

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**JUNE 16, 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 and Attorney Antonella Colella, Township Engineers Chris Rehmann and Kelly Willis, Township Clerk Mary Ann Finlay

2. Chairwoman Scull called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 137-2010

**RESOLUTION NO. 137-2010**

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  
WORKERS COMP SETTLEMENT
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 Cartier and Stinney to approve Resolution No. 137-2010.  
Cartier, yes; Stinney, yes; Prickett, 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)

Council President Scull recessed the meeting to go in to Closed Session and reconvened the meeting at approximately 7:00 pm.

5. Formal action as necessary pursuant to closed session.

Council President Scull advised there will be no formal action pursuant to closed session.

6. Public comments on consent agenda items only.

Council President Scull opened the meeting to public comments. Prior to receiving comments, Mr. Cartier informed that Administration has requested to add the following invoices to the bill list:

Premier Maintenance Products, Inv. #4414 for \$15.14 for cleaning products  
Premier Maint. Products, Inv. #4415 for \$1,076.78 for cleaning products  
Stewart Business Systems, Invoice #16X431 for \$140.00 for copier rental

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

Those indicating a desire to be heard were: **Steven Skulimoski:** Asked if the award to Giordano's New Age Landscaping, LLC in the amount of \$19,575.00 for lawn/grass cutting services is a recurring expense. Mayor Patriarca informed that this would allow them to free up employees for other projects that would cost the town more money to contract out for. Mr. Skulimoski asked if the services will be cutting all Township properties. Mrs. Scull and the Mayor informed that it will include the baseball fields and large parks. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments on Consent Agenda items.

**\*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.**

Mr. Inge requested to pull Resolution No. 151-2010 from the Consent Agenda.

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

Regular meeting, June 2, 2010.

**\*10. CONSENT AGENDA RESOLUTIONS**

**RESOLUTION NO. 138-2010**

WHEREAS, THE TOWNSHIP OF PEMBERTON WILL CELEBRATE ITS ANNUAL WATER CARNIVAL ON SATURDAY, JULY 17, 2010 (RAIN DATE JULY 24, 2010); AND  
WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL ARE DESIROUS TO CLOSE THE CARNIVAL CEREMONY WITH A FIREWORKS DISPLAY; AND  
WHEREAS, A RESOLUTION IS REQUIRED BY THE NEW JERSEY DEPARTMENT OF LABOR, DIVISION OF WORKPLACE STANDARDS, TO GRANT PERMISSION FOR THE TOWNSHIP OF PEMBERTON TO CONDUCT A PUBLIC DISPLAY OF FIREWORKS; AND  
WHEREAS, FIREWORKS BY SCHAEFER PYROTECHNICS INC., WAS CONTACTED AND PROVIDED THE LOWEST RESPONSIBLE QUOTE TO PROVIDE THE FIREWORKS AND SAID COMPANY HAS SUPPLIED THE CERTIFICATES OF INSURANCES AS ATTACHED HERETO AND MADE A PART HEREOF THIS RESOLUTION; AND  
WHEREAS, THE PEMBERTON TOWNSHIP ANNUAL WATER CARNIVAL COMMITTEE, ON BEHALF OF THE MAYOR AND TOWNSHIP COUNCIL, WILL PRESENT THE FIREWORKS DISPLAY TO THE RESIDENTS OF PEMBERTON TOWNSHIP.  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, THAT SCHAEFER PYROTECHNICS INC., IS HEREBY GRANTED PERMISSION TO HOLD A FIREWORKS DISPLAY ON SATURDAY, JULY 17, 2010, WITH A RAIN DATE OF SATURDAY, JULY 24, 2010 IF NECESSARY,  
BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT IN THE AMOUNT OF \$7,000.00 WITH SCHAEFER PYROTECHNICS INC. TO PROVIDE FIREWORKS AT OUR ANNUAL WATER CARNIVAL, SUBJECT TO THE AVAILABILITY OF FUNDS FROM THE CHIEF FINANCIAL OFFICER,  
BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER IS HEREIN AUTHORIZED AND DIRECTED TO PROCESS THE PURCHASE ORDER TO SCHAEFER PYROTECHNICS INC., IN THE AMOUNT OF \$7,000.00.

**RESOLUTION NO. 139-2010**

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:  
PATRICIA DEPACE, \$120.00, REFUND FOR SUMMER RECREATION PROGRAM

BARBARA BARBER, \$125.00, REFUND FOR SUMMER RECREATION PROGRAM  
ARCHER & GREINER, \$6.45, OVERPAYMENT OF OPRA FEES  
CORELOGIC, \$904.28, OVERPAYMENT OF FIRST QUARTER PROPERTY TAXES, BLOCK 634, LOT 6  
CORELOGIC, \$887.02, OVERPAYMENT OF FIRST QUARTER PROPERTY TAXES, BLOCK 645, LOT 24  
DAVID & JOAN WILLIAMS, \$1,865.19, PROPERTY TAX REFUND FOR TDV, BLOCK 1091, LOT 23  
HELGA & RALPH FLOWERS, \$1,947.05, PROPERTY TAX REFUND FOR TDV, BLOCK 632, LOT 3  
JAMES MOORE, \$1,596.45, PROPERTY TAX REFUND FOR TDV, BLOCK 606, LOT 3  
BERNARD & GINGER RAJANIEMI, \$1,713.90, PROPERTY TAX REFUND FOR TDV, BLOCK 407, LOT 14

**RESOLUTION NO. 140-2010**

A RESOLUTION OF THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AUTHORIZING THE INSERTION SPECIAL OF ITEMS OF REVENUES AND APPROPRIATIONS, N.J.S. 40A:4-87

WHEREAS, N.J.S. 40A:4 - 87 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE THE INSERTION OF ANY SPECIAL ITEM OF REVENUE IN THE BUDGET OF ANY COUNTY OR MUNICIPALITY WHEN SUCH ITEM SHALL HAVE BEEN MADE AVAILABLE BY LAW AND THE AMOUNT WAS NOT DETERMINED AT THE TIME OF ADOPTION OF THE BUDGET; AND

WHEREAS, THE DIRECTOR MAY ALSO APPROVE THE INSERTION OF AN ITEM OF APPROPRIATION FOR EQUAL AMOUNT, AND

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS RECEIVED NOTICE OF THE FOLLOWING AWARD FOR A TOTAL OF \$ 54,629.66 FROM THE STATE OF NEW JERSEY, AND WISHES TO AMEND THE 2010 BUDGET TO INCLUDE THIS AMOUNT AS REVENUE.

NOW, THEREFORE, BE IT RESOLVED, THAT THE COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2010 FOR THE FOLLOWING SUM:

1. STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY  
DRUNK DRIVING ENFORCEMENT FUND - \$33,629.66
2. COUNTY OF BURLINGTON  
MUNICIPAL ALLIANCE PROGRAM 2010  
\$21,000.00

BE IT FURTHER RESOLVED, THAT THE LIKE SUM(S) OF \$ 54,629.66 ARE HEREBY APPROPRIATED UNDER THE CAPTION: GENERAL REVENUE:

MISCELLANEOUS REVENUES: SECTION F SPECIAL ITEMS ANTICIPATED WITH PRIOR WRITTEN CONSENT OFFSET WITH APPROPRIATIONS:

1. STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY  
DRUNK DRIVING ENFORCEMENT FUND - \$33,629.66
2. COUNTY OF BURLINGTON  
MUNICIPAL ALLIANCE PROGRAM 2010  
\$21,000.00

BE IT FURTHER RESOLVED THAT THE SAME AMOUNTS BE APPROPRIATED AS FOLLOWS:

GENERAL APPROPRIATIONS:

(A) OPERATIONS EXCLUDED FROM "CAPS"

PUBLIC AND PRIVATE PROGRAMS OFFSET BY REVENUE:

1. STATE OF NEW JERSEY, DEPARTMENT OF LAW & PUBLIC SAFETY  
DRUNK DRIVING ENFORCEMENT FUND - \$33,629.66
2. COUNTY OF BURLINGTON  
MUNICIPAL ALLIANCE PROGRAM 2010  
\$21,000.00

**RESOLUTION NO. 141-2010**

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 689 LOT 7, 407 RHODE ISLAND RD. OWNED BY RICHARD R & SALLY J TOMASZEWSKI QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 2, 2010; 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 689 LOT 7 AS A RESULT OF THE GRANTED EXEMPTION; AND

WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO JUNE 1, 2010 IS \$1,573.20 ; AND

WHEREAS, TAXES LEVIED ON THE FIRST HALF OF 2010 IS IN THE AMOUNT OF \$1,864.66 ON BLOCK 689 LOT 7, WHICH HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON FIRST HALF TAXES IN THE AMOUNT OF \$291.46 TO THE HOMEOWNER.

WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 2, 2010.

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 2010 PROPERTY TAXES ON BLOCK 689 LOT 7 AS OF JUNE 2, 2010, 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 REFUND TAXES IN THE AMOUNT OF \$291.46 TO: RICHARD R & SALLY J TOMASZEWSKI, 407 RHODE ISLAND RD., 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. 142-2010**

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 760 LOT 5, 211 MASSACHUSETTS RD. OWNED BY WALTER J JR. & PATRICIA E TORWICH QUALIFIES FOR A VETERANS' PROPERTY TAX EXEMPTION AS OF JUNE 1, 2010; 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 760 LOT 5 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2010 TO MAY 31, 2010 IS \$1,990.18 ; AND  
WHEREAS, TAXES LEVIED ON THE FIRST HALF OF 2010 IS IN THE AMOUNT OF \$2,373.03 ON BLOCK 760 LOT 5, WHICH HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO REFUND THE BALANCE PAID ON FIRST HALF TAXES IN THE AMOUNT OF \$382.85 TO THE HOMEOWNER.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF JUNE 1, 2010.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:

3. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2010 PROPERTY TAXES ON BLOCK 760 LOT 5 AS OF JUNE 1, 2010, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.
4. THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$382.85 TO: WALTER J JR. & PATRICIA E TORWICH, 211 MASSACHUSETTS RD., BROWNS MILLS, NJ 08015.
4. 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. 143-2010**

WHEREAS, GREAT NORTHWESTERN HAD PREVIOUSLY POSTED A PERFORMANCE BOND, FOR CERTAIN IMPROVEMENTS FOR PROPERTY KNOWN AS BLOCK 557, LOTS 38-40; WHICH GUARANTEE WAS POSTED IN THE AMOUNT OF \$115,486.80; AND  
WHEREAS, THOSE IMPROVEMENTS HAVE BEEN COMPLETED; AND  
WHEREAS, THE TOWNSHIP ENGINEER HAS RECOMMENDED THE RELEASE OF THE PERFORMANCE BOND IN THE AMOUNT OF \$115,486.80, CONTINGENT UPON THE PROPER POSTING OF THE REQUIRED TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$17,323.02 AND SIMULTANEOUSLY POST AN INSPECTION ESCROW IN THE AMOUNT OF \$1,000.00; 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 PERFORMANCE BOND IN THE AMOUNT OF \$115,486.80, BLOCK 557, LOTS 38-40 IS HEREIN AUTHORIZED TO BE RELEASED UPON RECEIPT OF A TWO-YEAR MAINTENANCE BOND IN THE AMOUNT OF \$17,323.02.00 AND AN INSPECTION ESCROW IN THE AMOUNT OF \$1,000.00.

**RESOLUTION NO. 144-2010**

WHEREAS, BY ORDINANCE 20-2004 THE TOWNSHIP ESTABLISHED A VETERANS ADVISORY COMMITTEE;  
NOW, THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON THAT THE FOLLOWING APPOINTMENTS ARE MADE AS FOLLOWS:

APPOINTMENT OF ORGANIZATION MEMBERS:	TERM
DONALD CAPIO VFW POST 6805 REPRESENTATIVE	TO FILL AN UNEXPIRED THREE YEAR TERM TO EXPIRE 12/31/10
COUNCIL APPOINTMENT OF MEMBERS AT LARGE:	
RUDOLPHO IRIZARRY	THREE YR. TERM TO EXPIRE 12/31/12
PAUL TULIANO, SR.	TO FILL AN UNEXPIRED THREE YEAR TERM TO EXPIRE 12/31/11
MAYORAL APPOINTMENT OF MEMBERS AT LARGE:	
VICKI BAKER	THREE YEAR TERM TO EXPIRE 12/31/12

**RESOLUTION NO. 145-2010**

WHEREAS, APPLICATIONS HAVE BEEN MADE TO THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSES, CLUB LICENSES AND LIMITED RETAIL DISTRIBUTION LICENSES FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011; AND  
WHEREAS, THE SAME HAVE BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND  
WHEREAS, THE RENEWAL APPLICATIONS HAVE BEEN COMPLETED IN ALL RESPECTS AND ALL OF THE BELOW-NAMED APPLICANTS ARE QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE FOLLOWING LICENSES BE RENEWED FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011, EFFECTIVE UPON ADOPTION OF THE RESOLUTION HEREIN:

CLUB LICENSES:	
EDEN STANLEY AMERICAN LEGION POST 294 T/A AMERICAN LEGION	#0329-31-018-001
BROWNS MILLS MEMORIAL VFW POST 6805	#0329-31-020-001
PLENARY RETAIL CONSUMPTION LICENSES:	
JORMAR, INC. T/A COUNTRY LAKES LIQUORS & PUB	#0329-33-015-008
LAXIMI KRUPA CORPORATION T/A PIG'N WHISTLE	#0329-33-009-004
SAI RNJ CORP. T/A BELLY BUSTERS GENERAL STORE	#0329-33-001-005
TERRACE INN INC. T/A TERRACE INN	#0329-33-006-003
KUDAN CORP. T/A BOBBY D'S	#0329-33-021-005
THE HUNGRY PINEY, INC. T/A QUICKSTOP DELI HUNGRY PINEY	#0329-33-007-010

**RESOLUTION NO. 146-2010**

BE IT RESOLVED ON THIS 16TH DAY OF JUNE, 2010, BY THE MAYOR AND COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING INDIVIDUALS BE APPOINTED TO SERVE AS REPRESENTATIVES TO THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND:  
JOYCE TINNES, SAFETY DELEGATE  
LORRAINE ABBOTT, ALTERNATE SAFETY DELEGATE  
BE IT FURTHER RESOLVED THAT A CERTIFIED COY OF THIS RESOLUTION BE FORWARDED TO THE ADMINISTRATORS OF THE NEW JERSEY MUNICIPAL SELF INSURERS' JOINT INSURANCE FUND, THE SAFETY DELEGATE AND THE ALTERNATE SAFETY DELEGATE.

**RESOLUTION NO. 147-2010**

WHEREAS, AN APPLICATION HAS BEEN MADE BY SKIPS BAR & GRILL, LLC ("SKIPS") TO THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") FOR RENEWAL OF ITS PLENARY RETAIL CONSUMPTION LICENSE (#0329-33-011-008) FOR THE PERIOD OF JULY 1, 2009 TO JUNE 30, 2010; AND

WHEREAS, THE SAME HAS BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND  
 WHEREAS, THE TOWNSHIP CONSIDERS THE PUBLIC INTEREST AS ITS PRINCIPLE GUIDE WHEN ISSUING OR RENEWING PLENARY RETAIL CONSUMPTION LICENSES; AND  
 WHEREAS, THE TOWNSHIP WAS MADE AWARE IN 2009 OF THE NUMEROUS HEALTH AND PUBLIC SAFETY VIOLATIONS INVOLVING SKIPS, INCLUDING, BUT NOT LIMITED TO ASSAULTS, DISORDERLY CONDUCT, UNDERAGE ALCOHOL CONSUMPTION, POSSESSION OF CONTROLLED DANGEROUS SUBSTANCES, UNLAWFUL POSSESSION OF WEAPONS, NOISE COMPLAINTS, PUBLIC URINATION, PUBLIC INTOXICATION, ALCOHOL-RELATED MEDICAL RESPONSES, AND PARKING VIOLATIONS; AND  
 WHEREAS, THESE INCIDENTS HAVE PREDOMINATELY OCCURRED DURING EVENTS INVOLVING "ENTERTAINMENT," HEREIN DEFINED TO INCLUDE, BUT NOT BE LIMITED TO, EVERY FORM OF LIVE ENTERTAINMENT, MUSIC, DISC JOCKEYS, SOLO OR GROUP BAND, ORCHESTRA, CONCERTS, EXPOSITION, DANCING EITHER BY THE PUBLIC OR PERFORMERS OR ANY OTHER ACT OF PERFORMANCE INTENDED TO AMUSE OR ENTERTAIN PATRONS AND/OR EMPLOYEES; AND  
 WHEREAS, THE Pervasiveness OF THESE INCIDENTS PRESENTED A LEGITIMATE DANGER AND THREAT TO THE HEALTH, SAFETY AND GENERAL WELFARE OF POLICE AND EMERGENCY MEDICAL PERSONNEL, SKIPS PATRONS, AND THE RESIDENTS OF THE TOWNSHIP; AND  
 WHEREAS, THE TOWNSHIP COUNCIL CONDUCTED A HEARING ON SEPTEMBER 16, 2009 TO DISCUSS AND TAKE ACTION ON THE RENEWAL APPLICATION OF SKIPS' PLENARY RETAIL CONSUMPTION LICENSE AND AT THAT HEARING, THE PEMBERTON TOWNSHIP POLICE DEPARTMENT RECOMMENDED DENYING A RENEWAL OF THE LICENSE OR IN THE ALTERNATIVE A RENEWAL WITH SUBSTANTIAL RESTRICTIONS BASED UPON THE LARGE NUMBER OF INCIDENTS AND CRIMINAL EVENTS WHICH OCCURRED AT SKIPS IN 2008 AND 2009; AND  
 WHEREAS, SKIPS OWNER, BETTY ROUGHGARDEN, AND SKIPS MANAGER, JEREMY BEY, MADE A PRESENTATION ON SKIPS BEHALF AND STATED IN GENERAL THAT THEY WERE MAKING CHANGES TO THEIR OPERATION TO PREVENT INCIDENTS COMPLAINED OF BY THE PEMBERTON TOWNSHIP POLICE DEPARTMENT; AND  
 WHEREAS, SKIP'S IS PRESENTLY A POCKET LICENSE AND THEY ARE NOT CURRENTLY OPEN FOR BUSINESS, HOWEVER, CONDITIONS APPLIED TO A LICENSE FOLLOWS A LICENSE IN THE EVENT THAT IT IS EVENTUALLY REOPENED OR SOLD; AND  
 WHEREAS, THE TOWNSHIP DESIRES TO KEEP IN PLACE CERTAIN CONDITIONS AND/OR RESTRICTIONS ON SKIPS' PLENARY RETAIL CONSUMPTION LICENSE PRIOR TO APPROVING ITS RENEWAL APPLICATION; AS SKIPS HAD CONSENTED TO THE ENTRY OF THE CONDITIONS ITEMIZED AS 1-9 LISTED BELOW (EXEMPTING CONDITION #10); NOW THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE FOLLOWING PLENARY RETAIL CONSUMPTION LICENSE IS RENEWED WITH CONDITIONS AND/OR RESTRICTIONS AS LISTED, THE LICENSEE HAVING AGREED TO THESE CONDITIONS AND/OR RESTRICTIONS AS FOLLOWS:

**PLENARY RETAIL CONSUMPTION LICENSE:**  
 SKIPS BAR & GRILL #0329-33-011-008

- CONDITION #1 THE BACK DOOR SHALL BE USED AS AN EMERGENCY EXIT. IT WILL NOT BE USED AS AN ENTRANCE. AN APPROPRIATE SIGN SHALL BE POSTED ON THE DOOR.
- CONDITION #2 NO PARKING SHALL BE PERMITTED AT THE BACK OF THE BUILDING, DEFINED AS THE AREA BETWEEN THE REAR CORNERS OF THE STRUCTURE AND THE REAR PROPERTY LINE. SUITABLE BARRIERS WILL BE INSTALLED TO PREVENT SUCH PARKING.
- CONDITION #3 ALL DOORS AND WINDOWS OF THE BUILDING WILL BE KEPT CLOSED DURING ENTERTAINMENT.
- CONDITION #4 LIMIT HOURS OF OPERATION:  
ENTERTAINMENT TO 1:00 A.M. AND CLOSING TIME TO 2:00 A.M.
- CONDITION #5 PROVIDE ADVANCED NOTIFICATION (MONTHLY CALENDAR IDENTIFYING ENTERTAINMENT IF FEASIBLE) TO THE TOWNSHIP AND/OR POLICE DEPARTMENT OF ALL EVENTS INVOLVING ENTERTAINMENT.
- CONDITION #6 DESIGNATE A SMOKING AREA WITH PARAMETERS FOR CONTROL OF PATRONS, SUBJECT TO APPROVAL BY THE TOWNSHIP.
- CONDITION #7 PROVIDE ADEQUATE SECURITY PERSONNEL (EITHER OFF DUTY POLICE OFFICERS OR ACTIVE DUTY MILITARY PERSONNEL) FOR ALL EVENTS INVOLVING ENTERTAINMENT AND FOR THE MONITORING OF THE DESIGNATED SMOKING AREA AND PARKING LOT DURING EACH EVENT.
- CONDITION #8 MONITOR THE NUMBER OF PATRONS INSIDE THE BUILDING AS PER THE MAXIMUM ALLOWABLE CAPACITY DESIGNATED BY THE OFFICE OF THE STATE FIRE MARSHALL AFTER COMPLETION OF A FIRE INSPECTION AND REASSESSMENT OF BUILDING CAPACITY.
- CONDITION #9 INSTALL LIGHTING IN THE REAR OF THE BUILDING, PARKING LOT, AND THE EMPLOYEE SIDE OF THE BUILDING, SUBJECT TO THE TOWNSHIP ENGINEER'S REVIEW.
- CONDITION #10 MARK OUT INDIVIDUAL PARKING SPACES AND/OR CURB STOPS IN CONFORMANCE WITH REQUIREMENTS OF THE MUNICIPAL LAND USE LAW (MLUL) AND/OR PEMBERTON TOWNSHIP ORDINANCE(S).

**RESOLUTION NO. 148-2010**

A RESOLUTION REJECTING ALL BIDS RECEIVED FOR THE NORTH PEMBERTON TRAIN STATION PROJECT  
 WHEREAS, THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE NORTH PEMBERTON TRAIN STATION CONSTRUCTION PROJECT (THE "PROJECT") WITHIN THE TOWNSHIP IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, ET SEQ.; AND  
 WHEREAS, THE TOWNSHIP RECEIVED BIDS FROM COMMAND CO., INC., WATERS & BUGBEE, INC., AND COASTAL LAND CONTRACTORS, INC.; AND  
 WHEREAS, FOLLOWING RECEIPT OF THE BIDS THE TOWNSHIP HAS DETERMINED THAT FUNDS ARE NOT AVAILABLE IN ORDER TO AWARD THE BASE BID; AND  
 WHEREAS, N.J.S.A. 40A:11-13.2 PERMITS THE TOWNSHIP TO REJECT ALL BIDS IF THE LOWEST BID SUBSTANTIALLY EXCEEDS ITS APPROPRIATION FOR THE GOODS OR SERVICES.  
 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 IT HEREBY REJECTS ALL BIDS

RELATING TO NORTH PEMBERTON TRAIN STATION CONSTRUCTION PROJECT BECAUSE THE TOWNSHIP LACKS THE APPROPRIATE FUNDS AND WISHES TO ADVERTISE TO RECEIVE NEW BIDS FOR THE PROJECT.

**RESOLUTION NO. 149-2010**

A RESOLUTION ESTABLISHING REPRODUCTION FEES FOR THE REMAINDER OF YEAR 2010  
WHEREAS, PEMBERTON TOWNSHIP CODE, SECTION 146-1, "SCHEDULE OF FEES" GOVERNS THE FEES TO BE CHARGED FOR DUPLICATION OF PUBLIC RECORDS; AND  
WHEREAS, THE APPELLATE DIVISION OF THE NEW JERSEY SUPERIOR COURT HANDED DOWN A DECISION ON FEBRUARY 10, 2010 WITH RESPECT TO COPYING FEES THAT PUBLIC BODIES, INCLUDING MUNICIPALITIES MAY CHARGE WHEN COMPLYING WITH OPRA REQUESTS; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON IS REQUIRED UNDER THE DECISION TO ESTABLISH FEES FOR CHARGING GOVERNMENT RECORDS ACCORDING TO ACTUAL COST; AND  
WHEREAS, THE ACTUAL COSTS FOR REPRODUCTION FEES WILL BE REVIEWED EACH YEAR;  
NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE FOLLOWING REPRODUCTION FEES SHALL BE CHARGED FOR THE YEAR 2010 TO FULFILL ALL REQUESTS FOR GOVERNMENT RECORDS MAINTAINED BY THE TOWNSHIP;

1. PAPER COPIES SHALL BE DONE AT THE RATE OF .03 CENTS PER COPY.
2. VIDEOTAPES SHALL BE DONE AT A RATE OF \$2.00 PER TAPE.
3. AUDIO CD'S OF MEETINGS SHALL BE DONE AT A RATE OF .75 CENTS PER CD.
4. TOWNSHIP STREET MAPS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
5. TOWNSHIP ZONING MAPS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
6. BLUEPRINTS, SITE PLANS AND OTHER SIMILAR LARGE DOCUMENTS SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.
7. PHOTOGRAPHS SHALL BE PROVIDED ON DIGITAL MEDIA WHEN POSSIBLE AT THE RATE OF .75 CENTS PER CD. IF A COLOR PHOTO COPY IS REQUESTED IT SHALL BE DONE AT THE RATE CHARGED BY THE VENDOR.

**RESOLUTION NO. 150-2010**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR ENGINEERING SERVICES FOR PREPARATION OF DIGITIZED TAX MAPS, PHASE I AND PORTION OF PHASE II  
WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF AN ENGINEERING FIRM TO PERFORM ENGINEERING SERVICES AS REQUESTED BY THE TOWNSHIP; AND  
WHEREAS, ARH CIVIL SOLUTIONS IS THE ENGINEERING FIRM APPOINTED TO PERFORM SAID ENGINEERING SERVICES IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND  
WHEREAS, THE TOWNSHIP FINDS ARH CIVIL SOLUTIONS TO BE QUALIFIED TO PROVIDE ENGINEERING SERVICES AS REQUESTED BY THE TOWNSHIP; AND  
WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) PERMITS THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES WITHOUT COMPETITIVE BIDS.  
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 A CONTRACT FOR ENGINEERING SERVICES (PREPARATION OF DIGITIZED TAX MAPS) AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO ARH CIVIL SOLUTIONS IN AN AMOUNT UP TO \$50,000.00, 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 ARH CIVIL SOLUTIONS; AND  
BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 01-2010-0001-0165-2-02802; AND  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. ARH CIVIL SOLUTIONS
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

**RESOLUTION NO. 152-2010**

RESOLUTION ACCEPTING A SMALL CITIES COMMUNITY DEVELOPMENT GRANT FOR HOUSING REHABILITATION FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS  
WHEREAS, THE TOWNSHIP OF PEMBERTON APPLIED FOR A SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT FROM THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS, AND  
WHEREAS, THE GRANT APPLICATION REQUESTED \$200,000 FROM THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM'S AFFORDABLE HOUSING FUND FOR THE PURPOSE OF FUNDING PEMBERTON TOWNSHIP'S SMALL CITIES HOUSING REHABILITATION PROGRAM; AND  
WHEREAS, THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS AWARDED PEMBERTON TOWNSHIP A GRANT IN THE AMOUNT OF \$200,000 FROM THE SMALL CITIES COMMUNITY DEVELOPMENT BLOCK GRANT; AND  
WHEREAS, PEMBERTON TOWNSHIP WILL PROVIDE MATCHING FUNDS IN THE AMOUNT OF \$20,000, AND  
WHEREAS, IN ACCEPTING FUNDING, THE DEPARTMENT OF COMMUNITY AFFAIRS REQUIRES THE TOWNSHIP OF PEMBERTON TO COMPLY WITH ALL FEDERAL REGULATIONS, WITH RESPECT TO CITIZEN PARTICIPATION AND FURTHER REQUIRES THAT THE TOWNSHIP TAKES ACTIONS TO AFFIRMATIVELY FURTHER FAIR HOUSING; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON WILL APPROVE RESOLUTIONS FOR ITS CITIZEN PARTICIPATION PLAN, GRANT MANAGEMENT PLAN AND THE ACTION TO AFFIRMATIVELY FURTHER FAIR HOUSING, INCLUDING THE NAMING OF A FAIR HOUSING OFFICER;  
NOW THEREFORE BE IT RESOLVED BY THE PEMBERTON TOWNSHIP COUNCIL

1. THAT THE PEMBERTON TOWNSHIP COUNCIL DOES HEREBY ACCEPT THE ABOVE REFERENCED GRANT.  
BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, BURLINGTON COUNTY THAT:
  1. THE TOWNSHIP OF PEMBERTON REMAINS COMMITTED TO THE INITIATIVES AND RESPONSIBILITIES OUTLINED IN ITS CITIZEN PARTICIPATION PLAN, GRANT MANAGEMENT PLAN AND ACTION TO AFFIRMATIVELY FURTHER FAIR HOUSING, INCLUDING THE NAMING OF A FAIR HOUSING OFFICER
  2. THE PERSONS WHOSE NAMES, TITLES, AND SIGNATURES APPEAR BELOW ARE AUTHORIZED TO SIGN THE GRANT AGREEMENT, AND THAT THEY OR THEIR SUCCESSORS IN SAID TITLES ARE AUTHORIZED TO SIGN ANY OTHER DOCUMENTS NECESSARY IN CONNECTION THEREWITH.

**RESOLUTION NO. 153-2010**

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO A GRANT AGREEMENT # \_\_\_\_\_ WITH THE NEW JERSEY DEPARTMENT OF COMMUNITY AFFAIRS (HEREAFTER NJDCA) TO REPAIR HEALTH AND SAFETY VIOLATIONS WITHIN THE TOWNSHIP OF PEMBERTON; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON MUST MAKE EFFORTS TO AFFIRMATIVELY FURTHER FAIR HOUSING; AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS REVIEWED VARIOUS ACTIONS THAT WOULD BE ACCEPTABLE TO THE NJDCA AND THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT (HEREAFTER USHUD); AND  
WHEREAS, THE TOWNSHIP OF PEMBERTON HAS MADE ASSURANCES THAT:

- (1) IT WILL COMPLY WITH THE HOUSING AND COMMUNITY DEVELOPMENT ACT OF 1974, AS AMENDED, AND REGULATIONS ISSUED THERETO; AND

(2) IT WILL COMPLY WITH THE CIVIL RIGHTS ACT OF 1964, AND THE REGULATIONS ISSUED THERETO IT; AND  
(3) IT WILL COMPLY WITH THE FAIR HOUSING ACT OF 1968 AND WILL AFFIRMATIVELY FURTHER FAIR HOUSING;  
AND

(4) IT WILL COMPLY WITH THE AGE DISCRIMINATION ACT OF 1975 AND WITH THE REHABILITATION ACT OF 1973.

NOW, THEREFORE, BE IT RESOLVED THAT, CHRISTOPHER VAZ SHALL BE DESIGNATED AS THE FAIR HOUSING OFFICER FOR THE TOWNSHIP OF PEMBERTON; AND

BE IT FURTHER RESOLVED THAT THE FAIR HOUSING OFFICER SHALL CONTACT THE USHUD REGIONAL OFFICE OF HOUSING AND EQUAL OPPORTUNITY AND THE NJ DIVISION ON CIVIL RIGHTS, INFORM THOSE AGENCIES OF (HIS/HER) APPOINTMENT AS FAIR HOUSING OFFICER AND REQUEST FAIR HOUSING INFORMATION; AND

BE IT FURTHER RESOLVED THAT THE FAIR HOUSING OFFICER SHALL PROVIDE FAIR HOUSING ADVISORY SERVICES AND ASSISTANCE AND REFERRAL ADVICE TO PERSONS REQUESTING SUCH ASSISTANCE FROM THE TOWNSHIP OF PEMBERTON; AND

BE IT FURTHER RESOLVED THAT THE TOWNSHIP OF PEMBERTON WILL PUBLISH IN THE LOCAL NEWSPAPER OF RECORD AND POST AT THE TOWNSHIP MUNICIPAL HALL A PUBLIC NOTICE ANNOUNCING THE APPOINTMENT OF THE FAIR HOUSING OFFICER AND THE AVAILABILITY OF LOCAL FAIR HOUSING ADVISORY SERVICES.

#### **RESOLUTION NO. 154-2010**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR EMERGENCY SERVICES IN CONNECTION WITH A WATER MAIN EXTENSION FOR WELLS 6 AND 13 IN THE TOWNSHIP

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") LOSS THE USE OF WELL # 11 DUE TO WATER QUALITY TESTS THAT INDICATED RADIUM LEVELS WHICH EXCEED NJDEP SAFE DRINKING WATER STANDARDS; AND

WHEREAS, THE LOSS OF WELL # 11 HAS BEEN DEEMED SIGNIFICANT SINCE IT HAS BEEN USED AS THE PRIMARY WATER SUPPLY SOURCE FOR THE TOWNSHIP AND ITS LOSS RAISES SIGNIFICANT HEALTH, SAFETY AND WELFARE CONCERNS PERTAINING TO THE SUPPLY OF POTABLE WATER WITHIN THE TOWNSHIP; AND

WHEREAS, ADAMS, REHMANN & HEGGAN (THE "TOWNSHIP ENGINEER") WAS AUTHORIZED TO PERFORM A DETAILED ANALYSIS OF THE ENTIRE WATER SYSTEM IN ORDER TO GENERATE A STRATEGIC PLAN FOR IMMEDIATE ACTION; AND

WHEREAS, ONE OF THE TOWNSHIP ENGINEER'S FINDINGS RESULTED IN THE RECOMMENDATION TO DESIGN A WATER MAIN TO PROVIDE ADDITIONAL CHLORINE CONTACT TIME AT WELLS # 6 AND # 13 WHICH WILL ALLOW FOR THE SIMULTANEOUS OPERATION OF EACH WELL AND WILL REDUCE THE RELIANCE ON WELL # 11; AND

WHEREAS, TO EXPEDITE THE PROCESS OF ACHIEVING A RELIABLE WATER SUPPLY AND MINIMIZE THE NEED TO RELY ON WELL #11 DURING THE HIGH PEAK DEMAND SUMMER SEASON, THE TOWNSHIP ISSUED A REQUEST FOR QUOTATIONS TO QUALIFIED WELL CONTRACTORS SEEKING TO CONSTRUCT THE WATER MAIN EXTENSION AS SOON AS POSSIBLE PURSUANT TO N.J.S.A. 40A:11-6; AND

WHEREAS, N.J.S.A. 40A:11-6 ALLOWS CONTRACTS TO BE AWARDED WITHOUT PUBLIC BIDDING WHEN AN EMERGENCY AFFECTING THE PUBLIC HEALTH, SAFETY OR WELFARE REQUIRED THE IMMEDIATE PERFORMANCE OF SERVICES; AND

WHEREAS, THE LOWEST RESPONSIBLE QUOTE WAS SUBMITTED BY GARRISON ENTERPRISE, INC. IN THE AMOUNT OF \$54,300.00; AND

WHEREAS, THE TOWNSHIP ENGINEER RECOMMENDS THAT THE CONTRACT BE AWARDED TO GARRISON ENTERPRISE, INC.

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 A CONTRACT FOR THE CONSTRUCTION OF A WATER MAIN EXTENSION ON WELLS 6 AND 13 BE AND HEREBY IS AWARDED TO GARRISON ENTERPRISE, INC. PURSUANT TO N.J.S.A. 40A:11-6, AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A CONTRACT IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR WITH GARRISON ENTERPRISES, INC. IN AN AMOUNT NOT TO EXCEED \$54,300.00

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, 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. GARRISON ENTERPRISES, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

### **13. NEW BUSINESS**

#### **\*a. Purchases at \$3,150.00 or over:**

- \*1. Public Works:** Installation by ABS Electric, Inc. of replacement chart recorder with control relays at Well No. 6 in the amount of \$4,250.00.
- \*2. Recreation Dept.:** Geese Harassment Program for Mirror Lake Beach, Reflections Park and Country Lakes Beach, by Geese Chasers LLC, in the amount of \$3,228.00.
- \*3. Police Dept.:** Replacement for identification card system from Card Data Systems, in the amount of \$13,089.00.
- \*4. Police Dept.:** Equipment for police vehicles from Lights and Sirens, in the amount of \$5,330.10.

#### **\*14. Approval by Council required for payment of vouchers on bill list dated 6/11/10.**

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

Motion carried.

## **8. PRESENTATIONS**

- a. Recognition of Lee Anne Swinger, recipient of Girl Scouts Gold Award.

Mrs. Scull asked Miss Swinger to explain what she did to receive the prestigious Girl Scout award. Miss Swinger informed that she put together 30 boxes containing items needed for a child's birthday party. The boxes were delivered to three organizations that provided them to parents in need. The Human Relations Club at her school and BCIT, assisted and collected approximately two thirds of the items needed. The remaining items were donated from churches, scout troops and the community. Council President Scull expressed how proud she is of Miss Swinger's accomplishment. Mayor Patriarca gave words of praise to Miss Swinger for her achievement in Girl Scouts. The Mayor presented two certificates of recognition to Miss Swinger from the Mayor and Council.

### **ITEMS PULLED FROM THE CONSENT AGENDA:**

#### **Resolution No. 151-2010:**

Mr. Inge and the Mayor discussed adding foreclosed properties to the contract. They discussed tax liens and municipal liens regarding foreclosures. Mr. Prickett asked the Mayor how many foreclosure properties there are. Mayor Patriarca relayed that there are approximately three to four dozen that have been identified as violations at this point. Mrs. Scull conveyed that she is totally opposed to contracting out because it does cost more in the long run. She noted exception under these circumstances where they are not losing any employees and it is below the prevailing wage costs and confirmed with the Mayor that they are not looking to do this permanently. Mayor Patriarca confirmed that the workforce is not being cut.

#### **RESOLUTION NO. 151-2010**

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT FOR LAWN/GRASS CUTTING SERVICES

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF A LANDSCAPER TO PERFORM LAWN/GRASS CUTTING SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, GIORDANO'S NEW AGE LANDSCAPING, LLC HAS SUBMITTED A PROPOSAL TO PROVIDE LAWN/GRASS CUTTING SERVICES TO THE TOWNSHIP IN THE AMOUNT OF \$19,575.00 (THE "PROPOSAL") IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND

WHEREAS, THE TOWNSHIP FINDS GIORDANO'S NEW AGE LANDSCAPING, LLC TO BE QUALIFIED TO PROVIDE LAWN/GRASS CUTTING SERVICES AS REQUESTED BY THE TOWNSHIP; AND

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 A CONTRACT FOR LAWN/GRASS CUTTING SERVICES AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO GIORDANO'S NEW AGE LANDSCAPING, 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 GIORDANO'S NEW AGE LANDSCAPING, LLC; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS FOR THIS CONTRACT, 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. GIORDANO'S NEW AGE LANDSCAPING, LLC
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Inge and Stinney to approve Resolution No. 151-2010. Inge, yes; Stinney, yes; Prickett, yes; Cartier, yes; Scull, yes. Motion carried.

## **11. ORDINANCES FOR INTRODUCTION**

- a. **ORDINANCE NO. 10-2010 (title read by Mrs. Scull)**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON



REPLACING CHAPTER 186, ARTICLE II OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED "WATER CONSERVATION" TO RESTRICT THE USE OF WATER FOR CERTAIN PURPOSES

Mr. Rehmann explained Ordinance No. 10-2010 allows the Township to enforce water conservation measures brought about by the DEP which requires each town that has a municipal water system to have an adequate and effective water conservation program. Mr. Vaz informed that this ordinance would replace the existing ordinance. Mr. Inge, Mr. Vaz and the Township Engineers discussed the various wells brought on line and the restrictions regarding new buildings. Mr. Cartier, Mr. Rehmann, Mr. Bayer and Mr. Vaz discussed who should be listed as the authority to perform inspections. Mr. Vaz suggested the Water Supervisor be the inspecting authority and the enforcement authority be the Code Enforcement Office. Mr. Cartier suggested adding 6 p.m. to 9 p.m. during the months of June, July and August to the allowable outdoor watering times. Mr. Inge suggested adding filling swimming pools to the outdoor watering times.

Motion by Cartier and Inge to introduce Ordinance No. 10-2010 as amended with a public hearing to be held on July 7, 2010. Cartier, yes; Inge, yes; Prickett, yes; Stinney, yes; Scull, yes. Motion carried.

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

- a. ORDINANCE NO. 9-2010 (title read by Mrs. Scull)**  
AN ORDINANCE TO AMEND CHAPTER 146 OF THE CODE OF THE TOWNSHIP OF PEMBERTON ENTITLED "PUBLIC RECORDS"

Council President Scull opened the meeting to public comments regarding Ordinance No. 9-2010. There being no members of the public indicating a desire to be heard, Mrs. Scull closed the meeting to public comments.

Motion by Cartier and Stinney to adopt Ordinance No. 9-2010. Cartier, yes; Stinney, yes; Prickett, yes; Inge, yes; Scull, yes. Motion carried.

**13. NEW BUSINESS**

- b.** Discussion of Engineer's proposal for Phase II Design for Lemmon Ave. Project.

Mr. Rehmann advised that the Township has received a NJDOT grant for \$219,889.00. ARH has provided a design cost of \$22,000 and the inspection costs would be part of the grant. Mr. Prickett confirmed with Mr. Vaz that a certification of funds was completed by the CFO.

Motion by Prickett and Cartier to authorize ARH to move forward on the design in the surveying of Lemmon Avenue, Phase II for a total cost of \$22,000. Prickett, yes; Cartier, yes; Inge, yes; Stinney, 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: **Claretha Anderson Stanley:** 1. Lives on Lilly and Goodwater and received a code warning for having chickens/live stock. She would like to obtain a variance so she can have live stock. Mayor Patriarca stated there is an ordinance that prohibits livestock in a residential area and chickens are considered live stock. The course of action would be a variance from the Zoning Board which he doubts they would approve or asking Council to look at changing the ordinance to allow live stock in a residential area. Mrs. Scull commented that she will look at the ordinance and maybe it will be addressed through an ordinance change depending on what the Planner has to say. 2. Asked if the subcontracting of landscaping includes trees. Mrs. Scull informed it is only for mowing the grass at their parks; mainly baseball fields. Ms. Stanley asked if the Township subcontracts out rather than use the Public Works department. Council President Scull explained they use Public Works employees for projects rather than hiring contractors to save the tax payers money. 3. Ms. Stanley asked if the water ordinance is finished. Mrs. Scull explained the process of introducing and adopting an ordinance, noting the upcoming public hearing. **America Phillips:** 1. Asked for an answer to her questions from the last meeting. Mr. Vaz stated all of her complaints that had property addresses were referred to Code Enforcement, and any warning notices that were required have been done. Mr. Vaz also explained Administration's process of referring complaints to Code Enforcement. 2. Heard that the Township owns the empty lot across from 326 North Carolina due to taxes. She relayed that is where trash is dumped. 3. Spoke of the need for a handicapped portable restroom in Presidential Lakes. Mrs. Phillips provided pricing for a handicapped portable restroom. 4. Mrs. Scull commented that she did look at Mrs. Phillips' street and it didn't look as bad as it did last year. Mrs. Phillips advised it has not been taken care of. A drain is needed which will resolve the problem. 5. Asked when the limbs will be trimmed on her street. Mrs. Scull confirmed with Administration that it was forwarded to Code Enforcement. 6. Thanked Council and Administration for what has been done at the entrance to Presidential Lakes. 7. She was unable to attend the grand opening of Imagination Kingdom. Mrs. Scull suggested to Mr. Vaz that if she gives a concern to a Township Department, they should provide information that the concern has been addressed. Mr. Vaz advised that he does receive that information but Mrs. Phillips' concerns may not be resolved at this point. There being no additional members of the public indicating a desire to be heard, Mrs. Scull closed the meeting for general public comments.

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

**Andy Bayer:** Nothing to report.

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

**Chris Rehmann:** 1. The North Pemberton Train Station project will be re-bid to try to obtain a better price. Mrs. Scull asked ARH if they have met with Mr. Tamn. Mrs. Willis informed she has spoken with Mr. Tamn and another copy of the specification documents and plans were forwarded to him. Mrs. Willis noted a provision is in the contract to not only fix the existing fence but if necessary to provide new fencing. Mr. Prickett stated there is a public hearing on the radium in the water in well #11 on July 7<sup>th</sup> and asked if the DEP will be represented at that meeting. Mr. Rehmann advised they will. Mr. Prickett confirmed the time will be 7:00 – 7:30 pm. Mr. Inge asked if anyone notified the County that the bids have been coming in higher than the money allotted for the project. Mr. Vaz expressed he did inform the County there is approximately a \$40,000 gap and suggested the County consider paying the difference.

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

**David Patriarca:** **1.** Public Works is finishing brush pick up in the Lake Valley area and moving to Country Lakes within one week. **2.** Announced that the Chief of Police provided notice that he intends to retire effective July 1<sup>st</sup>. Mr. Inge asked the Mayor how Imagination Kingdom is holding up. The Mayor replied quite well noting there is a temporary employee assigned to the playground. Mr. Inge then asked how many residents are using the playground. Mayor Patriarca responded it's usually full from morning to dusk. Mrs. Stinney thanked the Mayor and Mr. Vaz for addressing the residents' concerns. Mrs. Stinney asked them to mention the West Lakeshore and Evergreen situation regarding the tall weeds. Mr. Vaz explained that it continues to be a problem and in order to prevent it from being a continual problem the proposal received from ARH needs to be looked at. Part of the problem involves the County. It has been fixed temporarily but a long term investment is required to resolve it permanently.

### **COUNCIL MEMBERS' COMMENTS:**

**Tom Inge:** **1.** Thanked everyone for coming out. **2.** Announced that his daughter caught the biggest fish at the Recreation Program/Country Lakes fishing derby. She caught a pickerel that was 2 pounds and 7 ounces. Commented that there were different stations in Country Lakes and everyone was helping each other out. It wasn't a big competition but rather people helping one another. He noted that many mothers took their children to the fishing derby because their husbands were deployed in the military and suggested Public Works get involved next year to help some of the parents. He thanked Ms. Kurth for the job she did as well as the Country Lakes Firehouse that provided hotdogs and drinks and the various organizations that donated fishing poles and supplies. He reflected that it just goes to show how important their lakes are in Pemberton Township.

**Ken Cartier:** **1.** Congratulated Mr. Inge and his daughter for a great job at the fishing derby. **2.** Thanked everyone for coming out and wished everyone a safe and happy 4<sup>th</sup> of July.

**Diane Stinney:** **1.** Commented to Ms. Phillips that she'll see her at the July 4<sup>th</sup> parade in Presidential Lakes. **2.** Thanked everyone for coming out. **3.** Reminded everyone to come out next Friday for the Pemberton Township High School students that will be graduating. She relayed that a member of her church, Cory Reader, will be receiving a full scholarship to Villanova University to play for the Villanova Wildcats. **3.** Thanked everyone for coming out and encouraged everyone to attend the high school graduation ceremonies.

**Richard Prickett:** **1.** Pointed out that Council approved \$7,000 tonight for fireworks for the water carnival. Relayed that at the BMIA dinner last Saturday, a number of Southampton residents asked if they will have fireworks this year because Southampton has cut that out of their budget as well as other municipalities. He expressed they are blessed to have fireworks this year for a bigger and more well attended water carnival this year. **2.** The Blueberry Festival will be on June 26<sup>th</sup> at Whitesbog from 10:00 am to 4:00 pm. **3.** Wished everyone a good night.

**Sherry Scull:** **1.** Attended Safety Day at the Country Lakes Fire House on Sunday, which was a great event for their community. **2.** Thanked the Mayor for

making himself available last Wednesday and Friday mornings to work with the fifth graders. She informed that the fifth graders from Haines School visited the municipal building to learn how government works. They also went to the Pemberton Train Station and then finished their day at Imagination Kingdom. She thanked Chief Lewandowski who spent time with the children in the Police Department along with Cristal Bartholomew. **3.** Thanked everyone for coming out and wished everyone a safe trip home.

The meeting was adjourned at approximately 8:28 pm.

Respectfully submitted:

Mary Ann Finlay, MMC  
Township Clerk