

TOWNSHIP OF PEMBERTON

REGULAR MEETING

JANUARY 6, 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

Ken Cartier
Tom Inge
Richard Prickett
Diane Stinney
Sherry Scull

ABSENT

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

2. Chairwoman Scull called the meeting to order at 6:44 p.m.
3. Closed Session Res. No. 37-2010

RESOLUTION NO. 37-2010

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:
EMPLOYEE GRIEVANCE – BRIAN SMITH VS. PEMBERTON TOWNSHIP
CONTRACT NEGOTIATIONS - PBA
3. IT IS ANTICIPATED AT THIS TIME THAT THE ABOVE-STATED SUBJECT MATTERS WILL BE MADE PUBLIC WHEN THE MATTERS HAVE BEEN RESOLVED.

Mr. Bayer and Administration did not have anything to add to Closed Session.

Motion by Prickett and Stinney to approve Resolution No. 37-2010.
Prickett, yes; Stinney, yes; Cartier, yes; Inge, yes; Scull, yes. Motion carried.

4. CLOSED SESSION

Council President Scull recessed the meeting at approximately 6:46 p.m. for Council to go in to Closed Session and reconvened the meeting at approximately 7:00 p.m.

5. Formal action as necessary pursuant to closed session.

Mrs. Scull advised there is no formal action to be taken but Council will be returning to Closed Session at the end of the meeting.

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 to public comments.

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

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

***a.** Regular Meeting, December 16, 2009.

***9. CONSENT AGENDA RESOLUTIONS**

RESOLUTION NO. 38-2010

RESOLUTION OF THE TOWNSHIP PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, AUTHORIZING THE CANCELLATION OF TAX SALE CERTIFICATE 2009306

WHEREAS, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL TAX SALE CERTIFICATE 2009306 WHICH WAS SOLD ON SEPTEMBER 22, 2009 AGAINST BLOCK 605 LOT 31. THE TAX SALE CERTIFICATE WAS SOLD IN ERROR ON PROPERTY.

WHEREAS, THE LIEN HOLDER PAID \$203.55 IN MUA CHARGES FOR THE LIEN. THE TOTAL DUE THE LIEN HOLDER IS \$248.86 WHICH INCLUDES FEES AND INTEREST ON THIS AMOUNT FOR THE PERIOD OF SEPTEMBER 22, 2009, THE DATE OF THE TAX SALE, TO JANUARY 10, 2010, THE DATE THE REFUND WILL BE ISSUED.

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

1. THE TAX COLLECTOR IS AUTHORIZED TO REFUND \$248.86 TO US BANK CUST FOR PRO CAPITAL FUNDING I LLC, TAX LIEN SERVICE GRP, 2 LIBERTY PLACE, 50 SOUTH 16TH ST, SUITE 1950, PHILADELPHIA, PA 19102.
2. THE TAX COLLECTOR IS AUTHORIZED TO CANCEL TAX SALE CERTIFICATE 2009306 WHICH WAS SOLD IN ERROR ON SEPTEMBER 22, 2009 FOR BLOCK 605 LOT 31

10. NEW BUSINESS

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

***1. PUBLIC WORKS:** Purchase of sand for use on roadways from Dun Rite in the amount of \$5,075.00

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

GENERAL PUBLIC COMMENTS:

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Madeline Pryor: 1.** Spoke of good and bad experiences with the fall leaf collection, noting some military families have a hard time getting the leaves out on time due to calls of duty, etc. Praised staff members for professionalism, helpfulness and being respectful. Advised some residents have been sited for bagged leaves left on their property. Suggested various changes to leaf pick up program, asking that they consider incorporating a policy to return back to those residents that did not get a chance to get their leaves out, perhaps at the end of the program.

Mrs. Scull confirmed with Administration that Code Enforcement is not giving notices to residents that have their leaves out on scheduled pick up days. Mayor Patriarca advised DPW is currently in Presidential Lakes picking up leaves, noting that Presidential Lakes' leaf pick up was delayed because of the storm. Mr. Prickett confirmed with Administration that the notice residents are receiving is supposed to be non-threatening and is a communication device. Mayor Patriarca clarified it is not a threatening notice and is in accordance with the ordinance. The Mayor added that the notice is a door knocker that identifies the violation and the potential consequences if the violation is not addressed. Mr. Prickett stated it is an opportunity for the residents to address the violation and a mechanism to get this clarified with Administration. Mr. Prickett expressed hope that the public takes advantage of this and asked if the public is calling in to Administration to get it straightened out. Mayor Patriarca responded that he receives calls often but none on this particular incident. The Mayor reiterated that extensions can be given.

SOLICITOR'S REPORT:

Andy Bayer: 1. Thanked the Mayor and Council for their considered support and looks forward to working with them this year.

ENGINEER'S REPORT:

Chris Rehmann: 1. Mr. Rehmann advised that Mrs. Willis is back from maternity leave. 2. Thanked everyone for their support. Stated ARH represents the people of Pemberton and not any one political party or group. Wished everyone a Happy New Year. 3. Mr. Cartier asked for an update on Well #11. The Mayor replied Well #11 was voluntarily shut down as a result of the report received. The type of contamination reported occurs naturally and if tested again may not be there. It has been determined that they can run with what they have excluding well #11 but if something happens to their other well it could be critical which is being addressed. The Mayor added that he is meeting with the DEP next week to go over the options for this well. They are also working with the Water Department to address the activation of other wells previously dug that are inactive. Mrs. Scull clarified Well #11 is on Trenton Road and asked if it is anywhere near the Fort Dix dump. Mayor Patriarca replied the well is in the area and that was one of the first questions that came up. The Mayor continued that the contamination is a naturally occurring reaction in the soil. Mr. Rehmann explained well #11 is not in the surface aquifer and is in the Wenonah Mount Laurel aquifer which has a clay layer in between which would prevent any vertical contamination. This is a long term impact as far as health aspects are concerned. Mr. Rehmann spoke of radiant removal systems in other Townships. Mr. Prickett asked if the contamination is a seasonal problem and radon in one's basement could be seasonal. Mr. Rehmann advised the contamination is not radon it is radium _____ (Prickett is over-talking Rehmann). Mr. Rehmann explained when the well is treated during routine maintenance, the aquifer is stirred up. One option that may be available is pump-to-waste where the well can be pumped for weeks to clean it up; another option is to go deeper in to the Kirkwood aquifer.

MAYOR'S REPORT:

Mayor David Patriarca: 1. Country Lakes Rec Center is almost ready with flooring and exterior lighting to be completed. Encouraged everyone to look at the transformation of the building. 2. Court room renovations are well underway. DPW completed their portion and project is now turned over to contractor. 3. Dominique Johnson has a small punch list left. Experienced a problem with a roof leak as a result of new heating and air system. Contractor did complete repairs to roof. Encouraged everyone to see the transformation of the building. One of their largest buildings and will get used quite a bit. 4. Water Department is addressing issues with Well #11 as discussed earlier. The Water Superintendent recently retired. 5. Met with Engineers regarding 5 year road program. Considerable amount of compromises are being made in trying to apply fairness in to the program but still sticking to the idea of addressing the worse roads in a particular area. 6. Received complaints regarding snow removal from the last storm. Reminded that it was a very unusual storm with up to 24 inches of snow where they are used to seeing 6 to 8 inches. Takes approximately 9 hours for DPW to do a "cycle" throughout the town. By the time the first cycle was completed, approximately 8 inches of snow had fallen and they do not have the manpower to run multiple shifts. Commented on the terrible county roads. Will be dealing proactively with snow forecasted for coming week. Mr. Vaz advised that he drove through the Township with DPW, and the worse road in Pemberton Township was still better than the roads in Toms River. 7. Mr. Vaz informed Pemberton Township was awarded a \$110,000 grant through the Urban Enterprise Zone for the Marketing and Branding study to supplement the work the downtown Browns Mills revitalization committee has been doing. Proposals have already been received in anticipation of receiving this grant. Hoping to have a resolution on the January 20th meeting appointing a professional so the project can start moving

forward. Mr. Vaz conveyed that 2010 is the year of starting to implement the downtown Browns Mills revitalization project. **8.** The Mayor relayed the program for the Imagination Kingdom went well initially. The company where the equipment was purchased took responsibility for some glitches and that delay along with the sudden change of weather left us short in time as to when the rubber surface could be put down. The majority of the base coat was put down. DPW is putting the footings in for the gazebo and completing the drainage program which is also being held up by the weather. Mrs. Scull asked the Mayor what the Township does, if anything, for retirees. Mayor Patriarca responded that there is no policy to recognize retirees. Mrs. Scull expressed she would like to see something whether it be that Council sends a letter to every retiree thanking them for their service. Something should be done to recognize the people who have dedicated their careers to Pemberton Township. Mrs. Scull advised the Veterans Committee expressed concern that our flags are not getting direct lighting as required. As they are a strong military community, Mrs. Scull asked Administration to make sure the flags are receiving the correct legal lighting. Mayor Patriarca informed he will have an evaluation done of all Township owned flags. Mr. Prickett commented the high school has the ROTC Cadets send the flag up and take it down. Mr. Prickett asked why that couldn't be done at the municipal building. Mr. Prickett noted that over the years the flag at the municipal building may not be illuminated properly and also gets worn out by leaving it up 24 hours a day. Mrs. Scull stated at most of the elementary schools it's the custodian that puts the flag up and takes it down everyday. Mrs. Scull commented that the Little Red School House flag stays up all the time and she is not sure about the lighting.

COUNCIL MEMBERS' COMMENTS:

Richard Prickett: **1.** Good to see everyone at the beginning of the year. There was a third meeting in December and only two people came to that meeting because of the timing. **2.** Wished everyone a healthy New Year and to watch out for the snow.

Diane Stinney: **1.** Thanked everyone for coming out. **2.** Thanked Mrs. Pryor for calling her and bringing the leaf pick up issue to her and for entrusting her with that. **3.** Sent an email to the newspaper, Mrs. Finlay and Administration because she noticed several comments in the newspaper regarding snow removal. Mrs. Stinney stated that she has never seen and heard of so many calls of a job well done in Pemberton Township. She is not a good driver in any ones weather but she was able to drive to the Acme market in the weather. Mrs. Stinney thanked DPW and added that she received one call regarding the cars parking in Lake Valley. Mrs. Stinney humbly thanked the DPW and added that Pemberton Township should be very, very grateful for the great job they did. **4.** Gave congratulations on the grant and a job well done. **5.** Thanked Council President Scull and stated that Council may not always agree but for the sake of the residents show respect.

Tom Inge: **1.** No comments.

Ken Cartier: **1.** Thanked Council for their patience with him earlier as he was stuck in a train on the Ben Franklin bridge. **2.** Wished everyone a Happy New Year. **3.** Advised Council there are two individuals from Pemberton Township competing as the green team on national television on Tuesday nights at 8:00 p.m. on the Biggest Loser, and they won the first competition this week. **4.** Wished everyone a good night and a safe trip home.

Sherry Scull: **1.** There was over 24 inches of snow from the last storm. Residents called her who thought the roads should be clear and they should be able to be at the mall when it was still snowing. They want instant gratification. Remembered when there was 24 inches of snow and they didn't leave the house for three or four days and they've come a long way. Their road department did an

outstanding job and most of the roads complained to her about were county roads. Mrs. Scull agreed with Mr. Vaz as she went out on Route 70 in Pemberton Township and it was clear. When she hit the Ocean County line, it was ice all the way down Route 70. Our DPW did an outstanding job and reiterated that it was the county roads that most people were complaining about. **2.** Tuesday, January 26th, she and Mr. Cartier will be meeting with the business community to find out what they can do to be more business friendly. Mrs. Scull asked Mr. Vaz to attend and advertise the meeting on the website. It will provide an opportunity to have dialogue. Asked for a flyer to be put up in the building. It's for suggestions and not just complaints. Especially since they are getting ready to revitalize and look at Browns Mills they should help the businesses come here if they possibly can. **3.** Thanked Council for voting her in as Council President. She only hopes she can do half the job as Mrs. Stinney over the past two years and Mr. Prickett the first year. Mrs. Scull will look to each Council member for help and support. Stated to feel free to call her for suggestions or anything. She believes very strongly that once Council came through the door and sat at the dias, they are here for Pemberton. They are not Democrats or Republicans but are here for the people of Pemberton. Likes to think of Council as P's for Pemberton and not democrats or republicans and to work together. They have done a lot of positive things for the community in the last few weeks and expressed hope to continue that as we see Imagination Kingdom finally open as we head in to the revitalization of Browns Mills. Looks forward to working with everybody in the best interest of our citizens. **4.** Thanked Administration and Advisors. She has all the faith in the world in the people appointed and looks forward to another good year. Knows they will get the Country Lakes dams figured out and Presidential Lakes is beautiful so she has no doubt in her mind that we will be headed in a positive direction for Country Lakes before the next 100 year storm comes and wipes us out of there. Thanked Mr. Bayer for his leadership and advice over the past few years. Looks forward to and hopes she can depend on him for the next year.

Council President Scull recessed the meeting at 8:09 p.m. and advised Council will be returning to Closed Session and action may be taken. Mrs. Scull reconvened the open session meeting at 8:59 p.m.

The meeting was adjourned at 9:00 p.m.

Respectfully submitted:

Mary Ann Finlay, MMC
Township Clerk