

**TOWNSHIP OF PEMBERTON**

**REGULAR MEETING**

**JUNE 2, 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 Brett Ingram, Township Clerk Mary Ann Finlay

2. Chairwoman Scull called the meeting to order at 6:30 pm.
3. Closed Session Res. No. 126-2010

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. 126-2010.

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

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

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

Mr. Prickett requested to pull Resolutions 129-2010 and 135-2010.

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

Special Joint Meeting, May 12, 2010; Regular meeting, May 19, 2010.

## **\*9. CONSENT AGENDA RESOLUTIONS**

### **RESOLUTION NO. 127-2010**

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:

FIRST AMERICAN, \$672.27, OVERPAYMENT OF FIRST QUARTER PROPERTY TAXES, BLOCK 271, LOT 14.

MICHAEL & CORINNE AIMABLE, \$832.67, OVERPAYMENT OF SECOND QUARTER PROPERTY TAXES, BLOCK 831, LOT 7.

### **RESOLUTION NO. 128-2010**

RESOLUTION AUTHORIZING EXECUTION OF USE AGREEMENT WITH THE COUNTY OF BURLINGTON PERMITTING USE OF COUNTY PROPERTY FOR CIRCUS EVENT

WHEREAS, THE TOWNSHIP COUNCIL OF THE PEMBERTON TOWNSHIP RECREATION DEPARTMENT DESIRES TO HOLD A CIRCUS EVENT ON PROPERTY LOCATED ON PEMBERTON-BROWNS MILLS ROAD OWNED BY THE COUNTY OF BURLINGTON; AND

WHEREAS, THE COUNTY OF BURLINGTON REQUIRES MUNICIPALITIES AND OTHER ENTITIES TO ENTER INTO "USE AGREEMENTS: IN SUCH CIRCUMSTANCES; AND

WHEREAS, THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP FINDS IT IN THE BEST INTEREST OF ITS RESIDENTS TO EXECUTE A USE AGREEMENT WITH THE COUNTY OF BURLINGTON.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR AND CLERK ARE HEREBY AUTHORIZED AND DIRECTED TO EXECUTE A USE AGREEMENT WITH THE COUNTY OF BURLINGTON TO PERMIT USE OF THE COUNTY-OWNED PROPERTY ON PEMBERTON-BROWNS MILLS ROAD FOR THE CIRCUS EVENT SCHEDULED TO BE HELD ON JUNE 9 AND JUNE 10, 2010.

BE IT FURTHER RESOLVED THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED TO GATHER ANY AND ALL INFORMATION TO BE PROVIDED WITH THE USE AGREEMENT, INCLUDING THE REQUIRED CERTIFICATE OF INSURANCE, AND TO FURTHER SUBMIT SAME TO THE COUNTY.

### **RESOLUTION NO. 130-2010**

WHEREAS, COUNTRY LAKES FIRE COMPANY DESIRES THAT, PURSUANT TO THE PROVISIONS OF N.J.S.A. 15:8-4, CERTAIN PERSONS BE APPOINTED TO PERFORM PERMITTED POLICE DUTIES AT FIRES AND FIRE DRILLS;

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

LINDA SHEPHARD

RAYMOND SHEPHARD

ROBERT MIEHLING

ANGELA PROUTY

### **RESOLUTION NO. 131-2010**

A RESOLUTION AUTHORIZING MEMBERSHIP IN A MUTUAL AID AND ASSISTANCE AGREEMENT WITH PARTICIPATING UNITS

WHEREAS, MUTUAL AID AND ASSISTANCE AGREEMENTS BETWEEN MUNICIPALITIES, COUNTIES, LAW ENFORCEMENT AGENCIES, POLICE, EMERGENCY MEDICAL SERVICE, FIRE DEPARTMENTS, FIRE COMPANIES OR EMS ORGANIZATIONS AND FIRE DEPARTMENTS SITUATED IN FIRE DISTRICTS OPERATED BY A BOARD OF FIRE COMMISSIONERS, ARE PERMITTED PURSUANT TO N.J.S.A. 40A:14-26 AND 40A:14-156.1; AND

WHEREAS, THE PRESIDENT, IN HOMELAND SECURITY DIRECTIVE (HSPD-5), DIRECTED THE SECRETARY OF THE DEPARTMENT OF HOMELAND SECURITY TO DEVELOP AND ADMINISTER A NATIONAL INCIDENT MANAGEMENT SYSTEM (NIMS), WHICH WOULD PROVIDE A CONSISTENT NATIONWIDE APPROACH TO FEDERAL, STATE, LOCAL AND TRIBAL GOVERNMENTS TO WORK TOGETHER MORE EFFECTIVELY AND EFFICIENTLY TO PREVENT, PREPARE FOR, RESPOND TO AND RECOVER FROM DOMESTIC INCIDENTS, REGARDLESS OF CAUSE, SIZE OR COMPLEXITY; AND

WHEREAS, "THE NEW JERSEY CIVILIAN DEFENSE AND DISASTER CONTROL ACT" APP. A9-33 ET. SEQ. PROVIDES FOR THE HEALTH, SAFETY AND WELFARE OF THE PEOPLE OF THE STATE OF NEW JERSEY DURING ANY EMERGENCY BY CENTRALIZING CONTROL OF ALL CIVILIAN ACTIVITIES HAVING TO DO WITH SUCH EMERGENCY GIVING THE GOVERNOR CONTROL OVER THE RESOURCES OF EACH AND EVERY POLITICAL SUBDIVISION TO COPE WITH ANY CONDITION THAT SHALL ARISE OUT OF SUCH EMERGENCY; AND

WHEREAS, THE DIRECTOR OF THE DIVISION OF FIRE SAFETY IN THE DEPARTMENT OF COMMUNITY AFFAIRS PROMULGATED RULES IN ACCORDANCE WITH THE "FIRE SERVICE RESOURCE EMERGENCY DEPLOYMENT ACT," N.J.S.A. 52:14E-11 ET. SEQ., COMMONLY REFERRED TO AS THE "FIRE SERVICE RESOURCE EMERGENCY DEPLOYMENT REGULATIONS" N.J.A.C. 5:75A ET. SEQ.; AND

WHEREAS, IT IS DEEMED TO BE IN THE BEST INTERESTS OF THE TOWNSHIP OF PEMBERTON TO ENTER INTO A MUTUAL AID AND ASSISTANCE AGREEMENT WITH THE COUNTY OF BURLINGTON AND OTHER MUNICIPALITIES INCLUDING, BUT NOT LIMITED TO, MUNICIPAL POLICE, EMERGENCY MEDICAL SERVICE OR FIRE DEPARTMENTS, VOLUNTEER FIRE COMPANIES OR EMS ORGANIZATIONS AND/OR FIRE DISTRICTS TO PROVIDE ADDITIONAL PROTECTION AGAINST LOSS, DAMAGE OR DESTRUCTION BY FIRE, CATASTROPHE, CIVIL UNREST, MAJOR EMERGENCY OR OTHER EXTRAORDINARY DEVASTATION DAMAGE OR DESTRUCTION TO PERSON AND PROPERTY, IN THOSE SITUATIONS WHEN OUTSIDE AID AND ASSISTANCE IS NEEDED.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT THE MAYOR IS HEREBY AUTHORIZED AND DIRECTED TO ENTER INTO THE BURLINGTON COUNTY MUTUAL AID AND ASSISTANCE AGREEMENT BETWEEN PARTICIPATING UNITS, A COPY OF WHICH IS ATTACHED HERETO AND MADE PART HEREOF, ON THE TERMS AND CONDITIONS CONTAINED HEREIN.

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

- A. BURLINGTON COUNTY OFFICE OF EMERGENCY MANAGEMENT
- B. GLUCKWALRATH LLP

### **RESOLUTION NO. 132-2010**

WHEREAS, ON MAY 8, 2010 A FIRE WAS SPOTTED BY THE FIRE OBSERVATION TOWER AT THE BRENDAN BYRNE STATE PARK DURING 50 MPH GUSTS OF WIND; AND

WHEREAS, A REQUEST FOR ASSISTANCE WAS MADE THROUGH THE NJ FOREST FIRE SERVICE TO THE PEMBERTON TOWNSHIP FIRE DEPARTMENT WHERE COUNTRY LAKES FIRE STATION, BROWNS MILLS FIRE STATION, PRESIDENTIAL LAKES FIRE & RESCUE SQUAD AND ONE ENGINE FROM THE FORT DIX FIRE DEPARTMENT WERE DISPATCHED; AND

WHEREAS, IT WAS DETERMINED THAT BECAUSE OF THE DIRECTION OF THE WIND IT WAS BELIEVED THERE WOULD BE A STRUCTURAL PROTECTION PROBLEM ON THE SENECA, RED FEATHER TRAIL AREA, CHIEF MAHS TOOK COMMAND OF THAT AREA AND ENSURED THOSE PROPERTIES WERE SECURED; AND

WHEREAS, THE WIND SHIFT EXPOSED PROBLEMS AT THE TRACK 70 COMPLEX WHERE CHIEF AUGUSTONI ESTABLISHED A COMMAND POST WHERE PRESIDENTIAL LAKES WATER TENDER AND A UNIT FROM LEBANON LAKES WERE, AS THE TEAMS WERE NOT ONLY PERFORMING STRUCTURAL PROTECTION BUT ALSO SUPPORTING THE FOREST FIRE UNITS AS THEY PROTECTED THE STRUCTURES NEAR TRACK 70; AND

WHEREAS, COUNTY WILDLAND URBAN INTERFACE PLAN WAS ACTIVATED WHICH BROUGHT IN MUTUAL AID COMPANIES FROM AROUND THE COUNTY, WHEREIN THE WIND SHIFT SENT THE FIRE TOWARDS RT. 70; AND

WHEREAS, AT 1:00 P.M. ON MAY 9<sup>TH</sup> THERE WAS 100% CONTAINMENT AS THE PEMBERTON TOWNSHIP FIRE DEPARTMENT PERSONNEL REMAINED ON LOCATION FOR A TOTAL OF 24 HOURS CONDUCTING PATROLS AROUND SENECA AND RED FEATHER REASSURING THE RESIDENTS AND ENSURING IF THERE WERE ANY FIRES THEY WOULD NOT GET OUT OF CONTROL AND OFFERING SUPPORT TO THE NJ FOREST FIRE SERVICE; AND

WHEREAS, WITH 487 ACRES WHICH WERE BURNED DURING THE PEAK OF THE FIRE AND THE FIFTY PLUS HOMES THAT WERE IN DANGER, THERE WERE APPROXIMATELY 46 PEMBERTON TOWNSHIP FIRE DEPARTMENT PERSONNEL WHO EXPENDED APPROXIMATELY 1138 MAN HOURS, 24 FIRE STATIONS AND 9 EMS WERE DISPATCHED INCLUDING TWO COMPANIES OUT OF OCEAN COUNTY AND 2 BURLINGTON COUNTY FIRE POLICE TEAMS, THE NJ FOREST FIRE SERVICE, THE NJ STATE POLICE, PEMBERTON TOWNSHIP POLICE, BURLINGTON COUNTY OFFICE OF EMERGENCY MANAGEMENT, BURLINGTON COUNTY FIRE COORDINATOR'S OFFICE, NJ DIVISION OF FIRE SAFETY AND THE NJ DEPARTMENT OF TRANSPORTATION WHICH ALL ASSISTED, ALONG WITH THE CONTRIBUTING MEMBERS OF COUNTRY LAKES FIRE COMPANY, BUSINESS ADMINISTRATOR CHRIS VAZ, AS WELL AS RESIDENTS THAT OFFERED SUPPORT THROUGH THE PROVISION OF FOOD AND WATER TO THE CREWS.

NOW, THEREFORE, BE IT RESOLVED, THAT THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, HEREIN COMMENDS ALL OF THE FIRE SERVICES ON AN OUTSTANDING JOB OF PROTECTING THE HOMES IN PEMBERTON FROM THE RECENT FIRE AS WELL AS THE POTENTIAL SPREAD OF FIRE UP TO TOMS RIVER; AND

BE IT FURTHER RESOLVED, THAT COUNCIL THANKS ALL THE NEIGHBORING FIRE DEPARTMENTS, EMS UNITS, AND ALL PEMBERTON TOWNSHIP FIRST RESPONDERS FOR THEIR DEDICATION, TRAINING AND PROFESSIONALISM WHICH WAS TESTED AND PROVEN DURING THIS RECENT FIRE THROUGH THEIR HEROIC ACTS AND ON BEHALF OF COUNCIL THE TOWN'S SINCERE APPRECIATION IS EXTENDED TO EACH AND EVERYONE INVOLVED WITH SAVING SO MANY HOMES IN PEMBERTON TOWNSHIP.

**RESOLUTION NO. 133-2010**

A RESOLUTION RESCINDING RESOLUTION # 123-2010

WHEREAS, REPRESENTATIVES OF THE TOWNSHIP OF PEMBERTON ("TOWNSHIP") AND MEMBERS OF THE PBA LOCAL 260 (THE "PARTIES") MET ON NUMEROUS OCCASIONS IN ORDER TO NEGOTIATE A COLLECTIVE BARGAINING AGREEMENT (THE "AGREEMENT"); AND

WHEREAS, BOTH PARTIES SETTLED ON AN AGREEMENT TO BE BROUGHT TO THEIR RESPECTIVE MEMBERS; AND

WHEREAS, THE TOWNSHIP COUNCIL APPROVED THE AGREEMENT AND DESIRED THAT IT BE RATIFIED; AND

WHEREAS, AT ITS MAY 19, 2010 MEETING, THE TOWNSHIP COUNCIL ADOPTED RESOLUTION # 123-2010 ENTITLED "A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH THE PBA UNDER TERMS AND CONDITIONS SUBSTANTIALLY SIMILAR TO THOSE PROPOSED BY ADMINISTRATION"; AND

WHEREAS, THE MEMBERS OF THE PBA LOCAL 260 REJECTED THE TERMS OF THE AGREEMENT; AND

WHEREAS, THE TOWNSHIP COUNCIL NOW DESIRES TO RESCIND THE MAYOR'S AUTHORIZATION TO EXECUTE THE AGREEMENT WHICH WAS GRANTED THROUGH RESOLUTION # 123-2010.

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 RESOLUTION #123-2010 IS HEREBY RESCINDED.

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

- A. PBA LOCAL 260
- B. TOWNSHIP ADMINISTRATOR
- C. GLUCKWALRATH LLP

**RESOLUTION NO. 134-2010**

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY IN A SAFE AND SECURE COMMUNITIES PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY

WHEREAS, THE TOWNSHIP OF PEMBERTON WISHES TO APPLY FOR A PROJECT UNDER THE SAFE AND SECURE COMMUNITIES PROGRAM, AND

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL HAS REVIEWED THE APPLICATION AND HAS APPROVED SAID REQUEST, AND

WHEREAS, THE PROJECT IS A JOINT EFFORT BETWEEN THE DEPARTMENT OF LAW AND PUBLIC SAFETY AND THE TOWNSHIP OF PEMBERTON, FOR THE PURPOSE DESCRIBED IN THE APPLICATION;

THEREFORE, BE IT RESOLVED BY THE PEMBERTON TOWNSHIP COUNCIL THAT

1. AS A MATTER OF PUBLIC POLICY THE TOWNSHIP OF PEMBERTON WISHES TO PARTICIPATE TO THE FULLEST EXTENT POSSIBLE WITH THE DEPARTMENT OF LAW AND PUBLIC SAFETY.
2. THE ATTORNEY GENERAL OF NEW JERSEY WILL RECEIVE FUNDS ON BEHALF OF THE APPLICANT.
3. THE DIVISION OF CRIMINAL JUSTICE SHALL BE RESPONSIBLE FOR THE RECEIPT AND REVIEW OF THE APPLICATIONS FOR SAID FUNDS.
4. THE DIVISION OF CRIMINAL JUSTICE SHALL INITIATE ALLOCATIONS TO THE APPLICANT AS AUTHORIZED BY LAW.

**RESOLUTION NO. 136-2010**

A RESOLUTION AUTHORIZING EXECUTION OF A SHARED SERVICES AGREEMENT WITH THE BOARD OF EDUCATION OF THE TOWNSHIP OF PEMBERTON FOR THE PURCHASE, INSTALLATION AND MAINTENANCE OF A TOWN CLOCK  
WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") DESIRES TO PLACE A TOWN CLOCK ON THE PROPERTY OF THE BOARD OF EDUCATION OF THE TOWNSHIP OF PEMBERTON SCHOOL DISTRICT (THE "DISTRICT") FOR PUBLIC DISPLAY; AND

WHEREAS, THE PARTIES ARE DESIROUS OF ENTERING INTO AN AGREEMENT WHERE THE TOWNSHIP WILL INSTALL IMPROVEMENTS, PAVERS AND LANDSCAPING ON DISTRICT PROPERTY ON WHICH THE TOWN CLOCK SHALL BE PLACED; AND

WHEREAS, THE UNIFORM SHARED SERVICES AND CONSOLIDATION ACT, N.J.S.A. 40A:65-1 ET SEQ. AUTHORIZES MUNICIPALITIES TO CONTRACT WITH EACH OTHER FOR SHARED SERVICES; AND

WHEREAS, THE TOWNSHIP AND THE DISTRICT BELIEVE THAT THIS AGREEMENT WILL BE BENEFICIAL TO THE RESIDENTS OF THE TOWNSHIP.

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE AND ENTER INTO A SHARED SERVICES AGREEMENT WITH THE BOARD OF EDUCATION OF THE TOWNSHIP OF PEMBERTON SCHOOL DISTRICT FOR INSTALLATION AND MAINTENANCE OF A TOWN CLOCK ON THE DISTRICT'S PROPERTY.

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

- A. CLERK, BOARD OF EDUCATION OF THE TOWNSHIP OF PEMBERTON
- B. GLUCKWALRATH LLP

**10. NEW BUSINESS**

**\*a.** Applications submitted for memberships, licenses, permits:

**\*1. Special Use Permit:** Grammy's Hugs and Signature Stitches: Ten yard sales to be held at 111 PBM Rd., Browns Mills, NJ. Twp. Code permits 10 per calendar year.

**\*2. Fire Company Memberships:** (Council confirmation/acknowledgement of new members): **Country Lakes Fire Co.:** Firefighter Jason Loebke

**\*3. Used Car Dealership Licenses:** 1. Consolidated Transportation: 105B Fort Dix Road, Pemberton. 2. Dee Auto Sales: 239 PBM Rd. Browns Mills.

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

**\*1.** Recreation Dept: 250 tons of mason sand for Mirror Lake Beach – delivered, from Scorer Trucking in the amount of \$4,500.00.

**\*11.** Approval by Council required for payment of vouchers on bill list dated 5/28/10.

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

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

### **Resolution No. 129-2010:**

#### **RESOLUTION NO. 129-2010**

WHEREAS, APPLICATION HAS BEEN MADE TO THE TOWNSHIP OF PEMBERTON FOR RENEWAL OF PLENARY RETAIL CONSUMPTION LICENSE NO. 0329-33-004-008 FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011; AND WHEREAS, THE SAME HAS BEEN DULY ADVERTISED AND NO OBJECTIONS HAVE BEEN FILED WITH THE TOWNSHIP CLERK; AND

WHEREAS, THE RENEWAL APPLICATION HAS BEEN COMPLETED IN ALL RESPECTS AND THE BELOW-NAMED APPLICANT IS QUALIFIED TO BE A LICENSEE IN ACCORDANCE WITH ALL STATUTORY, REGULATORY, AND LOCAL GOVERNMENTAL ABC LAWS AND REGULATIONS;

WHEREAS, THE PEMBERTON TOWNSHIP COUNCIL EXPRESSES NO OBJECTION TO THE RENEWAL OF THE LICENSE 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 RENEWED FOR THE PERIOD OF JULY 1, 2010 TO JUNE 30, 2011, BY THE STATE OF NEW JERSEY;

PLENARY RETAIL CONSUMPTION LICENSE:

THOMAS R. INGE ENTERPRISES, IV, LLC

#0329-33-004-008

T/A POCKET LICENSE

Motion by Prickett and Stinney to approve Resolution No. 129-2010. Prickett, yes; Stinney, yes; Cartier, yes; Inge, abstain; Scull, yes. Motion carried.

### **Resolution No. 135-2010:**

Mr. Prickett questioned if the decreased amount is not going to be borrowed or is it going to reduce the debt and if this was anticipation money or if it was actually the bond money. Mayor Patriarca explained they will only borrow the necessary funding to fund the project. Mr. Prickett confirmed with the Mayor that it is anticipation notes at this point, and the bond would be reduced to the changed amount.

#### **RESOLUTION NO. 135-2010**

WHEREAS, BY RESOLUTION NO. 191-2008, ADOPTED AUGUST 20, 2008, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO RICHARD E. PIERSON CONSTRUCTION COMPANY, PO BOX 430, WOODSTOWN, NJ 08098, FOR \$2,104,335.20, FOR THE LEBANON FOREST DAM NO. 1; AND

WHEREAS, BY RESOLUTION NO. 101-2009, ADOPTED APRIL 1, 2009, THE TOWNSHIP COUNCIL AWARDED CHANGE ORDER NO. 1 TO RICHARD E. PIERSON CONSTRUCTION COMPANY FOR 101,800.00; AND

WHEREAS, BY RESOLUTION NO.143-2009, ADOPTED JUNE 3, 2009, THE TOWNSHIP COUNCIL AWARDED CHANGE ORDER NO. 2 TO RICHARD E. PIERSON CONSTRUCTION COMPANY FOR 87,825.00; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 3 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL DECREASE IN THE CONTRACT PRICE BY \$106,518.55, WHICH CHANGE ORDER IS RELATED TO MISCELLANEOUS MATERIALS AS MORE SPECIFICALLY AND ACCURATELY DESCRIBED IN THE CHANGE ORDER REQUESTED; AND

WHEREAS, THE NEW CONTRACT SUM INCLUDING THE CHANGE ORDER WILL BE \$2,181,841.65; AND

WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 3; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1 ET SEQ., AND THE REGULATIONS PROMULGATED PURSUANT THERETO, N.J.A.C. 5:34-1.1 ET SEQ. PERMIT THE AUTHORIZATION OF SUCH A CHANGE ORDER IN ACCORDANCE WITH CERTAIN GUIDELINES CONTAINED THEREIN; AND

WHEREAS, THE GOVERNING BODY HAS DETERMINED, UPON THE ADVICE OF THE CONSULTING ENGINEER AND RECOMMENDATION OF THE BUSINESS ADMINISTRATOR, THAT THE PROVISIONS OF THE REGULATIONS HAVE BEEN MET AND THAT THIS RESOLUTION CAN BE ADOPTED GIVEN THE ENGINEER'S REPRESENTATIONS THAT THE REQUESTED CHANGES ARE IN ORDER AND THAT THE REASONS FOR SAME ARE ACCEPTABLE, JUSTIFIABLE, AND VALID; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER HAS CERTIFIED THAT FUNDS ARE AVAILABLE TO APPROVE THIS CONTRACT IN THE AMOUNT OF (\$106,518.55), IN LINE ITEM # 04-2005-200521-96605-4-90206; AND

NOW, THEREFORE BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT CHANGE ORDER NO. 3, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

Motion by Prickett and Cartier to approve Resolution No. 135-2010. Prickett, yes; Cartier, yes; Inge, yes; Stinney, yes; Scull, yes. Motion carried.

## **10. NEW BUSINESS**

- c. Review of draft ordinance setting cost of photo copy fees as required by Appellate Division.

Mrs. Scull noted that Mrs. Finlay advised she is looking into the actual costs and will provide it by resolution at the next Council meeting. Council questioned exactly what the deadline is to implement the new fees. Mr. Bayer commented that he will advise Council regarding the deadline of July 1, 2010. Mrs. Finlay noted that after introduction she will assign the appropriate number and advertise the public hearing. Mr. Prickett asked if the ordinance could be introduced without the number, to which Mr. Bayer confirmed that it could.

Motion by Cartier and Prickett to add to the Agenda An Ordinance to Amend Chapter 146 of the Public Code of the Township of Pemberton entitled Public Records. Cartier, yes; Prickett, yes; Stinney, yes; Inge, yes; Scull, yes. Motion carried.

Motion by Cartier and Prickett to introduce An Ordinance to Amend Chapter 146 of the Code of the Township of Pemberton Entitled "Public Records". Cartier, yes; Prickett, yes; Stinney, yes; Inge, 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: **Charles Jenkins:** Expressed his unhappiness that his grandchildren were not allowed to march in the Memorial Day Parade. The Mayor and Council President Scull informed Mr. Jenkins that it was the Veteran's Committee that made the decision. **John Shaw:** Commented that baseball kids are part of the military families of town. Stated Mr. Emmons was at the parade to hand out water and not for politicking. The Lions Club is a non-political function. **Kathy Sheridin:** Commented on an on-going problem in Lake Valley Acres of brush lying on the streets for months. Mayor Patriarca informed brush pick up started this week in Lake Valley Acres. Ms. Sheridin questioned the lack of manpower. Mayor Patriarca explained manpower has been diverted to other projects that normally would have been contracted out. Mr. Vaz provided a break down of pending Public Works' service calls within the Township. Mr. Vaz noted there are also quite a few workers out on workers compensation leave of absences. **America Phillips:** Appreciated the clean up in Presidential Lakes. She expressed that everyone should be able to participate in the Veterans Parade. She reported that a home at 200 New Hampshire Road that borders her property which has been empty since June 12, 2009, and has not been maintained. She asked why they have not received a summons. Mayor Patriarca replied Code Enforcement will be there tomorrow. Mrs. Phillips reminded she has spoken of 325 North Carolina and New York Road many times. She spoke of residents on Tennessee Trail that cannot get to their mailboxes when it rains and asked for drainage to be installed on Tennessee Trail. She thanked the Township for the port-a-pot installed for the children and noted that a handicapped toilet is also needed. She informed that intersection of Tennessee Trail and New York Road has no visibility due to the trees. **John Shaw:** Asked when the grass at the library will be cut. The Mayor advised it will be taken care of. **Michelle Forman:** Commented on the

brush piles in Lake Valley Acres. She expressed she is very proud of the Mayor and Business Administrator for Imagination Kingdom. She noted seeing the Jenkins everywhere in the Township. She asked if the police officers and employees that work outdoors have pamphlets that educate them on skin cancer. Mr. Vaz informed employees are trained through the joint insurance fund. Noted that Mr. and Mrs. Jenkins were at Pemberton Idol at the high school. There being no additional members of the public indicating a desire to be heard, Council President Scull closed the meeting to public comments.

**SOLICITOR'S REPORT:**

**Andy Bayer: 1.** No report for the public.

**ENGINEER'S REPORT:**

**Brett Ingram: 1.** A.C. Schultes has been working on the well. Mr. Prickett asked about the water tower at Oak Pines that has algae eating away at the paint. Noted the problems with the Lake Valley water system that are hopefully being addressed. Mr. Ingram replied he will look in to it.

**MAYOR'S REPORT:**

**David Patriarca: 1.** Working on building improvements at the municipal building by replacing ceiling tiles and lighting in the hallways. Attended an awards dinner in Atlantic City where Clean Communities Chairperson Dawn Hullings received an award for her programs in the Township.

**COUNCIL MEMBERS' COMMENTS:**

**Diane Stinney: 1.** Thanked everyone for coming out.

Mr. Prickett spoke of fallen trees throughout the Township and the safety hazards associated with that. Asked Mr. Vaz if the safety hazards are being addressed. Mr. Vaz explained Public Works' process for receiving service requests, and they prioritize the requests received.

**Diane Stinney (continued): 2.** Thanked everyone for their comments and concerns. Wished everyone a good evening.

**Rick Prickett: 1.** Saddened to hear about the children that were not able to take part in the Memorial Day ceremony. Noticed there were not a lot of children at the parade. The Commander welcomed children to the ceremony and spoke of an education moment. If children don't learn what the meaning of Memorial Day is by being at Memorial Day, hopefully they don't learn about through injuries and deaths in their families. Children should be part of Memorial Day and the Commander was intoned to that and was giving instructions that the children should be quiet, remain polite and attentive and listen carefully to what was being talked about. When we don't have children present at different functions, we are the losers because all of us old people at these affairs and the kids are disconnected. It was a beautiful ceremony. **2.** The Soroptomist had a beautiful ceremony with the mosaics in the gazebo. **3.** Clean Communities was cleaning up the lake and also took part in the Soroptomist gazebo mosaic affair. **4.** Noted the Blueberry Festival is coming up on June 26<sup>th</sup>. Hopes to see everyone there. **5.** Wished everyone a good night.

**Ken Cartier: 1.** Thanked everyone for coming out. Wished everyone a safe trip home.

**Tom Inge: 1.** Thanked everyone for coming out. **2.** Thanked Charlie Jenkins for coming forward this evening and expressing his feelings about his grandchildren not being able to march in the parade. We have to think back when the parade was

very small, baseball players did participate in the parade. They should continue to participate in the parades in the future in the Township. **3.** Wished everyone a safe trip home.

**Sherry Scull:** **1.** Informed that Mr. Harold Cathers passed away, and his viewing is this evening. Mr. Cathers was a residents for 49 years, a veteran of WWII and the Korean War. **2.** Thanked Mrs. Forman for mentioning Imagination Kingdom. It makes her very happy when she rides by and sees their residents using the playground. It is such a great community effort. **3.** Attended the Country Lakes Community Center opening. She noted the employees have done a wonderful job renovating the building. They are still working on the exterior. There will be a grand opening in June for the Dominique Johnson Center. It makes her feel very proud that they have been able to renovate their buildings. It is a smart way to save taxpayer's money. **4.** Agrees with Ms. Sheridin in that she doesn't like seeing the brush either. She has called the Mayor several times and is glad to hear they are starting on brush. **5.** Have received up to 1300 responses for the Browns Mills survey. The last day for responses is Monday. A lot of school employees have stated to her that they are happy they were included. Many of them even though they don't live here do spend a lot of their money in their community and different businesses. Hopefully that will help the company draw in some businesses that will benefit everyone. **6.** She was very sad when she didn't see the parents bring their children out to the Memorial Day parade. She expressed if they were willing to bring the children to march, they should have been willing to bring the children to participate in the Memorial. She stated that they have to remember what Memorial Day is about and unfortunately their country gets away too much with that. It's not just the beginning of summer and it's not just about having a parade or having a picnic. Mrs. Scull reiterated that it bothers her if the parents were willing to bring the children to the parade and when they can't march then they don't take them and what kind of message does that give those children. Reminded that Memorial Day is for people like Joseph Clevenger of Pemberton, or New Mills who died in the Revolutionary War; Daniel Scull of Browns Mills who perished in the Civil War, Thomas Alloway of WWI, Perry Jones and the individuals from the Township who died in WWII, Korean War veterans that gave their lives, people in Vietnam; they had three gold star mothers there, two from Vietnam and one from Iraq and that is what Memorial Day is all about. Mrs. Scull finds it very sad that the parade has been blemished. She noted that Mr. Jenkins was disappointed but there is a Veteran's Committee and it was their decision. As they said, be involved next year and talk to them sooner. Mrs. Scull stated maybe it's a good idea if they don't have a parade; they wouldn't have to close their roads down, and they do have a memorial. She expressed the need to teach the children about those who gave their lives which is what should be important on Memorial Day. **7.** Wished everyone a good evening and thanked everyone for coming out.

The meeting was adjourned at approximately 8:19 pm.

Respectfully submitted:

Mary Ann Finlay, MMC  
Township Clerk