

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**FEBRUARY 17, 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 (Arrived approximately 7:00 p.m.)

Sherry Scull

**ABSENT**

Also Present: Mayor David Patriarca, Township Solicitor Andy Bayer, Township Engineer Representatives Dave Cella and Kelly Willis, Township Clerk Mary Ann Finlay

2. Chairwoman Scull called the meeting to order at 6:30 p.m.
3. Closed Session Res. No. 62-2010
4. CLOSED SESSION

Council President Scull advised that as there are not any topics for Closed Session, Council will not be going into Closed Session; therefore, there will not be a motion on Resolution No. 62-2010.

Council President Scull recessed the meeting for a break at 6:33 pm and reconvened the meeting at 7:00 pm.

5. Formal action as necessary pursuant to closed session.

Council President Scull advised as there was no Closed Session, there will be no formal action necessary pursuant to closed session.

- \*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.**

Mrs. Scull clarified that Resolution No. 70-2010 should read, “authorizes Pemberton Township Planning Board to conduct a preliminary investigation in order to confirm that the Browns Mills Town Center redevelopment area continues to meet the criteria”.

6. Public comments on consent agenda items only.

Council President Scull opened the meeting for 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.

## **\*8. CONSENT AGENDA RESOLUTIONS**

### **RESOLUTION NO. 64-2010**

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS PREVIOUSLY ENTERED INTO AN AGREEMENT WITH THE PEMBERTON COMMUNITY LIBRARY ASSOCIATION AND THE BURLINGTON COUNTY LIBRARY COMMISSION, SAID AGREEMENT ENTITLED "BRANCH SERVICE AGREEMENT – TOWNSHIP OF PEMBERTON"; AND  
WHEREAS, SAID AGREEMENT EXPIRES MARCH 31, 2010;  
NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE AN AGREEMENT WITH THE BURLINGTON COUNTY LIBRARY COMMISSION FOR THE PERIOD OF APRIL 1, 2010 THROUGH MARCH 31, 2011.

### **RESOLUTION NO. 65-2010**

AUTHORIZES THE BURLINGTON COUNTY MOSQUITO EXTERMINATION COMMISSION TO CONDUCT AN AERIAL MOSQUITO CONTROL ACTIVITY  
WHEREAS, THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, APPROVES THE AERIAL MOSQUITO CONTROL ACTIVITIES TO BE CONDUCTED BY THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL; AND  
WHEREAS, THE COUNCIL AUTHORIZES THE MAYOR TO EXECUTE THE AGREEMENT WITH THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL FOR THE AERIAL SPRAY.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE BURLINGTON COUNTY DIVISION OF MOSQUITO CONTROL IS HEREBY AUTHORIZED TO CONDUCT AERIAL MOSQUITO CONTROL ACTIVITIES IN PEMBERTON TOWNSHIP

### **RESOLUTION NO. 66-2010**

WHEREAS, JET, LLC HAS APPLIED TO THE TOWNSHIP OF PEMBERTON FOR A PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-012-003; AND  
WHEREAS, THE APPLICANT HAS DISCLOSED AND THE TOWNSHIP COUNCIL HAS REVIEWED THE SOURCE OF FUNDS USED IN THE PURCHASE OF THE LICENSE AND THE LICENSED BUSINESS AND ALL ADDITIONAL FINANCING OBTAINED IN CONNECTION WITH THE LICENSED BUSINESS AND PREMISES; AND  
WHEREAS, THE PERSON-TO-PERSON TRANSFER APPLICATION FORM SUBMITTED IS COMPLETE IN ALL RESPECTS, THE TRANSFER FEES HAVE BEEN PAID, THE LICENSE HAS BEEN PROPERLY RENEWED FOR THE CURRENT LICENSE TERM, AND THE APPLICANT IS QUALIFIED TO BE LICENSED ACCORDING TO THE STANDARDS ESTABLISHED BY TITLE 33 OF THE NEW JERSEY STATUTES AND APPLICABLE REGULATIONS AND ORDINANCES AS REVEALED THROUGH APPROPRIATE INVESTIGATIONS;  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE TOWNSHIP COUNCIL HEREIN APPROVES THE PERSON-TO-PERSON TRANSFER OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-012-003 FROM OTT'S PUB INC. T/A OTTERS PUB TO JET, LLC T/A JAMISON'S BAR & GRILL WHOSE MAILING ADDRESS IS 1100 WEST LAKESHORE DRIVE, BROWNS MILLS, NJ 08015;  
BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ENDORSE THE EXISTING LICENSE CERTIFICATE TO EFFECTUATE THE PERSON-TO-PERSON TRANSFER OF THE AFOREMENTIONED LICENSE, WHICH SAID TRANSFER SHALL BE EFFECTIVE FEBRUARY 17, 2010.

### **RESOLUTION NO: 67-2010**

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AUTHORIZING THE 2010 TEMPORARY BUDGET

WHEREAS, N.J.S.A. 40A: 4-19.1 AUTHORIZES THE ADOPTION OF A TEMPORARY MUNICIPAL BUDGET FOR EXTENDED TIME PERIOD WHERE BUDGET DATES HAVE BEEN EXTENDED, NOT TO EXCEED 1/12<sup>TH</sup> OF THE TOTAL APPROPRIATIONS IN THE PRIOR YEAR'S BUDGET EXCLUSIVE OF ANY APPROPRIATION FOR DEBT SERVICE, CAPITAL IMPROVEMENT FUND AND PUBLIC ASSISTANCE; AND,  
WHEREAS, 1/12<sup>TH</sup> OF THE TOTAL APPROPRIATIONS IN THE 2009 BUDGET, EXCLUSIVE OF APPROPRIATIONS FOR DEBT SERVICE, CAPITAL IMPROVEMENT FUND AND PUBLIC ASSISTANCE IS  
\$ 1,802,739.38 FOR THE CURRENT FUND AND \$ 132,455.83 FOR THE WATER UTILITY FUND;  
NOW THEREFORE, BE IT RESOLVED THAT THE FOLLOWING TEMPORARY BUDGET APPROPRIATIONS BE MADE:

CURRENT FUND:

#### GENERAL APPROPRIATIONS:

100	MAYOR/BUSINESS ADMIN.	
	SALARY & WAGES	5,000.00
	OTHER EXPENSE	2,000.00
110	TOWNSHIP COUNCIL	
	SALARIES & WAGES	
	OTHER EXPENSES	500.00
120	TOWNSHIP CLERK	
	SALARIES & WAGES	10,000.00
	OTHER EXPENSE	1,000.00
130	FINANCE	
	SALARY & WAGES	5,000.00
	OTHER EXPENSE	5,000.00
135	AUDIT SERVICES	
	OTHER EXPENSE	25,000.00
144	LIQUIDATION OF TAXES	
	OTHER EXPENSES	10,000.00
145	COLLECTION OF TAXES	
	SALARY & WAGES	5,000.00
	OTHER EXPENSE	1,500.00
146	SOLID WASTE BILLING	
	SALARY & WAGES	2,000.00
	OTHER EXPENSES	500.00
150	ASSESSMENT OF TAXES	
	SALARY & WAGES	5,000.00
	OTHER EXPENSE	1,000.00
155	LEGAL SERVICES & COSTS	
	OTHER EXPENSE	14,000.00
165	ENGINEERING	

	OTHER EXPENSE	20,000.00
170	URBAN ENTERPRISE ZONE	
	SALARY & WAGES	2,000.00
180	PLANNING BOARD	
	SALARY & WAGES	2,000.00
	OTHER EXPENSES	500.00
185	ZONING BOARD OF ADJUSTMENT	
	SALARY & WAGES	2,000.00
	OTHER EXPENSES	500.00
195	CODE ENFORCEMENT	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	500.00
	INSURANCE	
210	OTHER INSURANCE PREMIUMS	25,000.00
215	WORKERS COMPENSATION	15,000.00
220	GROUP MEDICAL	50,000.00
225	UNEMPLOYMENT	0.00
240	POLICE	
	SALARY & WAGES	25,000.00
	OTHER EXPENSES	5,000.00
252	EMERGENCY MANAGEMENT	
	OTHER EXPENSES	1,000.00
254	FIRE DEPARTMENT	
	OTHER EXPENSES	2,500.00
262	AMBULANCE CONTRACT	
	OTHER EXPENSES	25,000.00
265	FIRE HYDRANT RENT	
	OTHER EXPENSES	500.00
275	PROSECUTOR	
	OTHER EXPENSE	2,500.00
290	STREETS & ROADS	
	SALARY & WAGES	25,000.00
	OTHER EXPENSES	25,000.00
300	TRAFFIC SIGNALS	
	OTHER EXPENSES	1,000.00
305	SOLID WASTE COLLECTION	
	OTHER EXPENSE	
310	BUILDINGS & GROUNDS	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	5,000.00
315	FLEET MAINTENANCE	
	SALARY & WAGES	10,000.00
	OTHER EXPENSES	5,000.00
340	ANIMAL CONTROL	
	SALARY AND WAGES	3,000.00
	OTHER EXPENSES	1,000.00
370	RECREATION	
	SALARY & WAGES	5,000.00
	OTHER EXPENSES	2,000.00
371	SENIOR CITIZEN SERVICES	
	SALARY & WAGES	3,000.00
	OTHER EXPENSES	2,000.00
	UNCLASSIFIED	
430	ELECTRICITY	10,000.00
435	STREET LIGHTING	2,000.00
441	POSTAGE	.2000.00
446	NATURAL GAS	5,000.00
447	HEATING OIL	5,000.00
455	SEWER	1,000.00
460	GASOLINE	50,000.00
465	SOLID WASTE DISPOSAL COSTS	25,000.00
472	SOCIAL SECURITY & MEDICARE	15,000.00
	OTHER EXPENSES	
490	MUNICIPAL COURT	
	SALARY & WAGES	5,000.00
	OTHER EXPENSES	1,500.00
700	UEZ GRANT MARKETING GRANT	110,000.00

2010 TEMPORARY MUNICIPAL  
BUDGET - INCREASE BY 1/12 OF  
2009 BUDGET

608,000.00

DEBT SERVICE  
925 PAYMENT OF NOTES (6,216,352.00)



WATER UTILITY FUND  
500 SALARY & WAGES 0.00  
OTHER EXPENSES 0.00  
512 WATER CAPITAL OUTLAY 49,000.00  
541 SOCIAL SECURITY 0.00  
  
TOTAL - WATER UTILITY 49,000.00

**RESOLUTION NO. 68-2010**

WHEREAS, PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS BEEN ORGANIZED TO PROVIDE PROGRAMS TO ENCOURAGE DEVELOPMENT WITHOUT DRUGS BY VIRTUE OF CARE, EDUCATION AND VIGILANCE; AND WHEREAS, THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE IS A POTENTIAL SOURCE OF FINANCIAL SUPPORT AND THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE HAS APPLIED TO RECEIVE A SHARE OF THIS FUND FOR LOCAL PURPOSES.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE PEMBERTON TOWNSHIP MUNICIPAL ALLIANCE IS AUTHORIZED TO FILE APPLICATIONS WITH THE GOVERNOR'S COUNCIL ON ALCOHOLISM AND DRUG ABUSE FOR FUNDING.

**RESOLUTION NO. 69-2010**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A SETTLEMENT AGREEMENT WITH THE STATE OF NEW JERSEY, DEPARTMENT OF ENVIRONMENTAL PROTECTION, IN THE MATTER OF PEMBERTON TOWNSHIP WATER DEPARTMENT, LAKE VALLEY WATER SYSTEM

WHEREAS, THE NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION HAS PROPOSED A SETTLEMENT AGREEMENT TO THE TOWNSHIP OF PEMBERTON IN FULL SETTLEMENT OF PENALTY LIABILITY FOR MONITORING OMISSION VIOLATIONS AT LAKE VALLEY FOR INORGANIC AND SECONDARY CONTAMINANTS AND VOLATILE ORGANIC COMPOUNDS DURING THE 2005-2007 MONITORING PERIOD; AND

WHEREAS, A COPY OF THE SETTLEMENT AGREEMENT IS ATTACHED HERETO.

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

1. THAT THE MAYOR IS AUTHORIZED TO EXECUTE AND THE TOWNSHIP CLERK IS AUTHORIZED TO WITNESS THE ATTACHED SETTLEMENT AGREEMENT; AND
2. THE CHIEF FINANCIAL OFFICER IS AUTHORIZED TO DISBURSE THE PENALTY IN THE AMOUNT OF \$3,500 BY CHECK PAYABLE TO THE "TREASURER, STATE OF NEW JERSEY."

BE IT FURTHER RESOLVED, THAT THIS CONTRACT IS SUBJECT TO A CERTIFICATION OF AVAILABILITY OF FUNDS BEING EXECUTED BY THE CHIEF FINANCE OFFICER.

**RESOLUTION NO. 70-2010**

A RESOLUTION AUTHORIZING THE PEMBERTON TOWNSHIP PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION IN ORDER TO CONFIRM THAT THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA CONTINUES TO MEET THE CRITERIA OF AN AREA IN NEED OF REDEVELOPMENT UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW AND TO INVESTIGATE WHETHER ADDITIONAL PROPERTIES ADJACENT TO THE EXISTING REDEVELOPMENT AREA ALSO QUALIFY AS AN AREA IN NEED OF REDEVELOPMENT

WHEREAS, ON JANUARY 27, 1994 THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP COUNCIL") ADOPTED RESOLUTION NO. 43-1994 DETERMINING THAT THE AREA KNOWN AS THE "BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA", AS MORE PARTICULARLY IDENTIFIED WITHIN THE "EXISTING BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA BLOCK AND LOT LIST" ATTACHED HERETO, IS AN AREA IN NEED OF REDEVELOPMENT UNDER THE LOCAL REDEVELOPMENT AND HOUSING LAW, N.J.S.A. 40A:12A-1 ET. SEQ. (THE "LRHL") AND DIRECTING THE PEMBERTON TOWNSHIP PLANNING BOARD TO PREPARE A REDEVELOPMENT PLAN FOR THIS AREA; AND

WHEREAS, ON APRIL 6, 1995, THE TOWNSHIP COUNCIL ADOPTED ORDINANCE NO. 8-1995 ADOPTING A REDEVELOPMENT PLAN FOR THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA; AND

WHEREAS, SINCE THE DATE OF THE TOWNSHIP COUNCIL'S ORIGINAL DESIGNATION OF THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA AS AN AREA IN NEED OF REDEVELOPMENT UNDER THE LRHL, THERE HAVE BEEN NUMEROUS CASES IN WHICH THE TRIAL AND APPELLATE COURTS OF NEW JERSEY HAVE INTERPRETED THE LRHL; AND

WHEREAS, IN ONE OF THESE CASES, HARRISON REDEVELOPMENT AGENCY V. DEROSE, 398 N.J. SUPER. 361 (APP. DIV. 2008), THE APPELLATE DIVISION HELD THAT PROPERTY OWNERS WERE ENTITLED TO NOTICE THAT THEIR PROPERTY WAS IN AN AREA DESIGNATED IN NEED OF REDEVELOPMENT UNDER THE LRHL AND THAT SUCH DESIGNATION MAY RESULT IN THE SUBSEQUENT ACQUISITION OF THEIR PROPERTY BY EMINENT DOMAIN; AND WHEREAS, IN LIGHT OF THE DEVELOPMENTS IN NEW JERSEY CASE LAW INTERPRETING THE LRHL, THE TOWNSHIP COUNCIL HAS DETERMINED THAT IT IS APPROPRIATE FOR THE PLANNING BOARD TO RE-STUDY THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA IN ORDER TO CONFIRM THAT THIS AREA CONTINUES TO MEET THE CRITERIA OF AN AREA IN NEED OF REDEVELOPMENT AS DEFINED BY THE LRHL AND, AS PART OF THIS PROCESS, TO PROVIDE THE NOTICES TO PROPERTY OWNERS DESCRIBED WITHIN HARRISON REDEVELOPMENT AGENCY V. DEROSE PRIOR TO CONDUCTING THE PUBLIC HEARING(S) REQUIRED UNDER THE LRHL; AND

WHEREAS, THE TOWNSHIP PLANNER, RAGAN DESIGN GROUP, HAS RECOMMENDED THAT THE TOWNSHIP COUNCIL AUTHORIZE THE PLANNING BOARD TO STUDY CERTAIN PARCELS OF PROPERTY LOCATED ADJACENT TO THE EXISTING BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA, AS MORE PARTICULARLY IDENTIFIED WITHIN THE "AREA IN NEED OF REDEVELOPMENT TO BE STUDIED BLOCK AND LOT LIST" ATTACHED HERETO (THE "EXPANDED STUDY AREA"), TO DETERMINE WHETHER THE EXPANDED STUDY AREA QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT UNDER THE LRHL; AND

WHEREAS, THE TOWNSHIP COUNCIL WISHES TO AUTHORIZE THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION PURSUANT TO THE LRHL IN ORDER TO DETERMINE WHETHER THE EXPANDED STUDY AREA QUALIFIES AS AN AREA IN NEED OF REDEVELOPMENT UNDER THE LRHL.

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:

1. THE WHEREAS CLAUSES SET FORTH ABOVE ARE ADOPTED AS FINDINGS SETTING FORTH THE BACKGROUND AND PURPOSES OF THE CURRENT INVESTIGATION.
2. BASED THEREON, THE TOWNSHIP COUNCIL HEREBY AUTHORIZES AND DIRECTS THE PLANNING BOARD TO INVESTIGATE THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA IN ORDER TO CONFIRM THAT THIS AREA CONTINUES TO MEET THE CRITERIA OF AN AREA IN NEED OF

REDEVELOPMENT AS DEFINED BY THE LRHL. THIS RESOLUTION IS NOT INTENDED TO, AND SHALL NOT, REVOKE OR OTHERWISE RELINQUISH THE PRIOR AREA IN NEED OF REDEVELOPMENT DESIGNATION MADE BY THE TOWNSHIP COUNCIL AS TO THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA. RATHER, IT IS INTENDED TO AUTHORIZE AN INVESTIGATION TO CONFIRM THAT THE AREA CONTINUES TO MEET THE AREA IN NEED OF REDEVELOPMENT CRITERIA AS DEFINED WITHIN THE LRHL AND TO PROVIDE THE OWNERS OF PROPERTIES WITHIN THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA WITH ADEQUATE NOTICE AND AN OPPORTUNITY TO BE HEARD PRIOR TO ANY FURTHER REDEVELOPMENT DETERMINATION AS TO THIS AREA.

3. THE TOWNSHIP COUNCIL ALSO HEREBY AUTHORIZES AND DIRECTS THE PLANNING BOARD TO CONDUCT A PRELIMINARY INVESTIGATION OF THE EXPANDED STUDY AREA (AS IDENTIFIED WITHIN THE "AREA IN NEED OF REDEVELOPMENT TO BE STUDIED BLOCK AND LOT LIST" ATTACHED HERETO) IN ACCORDANCE WITH THE LRHL AND TO THEREAFTER PROVIDE RECOMMENDATIONS TO THE TOWNSHIP COUNCIL AS TO WHETHER THE EXPANDED STUDY AREA QUALIFIED AS AN AREA IN NEED OF REDEVELOPMENT UNDER THE LRHL.

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

- A. PEMBERTON TOWNSHIP PLANNING BOARD
- B. TOWNSHIP ADMINISTRATOR
- C. RAGAN DESIGN GROUP
- D. GLUCKWALRATH LLP

PEMBERTON TOWNSHIP, BURLINGTON COUNTY, NJ  
 EXISTING BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA  
 BLOCK AND LOT LIST

BLOCKS	LOTS
406	3.02 P/O, 4 P/O 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20.01, 20.02, 20.03, 20.04, 21, 22, 23, 24, 25, 26, 27.01, 27.02, AND 27.03
530	1, 2, 3, 4, 5, 6, 7, 11.03, 11.04, 11.05, 11.08, 11.09, 11.10, 11.11, 11.12, AND 11.13
531	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, AND 56
532	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 49, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60
533	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, AND 60
534	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59 AND 60
535	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, AND 25
536	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND 22
537	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, AND 14
538	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, AND 28
539	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15.01, 15.02, 15.03, 16, 17, AND 18
540	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, AND 31
541	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, AND 67
542	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.01, 17.02, 18.01, 18.02, 19.01, 19.02, 20.01, 20.02, 21.01, 21.02, 22.01, 22.02, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, AND 36
543	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, AND 72
544	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, AND 58
545	1, 2, 3, 4, 5, 6, 7, AND 8
546	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, AND 24
547	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, AND 50
548	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16
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550	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, AND 22
551	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, AND 18
552	1.01, 1.02, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, AND 37
553	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17.01, 17.02, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, AND 51
554	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 10.02, 10.03, 10.04, 10.05, 11.01, 11.02, 11.03, 11.04, 11.05, 11.06, 11.07, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21.01, 21.02, 22.01, 22.02, AND 23
555	1, 2, 3, 4, 5 AND 6
556	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, AND 16

557	1, 2, 3, 4, 5, 6, 7, 8, 9.01, 9.02, 10, 11, 12, 13, 14, 15, 16, 17.01, 17.02, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30.01, 30.02, 31, 32, 33, 34, 35, 36, 37, 58.01 (P/O) <sup>1</sup> , 58.02 (P/O), AND 58.03
569	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, AND 58
570	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, AND 51
571	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, AND 33
573	1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, AND 37
772	38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, AND 50
773	3 (P/O), 4, 5.01, 5.02, 5.03, 6, 7, 8, AND 9
775	18, 19, 20 (P/O), 22, AND 23

**RESOLUTION NO. 71-2010**

A RESOLUTION AUTHORIZING THE SALE OF TWO (2) EMS VEHICLES NO LONGER NEEDED FOR PUBLIC USE TO WOODLAND TOWNSHIP IN EXCHANGE FOR A 1998 DODGE DURANGO PURSUANT TO N.J.S.A. 40A:11-36(2) WHEREAS, THE TOWNSHIP OF PEMBERTON, PURSUANT TO N.J.S.A. 40A:11-36(2) MAY BY RESOLUTION OF ITS GOVERNING BODY AUTHORIZE THE SALE OF ITS PERSONAL PROPERTY NOT NEEDED FOR PUBLIC USE WITHOUT ADVERTISING FOR RECEIPT OF BIDS WHEN SUCH SALE WILL BE MADE TO ANOTHER CONTRACTING UNIT OR BODY POLITIC; AND

WHEREAS, THE TOWNSHIP OF PEMBERTON OWNS TWO (2) BOX STYLE AMBULANCES THAT ARE NO LONGER NEEDED FOR PUBLIC USE AND ARE NOT IN GOOD WORKING ORDER; AND

WHEREAS, WOODLAND TOWNSHIP OWNS A 1998 DODGE DURANGO THAT IT DESIRES TO EXCHANGE FOR THE TWO AMBULANCES;

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS A NEED FOR THE DURANGO AND WISHES TO SELL THE AMBULANCES THAT ARE MORE FULLY DESCRIBED BELOW TO WOODLAND TOWNSHIP IN CONSIDERATION FOR THE VALUE OF THE DURANGO.

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

1. THAT THE MAYOR IS AUTHORIZED TO SELL TWO (2) BOX STYLE AMBULANCES  
1993 FORD AMBULANCE VIN. NO. 1FDKE30M7PHB62536 (71,683 MILES)  
1993 FORD AMBULANCE VIN. NO. 1FDKE30M3PHB62534 (119,241 MILES)  
AND THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE ANY DOCUMENTS, IF ANY, NECESSARY TO COMPLETE THAT PURCHASE INCLUDING ANY CONTRACT; AND
2. THAT THE SALE IS AUTHORIZED TO BE MADE IN EXCHANGE FOR AND CONSIDERATION OF THE 1998 DODGE DURANGO (VIN. NO. 1B4HS-28Y4W-F1409-15); AND
3. THAT WE FIND THAT THIS EXCHANGE BEST MEETS THE REQUIREMENTS OF THE TOWNSHIP OF PEMBERTON AND FULFILLS OUR GOAL OF MAINTAINING A SUFFICIENT FLEET OF PUBLIC VEHICLES; AND
4. THAT A COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE TOWNSHIP CLERK OF WOODLAND TOWNSHIP

**RESOLUTION NO. 72-2010**

A RESOLUTION AUTHORIZING THE TOWNSHIP OF PEMBERTON TO ENTER INTO A PARTNER AGREEMENT WITH THE PEMBERTON TOWNSHIP SCHOOL DISTRICT UNDER THE READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS PROGRAM

WHEREAS, THE PEMBERTON TOWNSHIP SCHOOL DISTRICT INTENDS TO FILE A GRANT APPLICATION UNDER THE READINESS AND EMERGENCY MANAGEMENT FOR SCHOOLS PROGRAM, WHICH IS ADMINISTERED THROUGH THE UNITED STATES, DEPARTMENT OF EDUCATION; AND

WHEREAS, THE GRANT APPLICATION REQUIRES THAT THE SCHOOL DISTRICT INCLUDE IN ITS APPLICATION PACKAGE AND AGREEMENT THAT DETAILS THE PARTICIPATION OF EACH OF FIVE TYPES OF COMMUNITY-BASED PARTNERS, INCLUDING THE POLICE DEPARTMENT AND EXECUTIVE HEAD OF THE LOCAL GOVERNMENT; AND

WHEREAS, THE GRANT REQUIRES NO MATCHING FUNDS; AND WHEREAS, THE POLICE DEPARTMENT AND OFFICE OF EMERGENCY MANAGEMENT WOULD PARTICIPATE, UNDER THE PARTNER AGREEMENT WITH THE SCHOOL DISTRICT, BY TAKING THE ACTIONS THAT ARE SET FORTH IN THE ATTACHED PARTNER AGREEMENT. NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR OR BUSINESS ADMINISTRATOR IS HEREBY AUTHORIZED TO EXECUTE THE PARTNER AGREEMENT THAT WILL BE FILED WITH THE GRANT APPLICATION BY THE PEMBERTON TOWNSHIP SCHOOL DISTRICT.

**\*11. Approval by Council required for payment of vouchers on bill list dated 2/12/10.**

Mr. Inge requested to pull Resolution No. 63-2010 from the Consent Agenda.

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

**ITEMS PULLED FROM THE CONSENT AGENDA:**

**Resolution No. 63-2010**

**RESOLUTION NO. 63-2010**

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL EXPRESSES NO OBJECTION TO THE PLACE-TO-PLACE TRANSFER OF PRCL NO. 0329-33-004-008, THOMAS R. INGE ENTERPRISES, III, LLC, TO BE ISSUED BY THE STATE OF NEW JERSEY DUE TO A CONFLICT OF INTEREST, PURSUANT TO N.J.A.C. 13:2-4.6; AND

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSE MAY BE TRANSFERRED BY THE STATE OF NEW JERSEY;

PLENARY RETAIL CONSUMPTION LICENSE:  
THOMAS R. INGE ENTERPRISES, III, LLC #0329-33-004-008  
T/A POCKET LICENSE

<sup>1</sup> p/o – Portion of the property is located within the redevelopment area.

Motion by Prickett and Stinney to approve Resolution No. 63-2010. Prickett, yes; Stinney, yes; Cartier, yes; Inge, abstain; Scull, yes. Motion carried.

**9. ORDINANCES FOR INTRODUCTION**

**a. ORDINANCE NO. 1-2010 (Title read by Mrs. Scull)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR FAIR AND SAFE TOWING OPERATIONS IN THE TOWNSHIP

Motion by Prickett and Cartier to introduce Ordinance No. 1-2010 with a public hearing on March 3, 2010. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

**10. NEW BUSINESS**

- a. Approves PTMUA's award of 2010 professionals' contracts for Attorney, Auditor and Engineer, as to the fees.

Council President Scull advised that this approval as to the fees is required by statute.

Motion by Prickett to approve the PTMUA's award of 2010 professional contracts for Attorney, Auditor and Engineer.

Mrs. Stinney clarified that this is just for the fees.

Motion died for lack of second.

Mr. Bayer advised he would look at the statute to see what the legal ramifications are.

- b. Review of proposals received from Planner Rick Ragan regarding the Redevelopment Plan and from ARH for Well #13 and related water system problems.

A discussion ensued regarding the costs and whether or not Administration could see if ARH could negotiate their price down. Mr. Prickett expressed he was ready to support the approval of this proposal but would like to see the price be lowered.

Motion by Prickett and Cartier to approve ARH's proposal with a not to exceed and if possible less than \$67,695. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

Mr. Bayer noted that Ragan Design Group's proposal is related to Resolution No. 70-2010.

Motion by Cartier and Stinney to approve Ragan Design Group's proposal not to exceed \$8,500. Cartier, yes; Stinney, yes; Prickett, yes; Inge, abstain; Scull, yes. Motion carried.

- c. Review of draft resolutions establishing a procedure requiring pre-approval of certain purchases.

Mrs. Finlay clarified that Mr. Vaz is looking for Council to choose one of the two resolutions in their packets. The items listed in number two are items that need to

be approved prior to a meeting so that operations are not held up. There is not a written policy but it has been an established policy that anything over \$2,000 must be presented to Council for approval. The second resolution will change that policy to 15% of what the bid threshold is which is allowable under the local public contracts law. Mrs. Finlay noted that it is Council's pleasure to stay with the current policy or to go with what the statute allows. Mr. Bayer advised the bid threshold is \$21,500 and changes year to year. Council discussed which resolution to add to the next meeting's agenda. Council gave a consensus to add the second resolution for 15% of the bid threshold to the next meeting agenda.

### **GENERAL PUBLIC COMMENTS:**

Council President Scull opened the meeting to general public comments. Those indicating a desire to be heard were: **Steve Skulimoski:** **1.** Confirmed a lobbyist was hired at the last meeting. Asked if they turned in the town's earmarks and met deadlines. Mayor Patriarca advised the earmarks will be going out this week. **2.** Asked if they were fined by the state for well #11. Mayor Patriarca informed that they did not get fined for well #11. The Mayor added that they did receive a fine from the DEP but it was for certain notifications that were not made when taking over the Lake Valley Water Company which occurred in a prior Administration. Mr. Skulimoski recalled that Mr. Vaz stated at the last council meeting that they have issues with the wells, and he would like to know what those issues are and what costs are involved. The Mayor informed that they are providing a good product regarding their water; it is safe and what they have done to take precautions with well #11 is not required by the state. Mayor Patriarca expressed that they have wells that were dug ten years ago that were never officially put on line, and they are looking to get them on line to give them the adequate supply they need in the Township especially since well #11 is down. Council President Scull added that the proposal Council approved tonight addresses well numbers 6, 7, 11, 12 and 13. Mr. Skulimoski is speaking but is inaudible. **Sharon Troia and Carolyn Smith:** **1.** Both are residents of Belaire Trailer Park. Commented on increase of gang activities and vandalism, and informed that residents are not allowed to have fences. Mrs. Scull asked the Mayor to forward these concerns to Chief Lewandowski. The Mayor confirmed he would, noting that he was not aware of these problems. Mr. Cartier asked if the Township has the right to patrol there as it is private property to which the Mayor responded yes. Ms. Troia asked who is responsible for the street lighting in the trailer park as it is very dim. Mayor Patriarca remarked he would look into the developer's agreement. **2.** Commented that the basketball court in the trailer park is locked so the children cannot use it. Mrs. Scull reiterated that they will look into the developer's agreement. **3.** Asked how future sewer installations will affect rent increases. Mrs. Scull advised that Mr. Bayer is looking into rent control boards. Mayor Patriarca spoke of a resident that brought in a model ordinance from another mobile home park in another area that they might be able to utilize. **4.** Stated Belaire Trailer Park has a bad reputation and needs help to make changes. **Jim Smollouk:** **1.** Asked if Belaire Trailer Park pays their past due bills do they get their license back or do they have to reapply. Mr. Bayer advised their license was not suspended, it was not renewed; therefore, they would have to reapply when their water and sewer bills are current. He advised that he gave the Mayor a sample rent control board ordinance. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments.

### **SOLICITOR'S REPORT:**

**Andy Bayer:** Reported that the Appellate Division affirmed the Township's rental registration ordinance. There has been a significant legal discussion regarding that result. It is a published opinion, and he has received numerous calls from lawyers as well as the Mayor of Collingswood expressing an interest in looking at their ordinance. There have been a lot of positive responses.



### **ENGINEER'S REPORT:**

**Dave Cella:** Thanked Council for authorizing ARH's proposal. He will see what can be done to minimize the cost.

### **MAYOR'S REPORT:**

**David Patriarca:** **1.** Commented on an article in the Burlington County Times regarding a conceptual plan of the revitalization of Browns Mills. **2.** Mr. Prickett asked the Mayor for clarification on Resolution 69-2010 which is the settlement agreement between the DEP and the Township. Mr. Prickett asked if currently the levels are acceptable to which the Mayor replied yes. **3.** Mrs. Scull asked for a date for the Live Where You Work kick off. Mayor Patriarca replied that the program is available now, and there will be a kick off to inform the public as to what is available to them but a date has not been determined. The Mayor briefly described the Live Where You Work program.

### **COUNCIL MEMBER COMMENTS:**

**Rick Prickett:** **1.** Looking forward to spring. **2.** Announced that budget hearings are coming up in March. **3.** Wished everyone a good night.

**Diane Stinney:** **1.** Suggested a neighborhood crime watch and gang seminar for Belaire Trailer Park. **2.** Commented on an article in the Burlington County Times regarding the Black History Fashion Show at the Pemberton Township High School scheduled for Friday, February 26. **3.** Encouraged everyone to attend the open house at Deborah Hospital on Saturday, February 27. **4.** Commended Mrs. Scull for a job well done. **5.** Thanked everyone for coming out and voicing their opinions in a respectable manner. Wished everyone a blessed evening. **6.** Thanked Council and Council President Scull.

**Ken Cartier:** **1.** Commended Public Works on clearing the roads from the last two snow storms. **2.** The Deborah Heart Challenge is Sunday, February 21<sup>st</sup> at Pemberton High School. The exhibits open at 1:30. **3.** Wished everyone a good night.

**Tom Inge:** **1.** Thanked everyone for coming out.

**Sherry Scull:** **1.** Informed that the senior citizens are appreciative of the efforts of the interact club and the Senior Valentine Dinner Dance. There were approximately 100 seniors that attended at the Senior Center. Mrs. Scull asked Mr. Wells to let the School Board know how appreciative the senior citizens are. **2.** The next business meeting will be on Tuesday, February 23rd at the municipal building. **3.** Commended Public Works on a great job clearing the roads after the recent snow storms. **4.** Thanked everyone for coming out. Wished everyone a nice evening and encouraged everyone to attend the Deborah Heart Challenge.

The meeting was adjourned at approximately 8:08 pm.

Respectfully submitted:

Mary Ann Finlay, MMC  
Township Clerk