

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JANUARY 20, 2010

6:30 P.M.

1. Council President Scull 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

Tom Inge
Richard Prickett
Diane Stinney
Sherry Scull
Ken Cartier (arrived at 6:45 pm)

ABSENT

Also present: Mayor David Patriarca, Business Administrator Chris Vaz, Township Solicitor Andy Bayer, Township Engineer Chris Rehmann, Township Clerk Mary Ann Finlay

2. Council President Scull called the meeting to order at 6:30 p.m.
3. Closed Session Res. No. 39-2010

RESOLUTION NO. 39-2010

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:
-PBA CONTRACT NEGOTIATIONS
-CONTRACT NEGOTIATIONS FOR MARKETING AND BRANDING CONSULTANT
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Motion by Prickett and Stinney to approve Resolution No. 39-2010.
Prickett, yes; Stinney, yes; Inge, yes; Scull, yes. Motion carried.

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

Mrs. Scull recessed the meeting at approximately 6:34 pm for Council to go in to Closed Session and reconvened the meeting at approximately 7:01 pm.

5. Formal action as necessary pursuant to Closed Session.
6. Public comments on consent agenda items only.

Council President Scull opened the meeting to public comments on consent agenda items only. There being no members of the public indicating a desire to be heard, Mrs. Scull closed the meeting for public comments.

- *7. **Consent Agenda: All items listed with an asterisk (*) are considered to be routine by the Township Council and will be enacted by one motion. Should a Council Member wish to discuss a consent agenda item separately, that item can be removed from the consent agenda and considered in its normal sequence on the regular agenda.**

***8. MINUTES FILED BY MUNICIPAL CLERK**

***a.** Special Meeting, December 30, 2009; Reorganization Meeting, January 6, 2010; Regular Meeting, January 6, 2010.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 20-2010

APPOINTMENT OF THIRD PARTY INSURANCE ADMINISTRATOR FOR WORKERS COMPENSATION AND LIABILITY CLAIMS. WHEREAS, THE TOWNSHIP JOINED THE NEW JERSEY MUNICIPAL SELF INSURER'S JOINT INSURANCE FUND ON SEPTEMBER 23, 1992 IN AN EFFORT TO PROVIDE THE TAXPAYERS OF THE TOWNSHIP OF PEMBERTON WITH IMPROVED INSURANCE COVERAGE AT A LOWER COST; AND WHEREAS, PURSUANT TO THE PROGRAM, THE TOWNSHIP IS RESPONSIBLE FOR PROCESSING CERTAIN LIABILITY AND WORKERS COMPENSATION CLAIMS; AND WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, SPECIFICALLY N.J.S.A. 40A:11-5(A) (I) (II) (M), EXEMPTS AWARDS OF CONTRACTS FOR INSURANCE COVERAGE PROTECTION CONSULTANT SERVICES FROM THE COMPETITIVE BIDDING PROCESS; AND WHEREAS, THE MAYOR HAS CERTIFIED TO THE TOWNSHIP COUNCIL A DESCRIPTION OF THE NATURE OF THE WORK TO BE DONE, AN EXPLANATION THAT IT IS NOT REASONABLY POSSIBLE TO DRAFT SPECIFICATIONS FOR SAME, A DESCRIPTION AS TO WHY THE CONTRACT MEETS THE PROVISIONS OF THE LOCAL PUBLIC CONTRACTS LAW, AND THE REGULATIONS PROMULGATED PURSUANT THERETO AS AN EXTRAORDINARY UNSPECIFIABLE SERVICE; AND WHEREAS, THE PROPOSED SERVICES TO BE PROVIDED BY INSERVCO WILL BE BASED UPON THEIR CLAIM FEE SCHEDULE; AND WHEREAS, THE TOWNSHIP'S CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO PAY FOR THESE SERVICES. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT INSERVCO BE AND IS HEREBY APPOINTED TO SERVE AS THIRD PARTY INSURANCE ADMINISTRATOR FOR WORKERS COMPENSATION LIABILITY CLAIMS.

RESOLUTION NO. 40-2010

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:
JOSEPH HASSAB, \$245.00, PAYMENT MADE BY OUTSIDE LIEN HOLDER IN ERROR FOR SOLID WASTE, BLK 825, LOT 9

RESOLUTION NO. 41-2010

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
TO BE DETERMINED INTEREST ON ACCOUNT	1233	WAWA	WAWA, INC. - PEMBERTON 786.01/15	786.01/15

RESOLUTION NO. 42-2010

WHEREAS, THE COUNTY OF BURLINGTON HAS AWARDED GRANT FUNDS IN THE AMOUNT OF \$21,500 TO PEMBERTON TOWNSHIP FOR ITS MUNICIPAL ALLIANCE COMMITTEE; AND WHEREAS, IN ORDER TO COMPLY WITH GRANT REQUIREMENTS THE TOWNSHIP MUST SIGN AN AGREEMENT WITH THE COUNTY WHICH REQUIRES VARIOUS PROGRAM AND FINANCIAL CONTROL AND REPORTS TO BE ESTABLISHED; AND WHEREAS, IT IS FURTHER REQUIRED THAT THE TOWNSHIP PROVIDE A TWENTY-FIVE PERCENT CASH MATCH TO THIS GRANT, WHICH MATCH HAS BEEN APPROPRIATED IN THE 2010 MUNICIPAL BUDGET, AND A SEVENTY-FIVE PERCENT MATCH IN KIND; AND WHEREAS, THE TOWNSHIP IS IN SUPPORT OF THE EFFORTS OF THE MUNICIPAL ALLIANCE TO PROVIDE CONSTRUCTIVE ALTERNATIVES AND ACTIVITIES FOR THE YOUTH OF PEMBERTON TOWNSHIP; NOW, THEREFORE BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE ATTACHED AGREEMENT WITH THE COUNTY OF BURLINGTON.

RESOLUTION NO. 43-2010

WHEREAS, THE PROPERTY OWNERS ON THE ATTACHED SCHEDULES A THROUGH S WERE IN VIOLATION OF CHAPTER 145 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR PROPERTY MAINTENANCE; AND WHEREAS, THE TOWNSHIP OF PEMBERTON, AFTER SERVING THE REQUIRED NOTICES, AND HAVING RECEIVED NO RESPONSE, PROCEEDED WITH THE NECESSARY ACTION THROUGH THE CODE ENFORCEMENT OFFICE TO ABATE THE VIOLATIONS; AND WHEREAS, THE CODE ENFORCEMENT OFFICIAL HAS CERTIFIED THE COSTS OF THE AFOREMENTIONED ACTION AS SET FORTH IN THE ATTACHED SCHEDULES A THROUGH S; NOW, THEREFORE BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TAX COLLECTOR IS HEREBY AUTHORIZED AND DIRECTED TO IMPOSE A LIEN UPON THE PROPERTY(S) SET FORTH IN THE ATTACHED SCHEDULES AA AND BB.

RESOLUTION NO. 44-2010

RESOLUTION GRANTING REQUEST FROM ST. ANN'S CHURCH FOR PERMISSION TO USE ADJOINING PROPERTY FOR THE CHURCH ANNUAL CARNIVAL AND REQUEST FOR BURLINGTON COUNTY FOR DETERMINATION TO COSPONSOR ST. ANN'S ANNUAL CARNIVAL AND TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT FOR THE GRANTING OF PERMISSION BY BURLINGTON COUNTY FOR THE CHURCH'S USE OF THE SAID PROPERTY WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM PEMBERTON TOWNSHIP TO USE THE PROPERTY LOCATED NEXT TO THE MUNICIPAL BUILDING FOR ITS ANNUAL CARNIVAL IN 2010; AND WHEREAS, THE PROPERTY WHICH THE CHURCH REQUESTED FOR THAT USE IS PARTIALLY OWNED BY BURLINGTON COUNTY ALONG WITH PEMBERTON TOWNSHIP; AND WHEREAS, ST. ANN'S CHURCH REQUESTED PERMISSION FROM BURLINGTON COUNTY TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND THE PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR ITS ANNUAL PARISH CARNIVAL IN THE 2010 CALENDAR; AND WHEREAS, BURLINGTON COUNTY AGREED TO ALLOW THE CHURCH TO HOLD THE CARNIVAL ON THAT PROPERTY SUBJECT TO PEMBERTON TOWNSHIP AGREEING TO CO-SPONSOR THE EVENT AND TO ENTER INTO AN INTERLOCAL SERVICES AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH; AND

WHEREAS, ST. ANN'S CHURCH HAD AGREED TO FOLLOW ANY REQUIREMENTS THAT PEMBERTON TOWNSHIP MAY HAVE FOR THE APPROVAL OF THIS REQUEST; AND
WHEREAS, IT APPEARS THAT THE CHURCH HAS AGREED TO MAINTAIN CERTAIN INSURANCE COVERAGE AS OUTLINED IN THE STANDARD BURLINGTON COUNTY USE AGREEMENT; AND
WHEREAS, IT IS NECESSARY THAT THE CHURCH ALSO PROVIDE THAT INSURANCE COVERAGE FOR PEMBERTON TOWNSHIP BE NAMED AS AN ADDITIONAL INSURED ON THAT POLICY OF COVERAGE; AND
WHEREAS, IT IS NECESSARY FOR AUTHORIZATION TO BE PROVIDED TO THE MAYOR AND CLERK TO SIGN THE INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT IN A FINAL FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WITH THE ADDITIONAL PROVISION SET FORTH ABOVE NAMING PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED ON THE INSURANCE COVERAGE TO BE PROVIDED BY ST. ANN'S CHURCH.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THE PEMBERTON TOWNSHIP COUNCIL HEREBY GRANTS THE REQUEST OF ST. ANN'S CHURCH FOR PERMISSION TO USE THE AREA OF LAND BETWEEN BUTTONWOOD HOSPITAL AND PEMBERTON TOWNSHIP MUNICIPAL BUILDING FOR THEIR ANNUAL CARNIVAL AND THE REQUEST OF PERMISSION IS SUBJECT TO THE REVIEW AND APPROVAL OF AN INTERLOCAL SERVICES AGREEMENT/BURLINGTON COUNTY USE AGREEMENT AMONG BURLINGTON COUNTY, PEMBERTON TOWNSHIP AND ST. ANN'S CHURCH IN A FORM TO BE REVIEWED AND APPROVED BY THE TOWNSHIP SOLICITOR WHICH SHALL CONTAIN A PROVISION WHEREIN ST. ANN'S WILL MAINTAIN INSURANCE COVERAGE TO BE OUTLINED IN SAID AGREEMENT WITH PEMBERTON TOWNSHIP AS AN ADDITIONAL NAMED INSURED.

RESOLUTION NO. 45-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 645 LOT 3, 67 SEPULGA DR. OWNED BY DAVID & LINDA BURMASTER QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF DECEMBER 2, 2009; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 645 LOT 3 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO DECEMBER 2, 2009, 2009 ARE \$4,256.74; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 645 LOT 3 IN THE AMOUNT OF \$4,623.34 FOR THE YEAR 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF TAXES FROM DECEMBER 2, 2009 TO DECEMBER 31, 2009 IN THE AMOUNT OF \$366.60 ON THE PROPERTY, AND ISSUE A REFUND TO HOMEOWNER

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF DECEMBER 2, 2009.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 645 LOT 3 AS OF DECEMBER 2, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES IN THE AMOUNT OF \$366.60 AND ISSUE A REFUND TO: DAVID & LINDA BURMASTER, 67 SEPULGA DR., BROWNS MILLS, NJ 08015
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 46-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1094 LOT 19, 236 UNIVERSITY AVE. OWNED BY GARDY PAYTON QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF NOVEMBER 24, 2009; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1094 LOT 19 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO NOVEMBER 24, 2009, 2009 ARE \$2,469.60; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1094 LOT 19 IN THE AMOUNT OF \$2,737.11 FOR THE YEAR 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF TAXES FROM NOVEMBER 24, 2009 TO DECEMBER 31, 2009 IN THE AMOUNT OF \$267.51 ON THE PROPERTY, AND ISSUE A REFUND TO HOMEOWNER

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF NOVEMBER 24, 2009.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1094 LOT 19 AS OF NOVEMBER 24, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES IN THE AMOUNT OF \$267.51 AND ISSUE A REFUND TO: GARDY W. PAYTON, 236 UNIVERSITY AVE, PEMBERTON, NJ 08068
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 47-2010

RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF PROPERTY TAXES ON PROPERTY QUALIFYING FOR A WIDOW VETERANS' PROPERTY TAX EXEMPTION

WHEREAS, N.J.S.A. 54:4-3.30 PROVIDES FOR AN EXEMPTION FROM TAXES ON CERTAIN PROPERTY OWNED BY A TOTALLY DISABLED VETERAN; AND

WHEREAS, IT HAS BEEN DETERMINED BY THE TAX ASSESSOR THAT PROPERTY KNOWN AS BLOCK 1101 LOT 6, 241 COLLEGE DR. OWNED BY GLAYDS W. YARBROUGH QUALIFIES FOR A WIDOW OF AVETERANS' PROPERTY TAX EXEMPTION AS OF DECEMBER 11, 2009; AND

WHEREAS, THE DETERMINATION BY THE TAX ASSESSOR IS THE RESULT OF AN ASSIGNMENT OF A ONE HUNDRED PERCENT PERMANENT AND TOTAL WARTIME SERVICE CONNECTED DISABILITY EVALUATION FROM THE VETERANS ADMINISTRATION; AND

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL PROPERTY TAXES ON BLOCK 1101 LOT 6 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2009 TO DECEMBER 11, 2009, 2009 ARE \$2,976.10; AND

WHEREAS, TAXES HAVE BEEN PAID ON BLOCK 1101 LOT 6 IN THE AMOUNT OF \$3,150.82 FOR THE YEAR 2009, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL BALANCE OF TAXES FROM DECEMBER 11, 2009 TO DECEMBER 31, 2009 IN THE AMOUNT OF \$174.72 ON THE PROPERTY, AND ISSUE A REFUND TO HOMEOWNER

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF DECEMBER 11, 2009.

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

1. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2009 PROPERTY TAXES ON BLOCK 1101 LOT 6 AS OF DECEMBER 11, 2009, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A WIDOW OF A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
2. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES IN THE AMOUNT OF \$174.72 AND ISSUE A REFUND TO: GLADYS W. YARBROUGH, 241 COLLEGE DR., PEMBERTON, NJ 08068
3. THAT A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE TAX COLLECTOR, TAX ASSESSOR AND CHIEF FINANCIAL OFFICER OF THE TOWNSHIP OF PEMBERTON AND THE BURLINGTON COUNTY BOARD OF TAXATION.

RESOLUTION NO. 49-2010

A RESOLUTION OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE SALE OF A SURPLUS FIRETRUCK

TO THE CUMBERLAND COUNTY FIRE ACADEMY

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT A 1977 RD MURRAY PUMPER (VIN #1P3F112C8PA093004) THAT WAS FORMERLY USED BY THE BROWNS MILLS VOL. FIRE COMPANY IS NO LONGER NEEDED FOR PUBLIC USE; AND

WHEREAS, THE TOWNSHIP ATTEMPTED TO SELL THE VEHICLE ON TWO OCCASIONS USING AN APPROVED ONLINE AUCTION METHOD, BUT ON BOTH OCCASIONS THE MINIMUM ADVERTISED BID WAS NOT SATISFIED; AND

WHEREAS, ON JANUARY 11, 2010, THE TOWNSHIP RECEIVED A WRITTEN OFFER FOR THE VEHICLE FROM THE CUMBERLAND COUNTY FIRE ACADEMY IN THE AMOUNT OF \$4,000; AND

WHEREAS, IN ACCORDANCE WITH N.J.S.A. 40A:11-36(2), THE TOWNSHIP MAY SELL PERSONAL PROPERTY THAT IS NOT NEEDED FOR PUBLIC USE AT A PRIVATE SALE, RATHER THAN AT PUBLIC AUCTION OR THROUGH SEALED BID, IN THE CASE OF A SALE TO ANOTHER CONTRACTING UNIT, INCLUDING A COUNTY GOVERNMENTAL UNIT.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE PEMBERTON TOWNSHIP VOLUNTEER FIRE DEPARTMENT IS HEREBY AUTHORIZED TO SELL THE ABOVE-MENTIONED SURPLUS FIRE TRUCK TO THE COUNTY OF CUMBERLAND BY WAY OF PRIVATE SALE FOR THE SUM OF \$4,000; AND

BE IT FURTHER RESOLVED, THAT THE SURPLUS PROPERTY SHALL BE SOLD "AS IS" WITHOUT EXPRESS OR IMPLIED WARRANTIES; AND

BE IT FURTHER RESOLVED, THAT THE MAYOR IS AUTHORIZED TO SIGN AND THE TOWNSHIP CLERK IS AUTHORIZED TO WITNESS ANY AND ALL DOCUMENTS NECESSARY TO COMPLETE THIS TRANSACTION; AND

BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THE WITHIN RESOLUTION BE FORWARDED BY THE TOWNSHIP CLERK TO THE FOLLOWING:

1. BUSINESS ADMINISTRATOR
2. FIRE CHIEF
3. CHIEF FINANCIAL OFFICER
4. CUMBERLAND COUNTY FIRE ACADEMY

RESOLUTION NO. 50-2010

AUTHORIZE EXECUTION OF 2010 MUNICIPAL SOLID WASTE SERVICE CONTRACT BETWEEN THE COUNTY OF BURLINGTON AND THE TOWNSHIP OF PEMBERTON

WHEREAS, IN ACCORDANCE WITH THE PROVISIONS OF THE SOLID WASTE MANAGEMENT ACT, N.J.S.A. 13:1E-1, ET SEQ., THE COUNTY HAS DEVELOPED, IMPLEMENTED AND FINANCED A SOLID WASTE MANAGEMENT SYSTEM (THE "SOLID WASTE SYSTEM") TO PROVIDE FOR THE PROCESSING AND DISPOSAL OF, AT A MINIMUM, ALL SOLID WASTE GENERATED WITHIN THE GEOGRAPHIC BOUNDARIES OF THE COUNTY, PURSUANT TO THE BURLINGTON COUNTY DISTRICT SOLID WASTE MANAGEMENT PLAN (THE "PLAN"); AND

WHEREAS, THE COUNTY HAS DETERMINED TO PROVIDE FOR THE USE BY THE TOWNSHIP OF PEMBERTON, AT A GUARANTEED COST, ITS SOLID WASTE SYSTEM THROUGH THE DISPOSAL OR PROCESSING OF SOLID WASTE, RECYCLABLES AND HOUSEHOLD AND SMALL QUANTITY GENERATOR HAZARDOUS WASTE (THE "SOLID WASTE SERVICES") COLLECTED BY OR ON BEHALF OF THE PARTICIPANT; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS DETERMINED THAT IT DESIRES TO PARTICIPATE IN AND UTILIZE THE SOLID WASTE SYSTEM; AND

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON HAS REVIEWED THE SERVICE CONTRACT SUBMITTED BY THE COUNTY OF BURLINGTON AND DESIRES TO ENTER INTO SAME.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, AS FOLLOWS:

1. THAT THE TOWNSHIP COUNCIL, FOR THE AFOREMENTIONED REASONS, HEREBY ENTERS INTO THE SOLID WASTE SERVICE CONTRACT WITH THE COUNTY OF BURLINGTON AND HEREBY AUTHORIZES THE TOWNSHIP MAYOR AND CLERK TO EXECUTE ANY AND ALL DOCUMENTS IN ORDER TO EFFECTUATE THE TERMS OF THIS RESOLUTION.

RESOLUTION NO. 51-2010

RESOLUTION AUTHORIZING PARTICIPATION IN THE BURLINGTON COUNTY SHARED SERVICES FORUM

WHEREAS, THE FORTY MUNICIPALITIES WITHIN BURLINGTON COUNTY ARE INTERESTED IN PROVIDING COST EFFECTIVE AND EFFICIENT DELIVERY OF GOVERNMENTAL SERVICES TO THEIR CITIZENS; AND

WHEREAS, IT IS BELIEVED THAT JOINTLY SHARING SERVICES PROVIDED BY VARIOUS MUNICIPALITIES AND SCHOOL DISTRICTS WILL BE COST EFFECTIVE AND EFFICIENT; AND

WHEREAS, THERE IS A NEED TO FACILITATE SHARED SERVICES.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON THAT THE TOWNSHIP OF PEMBERTON DOES ACTIVELY SUPPORT DISCUSSING AND RESEARCHING POSSIBLE NEW AND ENHANCED SHARED SERVICES BETWEEN ONE OR MORE MUNICIPALITIES, BURLINGTON COUNTY AND/OR LOCAL SCHOOL DISTRICTS; AND

BE IT FURTHER RESOLVED THAT THE FOLLOWING TWO REPRESENTATIVES OF THE TOWNSHIP OF PEMBERTON, CHRISTOPHER J. VAZ AND SHERRY SCULL, ARE HEREBY AUTHORIZED TO PARTICIPATE IN ALL MEETINGS OF THE BURLINGTON COUNTY SHARED SERVICES FORUM AND/OR ITS SUBCOMMITTEES FOR THE PURPOSE OF REACHING A CONSENSUS ON THE BEST OPPORTUNITIES FOR SHARED SERVICES AMONG THESE GOVERNMENT AGENCIES; AND

BE IT FURTHER RESOLVED THAT A COPY OF THIS RESOLUTION BE FORWARDED TO THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS AND THE BURLINGTON COUNTY BRIDGE COMMISSION.

RESOLUTION NO. 52-2010

WHEREAS, THE TOWNSHIP OF PEMBERTON IS A SECONDARY MORTGAGEE UNDER A MORTGAGE DATED JUNE 19, 2006, BETWEEN PATRICK BOYLE, 1500 RED FEATHER TRAIL, BROWNS MILLS, NJ 08015 IN THE AMOUNT OF \$17,650.00, AS A RESULT OF FUNDS PROVIDED BY THE TOWNSHIP TO OWNER OF SAID PROPERTY UNDER THE REGIONAL CONTRIBUTION AGREEMENT (RCA) WITH FLORENCE; AND

WHEREAS, WELLS FARGO BANK, N.A., HAS PROVIDED THE NECESSARY FORMS FOR THE APPLICANT WHICH ARE ENCLOSED, BY WAY OF A LETTER HAVE REQUESTED THAT PEMBERTON TOWNSHIP EXECUTE A SUBORDINATION AGREEMENT TO ALLOW THE OWNER TO SECURE A LOAN, COPIES ARE ATTACHED HERETO AND MADE A PART THEREOF THE RECORD; AND

WHEREAS, THE TOTAL ASSESSED VALUE OF THE PROPERTY KNOWN AS BLOCK 626, LOT 1, 1500 RED FEATHER TRAIL, IS CURRENTLY ASSESSED AT \$86,100.00 PER THE ASSESSOR'S OFFICE AND AN APPRAISAL IS ATTACHED IN THE AMOUNT OF \$188,319.00, AND THE ADMINISTRATION HAS DETERMINED THAT THERE IS SUFFICIENT EQUITY IN THE

PROPERTY TO PROTECT THE TOWNSHIP'S RCA INTEREST; AND NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE SUBORDINATION AGREEMENT FOR PATRICK BOYLE AS ATTACHED HERewith WITH WELLS FARGO BANK, N.A..

RESOLUTION NO. 53-2010

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LEXA CONCRETE, LLC FOR THE LEMMON AVENUE RECONSTRUCTION PROJECT

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON THE RECONSTRUCTION OF LEMMON AVENUE AS A BASE BID, AND ALSO TO BID ON DRAINAGE IMPROVEMENTS AND ADDITIONAL ROADWAY CONSTRUCTION ALONG LEMMON AVENUE TO BUSH STREET ("ALTERNATE A"), COLLECTIVELY, (THE "PROJECT") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS LEXA CONCRETE, LLC ("LEXA") WITH A BASE BID OF \$136,720.25, AND AN ALTERNATE BID OF \$104,000.20 FOR ALTERNATE A; AND WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT LEXA'S BASE BID ONLY AND HAS DECIDED TO EXCLUDE ALTERNATE A AS IT IS BEYOND THE BUDGET FOR THIS PROJECT; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED LEXA'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE CONTRACT FOR THE RECONSTRUCTION OF LEMMON AVENUE BE AND HEREBY IS AWARDED TO LEXA CONCRETE, LLC AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND LEXA CONCRETE, LLC IN AN AMOUNT NOT TO EXCEED \$136,720.25; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER _____; AND

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

- A. LEXA CONCRETE, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

10. NEW BUSINESS

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

***1. PUBLIC WORKS:** Purchase of Water Dept. Annual Billing Software Maintenance from Harris in the amount of \$3,696.97.

***2. Finance Dept.:** Purchase of annual finance software support from Intersoft in the amount of \$5,492.00.

***3. Buildings and Grounds Dept.:** Purchase of concrete pipe from Modern Precast-Easton Plant in the amount of \$3,202.10.

***c. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Browns Mills Fire Co.:** Firefighter Edward J. Gleason

***11.** Approval by Council required for payment of vouchers on bill list dated 1/15/10.

Mr. Inge requested Resolution No. 48-2010 be pulled from the Consent Agenda.

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

ITEMS PULLED FROM THE CONSENT AGENDA:

Resolution No. 48-2010:

Mr. Inge asked Administration if the money was paid back. Mayor Patriarca answered no and informed that Mr. Vaz has been in contact with the gentleman, as recent as today, which is out of town until February 3rd. He wants to make sure that he didn't actually pay for the property in the block of properties that he did purchase. The Mayor conveyed that Administration is hoping at that point, he will be willing to settle up. The Mayor expressed the Township does still owe the other person the money for what they did pay for. Mr. Prickett requested an update on the outcome. Mayor Patriarca agreed and advised this was an error with the former Tax Collector and it is not a reflection on the current Tax Collector.

RESOLUTION NO. 48-2010

RESOLUTION OF THE TOWNSHIP PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING PAYMENT OF TAX LIEN
CERTIFICATE # 2003149

WHEREAS, MOORING TAX ASSET GROUP SENT A "NOTICE OF INTENT TO FORECLOSE" WITH THE FOLLOWING RESULTS WHICH NEED TO BE RECTIFIED. THE ANNUAL TAX SALE WAS HELD ON JUNE 17TH, 2003. MOORING TAX ASSET GROUP PURCHASED A LIEN ON PROPERTY COMMONLY KNOWN AS 39 S LAKESHORE DRIVE, BLOCK 410 LOT 19 IN THE AMOUNT OF \$2,524.67. THE LIEN IN QUESTION WAS BOUGHT BY MOORING TAX ASSET GROUP HOWEVER, WHEN THE CERTIFICATE OF SALE WAS PREPARED, IT INCORRECTLY SHOWED THE LIENHOLDER AS BEING RICHARD PISCIOTTA. THE LIEN WAS SENT TO MR. PISCIOTTA AND HE IN TURN ACCEPTED THE LIEN AND RECORDED THE SAME AT THE COUNTY. THE LIEN WAS THEN REDEEMED ON DECEMBER 22, 2003 IN THE AMOUNT OF \$2,873.31. MR. PISCIOTTA WAS INFORMED THAT THE LIEN WAS PAID OFF. HE SIGNED OVER THE TAX CERTIFICATE TO THE TOWNSHIP AND WAS GIVEN CHECK # 1170 DATED 1/13/2004 IN THE AMOUNT OF \$2,873.31 FOR THE REDEMPTION IN ERROR.

WHEREAS, ACCORDING TO TAX RECORDS, THE TAX SALE CERTIFICATE WAS IN FACT PAID BY MOORING TAX ASSET AND NOT MR. PISCIOTTA, MOORING TAX GROUP CALLED THE OFFICE IN SEPTEMBER 2009 AND WE WERE INFORMED THAT THEY WERE DOING AN AUDIT AND FOUND THAT THEY NEVER RECEIVED THE LIEN WHICH THEY PAID FOR AT THE 2003 TAX SALE. MOORING TAX ASSET GROUP IS REQUESTING AT THIS TIME THAT MONIES PAID ON THE LIEN (WITH INTEREST AND COSTS UP TO THE ACTUAL REDEMPTION) BE RETURNED IN THE AMOUNT OF \$3,873.31.

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

1. A CHECK BE DISBURSED IN THE AMOUNT OF \$2,837.31 PAYABLE TO "MOORING TAX ASSET GROUP" AND MAILED TO:

MOORING TAX ASSET GROUP LLC
MR. LAMBROS D. XETHALIS
8614 WESTWOOD CENTER DRIVE
VIENNA, VA 22182
2. A CHECK BE DISBURSED IN THE AMOUNT OF \$1,000.00 PAYABLE TO "MOORING TAX ASSET GROUP" AFTER THE TOWNSHIP'S 2010 BUDGET IS ADOPTED.

Motion by Inge and Cartier to approve Resolution No. 48-2010. Inge, yes; Cartier, yes; Prickett, yes; Stinney, yes; Scull, yes. Motion carried.

10. NEW BUSINESS

a. Discussion of retaining services of Federal Legislative Advocacy Services.

Mr. Vaz informed that he and the Mayor met with two lobbyists (Federal Legislative Advocacy Services) and saw how the process of hiring a lobbyist works and how they go after funding. Administration has also been meeting with Brett Ingram of ARH to discuss the costs of various projects in the Township such as the Country Lakes Dams and the wells' issues as well as the regular capital needs. Mr. Vaz indicated that Administration is not presenting one particular firm to Council but added that the companies are comprised of people who have a lot of experience in the legislative world. Mr. Vaz advised that Administration has met with the former Chief Administrative Assistant to Senator K. Billy Hutchinson and the senior partner of a firm who was formerly Ted Kennedy's Chief of Staff. Both individuals have a lot of "juice" and that is the point of hiring these companies. Mr. Vaz explained that Administration has received Congressman Adler's request for the Township's earmark requests which he would submit as part of the budget. Three percent of the appropriations are earmark requests which are discretionary and have a lot to do with seniority of the Congressman. Mr. Vaz remarked that he and the Mayor recalled the shovel ready items last year which Pemberton Township did not particularly benefit from. Mr. Vaz conveyed the only way Pemberton Township will be in the race is if they are in a position to identify their needs, go to Washington, bang on their door and get what they feel they are entitled to as a municipality. The idea would be that they phase their requests with their particular needs. Mr. Vaz explained there are twelve appropriation bills that comprise the budget as well as other special appropriations. Mr. Vaz noted the company would help identify the town's needs, put the package together and once it is submitted, they make arrangements to go to Washington and meet the Congressmen and Senators, the budget committee and the people that will make a difference in whether they get money or not, and they make the argument for their particular project. He advised that Administration decided to present this to Council after meeting with the second company in the hopes of Council getting on board with this because this is really needed. He acknowledged there is a risk going in to this and these companies do not come cheap; however, there could be a substantial return on that investment if they have success. He reflected that out of the 566 municipalities in New Jersey, there are not a lot of towns that even think of this opportunity to get the funding. Most municipalities submit their earmark requests and sit back with their fingers crossed. The hard reality is that is not how it gets done. In the course of researching the bid specs, it is unique to New Jersey

because New Jersey has not gotten on the bandwagon. They would be on line at the 12 appropriation bills but will probably be at the front of the line as far as New Jersey is concerned because there will not be a lot of internal New Jersey competition. The Township will be competing with other states and jurisdictions, noting this is a good time and opportunity to get in to this. The Mayor asked Council to consider that they do have major projects that are coming up; one in particular is their Country Lakes dams and the associated costs. It will probably be in the area of \$7 to \$10 million for the three dams. Mayor Patriarca suggested looking at the firms and comparing them to grant writers whereas the grant writer puts a grant together knowing the key elements that the reviewers are looking for so they have a better chance to get the grant. These individuals get them to the first base which is on a Senator's desk to review the application and then their contacts; they are able to talk to someone's Chief of Staff and get their file moved higher up in the pile. Mr. Vaz relayed that the company does not give a guarantee and they do not do this on a contingency fee basis which is prohibited by the lobbying rules and is no longer allowed because it created too much opportunity for foul play. Mr. Inge commented that it seems like government at its best; it's more like extortion. He expressed that lobbyists bring in big money for the politicians so they get special favors. They have to pay money to a lobbyist in order to try to get something that they should be entitled to anyway. He reflected that if Council doesn't support this, then their chances are zip. If they do support it and someone in another town supports it and pays a little more money, they have a better edge. Mr. Cartier expressed he has concerns just like Councilman Inge. It's an interesting way to go out and seek funds. He has never heard of a public entity hiring a lobbying firm; it's always private firms going to Washington. Mr. Cartier expressed concern with another entity paying more money and Pemberton Township gets shuffled underneath of them. Mr. Vaz replied in terms of the consultant who gets hired, if there is a conflict of interest, he has an obligation to disclose that to his clients and he's really only going to be able to represent one or the other. One thing that they know about this particular consultant is he doesn't have any clients in New Jersey who would be competing against them for that particular money. New Jersey is unique because most other municipal governments of their size in other states have on a contract not just to get the money but to also advocate for legislation or against legislation that is going to have a financial impact on that particular town or city. Mr. Cartier stated New Jersey is just one part of this union and the only way to avoid that conflict of interest is to have the consultant just represent Pemberton Township. Mr. Vaz answered that they know that is not going to happen. Mayor Patriarca remarked that some money has to come to Pemberton. Mr. Cartier reiterated that it is an interesting idea and he would be willing to see the RFP's. Mr. Prickett expressed that public officials were elected to represent them in Trenton as well as Washington, DC and would hope that they could work with Congressman Adler to meet the congressman and the senators that might be interested in helping them with their dams, wells and senior buses. Mr. Prickett stated he would be willing to put that extra effort and go to Washington and meet with the politicians and he is sure the rest of Council, the Mayor and Business Administrator would as well. Mr. Prickett expressed concern that they are going to spend money and there are no guarantees and it seems to him that it's a lot of money that they're thinking about expending. Mr. Prickett expressed concern regarding how the firm goes after the money, what connections mean and what contacts are and asked if there is an exchange of money for those connections and those contacts and does that money go into political campaigns that they do not know who will get the benefit from that in a political campaign. Mr. Vaz responded that one interesting thing about both of the companies Administration has met and in researching others, they have both republicans and democrats. That is also true of the state firms that lobby primarily within the state of New Jersey. Mrs. Scull stated she has a few concerns regarding this as well but she is open to further discussion and getting more information. Mrs. Scull does believe that they have to go to Washington to get the

money. Mrs. Scull is open to this because they do have \$7 to \$10 million in dam projects, they have roads that need to be done and Pemberton doesn't go after the money. Mrs. Scull asked Council if they want to pursue this on the February 3rd meeting. Mayor Patriarca asked to respond to Mr. Prickett's comment regarding local politicians going to Washington to lobby for their funds. Pemberton Township would do that at that point of the process but they have to get to that point. Unless the budget committees get their file to the top of the pile and unless they are looked at and called down and told they want to see their project, they can go to Washington but they won't be sitting at a budget meeting and having their case heard. It is a lot of money when talking about \$70-\$90 thousand but when there are approximately 30,000 residents, it becomes a risk of about \$3.00 per resident. He expressed that they are running out of resources for funding projects that they know they would still like to do and the state is going to be cutting back even more as they hear the new Governor talk about the cutbacks. They have to get creative and take avenues that they may not have taken in the past to get where they want to go. Mrs. Stinney like Mr. Cartier and Mr. Inge disagree that they have to pay someone to speak because those were the words she stated when on the Board of Ed, "send her as the lobbyist and she'll lobby for nothing". Mr. Prickett commented that they are talking about a lot of money to get in the door and that's what concerns him. Mr. Prickett agreed that in government it is all about lobbying but it's the cost of the lobbying that concerns him. Mrs. Scull agreed with Mr. Prickett. Mr. Prickett is willing to continue this discussion if they can find a way to cut the cost and he would like to receive more information on it. Mr. Rehmann shared his experience in other towns, noting he has done grant writing for projects and it's in his best interest if he can get grants for their dams or roads. Mr. Prickett asked Mr. Rehmann if he were stating in order to get to the point where they fill out a grant, they need to do some work behind the scenes with lobbying. Mr. Prickett asked if lobbying was the first cost and writing the grant a second cost. Mr. Rehmann replied that would be included in the whole thing and would expect that the Mayor would be negotiating that in the contract. Mayor Patriarca informed that Administration will present the projects to the lobbyist firm and they would prepare the projects and submit them for approval. Mr. Prickett asked if the firm would write the grant. Mayor Patriarca replied yes. Mrs. Scull commented this is a unique situation and would think that firm would be pushing very hard for Pemberton to receive some money because they are not going to want them to have nothing and not hire them back. They are going to want that article in the newspaper that says Pemberton receives \$2.5 million towards their dams. The Mayor added that is one way for them to get more customers but they also want to get a return on their investment so that Pemberton Township keeps them as a customer. Mr. Inge acknowledged that there is a short period of time to have this done and this is a unique and new way to try to get money. Mr. Inge asked if this can be streamlined and get a notice out to the residents perhaps through the school, or channel 19 or "robo" calls to let the residents know they will be discussing this and making a decision at the next meeting, noting that doing this is not expensive. Mrs. Scull replied that channel 19 does not charge anything. Mrs. Scull suggested it be on the agenda on the internet and channel 19. Mr. Vaz conveyed it could go on channel 19 but he does not know how the "robo" calls works. Mrs. Stinney suggested e-news. Mr. Vaz assumed there would be an article in the newspaper. Mrs. Scull stated word of mouth gets out and everyone will know Council was talking about it by tomorrow afternoon. Mr. Vaz reminded Council of the process and noted that earmark requests are due by the third week of February. The RFP has been out and advertised and is on the website under bidding opportunities and proposals are due by January 28th. He advised that by that day, they will actually know the costs a little better and will have the information for February 3rd. He agreed that if they are a little pro-active in getting the word out like Mr. Inge suggested, people might come out. He pointed out that Country Lakes dams are at stake in the big picture and not necessarily as a result of a decision on whether this is done or not but a funding source wherever it is has got to be found and the

Country Lakes Homeowner's Association has an active email list and website and they can be more proactive to get the word out.

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Kathy Gritton:** Stated she doesn't have trash pick up because she recycles everything and asked why she pays for trash. Mayor Patriarca explained that Township ordinance mandates trash payments by all. Mayor Patriarca added that recycling is strongly encouraged and Administration promotes that even further by passing out the large containers. Ms. Gritton stated on numerous occasions she has put trash out and the trash truck doesn't stop. Mayor Patriarca advised Ms. Gritton to call his office or the Solid Waste Department. Ms. Gritton asked if it is mandatory to recycle why everyone isn't recycling. Mayor Patriarca replied that everyone is supposed to recycle he is still promoting recycling cart program and waiting for that to take place. He noted that the company that provides the service has so many companies on the list that are not local and by the time one travels to get there, they don't save anything. The Mayor would like to see a company that accepts local businesses only. The object is to promote business in town. Ms. Gritton advised she has been recycling for over 25 years. Mayor Patriarca conveyed he will have Code Enforcement to look at the enforcement aspect and make sure people are recycling. **Sharon Troia:** Is a resident of a local trailer park in the Township. The last few years, she has been subjected to rent increases. In 2009, it was 5.33% and this year it was 5%. Ms. Troia informed when she approached the landlord regarding if this is legal or right, she is told the water bill and taxes have gone up. Ms. Troia stated she has done some investigating and discovered the taxes are in arrears and there is over \$72,000 in water bills that are past due and she is told there is no rent control in the Township so she doesn't have anywhere to turn. Mr. Vaz replied there is going to be enforcement action against the owner because that problem is not new. Mr. Vaz informed they have been in arrears for a lot more than that amount of money. The alternative is to do a water shut off but the Township does not want to penalize the tenants for an owner issue. Pemberton does not have rent control but Mrs. Scull has asked Administration to work with her. Mr. Vaz noted he has gathered some rent control information and forwarded that to Mrs. Scull. Mrs. Scull commented it was very interesting but wanted to know if there were other complaints in the Township from renters. Mrs. Scull spoke with Mrs. Troia previously and stated that she had lived in a trailer park in town and her rent was increased more than 5% every year so she understands Mrs. Troia's frustration especially when the tenants are paying the bills and the bills aren't getting paid to the Township. Mrs. Scull asked if other local Townships in the area have rent control or if it is mainly cities that have it. Mr. Vaz replied it's not like every town has that but mobile home parks are probably more typical of having it and noted that Barnegat in Ocean County does. Mr. Bayer remarked that there are a few suburban towns in Monmouth County that have rent control ordinances. Mr. Vaz is aware of complaints regarding not having affordable housing. Mr. Vaz referenced an article he recently read that stated rents are going down nationally because of the economy. Mrs. Scull asked if the Township gets notified of the lot rents for trailer courts, mobile home parks. Mr. Vaz did not know. Mr. Inge stated trailer parks are different than regular rental properties. The renter is stuck because if they own their trailer and want to get rid of it or sell it, they have to have approval from the trailer park for who they are selling it to. They can be very hard to approve somebody to take the trailer. Mr. Inge commented that he has heard for that particular reason people got into buying trailer parks because they don't allow them to sell their trailer, they basically sell it to the park and the park turns around and sells it for a much higher fee. They can't really go anywhere unless they sell their trailer and they can't rent it out. A renter has more control and options when renting an apartment but a trailer park renter has very limited options. Mrs. Troia noted that in certain municipalities there is a cap on the increases but she can't find

out if Pemberton Township has anything like that. Mrs. Scull informed that the Township does not. Mrs. Troia added that the other tenants are terrified and afraid to come forward and say anything. Mr. Inge stated that the trailer park tenants are different and can't look at it as a regular rental unit because they actually own the property and are renting the space of the ground so it's a little different. Mr. Bayer stated in towns that establish rent control ordinances, they usually establish rent control boards that basically counsel the governing body that delegates to those boards and there are parameters in the ordinance regarding how much the rent can go up but the landlord has to show in terms of increased expenses, taxes, etc. Mr. Bayer has not focused on Mrs. Troia's issue and agrees with Mr. Inge. Mr. Vaz recalled a law suit in Barnegat involving a trailer park that sued the rent control board because the pad fee was going up so much. Mr. Vaz noted Pine Lake Park on Route 37 in Manchester had rent control. Mrs. Scull advised Mrs. Troia that Administration will look into this more and also find out what the increases have been with the other trailer parks and see if it would be productive to have a rent control board. Mayor Patriarca stated he has had experience where individuals have complained and been forced out of homes because they couldn't pay the increased rents. They were in houses and not mobile homes. The Mayor advised that he is in the process of trying to find a place for a resident that is living with a family member because they couldn't afford the rent where they were living. It's not just at the mobile homes but as a form of legislation if defining what is included as rent whether it's a piece of property as a pad for the resident or renting a residence. The Mayor suggested providing a definition of rent in the form of legislation. Mrs. Scull commented they will look very carefully at that. There being no additional members of the public indicating a desire to be heard, Council President Scull closed the meeting to public comments.

SOLICITOR'S REPORT:

Andy Bayer: 1. Nothing to report.

ENGINEER'S REPORT:

Chris Rehmann: 1. In his previous engineer's report there was a request for consideration by the Mayor and Council for a construction management contract for Lemmon Avenue project which was awarded under resolution 53-2010. That construction management contract was valued at \$20,000 of which all \$20,000 will come from the New Jersey Department of Transportation Grant. It is an allowable cost under the grant and there is sufficient funding since the bids came in at very competitive levels. Mr. Rehmann expressed action on that would be appreciated as soon as possible. Mr. Vaz asked that Council move on this tonight and asked Mrs. Finlay if Mrs. Eden provided her with the certification of funds to which Mrs. Finlay replied yes. Mr. Vaz explained there was an initial proposal for the 2008 Road Program and he wanted to make sure Lemmon was a separate project which it is and Administration would recommend that be approved tonight. Mr. Prickett asked if there is a document with the CFO's certification in Council's packet. Mr. Vaz answered it probably isn't in the packet because the CFO only got the certification to Mrs. Finlay today. Mrs. Scull noted it was in the engineering report last month. Mr. Vaz reminded that he asked for it to be held off for his reason stated earlier. Mr. Prickett confirmed it is for the construction management of Phase I of Lemmon Avenue. Mr. Prickett stated this isn't something new noting they always have to have construction management. Mr. Rehmann stated this is the \$219,000 contract Council awarded. The construction management tasks are to ensure compliance to the contract specifications to prepare all of the vouchers for the contract to do the as built and then seek the reimbursement of all of the funding from the Department of Transportation at the close of the project.

Motion by Stinney and Cartier to authorize Mr. Vaz to proceed.

Mr. Cartier noted that Administration knew this was coming because the certification was forwarded to Mrs. Finlay. Mr. Cartier requested this information was known at the last meeting and should have been re-listed on tonight's agenda. Mr. Rehmann stated this can be postponed to the next meeting. Mr. Vaz asked Mr. Rehmann if he would have to get an extension from the contractor if this is not done tonight. Mrs. Willis stated as long as the contract is awarded tonight which is Resolution 53-2010 that is fine. The second piece that they are seeking approval now is ARH and if that needs to be left until the next meeting, that is okay. After taking bids, there is a 60 day window to award the contract and if not awarded, an extension can be requested from the contractor. Mr. Cartier expressed his concern is he vaguely remembers seeing that in the engineer's report from the last meeting which he does not have in front of him tonight. Mr. Prickett agreed with Mr. Cartier in that the documentation should have been in Council's packet and that's why he asked his questions. Mr. Prickett stated hearing from the Clerk that the CFO certified the funds and hearing from the engineer what the cost involved is, he is okay with that. Mrs. Stinney commented since Resolution 53-2010 was approved, she is fine with her proposal.

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

Mrs. Scull assured Mr. Rehmann that as Council President she will pay more attention and try to make sure things on his agenda end up on Council's agenda.

MAYOR'S REPORT:

David Patriarca: 1. Recently met with the Presidential Lakes Civic Association. Residents have valid concerns mostly with the roads in their area and activities for children. The residents were very pleased with the dam and the lake. Residents are also looking forward to the recreation programs being proposed in their area. 2. Council President and the Mayor went to Trenton to attend a ceremony at the War Memorial welcoming home the 1150 assault helicopter battalion. The Mayor recalled going to Fort Sill, Oklahoma to send them off to Iraq. Mayor Patriarca reported that every member that left last year, returned safe and sound. As previously reported, Pemberton Township had the largest contribution to that battalion, 13 individuals from Pemberton Township were deployed with that unit. Mayor Patriarca conveyed he and Mrs. Scull were able to speak to some of their residents and Township employees. 3. The gazebo at Imagination Kingdom is in preparation to be poured. The contractor for the rubber base will also finish up. 4. The floor in the Country Lakes Recreation Building has been installed and is near completion. There is some exterior work to finish up. 5. The Dominique Johnson Building is near completion and they are hoping to put that on line in February. There is a walk through scheduled for Monday with the contractor to go over the punch list. 6. The court room is moving along. DPW has completed their work and it's now in the contractor's hands. 7. Noted the program that they accepted with the County that was based on stimulus money that came to New Jersey and in to Burlington County, Office of Aging. This allows their Senior Citizens to receive a free lunch at their Senior Center which seems to be getting more attention than they thought. The Mayor went to the Senior Center on Friday which is an off day at the Center when there are usually 20 people at most but now there were 50-60 people there. The program seems to be working and there are new faces getting involved in the program. They are pleased to see that is working.

Mr. Inge asked who is replacing the Water Superintendent that retired. Mayor Patriarca stated the Water Department is by ordinance under the Department of Public Works Supervisor. The past practice has allowed the Water Department to run as a separate entity and they had a Superintendent in the Water Department as a position which contradicts the ordinance and the table of organization in the Township. Since the Water Superintendent retired, they have activated the original table of organization and put the Superintendent of Public Works, who is supposed

to be responsible for the duties of the Water Department, in charge of the Water Department and operations. The only question is who meets the requirements of a license holder which is required in the Water Department. He explained that they do have an individual in the Water Department that does hold a license and they have negotiated with them for compensation for holding that license. It is in the town's best interest not to replace the Water Superintendent in excess of \$70,000 and compensate the individual that holds the license for a much lesser amount and the Township begins the slow process of downsizing the over expanded government that they experience not only here in the Township but throughout the state. He advised that the Township had five individuals that retired last year and out of the five the only one that they intend to replace is that of the Police Department because of the need for security in the Township. All of the offices have been advised that they will have to step up to the plate and take on additional responsibilities and do extra work because times are tough and they just can't continue to fill jobs and create new jobs. They have to find ways to reduce the size and cost of government. He relayed that there is an Assistant Supervisor in that department and an individual that is doing a good, aggressive job in trying to realign that department. Mr. Inge stated his understanding of a supervisor is someone that has knowledge of the department that he is in charge of. He doesn't believe a Public Works Supervisor would have that type of knowledge to be able to run a Water Department. Mr. Inge expressed that if they can find someone that is able to sign off on projects, if he had a license he would definitely not sign his name to something where someone else was in charge and didn't have knowledge of what was going on in that department. He reflected that the Water Department has never been in the red and also had a positive surplus. The department has been run the last twenty years very functional. Mr. Inge does not see how turning that over to Public Works and if it has to be changed, the ordinance should be changed and get the Water Department back to the condition that it was before Mr. Williams retired. Mayor Patriarca stated the Water Department may not be in the condition that Mr. Inge thinks it is in and that with no disrespect to Mr. Williams but they are in the process now of an ugly mess they are trying to clean up. The Mayor took responsibility for it because he is the ultimate supervisor of all departments and that is a department he may have relied on someone more than he should have and not known some of the issues within that department. The individuals in place are in place for management of personnel. He explained that personnel management does purchasing, most of the projects done in that department are managed through an engineering firm, whether a well or installing a large system. The day to day operations such as replacing meters, replacing a line, hooking up a lateral in to one of their mains and repairing a break are done by the individuals that are still in place. He noted that those individuals are still there to operate. He expressed that the only difference is the individual with the license is responsible for signing off on the reports that go to the state. That individual is being compensated for that. To keep duplicate high levels of management is what he believes has gotten this state in to trouble and other entities within this Township in the position they are in and he is referring to the school board. The Mayor stated he has been saying for years that the school district is "top heavy" and the Township has fallen that way in some areas and he is addressing this without compromising the department and program. He reiterated that there are individuals that are doing that job and they are being paid to do that job and it's under their title. The Mayor asked why should he pay two people to do the job that one person can do. Mr. Inge asked if their reports have been turned in to the state in a timely manner to which the Mayor confirmed they have.

COUNCIL MEMBERS' COMMENTS:

Ken Cartier: 1. Thanked everyone for coming out tonight. 2. Reminded everyone that now that football season is over, Nascar starts. 3. Wished everyone a safe trip home.

Tom Inge: **1.** In regards to the resident that came forward regarding trailer parks, trailer parks recently started renting out trailers. They have inspections by the Township and maybe that would help the Township look in to rent control because they are not only renting lot spaces they are also renting out trailers. That might be a stipulation that they might be able to look in to. **2.** Thanked the residents for coming out this evening and wished everyone a safe trip home.

Diane Stinney: **1.** Thanked the Mayor for taking time out of his busy schedule on Saturday with Council President Scull to welcome their troops home. She also thanked the Mayor for attending the football award ceremony on Saturday. It's very nice to hear the commissioner recognize the attendance of Council and the Mayor. The coaches, team moms and parents were applauded. She expressed it is great for the students and players to see the Mayor at their ceremony. **2.** Spoke of the Martin Luther King celebration at the Friendship AME Church which was very well attended by many residents. As she spoke on such a commemorative day that she and the Mayor were serving together side by side in the most diverse community in Burlington County. **3.** Commented on the passing of Caroline Wade. Mrs. Stinney and her family will be paying their respect at the service. **4.** Congratulated Council President Scull on a well conducted meeting. She expressed that many of the residents and Council members know, she is a stickler for well conducted meetings.

Rick Prickett: **1.** Expressed sadness to hear about Caroline Wade, noting she was a terrific person. **2.** Spoke of the fires that have occurred in Pemberton Township where people have been injured and killed. He noted it seems that there are too many of those and it seems there are more home fires in Pemberton and it must have to do with the types of housing that people have such as trailers and homes that have inadequacies in heating. He relayed that their fire companies do a terrific job in fire prevention and can't help but think they need to do something to address this. Mr. Prickett expressed hope that Administration would take a look at the fire incidents this year and last year and come up with some ideas and plans to educate individuals in the town. **3.** Noted that Mrs. Stinney mentioned Martin Luther King Day and was happy that the Burlington County Times wrote a story about an instance of community service highlighting a person in Pemberton Township. Mr. Prickett read part of that article, "Big changes can come in small ways" regarding Lucy Adams and her son Jeffery, 11, that spent an hour picking up trash from the field near the roadway near the Greenberg farm on Martin Luther King Day. Mr. Prickett commented that was a terrific article and a great instance of getting out and doing something on that great service day that they commemorate Martin Luther King with. **4.** Thanked everyone for coming out tonight and wished everyone a safe trip home.

Sherry Scull: **1.** Happy to see a home being built on Junction Road. It has been a hard, drawn out process for that family and is glad to see it has finally come to a resolution. **2.** Mr. Cartier and she will be at the Browns Mills Library on Tuesday at 6:30 p.m. to meet with local businesses. Hoping some of the businesses will come out and tell them exactly which ordinances create the problems in Pemberton. She noted the question of whether the Pinelands is creating a lot of the issues for their businesses or if it is their ordinances. She reflected that they have the reputation of not being business friendly. She questioned if there is anything they can do to address it and is hoping to have a productive conversation, noting they been told their permits costs a lot more than in other municipalities. If that's true, she would like to take a look at that. **3.** Announced that their guys did a good job with snow removal. Asked Administration if they receive a print out of who worked, how many hours they put in, how many trucks were working and that there weren't a few trucks sitting somewhere not being manned. Mayor Patriarca replied yes and added that Administration will know better when the GPS systems

are installed. The Mayor stated he doesn't know that there were any plows that were not manned. Mrs. Scull noted she is sure that department would have been out supervising. Mayor Patriarca commented that the Supervisor was out during the storm. **4.** Another shipment came in and they now have recycling through some of New Lisbon. She asked when the next group will be receiving their blue recycling cans. Mayor Patriarca replied it comes through the County. Mrs. Scull noted that they have made a lot of progress in having their residents recycle. She spoke prior of enforcement if they know someone never recycles or checking their trash and giving a ticket if there are glass and/or cans in their trash. Mrs. Scull agreed Mrs. Britton is correct on that. **5.** Met with the seniors who are ecstatic and thanked Administration for going after the lunches. Mrs. Scull was amazed that no other community wanted to take advantage of that. **6.** The Valentines lunch is coming up on the second Saturday. Mrs. Scull will forward an email to Council regarding the date. **7.** Asked previously if retirees receive anything from Administration. She would like Council to think about whether the President should do a letter to everyone or issue a certificate that can be signed by Council to thank them for their years of service, noting that something should be done. **8.** Explained to those that do not know that Caroline Wade was a very young widow and was very active in Pemberton Township for veterans' families and veterans. Caroline served as a member of the veteran's council and she will be very much missed. She has created another empty seat for their Council for veterans. Mrs. Scull announced the service dates and times. It has been asked for donations to be sent to the St. Ann's food pantry. Mrs. Scull advised Caroline worked tirelessly for this community and has suffered with cancer for quite a few years. She fought a courageous battle and unfortunately she lost it this week. Mrs. Stinney commented that the newspaper Mr. Prickett read his article from has Caroline Wade's obituary. **9.** Appreciates the Mayor letting her know about the service in Trenton. It was very moving and wonderful to see their service members from Pemberton Township come home safe and sound. Their teacher at the high school, Patrick Frye, made 14 Pemberton Township connected servicemen there. When she and the Mayor walked on the stage, one guy called out, "The Mayor is here. He married me". It makes you feel good to give a few hours of their time to go up there. Mrs. Scull remarked one of the servicemen was a former student of hers. They are proud of the time their soldiers took away from their families and the service they gave to their country. **10.** Thanked everyone for coming out. Thanked Council for a productive meeting and good conversations. She looks forward to the next meeting.

The meeting was adjourned at 8:53 p.m.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk