinance No. 8-2009, establishing one fire department. The Council found it was in the public's best interest to establish a volunteer fire department with a single purpose and under a unified chain of command and in accordance with the new provisions of Chapter 25. Mr. Doherty reminded that this Council stated it is in the interest of the ordinance to strengthen our volunteer fire forces and help provide the tools and resources to continue protecting Pemberton Township residents and businesses from calamities and fire and other emergencies. This all being said, Council knew there would be some problems for the fire service to adapt and to adjust to the meanings of this ordinance. Firemen like everyone else are very reluctant to change. Being a volunteer fireman for over 50 years, Mr. Doherty can attest to not liking change. The Mayor along with the Business Administrator appointed two very important committees. They being the Selection Committee that was given the task of recommending the choices of the new position of Chief, Assistant Chief and two Deputy Chiefs. The Advisory Committee, which was given the task of going through the entire ordinance and recommending any changes they thought should be made to this ordinance. The Mayor and his Administrator through his infinite wisdom chose five men and one alternate to make up this committee. The

Mayor's Advisory Committee consisted of five men with all backgrounds in the fire service and one alternate to fill in if there was any problems. This committee consisted of himself as Chairman, Michael Robertson as Secretary, Patrick Dedella, Brian Meade, Harvey Crawford and William Jones as the Alternate. All with many years of experience in the fire service. The committee was not given the task to renew or rewrite the ordinance but to read, study and make recommendations to make it better to understand and enforce. The committee started this task in July 2009; met twice with the fire departments and met with the new Chief and Assistant along with the departments Director, Mr. Vaz. They also had input from the NJ State Firemen's Association and dedicated many hours of meetings to see that this ordinance was in the best interest to both the fire service and the residents of Pemberton Township. As per the ordinance 25192, the first group of the Advisory Committee shall serve for the term expiring December 31, 2009; therefore the Advisory Committee members shall serve this term commencing on the date of their appointment until December 31st in the same year they were appointed. This committee recommends that this Council approve this ordinance as presented with these recommendations. The committee is hoping that with the work and cooperation they have had, the Mayor will consider once again for them to work on the next project he would like to see completed to better serve the firemen and residents of Pemberton Township. Mr. Doherty expressed that it has been an honor and a pleasure to serve on the committee. He has also been here supporting the first responders whether it be fire, ems or police and here is a task/challenge that was given to the committee and they took it to heart. They did the reading, studying, meeting and talking and now it is back to Council. They hope that Council will consider passing it as presented. Mr. Prickett noted that at the last meeting when this was introduced, he requested to see the rules and regulations for Council and he has not received that. Mr. Prickett continued that since the individual fire companies have to adopt disciplinary rules that are in agreement with the rules and regulations, he asked if the officers and members of the fire company had input in to the rules and regulations handbook. Mr. Doherty replied to date, no. It has not been presented to the committee and that was not part of what they were to be looking in to in the recommendations to the ordinance. They are in the process of selecting a committee to go over the rules and regulations and he did not know if his committee would be a part of that or not. Mr. Doherty added that it comes under operations and not the legal part of the ordinance. Mr. Prickett expressed that he is pleased this ordinance has been revised and amended. The ordinances before Council to amend this; a number of things that were talked about at the time the initial ordinance was adopted and he is glad those changes are potentially being made tonight.

Motion by Prickett and Cartier to adopt Ordinance No. 33-2009. Prickett, yes; Cartier, yes; Inge, yes; Scull, yes; Stinney, yes. Motion carried.

11. PRESENTATION

a. Presentation by Rick Ragan of overview of the Master Plan.

Mrs. Stinney conveyed Council will go through each ordinance starting with b, c, d, e and a. Any questions or comments can be addressed by Mr. Ragan, Mr. Vaz or Council. Mrs. Stinney acknowledged there are many members of the public present this evening and there are many who would like to comment on each ordinance.

Mr. Ragan thanked Council, the Mayor and residents for coming out on an evening so close to Christmas. Mr. Ragan identified a number of changes and recommendations that were made as part of the master plan and some of which are before the public this evening. In general terms, the Township of Pemberton is 40,000 acres in size, 62 square miles and of that there have been 255 acres that have been proposed for some intensity of development and 345 acres that have been proposed for less intense development. On balance, we are creating less development than more development. The master plan is also proposing to convert 145 acres of GCLI, general commercial light industrial zoning, in to neighborhood commercial zoning which will reduce auto oriented and industrial uses and try and establish guidelines for the neighborhoods that are adjacent to Presidential Lakes, and Country Lakes on Lakehurst Road. The master plan is also establishing a blueprint for downtown Browns Mills and a recommendation for a number of items in Browns Mills that are an on-going subject. There are strategy meetings once a month on Browns Mills and a series of redevelopment opportunities has been proposed in trying to change the façade of Juliustown Road in to more of a town center image. Mr. Ragan added that is referred to in photographs he has brought. It is an on-going project and one that will in the long run be extremely beneficial to Browns Mills and to the Township as a whole. In addition, the master plan is recommending new construction or substantial renovation to the Presidential Lakes firehouse. Mr. Ragan reported that Administration has already filed for a grant to help pursue that as part of a follow up to the master plan. In addition, they proposed to reduce impervious coverage on some of the site plans by reducing the size of parking spaces and hopefully having more green space and green space setbacks from the roadway. Mr. Ragan conveyed that he looked to reduce the cost and burden on the residents of applying to the local zoning board for those lots that are non-conforming and where the bulk standards are non-conforming which means if you are in a 6 acre lot but your lot is only 2 acres, it is impossible for you to conform to the front yard and rear setbacks. This ordinance creates a reduced standard for those particular lots so the residents don't have to come before the zoning board if you want to put a pool or deck on your home. In addition, they are proposing a realistic opportunity for some senior housing with a variety of different sizes and shapes of senior housing. Tonight, they will be looking at amending a zoning map showing where the neighborhood commercial districts are, amending the bulk standards, creating a new definition for a parking space and doing an active senior housing cluster overlay. Mr. Ragan introduced Mike Wisnosky, his partner in Ragan Design Group, and Mr. Owen McCabe, the Planner with the Planning Board. Mr. Ragan asked Mr. McCabe to go through the zoning map and explain the changes on the zoning map. Mr. McCabe stated that throughout the master plan process, with help from the public and interviews with business owners along with community organizations, they came up with 16 different zoning recommendations for Pemberton Township.

1. The first recommendation is for downtown Browns Mills. Currently there is a town center zoned for that area in a redevelopment area. Mr. McCabe continued that some of the regulations regarding design guidelines such as architecture, landscaping, building height, and facade appearance are silent in the redevelopment code along with the town center plan. What they are recommending is a new form base code for the downtown area which he is working on right now as part of the redevelopment study.
2. The second one is to the north of Deborah Hospital, there is a portable housing complex that is zoned R80 which is inconsistent. They are recommending that it be zoned RA which would make it consistent.

3. The third recommendation is the area along Lakehurst Road in front of Country Lakes in the mobile home community. There are neighborhood oriented uses there and it is currently zoned GCLI which means a car dealership could be built that would abut Country Lakes. The idea is to create these commercial nodes next to existing well established residential communities. They are recommending it go from GCLI to neighborhood commercial.
4. The fourth recommendation, if on the south side of Pemberton Browns Mills Road which is zoned GCLI and to encourage more development and investment in the downtown area, they are recommending that area be changed from GCLI to R17 to town center. That is to encourage more development of the town center motif. Pemberton Browns Mills Road is probably the main artery to the downtown area and this could spruce that up.
5. The New Jersey Department of Environmental Protection owns the majority of land to the south. The Township has land that is zoned R17 and it can't be developed and the Pinelands is not encouraging any development there. They are recommending that be preserved.
6. The next item is Whispering Pines which is zoned R17; one lot on 17 acres. There is a cluster available but the overall gross density has to be 17 acres. These lots sit on anywhere from 18,000 to 20,000 square foot lots and this is a consistency matter and bringing the code up to date.
7. The seventh recommendation is the area before the Boro which consists of two vacant parcels that are zoned R1 for residential, one acre lots. They are recommending that be changed to neighborhood commercial. It's a gateway in to town and they are recommending something similar that you see in Country Lakes.
8. The eighth recommendation is the south side of Route 530, South Pemberton Road. The county has plans to acquire land there and improve Route 530 putting in a divider, expanding the lanes and improving storm water management. That will require acquisition of property owner's street frontages. They are recommending expanding the 300' now to 600' and rezone that from AP to GCLI.
9. The ninth recommendation is the area on the north side of South Pemberton Road. It is currently zoned PI and it has been unable to facilitate any kind of commercial growth out there and it is recommended it go from plant industrial to GCLI.
10. The tenth and sixteenth items are Mr. Prickett was speaking about the area being zoned AR and it is not recommended the zoning change but recommending the bulk requirements be changed. If there is a lot that is three acres and one comes in for a variance for a pool because you don't meet the side or rear yard setbacks. There will be within the AR zone additional standards which will enable people to comply with the ordinance. That way the zoning board is not inundated with constant variance requests for residents in the AR zone.
11. Number eleven is the MI to AR. It is also recommended that the entire MI area be placed in the farmland preservation. A good portion of that is already considered farmland preservation by the county and was purchased with county funds and the remaining portion should be put in to farmland preservation.
12. Number twelve has two parts. Burlington County did a gap plan, a growth and regional preservation plan and in conjunction with Eastampton there is a recommendation for (inaudible). To go along with that, they spoke with Eastampton and the county regarding that and are recommending those two

parcels be zoned from AR to GCLI to allow for larger development to occur in that area.

13. Number 13 is the area on the corner of North Pemberton Road and Arney's Mount Road. It is recommended for an active senior housing cluster overlay district to meet the Township's need for senior housing, congregate care, and assisted living.

14. The final two are along Fort Dix Road there are some commercial businesses there zoned GCLI and the only thing that is GCLI is the tire store. The remainder includes a church, a community center and a vacant building. They are recommending that go to neighborhood commercial and anything that is not commercial or pre-existing, is recommended it go to agricultural production which essentially puts it in to preservation. The final one is the area known as comical corner. The areas that are zoned AR and GCLI. We don't want to encourage anymore industrial uses in that area so to create some kind of node which would be typical of the Boro, they are recommending that go to neighborhood commercial.

12. ORDINANCES FOR SECOND READING, PUBLIC HEARING AND/OR FINAL ADOPTION (continued)

b. ORDINANCE NO. 28-2009 (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO INCLUDE A "NEIGHBORHOOD COMMERCIAL DISTRICT"

Mr. Ragan explained Ordinance No. 28-2009 deals with changing areas of GCLI to neighborhood commercial. As indicated, it would allow bread and breakfasts, banks, commercial, jewelry, clothing, seamstress, bakery, day care centers, delis, pharmacies, restaurants and similar kinds of uses. Service stations would be permitted as conditional uses and the conditions are already in the ordinance but not allow for cars to be stored on site and have certain criteria for any automobile use that would be proposed as new along that area. The GCLI and neighborhood commercial areas are those along Lakehurst Road in front of Country Lakes and primarily the neighborhood commercial areas on Fort Dix Road. The notion is to create an architectural standard to upgrade the quality of buildings, upgrade the site plan and upgrade the uses that are being projected in those areas. Mr. Ragan recommended that Council consider this ordinance. Mrs. Stinney opened the meeting to public comments. Those indicating a desire to be heard were: **Karen Kritz:** Ms. Kritz advised this is an issue that she raised during some of the Planning Board meetings. It is regarding performance regulations E7 which addresses garbage dumpsters and other similar areas. The state solid waste management plan requires that Township ordinances include sections for specifying areas for recycling containers. Ms. Kritz recommended that a provision to comply with the state solid waste management plan be included in the ordinance to address specific areas for recycling containers. Mr. Ragan replied that could be done by a simple addition by stating the dumpsters provide for areas for recycling within the gated area and it would not be a major change. Mr. Bayer asked Mr. Ragan for clarification. Mr. Ragan advised the location in the ordinance is section E7, the last sentence, "In addition said dumpster area should include areas for recycling and be gated". Mr. Bayer added that since recycling is a component of

solid waste collection, an important parcel of the solid waste management act, it would not be a material change. Mr. Ragan informed it is reinforced in the master plan under the recycling element but this is the ordinance and it would be fine. Mrs. Stinney informed that the changes will be specified by the solicitor to ensure the wording is correct. **Eric Houwen:** Read from the ordinance, under section A, “large scale development for example shopping centers, light industrial services and manufacturing warehouses are not permitted”. Mr. Houwen referenced B3, commercial recreational facilities indoor are permitted. He is involved in hockey and referenced the old Medford ice rink which was a warehouse. Stated if we are to have indoor recreational facilities, that would include something like a hockey rink or batting cages and that sort of thing. If that business goes under due to economic stress, the next applicant might come in and say they really need to put something here like a warehouse. All they have to do is melt the ice and take the boards down. Mr. Houwen suggested trying to clean that up. Mr. Ragan agreed with Mr. Houwen in that there is a need for additional recreation in the community so they left recreation indoor in the ordinance as a possibility. To stay in there like a bowling alley would comply with that kind of concept as well. Rather than take it out now, Mr. Houwen is suggesting to plan for the worse case scenario. Mr. Ragan continued that he is suggesting to plan for the uses that we want to. A larger building, an ice rink; if it’s not used for ice it can be used for indoor soccer or a lot of other things that would still allow a place for our kids to play. Mr. Ragan did not want to discourage it because if it’s located close to our neighborhood, that’s what this is, a neighborhood commercial center. Mr. Ragan did not want to go the negative route; he wants to go the positive route and that’s why it’s in there. Mr. Houwen stated the areas that are being considered for neighborhood commercial districts, based on the regions within the Township. Mr. Houwen continued that he doesn’t know that he would prefer third story residential dwellings on North Pemberton Road. Mr. Houwen asked what the residential building limit is within Pemberton Township. Mr. Ragan was inaudible. Mr. Houwen commented he would not like to have 50 or 35 and it’s 30’ now. Mr. Ragan stated 35 is the norm of 95% of the communities because when measuring the roof height it depends on the peak and the eve. Under the building code the height is measured at the mid-point between the peak and the eve. Mr. Houwen recalled several years ago there was a church that wanted to put a cross up and it exceeded 33’ and they needed a variance. Mr. Ragan was inaudible. Mr. Houwen expressed that he does not want to see residential dwellings that are three stories high. Mr. Ragan replied the point is in this ordinance it’s 35’. Mr. Houwen replied that he understands that and made a final comment that maximum impervious coverage is listed at 70% which is quite high. Mr. Ragan responded that unfortunately the maximum impervious coverage in most of the GCLI district currently is more like 85% and 90%. It is put at 70% to get 30% green space on an individual commercial piece of property. Many of those owners will balk at that. Mr. Ragan continued that he would like to have it at 35% or 40% but jumping to that standard at this point would feel like almost a partial taking of those properties. We can’t eat an elephant in one bite and he wanted to make sure we gave those people who have businesses an opportunity to add more green and not kick them out of business. Mr. Houwen conveyed on North Pemberton Road, those businesses don’t exist yet. We can create the standard now so when nobody is balking they come in to it understanding that is the green space they should have. Mr. Ragan replied the NC applies to the whole.....Mr. Houwen expressed that is his point; the whole NC shouldn’t apply to the whole town. There are different zones and different zoning regulations based on the need for that area. Mr. Houwen asked why an NC district couldn’t be made that more appropriately

applies to one area more so than another. North Pemberton Road doesn't have that burden for people to have to comply with the higher green space and it is being created. Mr. Houwen asked if it can be changed so that there are different NC zones as more appropriate. He is aware it will have to be looked at again but it will be more appropriate and now is the time as it is being planned now. Mr. Ragan replied this is a significant step forward from the GCLI to the neighborhood commercial. Mr. Houwen stated right now it's AR for the neighborhood commercial district that wants to be planned out on North Pemberton Road. Mr. McCabe stated some of it is GCLI too. Mr. Houwen added some of it is agriculture and continued that they want to create an entire zone that is going to encompass an area that right now has no building on it and has 100% green space. Mrs. Stinney interjected and stated to Mr. Houwen that this is comment time and she does not want to go back and forth and is not stopping Mr. Houwen from talking. Mrs. Stinney wanted to make sure that the dialogue back and forth and Mr. Houwen's questions and comments are duly noted and Mr. Ragan can get to what he is speaking of and making sure he can get his answers. If it's the Council's desire to why can't we change, but he'll get his answer. Mr. McCabe explained on Fort Dix Road, the west side of the road is built out. Arney's Mount Road has the new WaWa, a gas station and a vacant lot, a house and a vacant parcel. Mr. McCabe is inaudible. Mr. McCabe continued there is a lot of vacant property there and the idea is to get new property owners to come in and (inaudible). Mr. Houwen asked what area NC encompasses pass that that is currently AR. Mr. McCabe pointed to areas on the drawings depicting the AR areas. Mr. Houwen added that the NC is also an overlay for the proposed senior housing. Mr. McCabe replied no and pointed to houses that will remain AR and stated that nothing is being done to the residents on the west side of Arney's Mount Road. Mr. Houwen stated at the last meeting the senior housing was talked about as being part of the NC. Mr. McCabe stated adjacent to and not a part of it. Mr. Houwen commented that he thought it was a part of it and not adjacent to it. Mr. McCabe responded no. Mr. Houwen then asked if there will be different impervious coverage requirements in that area. **Bob Pelletier:** Commented that Mr. Houwen had raised a couple of good ideas, and now he is confused. Mr. Pelletier noted the requirements under paragraph b and asked if that will apply to all of the nodes for neighborhood commercial throughout the Township and that will be a standard of 35'. Mr. Ragan replied yes. Mr. Pelletier then asked if the current height for the Township is 25'. Someone in attendance replied 30'. Mr. Pelletier recalled the dental clinic in downtown Browns Mills that had to be chopped off at the basement to make it conform but he couldn't remember what the height was. Mr. Pelletier noted if there is 35' out along somebody's open flat area on North Pemberton Road and other areas of the Township, they will stick out like a sore thumb. Trees can always be planted but then have to wait 25 years for the trees to grow up. Mr. Pelletier commented that the height is too high for some of the areas and suggested to Council to consider some areas where it is acceptable and other areas where it is not. There being no additional members of comments indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Cartier, Mr. Inge and Mrs. Scull did not have any comments. Mr. Prickett confirmed with Mr. Ragan that there are four areas for neighborhood commercial which are 7,3,14 and 15. Mrs. Scull inquired if the word has been inserted regarding recycling. Mr. Bayer responded yes and continued that the suggestion proposed by the resident and as recommended by Mr. Ragan that on the second page, section E(7), the last sentence would read, "in addition said dumpster areas should include areas for recycling and be gated on the fourth side with a

material that provides opaque screening”. Mr. Bayer informed to add the words, “include areas for recycling” if that is the will of the Council.

Motion by Scull and Cartier to adopt Ordinance No. 28-2009 with the correction to E7 as read by the solicitor. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

c. **ORDINANCE NO. 29-2009 (title read by Mrs. Stinney)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING CHAPTER 190 ARTICLE IV, DISTRICT REGULATIONS, CHAPTER 190-12, AGRICULTURAL RESIDENTIAL DISTRICT, OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. Ragan explained this is the ordinance discussed that amends the side and rear yards and bulk standards for undersized lots in the current AR district. Those lots are generally six acres in size but there are some existing lots that are between 3 and 5.99 acres and they are suggesting that they would conform to the side and rear yard standards of the current R3 zoning and existing lots between 1 acre and 2.99 acres shall conform to the standards established in the R1 zone, existing lots of less than 1 acre would conform to the non-sewer revisions of the R80 and R96 districts. This applies in two areas, one would be in the area along Birmingham Road and the second is the area next to the Rancocas Creek. Mr. Ragan reiterated the purpose of this ordinance is to not have the residents come to the zoning board every time they want to put a pool or deck on their house because their lot is not a six acre lot. This is really a consistency and conformity issue and shouldn't be controversial. Mrs. Stinney opened the meeting to public comments. Those indicating a desire to be heard were: **Bob Cushmeyer:** Understands the purpose but is curious why the outline of the area changed along Brandywine Road and is so arbitrary. It includes ten or fifteen lots but there are almost another dozen lots there that are not included and asked what the rationale behind that was. Mr. Cushmeyer asked why all of the substandard lots that are less than six acres were not included. Mr. Ragan answered there are no houses on them. Mr. Cushmeyer replied the last time he looked, there was a house there. Mr. Cushmeyer added it doesn't include four lots on Indian Run Trail that are less than six acres and it does include some lots across the street that are substandard where Mr. Mike Tamn used to live and there are four other houses that are not included that are less than six acres. Mr. Ragan advised they were taken off of the tax map and the aerials and he will look in to it and come back and make a further amendment to ensure they are included but Council would be well served to adopt this with the understanding that he will do that. Mr. Cushmeyer stated it's not a bad idea but was surprised all of the lots were not included. Mr. Ragan advised it was not the intention to not include all of them. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Prickett expressed disappointment that through the public review process these lots were not identified. Mr. Prickett noted that Mr. Cushmeyer and himself attended all of the meetings and did not know how this was missed. It will cost the Township more money to amend the ordinance and to advertise and it is a cost unfortunately that the Township has to burden at this point. Mr. Ragan informed that his firm will be happy to not charge from his side and it would only be the advertising that would be an additional cost. Mr. Prickett advised the advertising maybe not in Mr. Ragan's case is usually the most expensive part.

Motion by Scull and Cartier to adopt Ordinance No. 29-2009. Scull, yes; Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

Mrs. Stinney recessed the meeting at approximately 8:58 pm for a short break and reconvened the meeting at 9:12 pm.

d. ORDINANCE NO. 30-2009 (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, AMENDING THE DEFINITION OF A PARKING SPACE, CHAPTER 190 ARTICLE II OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. Ragan explained this ordinance is a change in the parking standards from 10x20 to 9x18 which is consistent with many communities and would assist in the fact that a number of green area requirements have been instituted in some commercial areas. This will assist in having more green area on site plans for commercial development. It's a relatively simple change from 200 square feet to 180 square feet per parking space. Mrs. Stinney opened the meeting to the public for public comments. There being no members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Cartier confirmed this ordinance brings it in to conformance with the RSIS. Mr. Ragan agreed.

Motion by Cartier and Scull to adopt Ordinance No. 30-2009. Cartier, yes; Scull, yes; Inge, yes; Prickett, yes; Stinney, yes. Motion carried.

e. ORDINANCE NO. 31-2009 (title read by Mrs. Stinney)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY, AMENDING CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON TO INCLUDE AN ACTIVE SENIOR HOUSING CLUSTER OVERLAY DISTRICT

Mr. Ragan informed this is the active senior housing cluster ordinance overlay district. Mr. Ragan provided facts and data that led up to this ordinance. During the master plan process there were a number of individuals and public comments stating that there was a need for senior housing and additional care facilities for the aging population. When looking at the entire state of New Jersey there are 8.4 million people including 1.4 million aged 60 and older. The 1.4 million includes more than 1.1 million who are more than 65 years old and 136,000 of which are over 85. 13.2% of all New Jerseyans to date are 65 and older compared to the national average of 12.4%. In Pemberton, there are 3,200 individuals over the age of 65. Of that 3,202, there are 1,696 that are aged 65 to 74; 1,063 that are 75 to 84 and 443 that are over 85. Mr. Ragan did not include the 55 to 64 age group but if they were added in, there would be another 2,320 for a total of 11% of the 55 to 65 and 11% of the population from 65 and over. There have been some conversation and testimony put before Council that state senate bill chapter 82 concerning affordable housing in the development of non-age restricted communities under title 45 of the state code, indicated there was a possibility for an age restricted community to come in and seek approval for family housing. Mr. Ragan informed that provision in that bill expired on 7/2/09. In other words, if there were no

actually final site plans, this is now a mute ordinance. Since this ordinance is proposed and clearly that governor's provision no longer applies for the area we are proposing for seniors this evening. As a practical matter, the proposed ordinance is an overlay district. An overlay district means an underlying zone is still intact which is agricultural area, residential, AR. Should an owner of the property want to build single family houses, the owner has every right to do that under the same zoning that exists on the property today. This is an overlay district and not the only thing that can be done with the property. Given that as a background, Mr. Ragan would like to make two proposals for amendments to this ordinance. The first one is on page D1, "no development shall contain less than 200 acres"; Mr. Ragan suggested changing that to 134 acres. On the last map in the back of the ordinance which shows three parcels. A parcel that shows 91.63 acres, a second parcel of 43 acres and a third parcel of 62.4 acres. The 62.4 acre parcel is being eliminated and removed from this overlay district. Mr. Prickett asked Mr. Ragan for clarification. Mr. Ragan informed it is the parcel next to the air strip which is 62.4 acres, would be eliminated. Mr. Bayer clarified it is block 786.01, lot 12.01. Mr. Ragan confirmed. Mr. Ragan continued that given that change two things will occur. The area of the overlay is 134 acres and it will follow the exact shape of the parcel that is proposed on the zoning map with the exclusion of the 62 acre parcel which was not shown on that zoning map. This provision provides that 50% of the land area, 134 acres, must be preserved if you opt for the adult senior care facility. Secondly, there is a 300' buffer proposed along North Pemberton Road. That will be part of the open space but it in fact will be part of the 50% open space but will in fact continue along North Pemberton and Arney's Mount Roads. The number of housing units that could be built on this property under a single family detached mode, would not exceed 270 units. The density is 2 units and one acre maximum acreage being 134 and depending on an actual survey, might be a half an acre or more or less; under that scenario would be 268 units. If the single development option of providing all single family detached seniors housing on 6,000 square foot lots would be chosen. Mr. Ragan continued that there is also an option that would allow for three kinds of housings to be built; a congregate care facility, assisted living and independent living. The independent living and he does not know how many of the residents have had the unfortunate responsibility of taking care of their parent while they go through the independent and assisted living process, but he knows from personal experience that from the time that you are committed to your parents in their time of need is of course quite extensive and when you have to travel to reach your parent and provide that assistance, it adds an additional timeframe out of your life. Not that any of us don't do it, but if there were facilities closer to home or places for our parents to be closer to home, this would be a great facility for the community. The independent living requires 11 acres of the 67 developable acres. If the average unit size is 1,000 square feet, there would be 4 acres of building and about 4 acres of parking is needed. Out of that 11 acres, 8 acres of land would be needed. If assisted living is built where the unit sizes are averaging 600 square feet, there would be 2.3 acres of building and less than 2 acres of parking because as you age in to the assisted living, many of those residents have fewer and fewer cars. That would take 4.3 acres of the 11 acres. Under congregate care, there would be about 4 acres of developable land within that 11 acres. The 33 acres is the requirement of 11 acres each and that would leave from the total of 67 developable acres, 34 acres. On that 34 acres, it would be possible to do about 136 independent, single family detached homes. This will provide an opportunity for senior care in our community, it provides for a ratable within the community of senior housing that does not have a burden of school children, it will provide a substantial clustering effect of

development in this area, it will provide a 300' buffer along our major roadways and provide walking distance and trails and access to the creek for those residents and access to Pemberton Borough. They can walk down the street and see the Christmas lights and have a pleasant experience. We believe this is a very important ordinance for the benefit of the residents who are elderly and want to stay in Pemberton as they continue to age and to the community at large. This is not an extremely over developed scenario when thinking of these buildings as being 2 acres on an 11 acre parcel or even 4 acres on an 11 acre parcel. These are conservative but necessary and important decisions for a community to make. There have been discussions that this will require a 208 amendment which is a sanitary sewer amendment that provides sewer to this particular property. Sewer is close by; adjacent and it will require a 208 amendment. The DEP has currently issued a map and suggested the counties review the map to see where they are consistent with the town and DEP standards. Mr. Ragan continued that he is looking to work with the county to ensure the areas proposed for development not only here but in other areas of the community have full access to sewer so that we can attract the ratables that we want in the community. Then there are those that say in order to get a plan endorsement from the state which says the state of New Jersey has reviewed our plan and they find it to be consistent with their smart growth policies. This zoning plan is consistent and this particular section is consistent with the master plan and is consistent with the Planning Board's review of these ordinances and it's consistent with the northern Burlington county's study, the GAP study, which is in the final stages of review and it is their anticipation that the county's work effort as well as this plan will go to the office of smart growth and be looked at as a realistic expectation for quality development in the community and receive plan endorsement. They are looking to pursue plan endorsement as a component of the county's overall regional plan and we are looking to preserve 208 extensions as part of a combined effort with DEP. Should the landowner decide to develop the property in the manner to which they are proposing, this says that he has the right to pursue those things. If there are additional expenditures on time, effort and money with regard to having the property receive a 208 amendment, that burden will not necessarily fall on this Township but can fall on that property owner and that proposed developer. Mr. Ragan expressed that he knows from personal experience that it is possible to get a 208 amendment as an individual as he did it. A town that did not have sewer for a particular property and he went after it on their own and did it for about \$15,000 of his money. For those that state it will cost the town \$100,000, he respectfully disagrees since he has personal experience in making that happen. Mr. Ragan thinks it is a good opportunity for the community and recommends that the Council consider this ordinance. Mr. Prickett asked Mr. Ragan when he used the word eliminate that he was not changing this ordinance in any way but is just describing what is in the ordinance now. When he asked about the 62.4 acres, Mr. Ragan used the word eliminate and it is preserved according to the ordinance and asked if that is part of the 50% of the area that will be preserved. Mr. Ragan replied no and added that they are proposing to remove the 62 acres from this ordinance this evening; it's underlying zoning is AR and it remains AR. Mr. Ragan explained the reason for that is to make sure we are totally consistent with the master plan which only showed the other two lots as part of the overlay district. That is just a consistency issue and we believe that makes a lot of sense. Mr. Ragan added that they thought they were going to put it in and preserve it but as it works out they need to be perfectly consistent. Mrs. Stinney read the title of ordinance number 31-2009 again for the record. Council President Stinney opened the meeting to public comments. Those indicating a desire to be heard were: **Karen Kritz:**

Advised she attended all of the visioning meetings and Planning Board meetings and agreed there were some people that wanted to further develop the property with more intense development. They included two people and one is the Mayor and the other was a non-resident of the Township and she had an option on her farmland property in Pemberton Township on North Pemberton Road and has since purchased that property. During her presentation when she had an option on the property, she stated she is all for farmland preservation and she is a farmer. Now that she owns that property, it is now listed for sale as a solar farm or development for housing. Ms. Kritz reiterated there were two people that supported it and there are over 200 people on a petition not supporting it. With regard to preserving the land, it is not defined in the ordinance, what is meant by preserving the land; is it green space, farmland preservation. Mr. Ragan answered the ordinance states farmland and/or open space. Ms. Kritz stated further in the ordinance it states the planning or zoning board shall require a farm or force management plan. They are not needed for green space and a decision needs to be made if it's going to be for green space or farmland preservation because the ordinance states a plan is needed for the farm. Mr. Ragan stated a developer can come to the Planning Board and present and, the remainder of Mr. Ragan's comment is inaudible. Ms. Kritz advised she lives next to the Abbott District school that is being built now and it's 62 acres and the balance that is not being developed for the school is suppose to be farmed. It has never been farmed and right now the only crop being grown is a full season weed. In other words, one can go out there spring, summer, winter and fall and it's the same weeds and they are reseeding and reseeding and spreading around. Some of them are noxious weeds like Canadian thistle. Ms. Kritz asked if our Township residents want to have this if this is approved for senior housing. We need to specify because she lives next to something that is suppose to be a preserved farmland area and it's weeds and has always been weeds. We could end up with 50% of this property being a weed farm with full season weeds. Ms. Kritz did not think that is something we want to do. There is legislation pending now that any preserved farm could have automatically gotten farmland assessment. They don't have to farm it but they will automatically get a reduction in their taxes. The balance of this property could end up being a full season weed farm and get farmland assessment if this legislation passes. It is not impacting this ordinance now but it could and that will influence the public as tax payers. Ms. Kritz stated the ordinance states minimize destruction in item D9, in areas where usable agricultural land exists, residential development shall be clustered or sited so as to minimize destruction of existing or possible future agricultural uses. Ms. Kritz commented that it is hard to say with an agricultural operation and she owns a small seven acre parcel. It is small and very limited who can farm her land. She is fortunate enough to be next to a large farm where the farmer can keep plowing. Ms. Kritz asked how a developer is suppose to know what is best for a farmer. She knows she has to find a farmer who can keep plowing and is fortunate to have a very good farmer farming her land and he plows the larger field and her field in one swoop. If she didn't have that large farm next to her, she would have to have someone with very small equipment because he couldn't bring in big equipment. This is going to cause a problem to comply with this ordinance depending on how they lay it out and finding a farmer to farm it. Ms. Kritz noted E7 regarding garbage dumpsters and she again asked that be modified to include.....accommodations for recycling containers is really what it should state and not just recycling. I is maintenance of farmland or open space and it states the planning or zoning board may require the creation of a homeowner's association to maintain the land that is preserved for agricultural. Ms. Kritz stated if the planning or zoning board doesn't decide to require a homeowner's

association, who is going to be in charge of that land and it really should be a “shall” because someone has to maintain that farmland or open space. Number One, resource management plan, she has a major problem with this. The planning and zoning board shall require a farm or forest management plan for the open space for the farmland. Ms. Kritz asked who on the planning or zoning boards is qualified to evaluate a farm management plan and if anyone has an agricultural degree. There are farmers on the Planning Board and what happens if we don’t as we have very limited farmers in our community. If we don’t have a representative on the planning or zoning board who has an agricultural background, they are not really qualified to do an evaluation. Ms. Kritz suggested considering a farm conservation plan approved by the soil conservation district. That places the burden on professionals who know agricultural. Ms. Kritz stated she is limiting her comments as there are a lot of people that want to comment and asked if she had anything else if she could come back up or if she only gets one shot. Mrs. Stinney advised her to take her shot now on this ordinance. Mrs. Stinney asked Mr. Ragan to address Ms. Kritz’ comments. Mr. Ragan answered the open space farmland and woodland management’s intent is to have open space and farmland and have it operate in such a way that it would make sense but be reviewed by the Planning Board as part of the overall development and have the Planning Board review those areas. The 62 acre parcel that they indicated was eliminated from the ordinance this evening would probably continue to be farmed as well as the other area on the farm mentioned that is not currently being developed but is currently for sale. Under the preserved farmland, Ms. Kritz made a comment regarding the taxes and asked how is a developer to know what is best for the farmer. Mr. Ragan replied the farmer or owner of the parcel will in fact proceed to reach out to those farmers that are adjacent to them just like she does on her seven acre parcel and ask them to farm the areas that are adjacent to them in an open way. Mr. Ragan agrees with the recycling container and Ms. Kritz is suggesting that a HOA is required and he is suggesting it be left open to the Planning Board for two reasons. If there is a savvy owner, and there are savvy owners out there who are not full time farmers, who work with the farm community, they might have more ability to get the job done with less red tape than a homeowner’s association. We don’t want to tie the hands of the congregate care people and so forth who have to have a homeowner’s association when there is a single owner entity taking care of the assisted living or the independent living. We didn’t want tie everyone’s hands with the homeowner’s association and that’s why we used the word may. With regard to resource management, Mr. Ragan commented he has no objection to Ms. Kritz’ comments recommending that it be reviewed by the soil conservation service and perhaps that could be something that he would send to them for their comments. It seems like a reasonable idea. The notion of a management plan really comes from forestry but since farming is such an important part of it, they left the word farming and forestry in there. Mostly there is a forest management plan that identifies when certain crops are going to be grown and when they will be cut. So the farmland would be something similar and that can be referred to the soil conservation service. **Lucy Adams:** Glad that Browns Mills is going to be developed and it looks really good. By adding sewer to the North Pemberton Arney’s Mount area, will that add cost to the people that are already on sewer and is it going to be required that the people in that area be connected to it. Mrs. Adams conveyed as Mr. Houwen stated earlier, one of the things was to establish businesses near to establish residentials in the North Pemberton area and there is not established residential and Council should take that in to consideration. Mrs. Adam stated most of all and it doesn’t really matter but she’ll feel better, she is disappointed in this process. Residents time and money was wasted and when she

was at the meeting because what this plan does especially for the North Pemberton area does not represent what the people said at that meeting. She was at such a meeting and was assured it would not be a smoke screen. Mrs. Adam stated so much for representation. Many have been involved in preservation in the community and share our local history and environmental awareness. Mrs. Adams expressed hope that as a Council, Council could do the right thing in this section of the community. Mr. Ragan replied that usually when sanitary sewer is carried in a road past an existing house, the opportunity to hook up is there and there is a state statute that states they should hook up. The controversy that has occurred in every community is when and if and how that person chooses to hook up. The ordinance states you should hook up and requires that you hook up but he has seen many people find a way not to hook up. Nevertheless, the DEP regulations state if there is sanitary sewer in front of your house, you should take advantage of that opportunity. Mr. Inge asked Mr. Ragan who will pay for the sewer and water lines to that development. Mr. Ragan replied the developer. Mr. Inge asked if the developer will take full responsibility for all payments. Mr. Ragan answered yes.

Toby Green: States those fields are heavily drainage tiled and it must be wetlands if it's heavily tiled. He walks that trail every morning along the railroad and even on the driest of times, there is water running out of those drainage tiles. There are several places where they run out of those fields and it's always running. Mr. Green expressed it is his understanding that if there were wetlands there before and there are tiles because of the wetlands that has to lay fallow for a year and they have to take up the tiles and let it lay fallow for a year in order to determine if it's wetlands or not. Mr. Green advised he is curious about the preservation along Arney's Mount Road. It was stated that it would be preserved along North Pemberton Road and Arney's Mount Road and asked if that included all of that property along Arney's Mount Road or just the piece that comes out to Arney's Mount Road along North Pemberton Road. Mr. Ragan replied there will be no development within 300' of Arney's Mount Road and/or North Pemberton Road. Mr. Ragan showed Mr. Green the location of preserved area. Mr. Green stated he is using the property line that already exists as the 300' line along Arney's Mount Road. Mr. Green informed he attended several of the meetings and during one meeting Mike stated that the real estate taxes are a wash and unless there are a lot of commercial taxes there, the advantage of changing the zoning there is not going to increase the taxes because it's a wash anyway. Mr. Green continued that there is no benefit to the tax base and he can see a benefit if there are more commercial uses but for regular residential it's a wash. Our school population is going down and we need more kids. If we are going to eliminate kids, it's going to hurt the school system and that's another negative to this. Mr. Green confirmed with Mr. Ragan that the height is not going to be 35' in that area. Mr. Ragan conveyed that the question was whether or not the property was wetlands and under the DEP mapping of the area it currently does not show up as any wetlands. In response to the question if there are tiles under there does it have to lie fallow for one year, Mr. Ragan asked the engineer if he had any comments and he did not. Mr. Ragan conveyed he has heard that has been a requirement in some conditions and does not know that the DEP does that as a matter of course but the developer would be responsible to do all of the appropriate environmental and wetland studies and deal with the consequences of those studies. Right now it does not show as wetlands on any of the DEP or state mapping that was used. As to the question of real estate taxes, this property under the development of either all single family or the mixed use of assisted, independent and congregate care would generate probably an additional to \$5 to \$10 million worth of ratables over that which would be done on the houses that would be permitted there. It is true that the development would not

generate any school children and consequently the benefit in that would be that there would be additional money and it would help support our school system without necessarily additional costs. We all know we are in an Abbott district and Mr. Green is correct in the sense that we are losing school children. Again, this development is not going to happen in a heartbeat; it won't happen in one, two or three years. He does not know exactly how long this may occur before it can get approved and get done but we do know that support for Abbott is continuing to be reduced by the state and we are going to need ratables to bolster up not only the school system but the municipality as well. In looking at that, there is a significant benefit in that regard. Mr. Bayer cautioned Council that the amount of revenue generated or not generated wouldn't really be a reason that they should rely upon in considering this land use development ordinance. Certainly they should address questions raised by the public but that in and of itself would not be a reason to adopt or not adopt this ordinance as a matter of law. **Bob Pelletier:** One thing he has learned is that seniors and preschoolers don't mix very well. The preschool is being built and there will be a lot of people bused out there. There will be a senior citizen complex and asked if anyone has taken a ride to Holiday City in Toms River or those areas in Ocean County. Mr. Pelletier expressed one would know what a senior citizen driver is. Stated it is not a good mix and not a good location. Once it starts up, there will be a series of accidents until people learn to slow down, drive defensively and be cautious. It will be an expensive learning curve. Mr. Pelletier asked if there is a requirement for a certificate of need to build and assisted living and if a certificate of need currently exists. Mr. Pelletier noted we have talked about the need for retirement homes for the people who live here and stated to take a look at the average salary in the Township and the average home valuation and asked if someone is going to sell their \$90,000 home and purchase a \$200,000 home. Usually we go the other way around. The audience applauds. Mrs. Stinney commented this is not a show and she'll wait for him to finish talking. Mr. Pelletier apologized. Mrs. Stinney asked Mr. Pelletier to wait until they are done talking to make sure respectfully that everything is picked up that he is saying. This is not a show and we are here to make comments and to address his questions. Mrs. Stinney asked respectfully from the public to be so kind and hold their applause so we can move on. Council President Stinney stated the reason we are doing this and as she explained last week, the microphone can pick up comments and when there is more than one person talking at the same time and those sorts of things, everything is not picked up and the residents want clarity and good minutes so she thanked the residents for being polite and courteous. Mr. Pelletier remarked there has been mention of a cash windfall for our treasury. That's fine and dandy and over the course of a year and a half he has been before the Planning Board and has provided statistics available from the NJ Division of Taxation and Finance and no one likes to pay property taxes. Everyone thinks our taxes are high and they are but a lot of things are relative. In taking a look at our taxes in Pemberton Township and compare it to the rest of Burlington County, we have a tax misery index of 30 and the other towns that are built out with commercial properties like Cherry Hill are 35% commercial properties and industrial properties and their tax misery is up almost 100%. Mr. Pelletier suggested to consider these things. The proposed height of residential buildings is 25' and now we are looking at 35' and possibly a four story structure with condos and a flat roof. That will be an ugly eyesore when going through farmland country; it doesn't fit well there. Mr. Pelletier's stated the planner's response is probably we'll plant some trees. Mr. Pelletier continued that 25 years later he is dead and those trees will mask or hide that particular project. Mr. Pelletier reiterated that it's not going to fit out there. What troubles him is the Planning

Board was unanimous in approving the master plan and all of its proposed changes but those people aren't elected and Council is elected to serve the people and hear the people. If he is the Mayor and wants that development, he's going to go in and start appointing Planning Board members who listen to him. That's why he says it's important that the elected people listen to the residents and he doesn't believe there is really much support. Mr. Pelletier informed he has been to some of the hearings, visionings and planning workshops and there is a tremendous amount of information passed through the microphone; both sides, pro and con. He does not think this is right for our Township and there is really no need for it. He would rather see the owner go ahead and develop the land with some nice farm estates out there. Mr. Pelletier did not know how many homes he can build there based on the number of acres and he doesn't have a problem with that. Six acres for every house and it would look nice out there and fit in and blend in. Mr. Pelletier commented they could be farmettes and that's what he thinks would be appropriate there. Mr. Pelletier asked why go through all the smoke and mirrors to try to change the zoning. Mr. Ragan commented that the assisted living and congregate care do require a certificate of need and they would be applied for by the developer. There is clearly a need in this general Burlington County area. Retirement facilities indicated they sell their houses for \$90,000. Mr. Ragan advised the average sale price of a house in Pemberton Township today is \$190,800; the sale price of the newer homes that were built in Presidential Lakes were \$350,000; the Rancocas Preserve was \$289,000. Mr. Ragan pointed out Mr. Pelletier's comment regarding the taxes being too high in the community and this was raised by Mr. Cushmeyer at a previous hearing where he wanted us to compare ourselves to Woodland's tax bill because they are all open space. Mr. Ragan continued that Woodland Township's average tax bill was \$3,517 whereas Pemberton's average tax bill is \$3,160. Mr. Ragan had no objection to this ordinance taking the same 2.5 story limitation that exists in the AR; most of the buildings would be two story but there are a number of three story farm houses in the community as well. We can accommodate a 2.5 story requirement which is what the current AR says. Interestingly enough, he is not going to comment on the traffic situation as that is a question of people obeying the law. Mr. Prickett asked Mr. Ragan if he is suggesting to go from 35' to 30' in building height. Mr. Ragan answered no, he would like to leave it at 35' with 2.5 story so it would avoid Mr. Pelletier's comment that we are going 4 stories with a flat roof as that is certainly not the intent. **Bill Shangle:** What is the status of the road going in to the Greenberg farm and how would that affect this; will that road be changed and what will happen with it. Mr. Ragan replied we don't know the exact road alignment that will happen; it will be part of the development plan that is submitted at the time and reviewed by the Planning Board so we don't have an exact location of where that road may be. It could be at the existing location and it may be different. Mr. Prickett asked if that is the road on Arney's Mount Road or on North Pemberton Road. Mr. Ragan answered it would depend and he doesn't know which would necessarily be used. Mr. Prickett stated he understood that to be Mr. Shangle's question but he wanted to clarify it with Mr. Ragan. Mr. Ragan stated he doesn't have that answer. Mr. Bayer commented to Mr. Prickett that that wasn't really part of the master plan process. Mr. Ragan agreed and added the on site development is not part of the master plan nor is it part of the zoning. Mr. Bayer commented it is part of the development approval process. **Joe Marshall:** Owns one of the hangers at the Pemberton Airport. The activity seems like de ja vu to him. Having been involved earlier in the earlier attempt to develop the airport and the farm area with high density housing and the golf course. Mr. Marshall stated he has been warned not to be too hard on golf course developments because some

of the people here are golfers in particular who otherwise are supporting their activity. In that event, the developer took options on the property and had a large PR effort to get the community to look in to the detailed presentations and so there was a big public information thing on what was going to be developed there. The secondary effect was to get the county to approve and support the development and to get the support of the Planning Board. Some environmental, sewer, county and state questions in that proposal were left unanswered. There was a poor mesh with the county on the 206 plans and it ran in to the New Jersey water shortage at that time. At that time, there was no significant public support but there was grass roots opposition which was ignored in general. No master plan or zoning change details came out of that. That effort then disappeared essentially. It ran into a number of problems and disappeared. We are now looking again at a major development of the Greenberg farm area with high density housing. Senior citizens, health care complex and on odd days a farm market. There is no known builder applying for this at the present time and there are no known property options that were in the initial earlier proposal. There are no detailed building plans and there is no building PR. All of those areas which caused problems and public concern before are avoided. There is a \$100,000 master plan effort that went in so for this area, they are getting the master plan area cleaned up which earlier it was get the development activity defined and worry about the planning and zoning and state activity later. In this area of activity there is a supportive Planning Board and a supporting town Council. There is an upcoming environmental study which might be a mechanism for avoiding environmental problems that were a part of the first activity. Everything will be in place concerning zoning, sewer, water, and environment before any building plans are offered. These two areas having the same objective of developing that area in general although the details are different but the mechanisms are different. This is a much better organized situation than before as far as avoiding any public problems. It said that the changes will solve the housing problems for professionals and senior citizens. The senior citizens in general are not in a bind for housing here or anywhere else in New Jersey. Apparently there has been a documented over supply of senior citizen housing or proposed senior citizen housing. The real problem is the pressure of increasing taxes. The new development here as everywhere will raise taxes for senior citizens and everybody else. This idea that this development is going to favor seniors, is going to put more burden on seniors. There will not be a large number of senior citizens that are currently residents moving in to this new development. The proposed development will not meet the needs of any significant segment of the current population. It's not people in Pemberton Township that are going to be moving in to this new development. In this particular development with the farm tile activity and the past history it is again going to run in to serious and likely unresolvable wetlands and other environmental problems. These are kind of being neglected at this point but that is and has always been a very wet area and the DEP are very reluctant to extend sewer areas in to farmland and particularly wetland. The drains run all of the time. Here again compared to the first and second, the town administration claimed there is strong support and fail to recognize any public opposition or negative response reported as by Pemberton First's survey of the resident similarly during the first effort to develop the Greenberg property, the then Council President expressed his skepticism of public opposition by acknowledging one of the commenter as a member of Pemberton WHO as opposed to Pemberton First. That comment reminded him of the Dr. Seuss story of Horton Hears a Who. He suspects that some parents or grandparents have some feel for that story that the first development effort also involved a Horton elephant and Pemberton residents

are the Who's. In the story.....Mrs. Stinney interjected and asked Mr. Marshall where this fits in the ordinance. Mr. Marshall answered it fits in the ordinance and has to get to that. Mrs. Stinney replied he does not have to read faster and she just wanted to know where it fits in to the ordinance as the public hearing is about the ordinance. Mr. Marshall replied it fits in.....Mr. Inge interjected that Mr. Marshall is trying to describe by going to the meetings what has taken place and he should be allowed to speak. Mrs. Stinney stated he is speaking. Mr. Inge stated to Mrs. Stinney that she should not interrupt Mr. Marshall. Mrs. Stinney commented she is asking Mr. Marshall where does this fit in the ordinance.....Mr. Inge stated he understands where Mr. Marshall is going.....Mrs. Stinney stated she doesn't understand it and she's chairing it and she is asking where this fits in to the ordinance and she does need to get a little order in here. Mr. Marshall stated the point is the residents are not in agreement with the claims that have been made; that they are in support of this development and it's going to be a big improvement for the residents here and that this is very similar to what happened before in that the previous Council and Administration failed to recognize that there was any grass root support here and they didn't here the WHO's. So the Hortons didn't hear the WHO's. In that story, the WHO's organized and got together and started yelling and got more and more together and more and more yelling and their problems that were almost invisible became visible and became resolved. In the real world the previous Horton sympathetic Administrators, never apparently heard the Pemberton WHO's. However the WHO's kept organizing and shouting and in the end the Horton sympathetic Council and Mayor were turned out of office along with the Town Planner, Engineer, Administrator and Lawyer. The Pemberton WHO's are still here and those other people are gone. They are still shouting to have Horton hear them. They have the idea of what the residents want and the question is will you hear them this time. Mr. Marshall apologized if his general comment doesn't fit in. Mrs. Stinney replied that's alright and she was just trying to figure out where it was.....Mr. Marshall stated her comment helped clarify it and cleared it up for a lot of people behind him. The one thing is that there is a claim with the senior citizens housing; that there aren't going to be any schools, they can't convert the senior citizens housing and apartments and that kind of thing because that is covered by limitations on the ordinance as approvals had to be available before July 2nd. Mr. Marshall continued that there wasn't anyway of changing it before they made the change that you could change it. So there's no thing cast in stone that once the buildings are there, some other regulations or other legislation will not give them relief to do whatever they want. What you have to be careful of is not put buildings in the area that have other possibilities that with some change in legislation gives you something you won't have. Mr. Marshall stated it's Pemberton First but it's also noted as Pemberton WHO. The audience applauds. **Bob Brasher:** From Country Lakes and has lived in Pemberton since 1998. Moved out here because he enjoyed the green spaces and farmlands. Would hate to see some of the richest soil in New Jersey go to development. The study and the people that did the consulting, confirmed that the Greenberg farm has some of the richest farmland in the state of New Jersey. He is a pilot for recreation out of the Pemberton airfield and assures that there are wetlands there. Mr. Brasher was sorry he did not bring his pictures with him but every time the spring rains come, the drainage areas do not sustain the drainage of the water and there are large circular areas of 50 yards or better on the Greenberg farm so you will have that come back to bite you. He knows that for a fact and has been flying out of Pemberton since 2005 and it's something every year. Mr. Brasher expressed that there is a flaw in the process of the Township. Today's meeting is competing with the Christmas season and people are involved in their lives and really don't have

any true representation in all of this process over the last year in getting the Township involved. Mr. Brasher gave an example of his personal call records for Council's consideration of the last two weeks in which he has started canvassing the Township asking people if they were aware of this process. Out of 150 calls, he talked to 40 people and did not find 10 people that knew of what is going on. There has to be some accountability. There is no accountability that the facts are getting to the people of the Township to know about what is going on. All one has to do is pick up the phone one night and spend an hour and talk to ten people and they will tell you they don't know anything about it. They'll also tell you that they are not for this. His records are 38 against and 2 for out of 40 contacts and 150 calls. Mr. Brasher informed he has their names and phone numbers and he has the information for Council. Mrs. Stinney instructed Mr. Brasher to provide the information to the Clerk. Mr. Prickett asked Mr. Brasher to repeat his statistics. Mr. Brasher reiterated there were approximately 150 calls, 40 contacts, 38 against any development, 2 were for and the majority of the people, 98%, had no earthly idea this was going on. Mr. Brasher asked why Council doesn't have some kind of telemarketing effort to do a sample of the Township and asked if anybody even really knows. Mr. Brasher stated they don't know and they have no idea. The people don't know and they don't want it. When they do find out, they don't want any parts of it. Mr. Brasher stated if this passes, he promised that he will be calling people.

Adia Speer: Her house backs up to the Greenberg farm and she has a 2 year old and a 4 year old. Their favorite day is when the field is plowed as they sit outside and watch them plow and her kids get really happy. Mrs. Speer asked Council to think of the kids in this matter also.

Christine Kallil: Lives in Country Lakes and the downtown is so clustered with development, commercial and residential. It is more and more difficult to make a left turn on Lakehurst Road. There is a need to find ratables through development. A Greenberg farm is a good vehicle for development. Six acres for a house which will come with school children. It will be around 35 houses on this parcel. By being clustered more open space will be provided as only 144 acres are in question now. The ratables out of the 35 houses will be around \$35 million with a huge part going to the school system. The ratables out of the senior housing will be around \$55 million a year and it will support our school system which at any time may lose Abbott funding. In 2001, at the six year re-examination of the master plan the Republican plan of this land was to change the actual zone to restricted age. There was opposition to it and the plan for the housing change was withdrawn. This is our first complete master plan for this Township since 1972. Council is here as the governing body of all Pemberton residents and they expect Council to do what is good for the whole town. Council's vision encompasses all parts of Pemberton not one part. For example, what are the needs of the Township and how to serve all of the residents. Mrs. Kallil expressed hope that Council will not be intimidated by the shouting and applause of Pemberton WHO. Mrs. Kallil thanked Mr. Ragan, Mr. Wisnosky and Mr. McCabe for the outstanding work they did for this Township for \$110,000. Mr. Prickett asked Mrs. Kallil a question about clustering and noted that she is on the Planning Board. Mr. Prickett wanted to make sure it was clear one way or the other whether there is a clustering ordinance on the books right now and this property could be clustered with the current zoning. Mr. Prickett asked Mrs. Kallil if that is true or false or if she knows and he wasn't sure about her comment.....Mrs. Kallil answered with the changing of the zoning, there will now be a cluster of housing instead of having them spread all around the whole Greenberg farm which will take 35 houses, now it's more houses but more ratables and there are clusters so then we have more open space, more preserved land than before. Mrs. Stinney commented to the audience that we could hear a little better

if they could keep it down in the back a little. That's the only thing she's saying and she's not trying to be smart to anyone or disrespectful to anyone. That's the problem Council is having on the dais for the recording system to pick up what is being said. You can't hear with three or four voices over top of each other because she is confused listening also. Mrs. Stinney asked Mr. Ragan if he had any comment to which he had none. **Michelle Forman:** Thanked Mr. Inge for having the courage to defend the residents that took their time to come tonight. Mrs. Stinney commented this is about the ordinance. Stated she is talking about Joe Marshall and thanked him so much for defending the residents and having the courage to say that. Stated Mr. Ragan spoke a lot of about this would help the seniors. Mrs. Forman asked Mr. Ragan if he is guaranteeing that this is going to be for the seniors and that it will never change for just anybody to move in there. Mrs. Forman asked if it will really benefit the seniors. Mrs. Forman asked if he has a waiting list of seniors who can afford these homes because in Pemberton Boro there is a senior center and she didn't have time to knock on their doors to see if they moved there from Pemberton Township but she has talked to a lot of people about this and it sounds like a lot of those people came from other Townships and if we are going to take land then she believes it should benefit people in our Township. **3.** Mrs. Forman advised that she asked Mr. Prickett at the last meeting that when she attended many of these meetings, she saw Mr. Prickett at all of the meetings that she went to. A friend of hers told her that Mr. Prickett attended all of the meetings that he attended. Mrs. Forman thanked Mr. Prickett for showing up at the meetings and learning about all of this. She appreciated it that he took the time to go to all of the meetings. Mr. Prickett thanked Mrs. Forman. Mrs. Forman added that she appreciates all of the people who took their time to go to these meetings. She is missing her kids right now singing at the high school concert and she is sure at the Newcomb school the residents that were there were missing out on something and they took their time to go to the meeting at the Newcomb school and she doesn't take it lightly. She goes there and she is taking her time. When they say they want to hear the residents comments and suggestions and take that in to consideration, that's why they went. If they didn't think they cared about their comments and considerations, she doesn't think any of them would have gone. But they did say they cared of their comments and they were going to take them in to consideration. Mrs. Forman stated that very few people if one or two were for this. Nobody wants to see this farmland, this ordinance go through. Mrs. Forman stated she is very insulted that she took her time and doesn't feel that their comments were taken in to consideration and they know a lot of details about the plan and the senior center but most of the people in that room were concerned about the Browns Mills Acme and asked why aren't we focusing on that. Mrs. Forman asked why the public doesn't have any details about what will happen with the Browns Mills Acme. Mrs. Stinney replied because we are talking about this ordinance. Mrs. Forman stated she has been to a lot of these meetings and asked Mr. Ragan how come the public doesn't have any details about what is happening at the Browns Mills Acme but they have all of these details about a senior center that most people don't even want. Every time she sees the Comcast commercial all she thinks about is the whole thing about the Greenberg farm. There is one guy who is neatly dressed and another guy that is a little more sloppy with a beard and he is from Comcast and the other guy is from Verizon. The Comcast guy is standing there and he's like.....the Verizon guy is asking customers questions and getting their feedback so he can serve them better and the Comcast guy said he was wondering why he was listening to his customers, it seems pretty stupid. Mrs. Forman stated her point is why did they go to Newcomb school and ask for their feedback which they provided and then ignore it and go through with this

ordinance. Just like all of the other people here; they aren't happy about it. A friend of hers lives on Arney's Mount Road between the WaWa and high school and she stopped by to see her new baby and stood there for an hour waiting for her daughter to get off the bus. While she was there they were talking about the farm and the petition that was passed around and how most of the people on that road did sign that petition. One of the reason some of them signed that petition is because the traffic is really horrible. Mrs. Forman reiterated she stood there for an hour and she doesn't know how the kid goes on the bus and it's hard for people to get across the street to get their mail and she saw cars passing the bus within the hour and there were a lot of cars speeding down the road. Mrs. Forman asked if those roads are Pemberton Township's to give people tickets for driving too fast. Mrs. Forman asked if Arney's Mount Road and that area belong to Pemberton Boro or the Township. Mrs. Scull advised they belong to the Township. Mrs. Forman stated if people are scared for their children's safety and scared to cross the street and if this is happening now, what will happen if there is a lot of development at the Greenberg farm and the traffic is going to be really bad. Mrs. Forman again thanked Mr. Inge and thanked everyone for listening. Mr. Ragan replied that the notion is first the threat of the ordinance that was presented to the Council has been eliminated. Secondly, because this is an overlay district, he is recommending to the Planning Board that this become a developer's agreement so that there is actually an agreement between the developer and the Planning Board that says they understand that this is to be developed for seniors and if there is any change they must refer back to the single family standards of the ordinance. By using congregate care and assisted living and independent living, they are not significantly or easily changed to any kind of a single family format. Mr. Ragan replied he did reach out to Paradise Land and Rolling Pines which is a USDA 136 senior unit which are 100% occupied and there is a significant waiting list to get in to those units. USDA has indicated they have an interest in providing additional senior housing in Pemberton Township and this ordinance attempts to try to provide for some of that opportunity. Mr. Ragan stated to Mrs. Forman that the Browns Mills Acme finally had the lot paved and there are plans on the Acme that have been approved by the Planning Board that in fact require new elevations and require new landscaping and this Township and Administration has been making a heroic effort to try and get Mr. Berardi to get off his duff and get that done. That effort is on-going. Part of the planning effort here is this is a reasonable location to provide some density adjacent to Pemberton Boro and provide a reasonable opportunity for a use that is currently underserved in the community. Mr. Prickett asked Mr. Ragan if the requirement for a developer's agreement is in this ordinance. Mr. Ragan replied no. Mr. Prickett asked if it is spelled out. Mr. Ragan stated no, it is something that would be discussed with the Planning Board. Mr. Prickett asked if that should be written in the ordinance and added there are other ordinances that have similar requirements. Mr. Ragan stated it is not essential to making it happen. The Planning Board has the ability under an overlay district to craft their resolution in such a way that would be binding. Mr. Prickett stated it should be reflected in the ordinance. A resident from the audience stated they second that. Mrs. Stinney stated it was not a vote and it is very rude to speak out from the public. Mrs. Stinney is trying to recognize others and when he came up to the podium they were very polite and courteous to him and she can check the record tomorrow and find out how many people hollered out when he came up to speak. Mrs. Stinney stated she is not going to address him sitting there and asked the gentleman in the back to come forward if he has a comment. Mrs. Stinney added that it is not a debate. **Robert Bailey:** Has lived in Pemberton Township for 45 years and has seen a lot of changes that has taken place. In reference to this

ordinance he would like to thank Council for their vision that they have demonstrated on updating the master plan. Mr. Bailey remarked on an old statement, “without a vision, you perish” and he is happy to say that Council has demonstrated that they have a vision. In reference to a statement made earlier regarding the members of the Planning Board and Zoning Board members not having a degree in agricultural. Mr. Bailey advised that is not a qualification for a Planning Board member or Zoning Board member to have a degree in agricultural and that is why the professionals are here to do their jobs and the membership can do their job. In reference to a statement made regarding the Mayor influencing the Planning Board or Zoning Board, the Mayor is not guilty of that. Mr. Bailey informed that he has not seen that demonstrated so far. The plans for the Greenberg farm that is permissible in the ordinance according to the master plan, the Township should move forward on those ordinances. **Eric Houwen:** Someone mentioned earlier about wetlands and the planner stated he did not know of any wetlands that exist there in the discussions he has had with the DEP. Mr. Houwen provided a photograph that he took last week during the rain. Mrs. Stinney advised him to pass the photo to her. Mr. Houwen stated all of the Council members can hopefully see the photos and provided two photos to Mrs. Stinney. Mr. Houwen explained both photos are from the road that show a huge pond and that is always there. The other picture shows the run off going in to the creek near the airport sign. Last week, the creek was full. Even with the tremendous amount of run off that is going in to the culvert, the huge pond is still there and it is not draining off. That is wetlands. Mr. Houwen handed out five copies for Council to see exactly what Mr. Cushmeyer stated at the last meeting. Mrs. Stinney informed Mr. Houwen to hand her the copies. Mr. Houwen advised he has written down his comments and will let the more knowledgeable people do the rest and read, “Over the past few years, Council has heard knowledgeable citizens providing truth, logic, fact and common sense. Listen to the facts that they have been providing you for the past few years and dismiss the lies and politics. Tonight is your night to choose to listen to the people or be political pawns or sheep. Listen carefully to what the citizens actually have said. The area meetings, there was an average of probably less than 10 people at most of the area meetings. At the area 6 meeting, there were more than 40 people that attended and they emphatically said leave the zoning as it is. We do not want mass development in this area. In the past as well as a recent petition, over 200 people signed and they said North Pemberton Road should be preserved. We don’t need houses. Senate bill S2577, sponsored by Senator Sarlowe which allows developers to convert age restricted houses to non-age restricted housing units stated the nationwide slow down in our housing market is especially evident in New Jersey’s age restricted housing market. People in real estate now believe there is already enough age restricted housing built or in the pipeline to handle the lower demand for up to 20 years. He continued to say adding to the problem is the fact that a large segment of the target market for age restricted housing is older baby boomers who tend to live in more expensive homes. Those homes are part of the weakest price range in the New Jersey housing market. Mr. Houwen provided an article from February 15, 2009, “Down economy creates tough sell for age restricted housing”. “Demand is far less than projected largely because seniors are leaving for cheaper locations”, said Jeffrey Ohtu, President of Ohtu Valuation Group a real estate research firm in New Brunswick. This is from the industry. The county preservation ballot question in the same election which gave each of you and the Mayor the privilege to sit in this room and make decisions on behalf of the people in Pemberton. 3,200 people in Pemberton voted for farmland preservation. That represents more votes than the Mayor received to be elected. In the same spirit as when you’re sending your son

or daughter off to college telling them that before a questionable action, the test is would I be doing this if my mom were sitting next to me right now. You can cast your individual vote but as you cast your individual vote, keep close to you the words of Abraham Lincoln in his Gettysburg address, "at the dedication of the soldiers in the battlefield, the battlefield which effectively decided the faith of the union, his last line has undeniably become the very symbol for the definition of democracy that this nation under God shall have a new birth of freedom and that the government of the people, by the people, for the people shall not perish from the earth". Mr. Howen stated to keep this close. Mrs. Stinney asked Mr. Howen to hand it.Mr. Howen replied he will save her the trip. Mrs. Stinney stated no he won't and next time he needs to come and address so the Clerk can have a record of that so Council will know what he is handing out and that's the respectful way to do that. **Mark Ward:** Resides in Country Lakes for approximately 10 years. New to this and like some have mentioned, he has been out of the loop. Has a two hour commute and misses out on some of the things happening here. Is glad that Council is addressing it and it seems like there are professionals that are competent and know what they are doing. Likes the idea of cleaning up the area but what Mr. Houwen just stated hit it on the head. It sounds like the main focus is missed. He left North Jersey for what we have here and it looks like it is going to go away. As far as what Mrs. Forman stated about traffic, he travels Arney's Mount Road daily and asked if that is 270 single family homes that may go in that area. Possibly 2 cars per house and 600 more motor vehicles in that area and that's a concern. Mr. Ward expressed what Mr. Houwen just stated is the main issue in a nut shell and as far as order, etiquette, it is absolutely necessary and a little sympathy though and the crowd is responding and what Mr. Houwen just stated and maybe people are getting worried that Council is not listening. Mr. Ward gave thanks for paying attention to our tax dollars. The audience applauds. **Steve Skulimoski:** There was senior age restricted housing slated for Country Lakes, DR Horton and asked what the status is and if it is still in the pipeline and why we need more age restricted housing. Mr. Ragan made mention of Paradise Lane and if that is the USDA site on Junction Road not for Mr. Ragan to give a false impression and he doesn't know if he was trying to do that or not but that is not just age restricted; that is also for the disabled and he would imagine that the waiting list is because the rent paid is based on one's income and he would imagine that is why there is a big waiting list. Since Mr. Ragan or his assistants, and he didn't attend any of the visioning meetings so he can't speak on what the audience was like, but there has been a lot of comment about the majority of the people being against the Greenberg farm being rezoned and suggested they could provide an idea of what their impressions are about who was for or against. Mr. Skulimoski asked if it was 50 50, more for, more against. Mr. Ragan responded that his knowledge of the senior age restricted development that was approved on Lakehurst Road is that it is not moving forward at this time. It is waiting for the economy to come back. The Paradise Lane is USDA and he is not sure what the number of disabled is but it is true that if there is a cap on income that would certainly be the reason there would be additional people waiting in line. With regard to the public meetings, there was a series of public meetings of a number of communities. Some of the members of the public not from area 6 were in favor of the seniors. The majority of the people at the meeting from area 6, a group that is present tonight, were against any development whatsoever in their area with the exception of a few of the land owners who were present at the time. Mr. Prickett stated to Mr. Skulimoski that he attended all eight visioning meetings and during those meetings he recollects two people standing up in support of the zoning on the Greenberg farm change for high density housing. Two people and that's probably 36 hours of hearings. He is not

talking about the other hearings that took place, he is talking about the visioning which the planners were suppose to be listening to the people in their neighborhoods. **Theresa Lettman:** From the Pinelands Preservation Alliance. She doesn't understand; making changes in the ordinance and taking out 64 acres and changing a part of the ordinance that says 200 acres to 134 acres. To her those are big changes and Council is still moving forward with the ordinance tonight and she doesn't understand that. Something she has learned for the past 21 years working with the Pinelands Preservation Alliance is that open space pays. At a time when most communities are fighting to keep their farmlands and open space, she can't believe that Council would move forward with an ordinance to do otherwise. As Council members, she thinks that dealing with budgets, the first thing they should learn is that open space pays. That it cost less in municipal services to take care of farmland and open space than it does 270 individual residents living in homes. Mrs. Lettman asked why doesn't the ordinance have to go out again for public notice before moving forward with public comment on it. Mr. Prickett stated it's a significant change and there's a number of significant changes in this ordinance. Mr. Bayer replied the reason that the ordinance can move forward tonight in his view with the changes that Mr. Ragan represented is that because from a legal perspective what the ordinance is actually doing is implementing the master plan and the master plan recommendations which is the basis of the ordinance. The master plan itself had recommended the rezoning of the two parcels Mr. Ragan noted with the age restricted overlay zone. The master plan did not recommend the rezoning of the 67.4 acre parcel which is block 786.01, lot 12.01. Therefore, it is entirely consistent with the master plan and is actually consistent with the justification behind the ordinance to begin with. Additionally, when the ordinance was advertised, it was advertised with the idea that you would be rezoning the third lot. You are actually subtracting a lot and not adding a lot. If anyone was actually interested in the rezoning of the third lot near the airport hazard area, they would be aware of that potential and by deleting it, you are not materially changing the ordinance you are in fact contracting the ordinance as opposed to adding to it. Mr. Prickett asked Mr. Bayer why ordinance number 31-2009 came before ordinance number 27-2009 which also makes the significant zoning changes on that area. Why did Council go out of order. These are two very important votes that the public needs to vote on. Both of these ordinances are equally important and he wants the public to be aware and does not know why we didn't go in order. Mrs. Stinney answered because of the map. Mr. Bayer answered that Mr. Ragan had recommended that the first ordinance, 27-2009, is the zoning map and it wouldn't make sense to change the zoning map to reflect the changes in all of the master plan ordinances unless and until you knew whether or not the master plan ordinances themselves passed. If these ordinances failed, there would be no reason to change the zone map and that's the reason it was listed last. If the ordinance had failed, there would be no reason to do it. **Bob Cushmeyer:** Agreed with Mrs. Lettman that this is a significant change and knows the solicitor has tried to dance around it a little by saying it is really but if one saw this published in the paper and then came and saw that at least one third of the changed area had been erased and the way it was presented in the master plan or a copy of it that he received, it showed the area along the airport as preserved. He was actually happy about that; that we were preserving another 67 acres so it's not too bad. Mr. Cushmeyer expressed the ordinance is out of order and the whole thing should be delayed until the ordinance can be republished and show the people what it is really going to be and there's been a couple of minor written changes to it also; the 200 acres and the 50% preserved. Mr. Cushmeyer conveyed that the solicitor doesn't have to read the same answer again and they don't have

their own lawyer present. Mr. Bayer asked who is "they". Mr. Cushman commented they have to depend on the Mayor's lawyer. Mr. Cushman expressed it's going to be a little like a shotgun because he wrote some things down as they were said. Disabled on Junction Road on the senior housing, it is his understanding that they had to change it from senior restricted to also disabled being able to live there because there weren't enough seniors to fill it. Mr. Cushman commented that Mr. Ragan has made statements that the demand for seniors housing in Pemberton Township but he has never provided any methodology on how he came up with that other than the senior housing is required. Mr. Cushman added that Mr. Ragan did note tonight that at one of the visioning meetings one or two people said there was a need for senior housing. Mr. Cushman has all the minutes to those meetings which are published by Ragan Group and he doesn't see where anything was ever published in there. Mr. Cushman is sure that Council has reviewed the minutes from all six of those visioning meetings and if anyone would like to review them tonight, he has the minutes. Mr. Cushman reiterated there is nothing in the minutes published by Owen McCabe of the Ragan Design Group that mentions that so he is not sure where that came from. A couple of people have mentioned wetlands and changing the zoning could probably proceed without the wetlands but it would be foolish because the wetlands are going to limit the sewer 208 service area. He would guess that if we wanted to do this in a logical means, we would wait until the GAP is done which was mentioned tonight which is the Growth and Preservation Plan that Burlington County is doing and will be endorsed by the state. Mr. Cushman conveyed Ragan Associates stated it is in the process now and think it's going to agree with this. The Township is in the middle of an environmental process and there could be some environmentally sensitive areas that the zoning is going to be changed and we won't know that until the environmental assessment is done. Mr. Cushman commented that Mr. Ragan stated we have already gone to the county and requested sewers in to an area that we haven't approved an ordinance to change the zoning. Mr. Cushman conveyed we have the cart before the horse. We should wait until all three of those things are done; only logic would say that. Mr. Cushman asked why are we spending all of this time and money to do something that the GAP, the environmental assessment, the 208 sewer plan could stop. In addition to changes that were made to this ordinance, it might be a good reason to push this off until a future meeting. Mr. Cushman commented that Mr. Ragan mentioned the agreement from the builder should be a part of the ordinance. Mr. Cushman added Council is trusting on a Planning Board to remember this and it should be added. Mr. Cushman noted he could ask the solicitor whether he thinks it should be added or whether it would be more legally enforceable to a builder. Mr. Cushman conveyed the solicitor mentioned that the planner shouldn't be talking about the financial numbers and he missed some of it because he couldn't hear too well in the back and perhaps it was during one of the times when the public was applauding. A former chairman of the Planning Board came up and talked about numbers without any sort of substantial verification of that and maybe that person shouldn't have spoken about the numbers. A couple of people tonight stated it's in Council's court and so far it's been the Mayor's project but tonight it falls on Council and it's now Council's decision and the Mayor no longer has an input on the actual vote of this and it has been mentioned by a number of people to listen to the people. Mr. Cushman stated Mr. Ragan gave an unreasonable answer to the gentleman that lives on the right-of-way that accesses the Greenberg farm off of Arney's Mount Road and Mr. Ragan and he go back almost seven years ago when he presented the case for Pemberton Pines Seniors age restricted subdivision on Lakehurst Road and he knows very well that a large

development like this is going to require two accesses. The county or whoever controls the road very obviously is going to have one on North Pemberton Road and the other will be on Arney's Mount Road. The other ways, you would end up in the creek. The gentleman is rightfully concerned about this because the right-of-way is a 40 foot right-of-way and there are two houses that face it that are only about 120' apart. When putting a normal 66' wide road in there, the guys won't be able to park a car in their driveway; they will have a 20' wide front lawn. Mr. Cushmeyer stated Mr. Ragan knows that because this was done for Pemberton Pines or the Township can eminent domain any house along Arney's Mount Road and say they can't live there anymore because we need an access road to this development. Mr. Cushmeyer conveyed that is a misleading statement and unfortunately for 2.5 years there have been a number of misleading statements being made. Mr. Cushmeyer remarked that Mr. Ragan or his associates have said not to worry, nothing is going to happen. The ordinance will pass tonight but nothing is going to happen for ten years and not to worry because you'll either be dead or moved out of here by then. Mr. Cushmeyer stated there are a lot of people that are concerned about the Pemberton Pines development that will be built directly behind Country Lakes and they wouldn't like to see their area back there infringed on. The argument for not having Pemberton Pines behind Country Lakes goes back 27 years ago when the Pinelands Commission made that a rural growth area. That's when the residents should have stood up and said don't do it. That's why the residents are standing up tonight. They are not standing up for Council to put this on the paper and then their kids are going to have to deal with the development in 15 or 20 years. Mr. Cushmeyer noted that Mr. Ragan stated the plan endorsement which he did one for \$15,000.....Mr. Ragan stated it was a 208.....Mr. Cushmeyer added that the plan endorsement was because of the 208 area and it's not necessarily an expense for the tax payer and it could and Mr. Ragan did not definitively say it's not going to. Mr. Cushmeyer reiterated that Council should wait until receiving some sort of an idea where the GAP, the environmental assessment and the 208 are going before approving this. Put it in a holding pattern for a few months. Mr. Cushmeyer conveyed he was criticized for his statement regarding the taxes in Woodland Township but Mr. Ragan missed most it as it was the municipal tax and he did not include the entire tax rate and he's sure Mr. Ragan knows what the municipal tax is in Woodland Township and to remind everyone there isn't any municipal tax. Mr. Cushmeyer conveyed that if 31-2009 doesn't pass then 27-2009 isn't done and the solicitor can answer that. Adult and assisted living, continued care nursing homes are usually built by like DR Horton operations and then turned over to be run by non-profits so the Township will probably not get any tax if that happens. In the master plan it talks about \$250,000 a house and there is nothing in the ordinance. The \$250,000 houses and Mr. Ragan states we can afford them in the Township and it would still be a significant step up which most people don't do when they retire. They rarely sell even and the \$190,000 house and he's not sure when that number came out and then to move up to a \$250,000 house is usually not what senior citizens do. If Council moves forward with this ordinance, it is not for the Pemberton Township people. There might be a way to do it by putting something in the ordinance about it has to be for the Pemberton Township people and try to put some sort of top price limit on it. Mr. Cushmeyer asked the engineer what it will cost the residents that are going to be forced to hook up to the sewer pipe. He has heard \$10,000 or \$20,000 that people are going to be forced in to paying to hook up. We don't have definitive numbers for the capacity of the sewer plant. We've been told it runs at 70% but the sludge application is at 100% so any increase in the sewage use like the seniors development, all of the current users will pay more to put the sludge

some place other than our sewer farms. No explanation on where we need seniors. There are nice statistics about how many seniors are here but as was previously mentioned, the seniors really need tax relief; they don't need \$250,000 houses. If you've ever been stuck in traffic like Route 73 or Route 38 or looked at the sprawling development that is consuming all of south jersey and driving real estate taxes to the highest in the nation have wondered how did this happen. Mr. Cushmeyer commented to look around tonight and pay attention to this process. Owners of large tracts of land get together with developers and convince elected officials that their development schemes are good and by elected officials granting zoning changes and sewer and water extensions all paid for by local residents, the action taken tonight by three Council members will likely triple the value of one tract of land. This group is presenting a \$6 million gift to one non-resident land owner. All expenses so far are paid for by the tax payers. For 11 years he has been part of a concerned group of residents and friends called Pemberton First for Pemberton who answer to all of them. They are opposed to inappropriate development of the farms in North Pemberton. They are opposed to changing the existing zoning on these farms for the benefit of one lone individual. They have conducted five surveys and petition drives over the last 11 years. They currently have 220 signatures of residents many of whom live next to or near the area of these proposed zoning changes. The petition asks not to change zoning, it does not mention anything about preserving the farms. They support any development that the landowner would like to do under existing zoning rules and laws. Mr. Cushmeyer had copies of the petition that he presented to Council President Stinney for distribution to Council. Mr. Cushmeyer read the petition, "We the undersigned are opposed to changing the zoning on the Greenberg Farm located on North Pemberton Road from one house per six acres, the zoning that requires extending the sewer service area and/or increases the number of houses that can currently be built on this prime and productive farmland. Nobody is trying to force whoever owns the land out there, any of the farms, in to doing something that they don't have a legal right to do today". Mr. Cushmeyer expressed that during his 11 years with Pemberton First, there have been three Mayors and more than 18 Council members serving Pemberton Township. Those Council members and Mayors who took the time to learn what this type of development does to a rural area soon realized it will add little to the Township but destroy much of the quality of life that we enjoy while also adding to our tax burden. Council's action tonight will materially change a large area of this Township. It will negatively affect hundreds of residents. In 11 years they have seen no organized support for the type of development this ordinance introduces. Quite the contrary, as validated during the two year visioning process conducted by Ragan and Associates prior to introducing a new master plan, the overwhelming majority of residents would like to see Browns Mills fixed up and the farms left alone. A recent Council member told him they represent 28,000 residents and not the 220 that signed the petition. Mr. Cushmeyer conveyed tonight they are representing only one person, the non-resident owner of the farm under discussion. There has been some suggestion that seniors in Pemberton Township need housing. What Pemberton seniors really want are lower taxes and not \$250,000 senior houses and the higher taxes this development will bring. Mr. Cushmeyer conveyed he didn't want to say any of this tonight and really wanted to thank everyone that came out to all of the visioning meetings and thank in particular people that have supported Pemberton First for an 11 year run. He can name some of them but they would rather remain anonymous for anonymous reasons. Those that have supported them are Joe Marshall, the Pinelands Preservation Alliance which is a watchdog for the watchdog. The Pinelands are a great area and they have a Pinelands Commission

to look after it but in New Jersey, you need someone to look after the watchdog. They've been great and they are a great organization. If you're not a member, you should join. The Pinelands Commission is open to their inquiries and have provided a lot of information over the last 11 years. The NJ Environmental Federation has been very good at tying them up with different organizations and groups that have helped them out. The Township officials and employees and everybody in this building that they have asked the question from has given them pretty much a straight forward answer and helped them out. The office of economic development by Mark Remson and Dave Hozack have been very helpful. The county land use office has been helpful. Barbara Rich that runs the Rancocas Conservancy has been a tireless supporter of them. At the last meeting there was a sign in sheet that was done 11 years ago at the Grace Episcopal Church in the Boro and quite a few of those people are in the room tonight still interested in trying to keep Pemberton and not just sell it out to some developer and making one landowner very rich. Mr. Cushmeyer stated he has asked a lot of questions and hopefully he will get some answers. He's had a lot of support over the years from a lot of people in the public and thanked the Council for allowing him to express his intent. Mr. Cushmeyer invited anyone to read the summaries and see if they can find where and who recommended the senior development on the Greenberg farm is more than welcome to it. The audience applauds. Mr. Ragan thanked Mr. Cushmeyer for his passion and continued diligence and he is the watchdog and not Theresa Lettman. With regard to some of his questions and he is not sure he has all of them, this ordinance is totally consistent with the master plan and the extraction of the parcel is not a major change. There is no change in the 50% open space requirement that certainly stays in the ordinance. The question of his unreasonable answer with regard to Arney's Mount Road, he stated clearly that there is no specific design, no specific developer and no specific development plan created for that parcel at this point and time. There is certainly no eminent domain projected, proposed or ever discussed with regard to any activity in the proposal. Mr. Ragan stated he does not believe he ever said to Mr. Cushmeyer nothing is going to happen and he'll be dead and gone or he'll be moved away. Mr. Ragan commented those are Mr. Cushmeyer's exaggerations on the timeframe. Plan endorsement and 208 are two separate processes. Plan endorsement requires an approval from the state from the Office of Smart Growth and 208 is a process to get sewer approval through DEP. Those activities have been lumped in to sequential requirements and plan endorsement is needed in order to get the 208. The minute we don't look ahead and follow the vision, the same group with Mr. Cushmeyer at the head, will come to us and say but you haven't talked about how you're going to get sewer. You don't know what the consequences are. Now they are criticized because they are looking out to see what the consequences are before going too far. Mr. Ragan continued you can't have it both ways and with regard to the cost of the hook up, he doesn't have the answer but it can be referred to the engineer. Mr. Ragan thinks it is ironic that we do have the master plan map with regards to wetlands and streams and there is no large area of wetlands shown on the particular parcels in question. There is an intermittent stream area and notwithstanding Mr. Houwen's pictures, it doesn't necessarily qualify as a wetland because you have an occasional pond. Even if it is a wetland, it may be an isolated wetland which would have a zero or 50' buffer and that's part of site planning and is not part of the master plan total process. With regard to the question of whether or not the sludge will be adequately handled, it is an MUA question and they will continue to pursue that question with future inquiries in the 208. The Township is not spending money at this point nor are they endorsing a 208 plan amendment or anything that is out of the ordinary. They have gone to a meeting with the county

and that's it. There is no developer agreement on this parcel and to his knowledge there has not been a development agreement on this parcel; there is no developer intended, this town is not acting as a developer; this town is trying to create a vision of what can happen. A proposal is 67 acres of that farm would get developed in the mode discussed. Clearly the residents of Pemberton First are not in favor of that. It doesn't mean it is not necessarily beneficial to the existing and future residents of the community. Mr. Ragan conveyed he recommends it because it is in a great location, adjacent to the Boro and commercial activity immediately near the old train station in that area. Mr. Cushman's concern regarding taking away the farmland is not the intent. The 67 acres of development and 67 acres of open space and farmland is deminimus in the scheme of all of the acreage in the North Pemberton Road area that is preserved and will continue to remain in the AR. The concept of having some development and ratables, he disagrees that there will not be a positive financial impact as a result of this development. With regard to no facts about seniors and whether or not there is a market for seniors, Mr. Ragan quoted AARP, which is a reasonable source, "One in five older New Jerseyans have difficulty with mobility or caring for themselves. Further, as baby boomers continue to age, the need for 55 and age restricted housing remain. The last of the baby boom population will reach age 65 in the year 2029. Meaning there will be a need for senior housing and assisted living facilities well in to 2050". Mayor Patriarca requested the battery be replaced in the microphone.

Tony Miehle: Totally understands from a business standpoint coming at the baby boom generation. From 1946 to 1964, there were 77 million babies born and there isn't a business that hasn't been impacted by that. Of course, if you are in the building business, you want to see where the baby boomers are. They are turning 63 years old every 7 seconds right now. It makes sense, but if you put a community like that in here, we will end up with 270 homes of senior citizens that will pay taxes but they will oppose the school taxes every year. They don't have any kids and don't have an interest in seeing their school taxes go up. He keeps hearing Mr. Ragan stating there is no developer for this. Mr. Miehle asked since there is no developer for this, why are we even spending a lot of time considering it. Mr. Miehle commented on someone mentioning a DR Horton that was going to build a 55 and older community somewhere on Lakehurst Road but Mr. Ragan stated the reason they are not moving forward is there was no economic demand for that product. Mr. Miehle asked if there is no economic demand for a development in this area, why would we spend significant amounts of time, effort and energy looking at doing this at the Greenberg farm. It seems to him that if you wanted to be in business, you would be where there is an economic demand and if there is no economic demand there's no sense in moving forward on this. This is a little bit of logic from a fellow that doesn't have a dog in this fight one way or another. The audience applauds. Mrs. Stinney thanked Mr. Miehle for his comments and.....Mrs. Stinney stated she will wait for the audience to applaud for her since they are so funny here tonight. Mr. Ragan explained the master plan is concerning the long term future and not what will happen this very moment. Clearly there is not a big residential housing boom going on at the moment. The notion that there is no senior housing going on is certainly not true in Burlington County. Bob Meyer just started a new housing development as well as Orleans both in Burlington County for seniors. Whether the market is available at this moment, everyone is down because of the economy. That doesn't mean you don't plan for the future and that's what this is about.

Helen Kemp: Thanked Council for the opportunity. She would never be able to capsule the comments tonight but has a question for Mr. Prickett. Mrs. Kemp asked Mr. Prickett how many questionnaires or surveys did his group send out. Mr. Prickett replied he does not

know. Mrs. Kemp asked if she heard about 200 were returned. Mrs. Stinney interrupted and stated she is going to say it one more time. Mrs. Stinney stated to Mr. Houwen that it was very rude what he just did and no one opened their mouth when he spoke; one could hear a pin drop. Mrs. Stinney again stated that is being very rude and it's not only being rude to the speaker but also to the public. Mrs. Stinney asked the public to please be so kind to be respectful to those that are speaking. Members from the audience were speaking but were inaudible. Mrs. Kemp thanked Mrs. Stinney. Mr. Prickett stated to Mrs. Kemp that as far as the petition there are approximately 240 signatures on the petition. Mrs. Kemp commented that Pemberton First is to be commended on their organizational skills but she is a realtor and likes to feel that she has sort of pulse on the community because she has literally conducted over 1,000 transactions in the town over some 30 years full time. If this was such a bad idea, why was the Reserve which is the little walk to around the corner age restricted community, sold out. She sold some of them to residents who were long time homeowners in Pemberton Township that did not want to move out of Pemberton Township but wanted the opportunity to stay near families and things they were familiar with. She sold their homes and they went to the reserve. That community is built out and she agrees that this is dejavu because she was here in 2001 under the same scenario and doesn't think we should lose perspective that this is more than just a zoning change. This is.....someone is commenting from the audience but is inaudible.....a master plan that has been years in the making and is a history event. It didn't come out of a vacuum; it was clearly researched and clearly publicized. The point she is making is this is a master plan out of a whole cloth. It is not a hodge podge, patch quilt plan. A master plan like we have never had in this community before. It is a plan for the near future and it is a major accomplishment for Pemberton Township. Mrs. Kemp is for preserving farmland, woodland, pineland, wetland and animal habitat land and just plain old land but she is for smart growth and that's what this master plan is about. It's about smart growth. In 2001, the 6 year mandatory re-examination of the master plan took place. At that time, the revision of the master plan in 2001 concluded change the zone to age restricted housing on the same piece of property. The Republican Administration put that zone change in the forefront of their agenda. Fully nine years later, the Democratic Administration has now this carefully constructed documented master plan concluding change this zone to age restricted housing. This master plan takes it one step higher; it preserves fully 50% of the land and the layout is much more eco-friendly. Mrs. Kemp commented if the Republicans and the Democrats agree on something of this scale, we should set up and take notice. This is not a political agenda; it is getting something right for this town and now to lose the perspective of what getting it right is about. This master plan is the most complete documented in the history of Pemberton Township and is made from whole cloth and is not a crazy patchwork quilt of the past. The master plan is carefully woven; one strand at a time until it becomes a whole cloth; a tapestry road map for our Township pulling all of the parts together. This is more than one little issue about Greenberg's farm. It is a plan put together not a crazy patchwork quilt but something that puts the roadmap and says this is where this town can go. Everybody complains about the town center and asks why something isn't done about the town center and the Acme market. Mrs. Kemp stated it can't be done unless there is a master plan of whole cloth; a tapestry; a road map pulling it all together. It's not going to happen in a vacuum and that's what this is about. Once and for all, the Republicans and Democrats nine years apart concluding the same thing. Mrs. Kemp reiterated she is a realtor and knows there is a need for this type of housing in this town and she knows people would like to stay in this town but not to miss another important

point. Everyone is talking about restricting this to just Pemberton Township residents but it's not restricted now to Pemberton Township residents. This area in question is already zoned for growth; bad growth. It's not the smart growth that this master plan lays out and we desperately need. One house for six acres. Mrs. Kemp added that in her business as a realtor, that is called a dirty little secret because everybody says this is a poor town and we can't afford this but this is called and known as zoning for the wealthy or zoning for the land of gentry. We all talk about what we really need is to control our taxes. This zone is against controlling our taxes. It is zoned for mega mansions filled with school children and attached five acres, designed to like Mr. Prickett knows, avoid paying taxes of full value. That's why it's not one house per five acres, because it is one house for five acres but it's not one house and five acres in total. Mrs. Kemp asked so what's an acre. One acre makes all the difference in the world. If you go to six acre, you get a big tax break. In some cases your five acres cost you maybe \$100 a year but you have mega mansions filled with school children, a tax break for the wealthy in the land of gentry but what about the other 98% of tax payers in this town. The other 98% of those families are not in that category; they are not going to buy those houses on six acres. They are not in that category but they are going to make up the shortfall of that zoning for the wealthy that you guys afford. The other little ordinary families on their little ordinary pieces of ground are going to make up the shortfall and it's ever escalating taxes. That is not smart growth; that is bad growth. This is a master plan whose time has come; it's a whole cloth and don't try to turn it back in to a crazy patch quilt with past mistakes. If a seller was recently published, the title is Are You Relavent? Mrs. Kemp continued if we are going to bring Pemberton Township to full promise we have no choice than to invest in creating the future not merely preserving the past. Mrs. Kemp asked if Council is relevant to 2% of the tax payers or relevant to all of the tax payers and if Council agrees that they are relevant to all of them then they have to agree to make this master plan change. This is the zone change whose time has come. **Barbara Rich:** In ordinance number 31-2009, under A. Purpose, the second line, "to provide for small lot residential development and agricultural forestry in rural residential districts". Ms. Rich asked if Pemberton has forestry districts. Ms. Rich continued on page 3 it states, "to preserve the aesthetics in rural ambiances along North Pemberton Road and Arney's Mount with 300 landscape buffer", and asked if there was ever a time in Pemberton's past when there was talk about a 300' buffer required on the Rancocas Creek because that environmental attribute is not protected unless you depend on the state and it could be more stringent locally. Ms. Rich commented on page 3, #12, "buildings shall be clustered or sited in most accessible least visually prominent and most geologically stable portions of the site", and asked for an explanation as to why that was inserted. Page 5, #1, "you are not permitting storm water management in the remainder parcel of open space", that's a huge plus. Maintenance of farmland or open space, if in fact any deed restriction is put on that, she would suggest not only a deed restriction but a conservation easement which will guarantee that the rules and regulations for that open space are maintained and there will probably be a third party needed in order to do that. A deed restriction can be taken to court and negated by the agreement of the two parties. Ms. Rich asked for the difference between a cluster overlay zone and conservation design because if Council is concerned enough about the environment, Council would consider conservation design even with age restriction because it does delete environmentally sensitive areas either the potential developable acres. Ms. Rich spoke regarding COAH and asked if someone could provide the third round numbers and growth share commitment and if it's possible to assume that those numbers don't change and asked what the

difference between the number of COAH units the Township is obligated to with the existing zoning on 134 acres compared to the 176,000 square feet of one aspect of the four acres and if determined to keep the rural character of the town, how is a 176,000 acre building with four acres of parking retain rural character. Ms. Rich then stated she doesn't know if there has been a case whereby if a senior citizen is deceased that the family member can move in to the unit. In the best of both worlds she mentioned conservation subdivision design which there is a picture of on page 3 and that is referred to as cluster but as stated earlier conservation design would provide open space up to 70%. Forestry is mentioned and in table one there is no column whereby any percentage of the forest is protected which should be addressed. Ms. Rich stated the direct testimony prior to hers was that the master plan is something that took a long time to accomplish and it was an admirable endeavor. The point we are now at is getting closer to the site design. If these ordinances aren't done in a manner that is more definitive of what is necessary to accomplish what Council set out to accomplish then there could be a chance to not getting the produce Council would wish. Mr. Ragan replied in regard to the notion of a conservation design, essentially the cluster overlay is with the 50% open space is in fact a conservation design. Those words were not used but cluster overlay with the notion that the development will be placed in the most geologically appropriate spot is in fact some of the criteria in the conservation design. With regard to forestry, the only forest on the parcel is the wooded areas along the creek and will presumably be preserved by the buffer as a result of the DEP standards to that stream. In regard to a deed restriction, a deed restriction is recommended in the ordinance and a format of that is up to the Planning Board. It could be a conservation easement, but at this point and time it is left to a deed restriction. Currently the COAH obligation of the Township under round three for senior units has been met so under the round three obligations, the shortfall is not in senior units; it is in other units. With regard to the forestry issue, as mentioned earlier, the notion was that in the event that the open space were to be placed in forest, there would be a requirement for a forestry plan and similarly if open space was placed in farmland there would be a requirement for a farmland plan. Currently there is not a significant forest on the property but should the owner or developer decide he wants to put the 67 acres in to a forestry program, we are requiring a plan be submitted to identify the type of trees they will plant and how it will be harvested and that is how that came about. **Jean Dwane:** Stated that as far as Mrs. Kemp, she is in serious conflict. Mrs. Kemp serves on the Planning Board and is a realtor and the law clearly states you cannot derive a political, financial or personal gain from your vote. She may sell every one of these homes or she may never sell one. Mrs. Dwane informed Mrs. Scull just paid a \$200 fine for conflict of interest and Mrs. Kemp is definitely in conflict and can't sell these homes and get a financial gain; it's wrong. Mr. Cartier clarified that Mrs. Kemp did not cast a vote on the master plan; she was out of town at the time. Someone stated to Mr. Cartier that Mrs. Dwane is speaking. Mr. Cartier conveyed he understands and reiterated that Mrs. Kemp did not cast a vote on the master plan. Mrs. Dwane commented that she voted on other things.....Mr. Cartier interjected not on the master plan. Mrs. Stinney stated we need to get a little order. Mrs. Scull commented that she would like to respond to what Mrs. Dwane said. Mrs. Scull clarified that she has not paid a \$200 fine. Mrs. Dwane is speaking from the audience but is inaudible. Mrs. Scull responded that Mrs. Dwane might have part of it in writing but she thinks not. **Caroline Radice:** One of the things she has learned as a teacher in the hood, inner city Philadelphia, is to not make assumptions. She is not going to assume that Council has read the minutes with respect to area six because unfortunately some of us made that assumption with the Planning Board and not all

of those members had done that. Ms. Radice pointed out some of the comments made within the memo that was written by Owen McCabe for the April 28, 2008 area six visioning meeting. Ms. Radice read, "Several residents were opposed to any development along US Route 206 and North Pemberton Road. One resident stated that farmland works just as well as commercial ratables. He recommended that the Township continue to preserve farmland and not chase ratables. One resident opined that more development along 206 and North Pemberton Road would create more traffic congestion on existing roads, loss of Abbott designation, increase taxes and an increase in the Township's COAH obligation. It was recommended that the Township focus its commercial development in downtown Browns Mills. One resident recommended that the Township redevelop its existing commercial area, Browns Mills. The commercial effort should be focused on South Pemberton Road, in the manufacturing and planned industrial zone. The soils along North Pemberton Road and 206 are some of the best in New Jersey. These farms and soils should be preserved. The best use for these soils is agricultural. It would recommend that the Township consider a transfer of FAR (which she's guessing is farmland agricultural resources or something along those lines). The Township must create a balance between agriculture and commercial uses in area six. One resident opined that Browns Mills would not be able to compete if there is another shopping center in Pemberton Township especially at 206 and North Pemberton Road. It was recommended that business owners be held responsible for the appearance of their buildings and some residents voiced concern that an increase in commercial and residential development would have a negative impact on the Township's infrastructure and will place a larger burden on the police and school district. It was recommended in decreasing the density along North Pemberton Road from six acres per unit to ten acres per unit. It was suggested that the UEZ could benefit from farmland preservation by supporting more agricultural businesses. Several residents recommended preserving the airport. That there's few recreational airports in the area and it's a real asset to the community according to several residents". Ms. Radice advised she has three pages of minutes and not one single comment made that night was made by anyone or recorded in the minutes of that meeting supporting development on the Greenberg farm. Ms. Radice reiterated that she is not assuming. Ms. Radice informed April 28, 2008 is probably the first visioning meeting she went to. It's not her area as she does not live there. She lives in Presidential Lakes and didn't even attend the visioning meeting for her area because her concern is the gateway to our community and that's North Pemberton Road. Ms. Radice noted the Mayor did speak that night but his comments were not put in the minutes but he did comment that he wanted to see development along North Pemberton Road but not any of the comments in the minutes reflected that were given to the Planning Board meetings and hoped they were given to the Council members as well. Ms. Radice asked what the definition of adequate services is with respect to sewer service is in section K. Overlaying district is still zoning. It can be called overlay all you want, but you are still changing the zoning. Ms. Radice commented to not change what we already have. Nobody in this town in an overwhelming number or majority has come and asked for the change. The planner suggested that the 208 amendment, the DEP put out a map to the counties that are looking to work with the county to make sure areas to be developed have full access to the utilities. Ms. Radice expressed she is concerned about people who live here and now and asked about the people in Presidential Lakes; they should be at the forefront of our minds and not the people that could be living here in twenty years on North Pemberton Road on pristine farmland. There has been talk and she was confused when the planner gave his presentation and stated there would be changes but the specific

language was not laid out whereas a resident looking at this ordinance could go through and cross out and rewrite in the changes that the planner was suggesting. It's hard for her to comment and ask questions about those changes. Ms. Radice asked that when she sits down, the public is given the specifics, what lines and specifically what is changing. Ms. Radice further asked if things are changing in the ordinance, when did the Planning Board review the changes because she is not the only one that feels they are significant. Ms. Radice stated that despite the solicitor's comment with respect to Ms. Lettman comments that the master plan was not printed in the newspaper, the ordinance was; the public was given and told to come and comment on the ordinance printed in the newspaper. Significant changes are not just that contracting an ordinance, the things that are expanding an ordinance. Ms. Radice conveyed that the solicitor is stating that because the ordinance is being contracting it is not a significant change. Ms. Radice commented it's still a change; a contraction or an expansion is a change and it's significant. Ms. Radice asked if legally if we were to be heard tonight and if this ordinance is not approved or adopted tonight, could Council still go ahead and adopt ordinance 27-2009 and if they did would it over ride them not approving ordinance 31-2009. Over 180 concerned citizens who live in the town have reached out and expressed their concern about the loss of farmland by signing a petition. People who live in the town. The majority of the people which she could count on one hand who have come to Township meetings and have expressed that they want this change to happen don't live in the town. The planner doesn't live in this town. If we were to spruce up Pemberton Browns Mills Road as suggested in the master plan, why would we then take away the spruce of North Pemberton Road's gateway in to our community. Why can't we keep the beautiful gateway that we have? Why are we going to destroy it with development that is not consistent with the atmosphere that it's existing in? Ms. Radice appreciated Mrs. Kallil's comments tonight as the former Planning Board chair; however, when she was no longer the chair obviously this master plan would not be before Council if she had heard the residents. The residents that came to the visioning meetings, the meetings on the master plan whether they were informal workshops or the formal hearings. She had her chance to comment and she made it clear. She's not interested in what the people of Pemberton Township want. That's what Council was elected to do; listen to the people in Pemberton Township. Mrs. Kemp who was or is and she is not sure, a Planning Board member, never attended any of the visioning meetings, the workshop meetings or the master plan official hearing meetings. It's interesting that she comes tonight when she didn't attend any of the meetings on a board that she was appointed to. That's because as she stated her position and her persona is that she's a realtor and it's her business. Ms. Radice conveyed this is her home and this is her life. She may drive 42 miles each way to go to work, traveling over what the planner has stated is a wonderful development along Route 70 and 73 that he's proud of and how great that looks and she sits in a parking lot on the way to work and on the way home from work because of over development. This is her life and she may not have been here before Mrs. Kemp but chances are she'll probably be here after her and this is not what she wants for the future of her community. Ms. Radice continued that we are talking about the future and she will be here in the future and will be here 50 years from now God willing. She's only 32 and thinks she can make it. Mrs. Jean is a testament to how long someone can live in this town and still care about it. It's ironic that Council has chosen this time of year and month to hear such an important issue to the residents of Pemberton Township where the landscape can be changed forever and Council is holding an official public hearing the week before the holidays. Ms. Radice commented that she finds that very interesting. In Burlington County there

was a survey conducted in Manchester or Mansfield that every dollar collected in residential taxes equated to \$1.48 in services being provided. That's a loss of 48 cents on every dollar. Farms however for every dollar collected is 27 cents spent on services. This is not going to be a gain for our community. It's going to be a loss. Plain and simple. She travels Route 70 and Route 73 and is very proud to call Pemberton Township her home. When she rushed out of work today to try to get home to have dinner knowing it was going to be a late night, her co-workers asked what she was rushing off to. She replied she has to get home because there is an important town meeting. She's fortunate because her work day ends at about 3:30 or 4:00 but think about all of the people whose work days don't end early and they couldn't come out tonight or had family obligations and didn't have the opportunity to have their input. They provided that when they return surveys. They provided that when they signed a petition and when they voted for Council. Four votes can make a big difference. Ms. Radice is talking about more than four people. Ms. Radice expressed hope that Council does not do what the Planning Board did and does not do what Mayor Patriarca has done and do not do what the planner has done which is to ignore the residents of Pemberton Township. The audience applauds. Mr. Ragan informed the question of adequate sewer means there is sufficient services and supplies to handle any development that is proposed; in other words the sewer has an adequate place to go. Overlay is still zoning but it means that it's not the only thing that can be done on the property. The owner has the right to develop the property as an AR conventional development under the existing zoning even if this overlay is adopted. Mr. Ragan continued that he agrees that Presidential Lakes needs sanitary sewer and has been in conversation with the Pinelands and the DEP. It is on the agenda as another area in need of sewer within the community. This is not a substantial change because it is a contraction and not an addition and is consistent with the master plan in terms of this ordinance. Mr. Ragan stated if this ordinance is not adopted what happens to the map ordinance is that an assumption is that the map ordinance will in fact be voted to be approved with the deletion or modification of this particular parcel. Mr. Ragan stated to Ms. Radice that she is mistaken; Mrs. Kemp did attend a number of the visioning meetings, maybe not the ones she attended but he certainly recalls seeing Mrs. Kemp there. This particular senior development almost on any economic study that he can fathom will show a positive cash flow to the community. The generalization about open space being a benefit to the community is generally good and correct; however, when comparing it against items of certain levels of density, it does not hold up. There are developments that do better than open space in and of itself. A female is commenting from the audience but she is inaudible. Mrs. Stinney stated to her that she is out of order. Mr. Ragan commented that he will change it to farmland and as Mrs. Kemp properly pointed out there are benefits to the fact that this is 67 acres of development in a 4,000 acre area and in fact the total master plan the total development area is less than 255 acres out of the entire 40,000 acres of Pemberton. The reason there is a buffer and a 50% open space and the 300' buffer exists is to continue to maintain the sense of a gateway to the Township and at the same time create the kind of ratables this town needs to get their economic head out of the sand and look to the future with regard to new ratables in this community. **Dorothy Green:** Has resided in Pemberton Township for 60 years and has spent a good part of that in Browns Mills and now resides on Arney's Mount Road and is a neighbor to the Greenberg property. Two of the prettiest areas in the Township, Mirror Lake which is a great asset to Browns Mills has been abused over the years especially the last two. One of the prettiest views on Mirror Lake was destroyed recently in the last two years and that was Treasure Island which was always a beautiful scene. This happened

during this Administration. The area being talked about tonight is also one of the prettiest areas in the Township. Mrs. Green drives a school bus for the Township and travels a hundred miles a day on the roads in this Township. If we have housing developments out there, is it the Township's responsibility to perform the upkeep on the roads. Mrs. Green continued that a good portion of the roads she travels are terrible. She has traveled about every road in the Township in the last 24 years. Our trucks drive around in the Township and on the back it states Pemberton Pride. Mrs. Green has a lot of Pemberton pride because she has lived here just about all of her life. It is her understanding that if there is an over 55 community, a lot of times there are a big block of voters against the local school board and budgets and that's something to think about especially if she is employed by them. As far as what is or isn't wetlands at the Greenberg farm, she has walked in and around the fields probably more than the farmer that owns those fields and there are gulleys out there that can not be seen from the road that are collecting water. She has ice skated on the gulleys and has seen fox drinking from them. Not too far from there, she is watching a lake be created by a school being built. There is a sign on Clubhouse Road that says, "let no man say it and say it to your shame that always (inaudible) to here before you came". The gateway from Route 206 towards Arney's Mount Road is one of the prettiest that we have right now. Coming from Fort Dix on Trenton Road one can see such horrible sites like the thing that has been standing abandoned for years next to McDonalds and that's on a road where people are coming from all over the world to Deborah Hospital. It's embarrassing and if coming from Fort Dix and coming down Fort Dix Road in to Pemberton, you see that horrendous property that was finally talked about tonight and wonder why that can't at least have boards put up until they do know what they can do with it. It's an eyesore. Route 38 speaks for itself. Mrs. Green conveyed that she enjoys after spending time outside of Pemberton Township coming home and when she turns off of Route 206, it's a sigh of relief because she is out of the rest of the world; the congestion. It used to be that way on Lakehurst Road and a lot of the traffic has changed because of Fort Dix closing and that's understandable. It is not understandable to her how we can destroy the assets of Browns Mills and Pemberton. The audience applauds. There being no other members of the public indicating a desire to comment, Council President Stinney closed the meeting to public comments. Mr. Prickett and Mrs. Stinney are speaking at the same time, comments are inaudible. Mr. Prickett asked to speak last. Mr. Cartier did not have any comments. Mr. Inge stated this project has been going on for quite some time and his understanding and Administration can correct him if he is wrong but the Mayor went to the county and proposed a change to the town center. Mr. Inge asked if that is true. Mayor Patriarca responded no, that is incorrect. Mr. Inge asked the Mayor what he did when he went to the county. The Mayor responded that this ordinance was not discussed if that's what he wants to get in to. Mrs. Stinney stated to the Mayor that Council is talking about the ordinance. Mr. Inge added he is talking about this ordinance. Mayor Patriarca stated smart growth in the Township was discussed. Mr. Inge asked the Mayor if he ever spoke with Mr. Greenberg before presenting his plan to the county as smart growth. Mayor Patriarca informed that he did not present a plan to the county. Mr. Inge asked the Mayor if he discussed a smart growth plan with the county. Mayor Patriarca responded that he has met with the county and discussed smart growth. Mr. Inge then asked the planner if he is a planner for development on Lakehurst Road, DR Horton. Mr. Ragan answered he was. Mr. Inge stated back in 2004, 2005 if that plan was moving along pretty well and in 2006 it was basically a done deal with the development and they had purchased and cleaned up a lot of property; they cleaned up a dump for cars and were on the right track of getting

their final approvals and asked Mr. Ragan what happened to DR Horton. Mr. Ragan responded that he was originally brought in to that job long before DR Horton was involved. The original owner of that tract or the contract purchased was a gentleman named Barry Beelod who later brought in DR Horton as the builder of that job. Mr. Ragan continued that his contract was originally with Barry Beelod and was pretty much always with Barry Beelod. DR Horton came in as the contract purchaser from Mr. Beelod. They spent a ton of money and three or four years going through the Pinelands doing two environmentally threatened endangered specie studies and then they purchased additional property. Mr. Ragan explained that he was not a party to all of the business arrangements that they were making and only knows that from the planning perspective they were looking at the potential of those housing units and what they might bring to the Township and how that compared to the other existing zoning that was permitted on that site under the Pineland's ordinance. Mr. Ragan continued they received preliminary approval and he resigned from the job. Mr. Inge confirmed they received preliminary approvals. Mr. Ragan added that the development activity there he imagines was a result of the economy. He knows that DR Horton had an internal change in their business plan and they fired all of the guys that were in the North Jersey office and consolidated it in their South Jersey office but does not know how that related to the application in Pemberton Pines. Mr. Inge commented that he finds it kind of strange because he did attend a lot of those meetings and it seemed like the 2007 Planning Board any time DR Horton came up with something it was definitely, immediately shot down. Mr. Inge continued that makes one wonder why that was going on; to keep a development that was basically already almost approved and a lot of money spent and all of a sudden the brakes were put on. Mr. Inge expressed the reasoning for them to do a wash on that project is that the pressure by the Planning Board, they knew they weren't going to get anywhere with the Planning Board and they just counted their losses. Mr. Inge commented that there were two Planning Board members that came up and spoke on the master plan and one Planning Board member is a licensed broker and real estate agent in the town. Clearly, she admitted that she made a living selling properties in Pemberton Township. Also, her family members make money in the Township from purchasing properties in Pemberton Township. One of the biggest things in the Township right now if one has money and wants to do some investing, the real estate market, foreclosures, and short sales are one of the biggest things in the Township right now. Mr. Inge conveyed that we are looking at adding houses to this Township and looking at senior citizens looking for a place to move. We have a lot of senior citizens that can't even pay their mortgages or purchase food or heat. Mr. Inge expressed to be a member of the Planning Board one has to live in the Township and he can go to almost any street in the Township and see a for sale sign on a property. He can go to almost any street and find a house that is foreclosed on and no one is living in it but yet we are going to have senior citizens that are able to pay \$250,000 for a home. Mr. Inge informed he does not have a problem with senior citizens coming from another Township moving in to this Township but to say that there is a need for senior citizen housing in Pemberton Township, he does not see it. He sees what the real estate values are in the Township. When Council discussed the pay raises of employees in the Township, he provided data to Council of the foreclosure rate in the Township compared to other Township because that is what they were comparing the raises for employees. If we are going to look at this data, we should look at all of it. Mr. Inge informed that the data he provided clearly stated that there are more foreclosures in Pemberton Township than any other Township in Burlington County and for someone to purchase a home for \$250,000, three years would have

been no problem but that house three years ago you could probably only get a mortgage for that for about \$180,000 and that's a big difference. Mr. Inge stated he just doesn't see it and they can say what they want to say but it's clear and all one has to do is just look around the Township. This Council had three years to do something with the old Acme shopping center and did nothing for three years. That is one of the main corridors coming in to this Township and this is what people see coming in to this Township. Mr. Inge continued that we want to invest in another part of the Township instead of taking care of the part of the Township that we should be taking care of and that's downtown businesses. The problem with having businesses in Pemberton Township is that you have to go in front of the Planning Board and the zoning board and they are not business friendly. Mr. Inge stated to talk to businesses and see how many want to come and spend money in this Township; by the time they start their business they are already broke where they can go to another Township and not have half the problems when trying to open up a business. Mr. Inge advised his brother in law works for Care One which is one of the biggest senior citizen alternative living developers on the east coast; they even purchase properties down south. To live in one of their properties, you have to sell our house and give them the money, you have to give all of your social security and sign a contract and if you cannot afford this and the residents in Pemberton Township could not afford this because if they could Care One would have been here already and would have been here with DR Horton if they thought there was a chance to establish their business in this Township. Care One would have been at these meetings stating there is a need for it and been willing to put up these beautiful places for people to stay. Mr. Inge added that one cannot stay in one of their places unless you come in with \$200,000 - \$250,000 plus giving up all of your income. When you pass away, that money doesn't go back to your family, it stays with Care One. Residents in this town are not able to afford that. Mr. Inge conveyed Council is here to listen to the residents and Council members stated at the last meeting that a property owner should have the right to do whatever they want to do with their property and everybody on Council has voted two different times to farmers that had properties they wanted to preserve and Council supported that saying that is their property and they have the right to do what they want to do. Mr. Inge continued that none of those farmers had a zoning change and none of them were given the opportunity to have a zoning change to maybe increase the value of their property. Mr. Inge suggested looking at what other towns are going through; traveling from work coming back in to their towns to go home and what we need to do is focus on the businesses that we have down town and get them fixed up. We should get people in the vacant houses and by creating another development the only thing we'll do is put the houses that are already in foreclosure; the Township still has to pay the taxes on those houses and that increases our taxes. Mr. Inge expressed that we have residents coming forward asking to put this off and it's a significant change. Mr. Inge stated it might be a significant change but by putting it off we would just be wasting time. Mr. Inge commented the way he and mostly everyone in the room feels is that once the decision was made no matter who got up here; could have had 5,000 signatures or as many signatures as they could get, they could have had different positions on this and whatever they would have came up here with, they would go home the same way tonight; approved. Everyone knows it. Mr. Inge is glad everyone came out and stated that everyone had it in their mind what was going to go on, what was going to happen and if one has been coming to the Council meetings, they can tell exactly what is going to happen. Mr. Inge conveyed that he can look at an agenda and know what is going to happen on the agenda and he doesn't even have to attend the meeting because he knows what will happen on the agenda. This

wasn't the resident's plan; it was the Mayor's and Administration's plan. Mr. Inge expressed he is glad the residents are going to try and is happy everyone came out. Mr. Inge stated he is very disappointed that the residents are not going to be heard. The audience applauds. Mrs. Scull stated she is glad everyone came out tonight because it is important that we have conversation and people can agree to disagree. One of the things that bothers her tonight is that she doesn't care what position anyone has and if they live in this Township, they have a right to come to a meeting and express their concern. Mrs. Scull advised that she takes great offense that of course anybody that spoke in favor of the ordinance was attacked. That is what happened from what she hears at the Planning Board and that's what happened here tonight. That discourages people from speaking how they really feel. They don't want to be attacked in public so they are not going to come out and say what they believe. Mrs. Scull stated that is a shame that it happened here this evening. She also takes great offense to be called a political pawn or sheep. Anybody that knows her knows that she speaks her mind and votes the way she plans on voting the way she decides is best for the community, not based on what anybody else says or feels. It's a shame that we have to fall in to name calling in order to try to get what we feel is our own way. This Township has voted to preserve farmland and she has voted to preserve farmland for the farmer's that want it preserved. It doesn't necessarily mean that by having a majority of the Township vote for farmland preservation that everybody feels every farm should be preserved. Mrs. Scull conveyed that as she has stated before, if a farmer wants their property preserved, that is their right. We had a farmer who wasn't sure if he wanted to preserve his property or if he wanted to wait and see if there was going to be a change on North Pemberton Road because he thought maybe he might like to develop his property. The farmer decided to go with farmland preservation and that's his right. The comments about making one land owner very rich is ridiculous because most of us know that land owner is already very rich. He's not sitting around waiting to get a buck or two off of his property in Pemberton; he's got enough money. Mrs. Stinney asked Mrs. Scull to continue. Mrs. Scull stated she doesn't want it to disrupt the taping as we know it does when people are talking in the audience. Mrs. Scull remarked that both parties ran at election time and campaigned to look at developing the part of the Township that is not in the Pinelands because we do need ratables and that was part of the campaign during the election three years ago and both parties took that stand. We need to look at developing on the north side of Pemberton. We're not going to an extreme there. People went out and gave fictitious information that we were just going to get rid of all of the farms on North Pemberton Road and make big malls and housing developments and that was never true and was never the intent but that's the word that some individuals put out in the community. Mrs. Scull informed she had people ask her about the petition and what we were trying to do with North Pemberton Road and when they heard what the real story was, they were a little taken aback because they had been given wrong information. In reference to the Abbott District, we have been on a gravy train for a lot of years and most of our residents don't appreciate it and don't realize it. There have been comments made about looking at other towns with a lot of ratables that have malls and that but their taxes are still outrageous. Mrs. Scull suggested thinking about what their taxes would be if they didn't have those ratables. Pemberton Township pays less than 10% of its school budget and there isn't another district other than maybe North Hanover in Burlington County in South Jersey that has that advantage. Mrs. Scull repeated less than 10%; \$10 million of a \$100+ million school budget. We are losing our Abbott status and funding has changed. We are only guaranteed money for the next school year; after that it is going to be based on the number of

students. Pemberton Township without ratables is going to find out what the real world is like out there. Mrs. Scull suggested looking at some of the school taxes in the surrounding communities and that's why she has support ratables in Pemberton Township. She doesn't particularly want housing and would much rather see an Aldi's, Red Lobster on Route 206 and North Pemberton Road and the majority of people in Pemberton Township would like to see that as well. They walked and did a lot of door knocking during the campaign and many of the residents shared that with them as well. Council does listen to what the residents say and they have listened to others in the last several years as well. Mrs. Scull said don't for one minute think that she doesn't take everything to heart as to what the residents are saying. She knows it was very difficult for Dot Green to stand up almost in tears because she loves this community. Mrs. Scull stated to Dot Green that she respects that and thanked her for sharing her thoughts. Mrs. Scull continued to not think she doesn't care what Dot Green feels because she doesn't agree with her on this issue. Even if the ordinance is passed tonight, that doesn't mean there is going to be senior citizen housing going up this year or next year. A developer would have to be found and maybe he'll change his mind and keep it a farm but that will be his decision and his property. We still have the majority of North Pemberton Road preserved and she doesn't want to see it all side walked and concrete either. We have to have a fair representation in our community and we need ratables and need Browns Mills fixed up. We've been working hard on doing that and one can see some improvement in some areas. It does take time and it doesn't happen overnight. Mrs. Scull continued that they've found that out or it all would have been fixed. The Browns Mills Shopping Center would have been fixed six or seven years ago with the previous Council had it been all that easy to do. Mrs. Scull thanked everyone for coming out. Mr. Prickett stated he is saddened to say that no matter how eloquent and creative and passionate the residents were tonight and were at every other meeting over the last three years regarding this master plan and the farmland development, he doesn't think anybody was listening. Mr. Prickett advised that he thinks he knows why and just wondered whose vision is this. It's supposed to be the vision of the residents and you are supposed to be relevant in this process. The master plan is supposed to come from the people; not from somewhere else. Mr. Prickett wrote his experience with this kind of behind the scenes and also at the meetings and read the following: "Tonight marks the end of a three year \$100,000 plan to promote high density housing on the Greenberg farm. Discussions about farmland development occurred in 2005 between Democrat candidates George Scott the campaign advisor and Rick Perr the Democrat county chairman during regular meetings held in the PTEA office on Lakehurst Road. George Scott who was also an employee of ARH and Rick Perr insisted that we need to develop our farmland for housing at these meetings. In Mr. Scott's campaign piece he wrote that the town needed to devise a plan for smart growth and that updating the master plan would reflect the needs and values of the community. At one of the campaign meetings, Rick Perr warned me to stay out of the master plan process that was about to begin. The community clearly responded to George Scott's plan for smart growth and their opposition to zoning changes and sewer extensions proposed for the Greenberg farm. Residents have frequently said and state statistics show that senior housing is abundant in New Jersey and high density housing results in increases in property taxes and water and sewage bills. Making these changes may be financially be a windfall to the Greenbergs but what will it cost the residents of our towns. Will seniors have to leave Pemberton Township because of tax increase and sewer increase, water increases? During the eight visioning meetings, Mr. Wisnosky told residents that the master plan would be their plan and represent what they wanted. At the district

six meeting over 40 residents clearly stated their opposition to the Greenberg farm high density housing plan and only one person spoke out for it and that was Dave Patriarca. At the other 7 meetings after hours of public comment, only one person suggested a housing development for North Pemberton Road. Mr. Wisnosky is a planner that works with Rick Ragan who planned the DR Horton senior development on Lakehurst Road as we also know. I commend the public who spent many hours at the meetings. The public took the time to come to the 8 visioning meetings and the 3 public hearings as well as signing a petition and participating in a survey but had been ignored by the Mayor and the Planning Board. Will the Council ignore the residents voices too? Why was Rick Perr and George Scott so interested in farmland development here in Pemberton Township during the campaign? Could Rick Perr's warning to me to stay out of the master plan process have anything to do with it? In August, Mr. Perr resigned as Democrat County Chair because of his connection with a new frontier pack which contributed money to a Hoboken Mayor accused in a corruption sweep. The pack received contributions from ARH, CME and others. Dean Buono, Pemberton's Prosecutor, was the Chairman of the new frontier committee. In 2008, the Pemberton Democrat Committee also received \$8,800 from ARH and \$7,000 from CME, a company that has no apparent ties to Pemberton Township. As Councilman, I serve to represent the people of the Township not the engineers, the lawyers, the planners or the political machine. I support the residents that want to maintain the quality of life in their neighborhoods just as I have supported the residents living in Country Lakes, Presidential Lakes and Browns Mills who want to maintain their beautiful lakes. I support the residents that want to keep beautiful productive farmland in their neighborhoods. Residents needs and values are not reflected in ordinance 31 as George Scott said they would be. Nor does the ordinance reflect what residents expressed during the visioning meetings as Mr. Wisnosky promised. What presents will Council give away this holiday season? Lucrative zoning changes to support high density housing on farmland or respect for the wishes of the residents in district six who want to maintain their quality of life". I wish everyone a happy holiday. The audience applauds. Mrs. Stinney conveyed that it saddens her that she has to look out to the residents some of them..... Mr. Prickett interrupts by stating liar, liar pants on fire to Mrs. Scull. Mr. Prickett asked Mrs. Scull whose pants are on fire. Mrs. Scull stated she didn't know what Mr. Prickett is talking about. Mr. Prickett announced to the public that they can if they want, OPRA this to see what Mrs. Scull just wrote. Mrs. Stinney announced that she asked for respect and when Mr. Prickett spoke she didn't say a word. Mr. Prickett apologized. Mrs. Stinney continued that it saddens her and this is the kind of stuff that went on for four years with people getting beat up and Council members walking and fighting at the Council meetings. It saddens her that she has to sit out and look at adults. Mrs. Stinney noted there are students and there was a young man present tonight and Council is supposed to give him respect and it saddens her to look out in the audience and see some residents making faces at her. We should be respecting one another and respecting the opinions of others. Everyone is entitled to that. Council is here to listen to the residents and she is not going to walk out of the meeting and say she is not going to listen to the residents. Mrs. Stinney conveyed that it saddens her to think that any Council member would sit on the dais and say you have three votes and it's a done deal already; that is sad. Mr. Inge stated it's true though. Mrs. Stinney stated to Mr. Inge that he is going to respect her while she finishes her comments and then he can. Mrs. Stinney reiterated that is the kind of stuff that she is talking about that has been going on for a long time. She respects her residents so she is going to continue.....Mr. Inge interrupted it's just like when Mrs. Stinney respected the resident that was up

speaking and she didn't like what he said so she interrupted him. Mrs. Stinney stated to Mr. Inge to go ahead. Mr. Inge continued that's just the way it is up here. It happens every meeting. If there is someone that says something that Mrs. Stinney doesn't like, she cuts them short. Other people can turn around and talk to the public as long as it's something that she wants to hear or the rest of the Council wants to hear or Administration wants to hear but if someone is saying something that is truthful or something like Mr. Prickett just stated earlier, you people have been sold out. That's the bottom line. The audience applauds. Mrs. Stinney expressed she hopes every student in the Township reads the minutes and sees how these adults act. She will finish and conclude because she is not going to argue or debate tonight. She respects her residents and whole-heartedly respects everything they have said tonight. Ms. Radice from the audience stated to Mrs. Stinney to then show support. Mrs. Stinney stated to her that she is out of order. Ms. Radice agreed that she is out of order. Mrs. Stinney confirmed she is and stated to her that she knows the rule. Ms. Radice responded that she does know the rule. Mrs. Stinney asked Council what they would like to do with ordinance number 31-2009. Mrs. Scull asked Mr. Bayer if he is sure this is just a.....Mr. Inge interjected and stated it doesn't matter and to let's just get this thing over with. Mrs. Scull commented that it will matter because charges will be filed in Trenton and we're going to have toMr. Inge interjected that it doesn't matter and she knows what Andy is going to say and he could have told her what he was going to say before.....Mrs. Scull keeps speaking and spend monies on attorneys for foolishness. Mr. Inge reiterated that she knows what he is going to say.....Mrs. Stinney interjected and shouted, "I said order in here tonight". Mr. Inge continued and stated to Mrs. Stinney that she can say what she wants to say but if she ever tries to intimidate somebody.....Mrs. Stinney interjected and referred to Mr. Inge as "young man" that she is not intimidating him and she demands order as a Chair. Mrs. Dwane is commenting from the audience but she is inaudible. Mrs. Stinney replied to Mrs. Dwane to talk to those other Council members when it's time. Mrs. Scull asked Mr. Bayer if it's okay. Someone else is commenting, but they are inaudible to which Mrs. Stinney replied no, we won't do this tonight. Mrs. Scull stated Mr. Bayer answered her question.

Motion by Scull and Cartier to adopt Ordinance No. 31-2009.

Mr. Bayer stated.....Mr. Cartier interrupted that he made his vote on the Planning Board so everyone knows where he stands and where he is going tonight so they knew his vote was coming out this way and to not even go there. Mrs. Stinney stated to Mr. Cartier that the attorney is speaking and to be respectful to the residents. Mr. Bayer continued there is one technical point which is the Planner had made the two recommendations to the changes and to include those changes in the motion which was for the record D1 to 134 acres and deleting the parcel adjacent to the airport hazard zone which was denoted earlier in the meeting by lot and block.

Motion by Scull and Cartier to adopt Ordinance No. 31-2009 with the addition of the deletion of the acres as reported earlier with the change in D1 down to 134 acres and with E7, the last sentence should read, "In addition said dumpster and recycling containers should be gated on the fourth side". Scull, yes; Cartier, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

Council President Stinney recessed the meeting for a short break at approximately 12:59 am and reconvened the meeting at 1:11 am.

a. **ORDINANCE NO. 27-2009 (title read by Mrs. Stinney)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON, BURLINGTON COUNTY AMENDING THE ZONING MAP FOR PEMBERTON TOWNSHIP CHAPTER 190 ARTICLE III OF THE MUNICIPAL LAND USE AND DEVELOPMENT CODE OF THE TOWNSHIP OF PEMBERTON

Mr. Ragan explained this ordinance amends the current zoning map to reflect the changes that were made this evening. Mr. Ragan displayed the map and added it displays the 16 acres that were testified to earlier this evening. Mr. Bayer commented that one parcel would have to be deleted. Mr. Ragan reminded that it was never included. Mrs. Stinney opened the meeting to public comments and read the title of Ordinance No. 27-2009 again. Those indicating a desire to be heard were: **George Petronis:** Asked if it is appropriate to ask three questions, receive those answers and then based on the answers made his comments. Mrs. Stinney agreed. Mr. Petronis asked if he understood correctly that the land area of Pemberton Township is 54 square miles. Someone answered 64 square miles. Mr. Petronis asked if the industrial zone is the PI or P1 zone. Mr. Ragan answered the MI zone. Mr. Petronis asked what can be done in the MI zone that cannot be done in the GCLI zone. Mr. Ragan replied manufacture. Mr. Petronis asked if warehousing can be done. Mr. Ragan responded that can be done in both. Mr. Petronis asked if the LI zone would allow light industrial applications like machine shops. Mr. Ragan replied yes. Mr. Petronis asked where he signs on the piece of paper that has been so heavily signed up on tonight. Mr. Petronis asked if the MI zone that is being eliminated is the only MI zone in town. Mr. Ragan replied yes and added it is already farmland preserved. Mr. Petronis commented that considering Pemberton Township is almost 50% larger than the entire nation of Lichtenstein, one thing that he has not heard in any of the visioning meetings is an economic vision for Pemberton Township. We are large enough that we should be looking at ourselves in certain respects as if we were in competition with the country surround us. A Township that is in economic competition with the Townships that surround us. Considering that the changes that are going on at the joint base and the possible additional demands for services both light industrial services and potentially some heavier support, is it really wise at this point to eliminate the possibility of some serious industrial development in this Township in support of the joint base which would be some serious ratables. Mr. Petronis disagreed with the idea of calling taxable properties ratables. Especially in businesses. When a business is called a ratable that is basically telling the business that it is essentially an alternate tax victim as opposed to the tax victims who are the homeowners. Mr. Petronis suggested businesses be viewed as an integral part of the community and not only for what they bring in the way of taxes but for what they utilize in the way of services for the local service people and what they provide in the way of jobs. Most of the economic development that we are looking for in this town is retail business and while they bring jobs, they bring low end economic jobs. There has been some talk about things like doctor's offices and that's all well and good but the fact of the matter is there are a lot of blue collar people living in this Township and light industrial and even heavy industrial are the best quality jobs that they could have. Mr. Petronis suggested not eliminating that possibility at this point. Mr. Ragan answered that the notion was the land that has frontage on Route 530 was in much better location to handle the kind of activity that he is suggesting rather than this parcel which again falls back in to the North Pemberton Road area and this area doesn't have highway access or any of

the things that would make it as attractive as (inaudible). Mr. Petronis stated he misunderstood and asked if there is an MI zone in the master plan. Mr. Ragan replied it is GCLI. Right now the only thing to make money in the community is the lighter industrial. He is not sure what the market is for heavy industrial because there has to be big water and big sewer and all kinds of things that have to go with heavy industrial development and they didn't feel that they had that capability in the current infrastructure. Mr. McCabe commented it is still be talked about. (Mr. McCabe is too far away from the microphone and is inaudible).

Theresa Lettman: Repeated what she stated early that open space pays and it's been proven time and time and time again that no town wins the ratables race. Ms. Lettman continued that farmland whether it be the Greenberg farm or the farm around 530 should never be changed to development. We should be trying to protect our farmland and the rural community.

Joe Marshall: The people that are aware of what is going on in the community have a general feeling that their feelings and ideas are not being reflected in the action of the Council, government or Planning Board. That's true and Council has the ability to make their decision on what they see and to make it stick. Council has that for most of the year but the people that feel powerless derive their power from the vote and Council doesn't have to do what they want to do and might have to convince them that what they are doing is for their benefit. Relative to this issue, what he has seen and it may be biased, but Council has not convinced the people that this is what they want to do. Council has convinced the people that they are going to do it no matter what the people want to do. At some point, these powerless people get the power and it's that point that Council wants to see that they get all the stuff they wanted to do done by that time. Because if the people still feel that Council is not working for them, Council will not be there. That was something that the previous Administrations did not recognize and it was something that was pointed out when one of the Administration can in on the back of saving farmland and open space, restricting development and then with the internal influences and powers after four years the next Administration became developer promoters and that's what they saw. That doesn't mean somebody is right and somebody is wrong. Mr. Marshall would be sure that out in the field the people that know what is going on don't feel that Council is recognizing what their needs and wants are. They perceive that Council is doing what Council wants to do. Mr. Marshall joked that the procedures should be that Council votes first and then has the discussion because people would realize what is going on and then leave. Because the feeling is no matter what they say it won't influence the vote. That would cut all of the meetings very short; have the votes, then the discussion and then people like him that like to hear themselves talk would come in at the discussion. Mr. Marshall stated unless Council can convince people to change and buy more police cars or open up a new park and unless Council can convince people between now and November that what they are doing is what the people want and to their benefit then somebody is going to suffer for that.

Eric Houwen: Does not understand how this is different from the last ordinance that was just heard. This is a map of basically verifying the ordinance that was just discussed. Mr. Bayer replied all of them and not just the one. Mr. Houwen asked why it wasn't together and then stated because the last ordinance was really for the north end of the town. Mr. Ragan is speaking but he is too far from the microphone. Mr. Houwen stated he still disagrees with the active senior housing overlay district. He thought the people had been heard and the people had a voice and that this was a government that represented the people but apparently he was wrong. There being no additional members of the public indicating a desire to be heard, Mrs. Stinney closed the meeting to public comments. Mr. Cartier did not have any comments.

Mr. Inge stated to the planner that he liked what they did for the down town area, for Browns Mills but disapproves the Greenberg part of it. For the down town area if we can get some of those ideas and some of that work done, it will help the Township out. Mr. Inge informed he looked at some of the projects that the planner did in Wrightstown and they did a great job for them. Mr. Inge expressed that he would have liked Council to have listened to the residents and it was the residents that we should have listened to. Mr. Inge did not want the planner leaving the meeting tonight thinking that everything he presented wasn't appreciated because there were things in there and he doesn't believe the planner worked hard on the down town concept. If there is anyway that could get done it would be a great asset to the Township especially with the base and if we can get that other gate open. Administration should have been working on getting that gate open for the last three years because after 6:00 in the evening all of the housing development that is there and there is no way they will go to the other gate to come to the downtown area in Browns Mills for shopping and eating and that is something that should be addressed. Mr. Inge expressed appreciation to the planner for the effort he put in to the downtown Browns Mills area. Mrs. Scull also expressed appreciation for the hard work the planner did and is hoping we see great improvement in Browns Mills. She has looked at many of the areas that the planner worked in before such as Wrightstown, Camden County and Hainesport. Mrs. Scull is hopeful that this plan will benefit our community in the long run. Mr. Prickett addressed 13, the active senior housing cluster overlay district by reading the following:

We, the undersigned, are opposed to changing the zoning of the Greenberg Farm located on North Pemberton Road from 1 house per 6 acres, to zoning that requires extending the sewer service area and or increases the number of houses that can currently be built on this prime and productive farmland.

Nicole and Chris Zimmer 25 Columbus Ave

Terri Mellon 16 Chicory St

Mark and Joan Myers 94 Jarvis St

Jim Todd 25 Ridge Rd

Bonnie Burrell 103 Oregon Tr

Laurie Willitts 218 Juniper Ave

Helen Gemingnani 30A Crescent Dr

Regina and Raymond Jones 200 North Pemberton Rd

Vincent Spivey 306 Clan Street

Debbie Jackson 53 Finch St

Gilberto Rodriquez 445 Batberry St

Waltha Peterson 139 Oak Pines Blvd

Lisa Grimes 231 Cherokee St

Matt Wilson 25 Arneys Mt Rd

Irene Liston 101 Florida Trail

Terry Toland 12 Cedar Drive

Jane Longley 503 W. Virginia Trail

Kathryn Norcross 123 Jane St

Gloria Archambauh 311 California Trail

Jane Yerkes 23 Vincentown Rd

John and Virginia Emmons 111 Fort Dix Rd

Beatrice Black 22 Chandler St

Fran Phillips 22 Almond Ave

Carrie and Pat Boyle 214 Pemberton Blvd

Harry Fisher 151 N Pemberton Road

Jennifer Web 9 Pointville Road

Ruth Jones 252 University Ave
Delores Edghill 455 Temple Ave
Jay Hussman 32 Arneys Mt Rd
Leslie Churchman 77 Arneys Mt Road
Hazel Brenell 3 Sheldon Rd
Jessie Warren 438 Cornell Ave
Norma Trueblood 123 Clubhouse Rd
Patricia Lynch 2103 E Lakeshore Dr
Matt Gilbert 7C Lawrence Dr
Claudia & Jennifer Storicks 123 Kinsley Rd
Nicole Powell 317 Seminole Trail
Carly Reed 439 Temple Ave
John Clark 34 Fort Dix Rd
Karen Fernandez 14 Pointville Rd
Gregory Web 250 Princeton Ave
Sharron and Wayne Roth 18 Arneys Mt Rd
Elena Madsen 210 Haddon Rd
Frank and Jessee Butler 9 North Pemberton Rd
Cam Pellitier 10 N Pemberton Rd
Robert & Linda Haven 6 N Pemberton Road
Ellen Vargas 12 Pointville Road
William Stewart 18 Pointville Road
Nicole & Errol Cady 30 Brandywine Rd
Thomas and Lesta McGorry 3 Winesap Lane
Damon Harper 1 Spring Terrace
Edward Wells 47 Brandywine Rd
Toby and Dorothy Green 15 Arneys Mt Rd
Paul Gandee 19 Sheldon Rd
Geraldine Jones 451 Temple Ave
Marjarie Purnell 246 Villanova Ave
James and Nancy Howard 235 University Ave
Jessie Warren 438 Cornell Ave
Michael Lup 85 Arney Mt Rd
Chris and Adia Speer Arneys Mt Rd
Leslie Loveland 23 Kennedy Lane
Bill Pszenny 67 Brandywine Ln
Kaiya Clemmons 215 University Ave
Leighton and Jennifer Bryan 29 Arneys Mt Rd
Ron and Kathy Cook 23 Arneys Mt Rd
Michael Muscella 22 Arneys Mt Rd
Mary Ellen McKena 5 Inian Run Tr
Sherry Jankowsky 68 Brandywine Rd
Ilene WoSock 8 Sheldon Rd
Tommy and Lauren Wilkins 10 Brandywine Rd
Lynda Favour 3 Dogwood Circle
Martha and James Marsch 1 High Ridge Rd
Sharyn Crawley 12 Shady Lane
Lesta McGorry 3Winesap lane
George Tetten 558 Larch Ave
Pat Boyle 214 Pemberton Blvd

Mr. Prickett stated these are some of the names that are on the petition and thanked Council President Stinney for letting him read them in to the record.

Motion by Cartier and Scull to adopt Ordinance No. 27-2009. Cartier, yes; Scull, yes; Inge, no; Prickett, no; Stinney, yes. Motion carried.

GENERAL PUBLIC COMMENTS:

Mrs. Stinney opened the meeting to general public comments. Those indicating a desire to be heard were: **Barbara Rich:** Disappointed in the fact that there are a few questions that she had asked earlier and knows it has been a lengthy evening but they were not answered. One is was there case law that does permit a family member from moving in to a senior unit once that senior has passed. The other question was the wording in the document that states theologically stable site. That was not responded to because that in turn probably deals with the types of soils and what can be put on the land. Ms. Rich expressed disappointment that there hasn't been serious consideration of a realistic potential for the Greenberg farm as to what can and can't be developed there. Ms. Rich stated Council is dealing with unintended consequences in the agreement of change. **Bob Pelletier:** Lived in the Township for over 30 years and has a pretty good idea of what does and doesn't go in town. He has seen a lot of areas that need to be addressed. For many years he has traveled from one end of town to the other to go to work. Over the course of these years he has spoken to the business people, preferably the mom and pops and small entrepreneurs. They are having a very difficult time. It's a shame that this happens here because the people he talks to he has found very few people in favor of this. What troubles him is tonight he knew what was going to happen, he made a few comments but he knew it was a foregone conclusion and that Mr. Prickett and Mr. Inge would come out against it and that's the right way to go. He was hoping to see some independents from the other three Council members but it didn't happen tonight. It can happen and it did when there was a thing having to do with the Police Chief and there was a rare defection and he appreciated their votes for that. Mr. Pelletier stated we need more of that and we don't need a lock on everything and it's not good politics. He has come to realize that even at the national level, the politicians in both houses of congress are no longer afraid of the voters and he hopes that hasn't caught on down here at the local level because it has at the state level in Trenton. The last of democracy here is at the local level and he calls it the local level and not label it as democrat or republican because he can't stand either party because they both left him. He is uncommitted and does vote some democrat and he does vote republican and he always has a hassle changing his status with the county. Mr. Pelletier states a lot of people share that and he doesn't think some of Council will run for re-election; they don't care and they have their agenda and will do that and get it done and then there will be new people that come in. That is very unfortunate. Talking about downtown Browns Mills, beginning with the Kay Administration when the owner bought the property in 1989 at the apex of real estate prices then it just crashed. We have been dealing with this person for years but it appears he has always had the leash around Council jerking the chain and has never really done anything and this is for 20 years. Here it is 2009 and he doesn't see much happening with this Administration. Mr. Pelletier has seen the owner in action many years ago and the owner's english appears to be limited but one day when he was getting a haircut in the Acme shopping center, he heard the owner talking the queen's English and he was surprised. Mr. Pelletier stated the owner is a real cat and Council has to be able to deal with it and to clean up that area and focus on that but no they want to go out and mess with the farmland. Maybe do that in 100 years from now but not now. In 100 years there will be substantial less people in the country and in fact there are may people today; there is a concept of destroying part of the town

because it can't be maintained and you bulldoze it down. Mr. Pelletier reminded that he brought it up a few meetings ago. Mr. Pelletier stated tonight was similar to watching sausage being made. There was a famous German Kaiser that made that statement when he came to this country and saw the law making process and equated it to sausage making in Germany. Not something you would want to see but it's ugly and you have to deal with it. **Ray Wells:** Here as the liaison to the Township school. We are not and it does not exist in this state Abbott districts. It was heard at the supreme court and dissolved and it doesn't exist. Mrs. Stinney agreed. The funding for the Abbott district was guaranteed to stay level for three years. We are in the middle of the second year and have one year left and then we're not sure. If the worse case scenario happens, it would be \$30 million the Township would have to come up with or there would be massive changing at what is done at the school. The schools would be closing buildings and laying a lot of people off because 75% of the budget goes for salaries. Hard facts to live with and he doesn't know what is going to happen. Mr. Wells brought to Council's attention that under the current circumstances we are not really sure that we will be guaranteed our current level because our state is in bad shape. The past year what was received was from the federal shared fund and next year it may not be available; there may not be a payout package. The third year guarantee we might not get. Mr. Wells commented on an earlier remark of the field of weeds where the school is being built. The field of weeds held the school up for three years for bird called the piping clover of which he has never seen. They had to hire an outside organization recently to mow that at a certain level because the state requires it. That will remain a field of weeds as long as the state is interested in preserving the piping clover's ground where it can eat and that's the food apparently that the bird likes. Mrs. Stinney asked Mr. Wells to speak to him. Mr. Wells stated it was a sad event in the town where a young man was killed. The entire story is not known yet but he attended a meeting at the school where an outside was hired to come in and talk to the children, their families and the students. The person hired came from California and has worked extensively in the areas where there have been shootings and murders in high schools. The one that she did the most work for was in Pennsylvania in the Amish area and continues to go there and study it and has written a book about it. Mr. Wells noted what came out of that evening is that young man died on his morals and principles because he refused to fight and so we can take a positive lesson from that. At that same meeting his older sister and brother spoke. The older brother sort of let out and in the end he wanted to honor his brother because he helped him get through some tough areas in life. That young man that died didn't die in total vain because of the message he left for all of our students to learn. The school board put out approximately \$4,500 to bring the person in who did a fabulous job. She met with both teachers and students and some positive things came out of it and an on-going message that started that night to make sure it doesn't end. Mr. Wells is proud that this woman was brought in. **Eric Houwen:** Stated he is saddened like Mrs. Stinney that a lot of emotions played out tonight in the wrong way. A lot of people did not act responsibly. He spoke while in the audience discussing what was being talked about at the microphone perhaps messing up what the public record is going to be. Mr. Houwen stated people in all corners of the room acted irresponsibly but a lot of good things were said too. Mr. Houwen is saddened that it had to come to this that the people that were elected that he voted for will not happen again. Mrs. Stinney commented that is his prerogative and she does respect the prerogative to choose the way they select to vote. That is one thing that she stands for; you are entitled to your vote. Mrs. Stinney stated to Mr. Houwen that we as people should respect one another's opinion and we don't have to always like it. Mrs. Stinney

referred to Mr. Wells speaking of the young man who wasn't respected because he didn't want to punch back and because of that someone died. They didn't respect it at all; intimidated, intimidated, intimidated and that's the kind of world that we're living in. It's sad that we send that kind of message. We should be trying to make the peace and if we don't agree, it's okay and fine. **Joe Marshall:** The mention was made of the problem with the (inaudible) and the school location and the extra expenses and difficulties it caused. Early in the game there was some questions raised as to why the school wasn't located in property that was already owned by the Township that would be located closer to where the children would be operating so there wouldn't be the need for a lot of busing and not bringing people from far areas and spending a lot of time collecting them to get to the school in the rural area of the Township. The decision was made to locate there and possibly if it was looked in to in more detail and it was found out before the construction and before the expenses that there was an environmental problem out there that one of the other locations could have been more better suited and more economical with the expenditure of funds. There is some parallel there with the farm property being talked about and the question of environmental and other costs associated with that and maybe it means that more attention should be paid to other areas of the Township which are closer to where people live where there aren't known environmental problems and there can be a more efficient use of the infrastructure and resources and be closer to where the people that are going to use these facilities if they are facilities that residents are going to use and not outside. There is some parallel that maybe some consideration of what Council is thinking about doing in all of the aspects if looking at that in detail before jumping, might be saving some time and money and be a more efficient operation. There being no additional members of the public wishing to comment, Mrs. Stinney closed the meeting to public comments.

SOLICITOR'S REPORT:

Mr. Andy Bayer: Nothing to report.

ENGINEER'S REPORT:

Mr. David Cella: Nothing to report.

MAYOR'S REPORT:

Mayor David Patriarca: Nothing to report.

COUNCIL MEMBERS' COMMENTS:

Ken Cartier: 1. Wished everyone a safe trip home.

Tom Inge: 1. Thanked everyone for coming tonight. Wished everyone a nice a safe holiday. Will see everyone next year.

Sherry Scull: 1. Wished everyone a happy holiday.

Rick Prickett: 1. Wished everyone a happy holiday and a healthy new year. **2.** Guesses the audience hears it the same way he does at the dais that people coming

up to the microphone and having comment come up with the most interesting perspectives whether he agrees with them or not but the way people look at things and the enthusiasm they have in expressing their thoughts is one of the most rewarding things about sitting on the dais and listening to the residents of the town and he is thankful for that. **2.** Asked everyone to drive carefully going home and if they see him on the side of the road, his gas light is blinking and empty and asked to please stop and pick him up.

Diane Stinney: **1.** Wished everyone a safe trip home. Thanked everyone for staying and for their comments. Wished everyone a Merry, Merry Christmas.

The meeting was adjourned at approximately 1:56 am.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk

Mayor's Proclamation:

WHEREAS, On Saturday, December 5, 2009, Jack Boldizar, Jerry Bowser, Bobby Bush, Richard Clayton, Walt Earlin, Louis Emmons, Sr., Joe Fort, Frank Foulks, Edwin Harvey, Joe Kline, Hanns Rottau, John Southard, Mike Tamn, and Joseph Zlinsky, recognized as esteemed members of this community, will be honored as Grand Marshals of the 2009 Pemberton Township Winter Parade; and,

WHEREAS, this prestigious accolade recognizes, the individuals named herein, acknowledges their exemplary history of service, leadership, and achievements; and,

WHEREAS, the above named, being distinguished as having served Pemberton Township for over 25 years as Emergency Services Personnel; and,

WHEREAS, the above named, served as persons in command of their respective emergency units, are recognized for integral roles in making Pemberton Township a safer place to live for its community members; and,

THEREFORE, BE IT RESOLVED, by the Office of the Mayor of Pemberton Township, New Jersey, that this legislature hereby honors Jack Boldizar, Jerry Bowser, Bobby Bush, Richard Clayton, Walt Earlin, Louis Emmons, Sr., Joe Fort, Frank Foulks, Edwin Harvey, Joe Kline, Hanns Rottau, John Southard, Mike Tamn, and Joseph Zlinsky, commends their distinguished records of service, leadership, and commitment, and salutes them as highly deserving honorees at the 2009 Pemberton Township Winter Parade.