

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
OCTOBER 5, 2011
6:30 P.M.**

FLAG SALUTE

Council President Cartier led the assembly in the Pledge of Allegiance, announced that notice of the meeting was given in accordance with the Open Public Meetings Act, and followed by roll call.

ROLL CALL

PRESENT

Jason Allen
Ken Cartier
Richard Prickett
Sherry Scull
Diane Stinney

ABSENT

Also present: Mayor David Patriarca, Business Administrator Christopher Vaz, Township Solicitor Andrew Bayer, Township Engineers Chris Rehmann and Kelly Willis, Township Planners Rick Ragan and Owen McCabe and Deputy Township Clerk Amy P. Cosnoski.

CALL TO ORDER

Council President Cartier called the meeting to order at 6:30 PM.

CLOSED SESSION

RESOLUTION NO. 221-2011

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:
HISTORIC TRUST AGREEMENT AMENDMENT NEGOTIATION, BERARDI LITIGATION, BROWNS MILLS SHOPPING CENTER CONTRACT NEGOTIATIONS
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 Scull and Stinney to approve Resolution No. 221-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Council President Cartier recessed the open meeting at approximately 6:31 PM to go into closed session, and reconvened the open meeting at approximately 7:00 PM. Council President Cartier advised closed session would continue at the end of the open session.

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

PRESENTATIONS

Council President Cartier read the Fire Prevention Week proclamation into the record and announced that the Pemberton Township Fire Department will be holding a demonstration at Imagination Kingdom on October 15th. Fire Director William Dougherty thanked the Mayor and Council for the proclamation and accepted it on behalf of those that could not attend the meeting.

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.

Council President Cartier opened the meeting to the public on consent agenda items only and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Scull and Stinney to approve consent agenda.

RESOLUTIONS

RESOLUTION NO. 222-2011

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:

HORACE & BOBBIE J. WALKER, \$898.53, OVERPAYMENT WAS CREATED AS MORTGAGE PAID 3RD QUARTER 2011 TAXES WHEN PROPERTY WAS GRANTED TDV STATUS ON BLOCK 836, LOT 16.

WILLIAM & ERMA SEAVEY, \$741.43, OVERPAYMENT WAS CREATED AS MORTGAGE PAID 3RD QUARTER 2011 TAXES WHEN PROPERTY WAS GRANTED TDV STATUS ON BLOCK 245, LOT 41,

CARLOS & EVELYN RODRIGUEZ, \$151.95, OVERPAYMENT WAS CREATED AS HOMESTEAD REBATE WAS APPLIED TO 2ND QUARTER 2011 TAXES WHEN PROPERTY WAS GRANTED TDV STATUS ON BLOCK 1104, LOT 13

JEANNE AMICO & EILLEN TRAVASOS, \$96.04, PRIOR OWNERS OVERPAID TAXES AT SETTLEMENT ON BLOCK 946, LOT 2.

CAROLYN BURGESS, \$90.00, REFUND OF BUILDING RENTAL FEE, DID NOT USE BUILDING.

ANNETTE HARRIS-GORDON, \$20.00, REFUND OF HALF OF SWIMMING LESSON FEES DUE TO CLASS CANCELLATION FOR INCLEMENT WEATHER.

RESOLUTION NO. 223-2011

WHEREAS, P.L. 2009, C. 166 AND LOCAL FINANCE NOTICE 2011-15 ADVISED CONTRACTING UNITS THAT DID NOT HAVE A QUALIFIED PURCHASING AGENT (QPA) THAT THEIR BID THRESHOLD WAS REDUCED TO \$17,500 PENDING THE CONTRACT UNIT APPOINTING A QPA; AND

WHEREAS, IN THE ABSENCE OF HAVING A QPA ON STAFF, PEMBERTON TOWNSHIP MODIFIED ITS BID THRESHOLD ACCORDINGLY; AND

WHEREAS, THE DIVISION OF LOCAL GOVERNMENT SERVICES RECENTLY ANNOUNCED ADOPTION OF A NEW RULE, N.J.A.C. 5:34-5.4, THAT ALLOWS MUNICIPALITIES TO TEMPORARILY APPOINT INDIVIDUALS AS QPA PROVIDED THAT THEY ARE QUALIFIED TO SIT FOR THE QPA EXAMINATION, AND WILL COMMIT TO SITTING FOR THE EXAMINATION, ONCE THE DIVISION SCHEDULES THE EXAMINATION; AND

WHEREAS, AS A RESULT OF DESIGNATING A TEMPORARY QPA, THE CONTRACTING UNIT'S BID THRESHOLD MAY BE INCREASED TO \$26,000 (THE BID THRESHOLD FOR CONTRACTING UNITS WITHOUT A QPA PRIOR TO JANUARY 1, 2011); AND

WHEREAS, THE TOWNSHIP BUSINESS ADMINISTRATOR, CHRISTOPHER J. VAZ, SATISFIES THE CRITERIA FOR SITTING FOR THE QPA EXAMINATION, WHICH IS SET FORTH IN THE ATTACHED AFFIDAVIT OF QPA QUALIFICATION.

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. THAT CHRISTOPHER J. VAZ IS HEREBY DESIGNATED AS THE TEMPORARY QUALIFIED PURCHASING AGENT IN ACCORDANCE WITH PERTINENT STATE LAW AND REGULATIONS AND LFN 2011-27.

2. THAT THE BID THRESHOLD IS \$26,000.

3. THAT NOTHING CONTAINED HEREIN SHALL MODIFY THE TOWNSHIP COUNCIL'S PREVIOUS DIRECTION THAT PURCHASES OVER \$2,000 REQUIRE THE PRIOR APPROVAL OF THE GOVERNING BODY.

4. THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE FORWARDED TO THE CERTIFICATION UNIT, DIVISION OF LOCAL GOVERNMENT SERVICES IN THE DEPARTMENT OF COMMUNITY AFFAIRS.

NEW BUSINESS

Purchases at \$2,000.00 or over:

***1. Public Works:** Purchase of street striping services from Denville Line Painting Inc., in the amount of \$9,600.00

***2. Public Works:** Purchase of emergency repair services from ABS Electric Inc. for emergency repairs to Well #13 in advance of Hurricane Irene, in the amount of \$2,195.24.

***3. Public Works:** Purchase of carpet for Inspections Department from Allstate Office Interiors, in the amount of \$2,744.50.

***4. Fire Dept.:** Purchase of command console and installation of emergency lighting and radios from Lights and Sirens, in the amount of \$7,250.25.

Note: Council approved this purchase for \$7,153.00 at the September 7, 2011 meeting, due to a delay between the original quote and ordering there was an increase in pricing on some parts in the amount of \$97.25.

BILL LIST

Approval by Council for payment of vouchers on bill list dated 9/30/11.

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

OTHER RESOLUTIONS

RESOLUTION NO. 224-2011

WHEREAS, TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") RECENTLY DETERMINED THAT ALL PURCHASES OF GOODS OR SERVICES THAT ARE OVER \$2,000.00 MUST BE APPROVED BY COUNCIL BEFORE A PURCHASE ORDER IS PREPARED AND APPROVED BY THE MAYOR OR BUSINESS ADMINISTRATOR; AND

WHEREAS, PURSUANT TO N.J.S.A. 40A:11-12, A MUNICIPALITY MAY, WITHOUT ADVERTISING FOR BIDS, PURCHASE GOODS UNDER ANY CONTRACT FOR SUCH GOODS ENTERED INTO ON BEHALF OF THE STATE BY THE DIVISION OF PURCHASE AND PROPERTY IN THE DEPARTMENT OF TREASURY; AND

WHEREAS, THE TOWNSHIP'S PUBLIC WORKS DEPARTMENT HAS RECOMMENDED THAT THE TOWNSHIP PURCHASE A NEW 2012 INTERNATIONAL 7400 SERIES 5/7 YD DUMP TRUCK WITH UNDER TAIL GATE SALT SPREADER, SNOW PLOW HITCH AND TEMPERATURE MONITORING SYSTEM FROM BUCKS COUNTY INTERNATIONAL, INC., UNDER STATE CONTRACT T-2787 CONTRACT # 79123 FOR THE AMOUNT OF \$114,068.00; AND

WHEREAS, IT IS IN THE BEST INTEREST OF THE CITIZENS OF THE TOWNSHIP TO PROVIDE NEW AND FUNCTIONING EQUIPMENT TO THE PUBLIC WORKS DEPARTMENT; AND

WHEREAS, THE CHIEF FINANCIAL OFFICER OF THE TOWNSHIP HAS CERTIFIED THAT FUNDS ARE AVAILABLE FOR THE PURCHASE OF THIS VEHICLE.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT AUTHORIZATION IS HEREBY GRANTED TO PURCHASE A NEW 2012 INTERNATIONAL 7400 SERIES 5/7 YD DUMP TRUCK WITH UNDER TAIL GATE SALT SPREADER, SNOW PLOW HITCH AND TEMPERATURE MONITORING SYSTEM FROM BUCKS COUNTY INTERNATIONAL, INC., UNDER STATE CONTRACT T-2787 CONTRACT # 79123 FOR THE AMOUNT OF \$114,068.00; AND

BE IT FURTHER RESOLVED, THAT THE MAYOR OF THE TOWNSHIP OF PEMBERTON IS HEREBY AUTHORIZED TO SIGN ALL DOCUMENTS NECESSARY TO EFFECTUATE THE PURCHASE OF THE PUBLIC WORKS VEHICLE DESCRIBED HEREIN ON BEHALF OF THE TOWNSHIP; 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 C-04-11-935-935-901; AND

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

- A. BUCKS COUNTY INTERNATIONAL, INC.
- B. CHRIS VAZ, TOWNSHIP ADMINISTRATION
- C. PHIL SAGER, SUPERINTENDANT OF PUBLIC WORKS
- D. ROBERT BENICK, CHIEF FINANCIAL OFFICER
- E. GLUCKWALRATH LLP

Motion by Scull and Allen to adopt Resolution 224-2011. Scull, yes; Allen, yes; Prickett, no; Stinney, yes; Cartier, no. Motion carried.

RESOLUTION NO. 225-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON IS COMMITTED TO PRESERVING, TO THE EXTENT POSSIBLE, FARMLAND WITHIN THE TOWNSHIP FOR THE BENEFIT OF THE CITIZENS OF THE TOWNSHIP OF PEMBERTON AS WELL AS FOR THE COUNTY OF BURLINGTON AND FOR THE STATE OF NEW JERSEY; AND

WHEREAS, THE BURLINGTON COUNTY AGRICULTURE DEVELOPMENT BOARD HAS ACCEPTED THE FOLLOWING APPLICATIONS INTO THE 2011 FARMLAND PRESERVATION EASEMENT PURCHASE PROGRAM:

STAVOLA FARM, BLOCK 804, LOT 4.01 (48 ACRES), FROM BLACK DOG INDUSTRIES

BUSH FARM, BLOCK 841, LOTS 3-6 & BLOCK 842, LOTS 71 & 76 (62 ACRES), FROM FRANCIS AND ROBERT BUSH STEVENSON FARM, BLOCK 803, LOT 9; BLOCK 804, LOTS 1-2 AND BLOCK 812, LOTS 2.01 & 3 (117 ACRES), FROM HOWARD AND JOANN STEVENSON

WHEREAS, IT IS IN THE BEST INTERESTS OF THE CITIZENS OF THE TOWNSHIP OF PEMBERTON TO APPROVE THE APPLICATIONS OF THE ABOVE THREE FARMS FOR CONSIDERATION INTO THE 2011 FARMLAND PRESERVATION EASEMENT PURCHASE PROGRAM; AND

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, AND STATE OF NEW JERSEY THAT THEY SUPPORT PRESERVATION OF THE PROPERTIES LISTED ABOVE THROUGH THE BURLINGTON COUNTY FARMLAND PRESERVATION PROGRAM AT NO MUNICIPAL COST SHARE.

Motion by Stinney and Allen to adopt Resolution 225-2011. Stinney, yes; Allen, yes; Scull, yes; Prickett, yes; Cartier, no. Motion carried.

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 23-2011

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 186 OF THE TOWNSHIP CODE, ENTITLED "WATER," IN ORDER TO ESTABLISH A PAYMENT PLAN SYSTEM IN THE EVENT OF WATER LEAKAGE DUE TO FAILED OR DEFECTIVE SERVICE LINES

Motion by Allen and Scull to introduce Ordinance No. 23-2011 with a public hearing on October 19, 2011.

Councilman Prickett expressed his concern over a resident having to pay a large water bill for something that was not their fault and had suggested that the Township look into some type of insurance program to offer the residents. Mayor Patriarca advised that the current ordinance in effect makes the homeowner responsible a line break and the water from that break, from the main to the house with no mechanism for a payment plan, this ordinance gives them the ability to set up a payment plan for something they are already responsible for. Additionally, the Mayor advised that in both cases noted of the \$2,000 water bill and the almost \$20,000 water bill, the Water Department did advise the residents and the resident with the larger bill would not allow their water to be turned off. Mayor Patriarca requested that the ordinance be done retroactive to January 2011 so that these residents can benefit from the ordinance. Councilwoman Scull noted that she has heard complaints from residents regarding large water bills and she was glad to see something is being done. Township Engineer Chris Rehmann

advised that this is a problem many water agencies face, noting a problem is not realized until the meter is read unless you see the water running down the street or pooling in the yard. Business Administrator Chris Vaz advised that there are no penalties or interest with the proposed payment plan, unless a scheduled payment is missed. Council President Cartier noted he would like the penalties and interest language made clearer in the ordinance.

Allen, yes; Scull, yes; Prickett, no; Stinney, yes; Cartier, yes. Motion Carried.

NEW BUSINESS

Parade Permit Applications: (PUBLIC HEARINGS REQUIRED)

1. Ocean County Competition Riders, motorcycle enduro ride through Brendan Byrne State Forest, 10/16/2011 from 9:00 am – 2:30 pm.

Council President Cartier opened the meeting to the public on the parade permit application and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Scull and Stinney to approve Ocean County Competition Rides, motorcycle enduro ride. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

2. Pemberton Township High School, Homecoming Parade from Busansky/Emmons School Complex through Pemberton Borough to intersection of Ft. Dix Road and North Pemberton Road, 10/29/2011 from 10:00 am – 2:00 pm.

Council President Cartier opened the meeting to the public on the parade permit application and seeing no members of the public wishing to speak he closed the meeting to the public.

Motion by Prickett and Allen to approve Pemberton Township High School Home Coming Parade. Prickett, yes; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

At this time Council President Cartier asked that those in attendance observe a moment of silence for former Mayor Elmer D'Imperio who is in grave condition and battling for his life.

Authorization from Council for expenditure of funds for Adams, Rehmann & Heggan to perform Engineering and Survey work for repair of Country Lakes Dams in the amount of \$299,675.00.

It was noted that the correct amount is \$185,435.00.

Motion by Scull and Stinney to approve. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes; Motion carried.

Authorization from Council for expenditure of funds for Adams, Rehmann & Heggan to perform Engineering, Design and Construction Management Services for the Water Meter Replacement Project at Lakeshore Mobile Park in the amount of \$6,230.00.

Motion by Scull and Stinney to approve. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes; Motion carried.

Appointment of voting member and alternate for Northern Burlington County Growth and Preservation Advisory Committee.

Business Administrator Chris Vaz advised that the Bridge Commission requested that the primary member be the Mayor. Councilwoman Scull questioned if this would be a conflict of interest for Councilman Allen to serve on the committee and it was noted that as this would eventually require DEP approval, Councilman Allen should not be on the committee. Councilwoman Scull advised she would serve as alternate on the committee.

Motion by Stinney and Allen to appoint Mayor Patriarca as the voting member for the Northern Burlington County Growth and Preservation Advisory Committee with

Councilwoman Scull serving as the alternate member. Stinney, yes; Allen, yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carried.

GENERAL PUBLIC COMMENTS

Council President Cartier opened the meeting to the public.

Aaron Sheffield, Pemberton Township Bus Drivers Association – Questioned if there was an ordinance providing for an offset of parking from a public/commercial/municipal exit. Commented on a problem they were having with some residents parking their vehicles right at the exit to the bus garage and this is creating a safety hazard for the drivers. Mayor Patriarca noted there is no ordinance in place covering that in that location, advising the Council would have to adopt an ordinance requesting the County to do that since it is on a county roadway. Council President Cartier thanked Mr. Sheffield for bringing this to their attention.

Chris Stevens, Country Lakes Pub – Expressed his concerns regarding articles published in the paper about the Township considering the sale of three retail distribution licenses. Mr. Stevens explained that bringing in one of the large box stores would mean a loss of jobs and businesses to the current license holders and ratables for the Township. Council President Cartier advised that this matter will be on the October 19th agenda for an open discussion with the public. Councilwoman Scull commented that after the last meeting word had gotten around that this was a done deal and that she had stated she would be open to a discussion, but it was not a done deal and wanted to make it clear that the Council did not vote on anything. Discussion ensued on the possible location of a new business and how that would affect current businesses. Mr. Stevens asked Council to consider the long term affects this would have on the town, noting it would be a one time fix for the current budget but would be more damaging in the long term by loss of ratables and jobs, noting that the local small businesses give back to the community.

Claire Wadsworth, Browns Mills – Asked Council to seriously consider bringing in a retail distribution license business, explaining she owned a local florist shop and garden center that was put out of business by the large box stores. Advised that she learned of a grant available to help with the repair of the Bayberry Bridge Dam. Township Engineer Kelly Willis noted they are aware of the grant and they are looking into it. Ms. Wadsworth commented on the Best Practices Survey, under a General Management, item No. 3 it is noted that the proposed budget is removed two weeks after the adoption of the final budget and questioned if the proposed budget will stay up longer since the State recommends it? Mr. Vaz advised that it can be downloaded and it is always on file here at the Township. Ms. Wadsworth questioned why we don't have an absence policy and will the Township be adopting one. Council President Cartier advised that it is a concern with some of the boards and it is being looked into. Ms. Wadsworth noted that the Township's experience with online auction services has been unsuccessful and asked if an auction company has been considered. Mr. Vaz explained that the auctions are handled in house and if we were to use an auction company they would get a percentage. Ms. Wadsworth asked about the bank statements not being reconciled. Mr. Vaz advised that they are reconciled however the paper system is not matching the online system. Ms. Wadsworth questioned why the Township has not participated in an Energy Audit, noting she has brought documents to the Township showing the money saving benefits of doing an energy audit. Ms. Wadsworth explained the different programs that are available to municipalities and outlined the savings realized by other towns. Mr. Vaz advised they are in the process of applying for the energy audit, further advising that the Township did apply previously and was told by the company that there was nothing the Township was eligible for. Mr. Vaz noted that he later read an article regarding all of these other towns getting benefits from their audits and called the company back, they sent someone else out to do another audit and that person did find items we would be eligible for, unfortunately the deadline had then passed, Mr. Vaz noted that this was the fault of the company hired by the State.

Bob Pelletier, Pemberton – Commented that he was saddened to hear of Mr. D'Imperio's condition. Mr. Pelletier questioned the PILOT program versus abatement and he had looked into it. Council President Cartier asked the Township Planner, Rick Ragan to step forward and explain the programs. Mr. Ragan explained the law on PILOT programs and how he has handled them in other towns, noting all of the money goes directly to the Township, especially when the project is not generating and children into the school system. Mr. Pelletier commented on the water problem and questioned if Council could just pass an ordinance absolving the residents from having to pay such an astronomical amount. Mr. Bayer explained the fees could

be waived but then the burden is put on the other rate payers. Council President Cartier noted that in the case of the larger bill, the problem was pointed out to the resident and they ignored it. Mr. Pelletier commented on the Township paying dues to the League of Municipalities and expressed that he contacted the League and they would not speak with him because he is not a Township Official. Mr. Pelletier commented on the retail distribution license and asked if the Township would have to pass an ordinance, Mr. Bayer noted that as it was explained at the last meeting, the ordinance is already on the books. Mr. Pelletier advised that he spoke to a gentleman at the Train Station and was told they were locked out again. Mr. Bayer advised they are not locked out, the locks were changed and the Trust was advised to contact Administration to receive the keys.

Teddy Hill, Browns Mills – Noted that he agrees with the statements of Chris Stevens of Country Lakes pub and asked Council not to hurt the hardworking people in town.

Terry Patton, New Lisbon – Advised that he was at the Court when the Judge gave the museum the right to open and noting the contract between the Township and the Trust is to be abided. Mr. Patton noted at that time they did get a key and they were able to work through the flood issues, but now questioned where and how they could get a key. Mr. Patton advised that there was a complaint about the rail cars and they have been banned from working on the rail cars. Council President Cartier asked Mr. Patton if the Trust has discussed this with Administration and Mr. Patton advised they had. Mr. Vaz advised that neither he nor the Mayor had a conversation with the Trust and that was a misrepresentation. Mr. Vaz further advised that the Administration offices are open Monday through Friday and the Trust is welcome to come in and talk to them. Mr. Patton questioned the County taking over the property and it was explained that the agreement with the County is on hold, as the County agreed to take the property as is in 2009, and the condition of the property has changed since then. Mayor Patriarca noted that Administration is in full compliance with the license agreement. Mr. Bayer advised Mr. Patton that they were at a public meeting and if Mr. Patton wanted to continue to discuss a matter that was in litigation, he would need to schedule a meeting with Administration.

Harvey Crawford, Browns Mills - Commented on the Township spending money going to court. Council President Cartier advised that the Township is defending themselves in court, the Township did not bring suit. Mr. Crawford noted regarding the liquor licenses that there were originally five bars or packaged good stores in town, all Mom & Pop establishments and they survived, the big box stores put the florists and Browns Mills Supply out of business. Mr. Crawford commented on the problems on Ridge Road with the dirt bikes running up and down the road and the cans and bottles that he picks up once a week, noting the roadway is a traffic problem also and a traffic device needs to be requested on Lakehurst Road.

Jay Williams, Browns Mills – Questioned how he would request a key for the Train Station. Mr. Vaz advised his request would have to go through Administration. Mr. Williams questioned who would be responsible for a break in the water line if it was inspected by the Township, noting it could also be due to a faulty pipe in which case the manufacturer would be responsible. Mayor Patriarca explained that there is already an ordinance in effect which puts the responsibility on the homeowner, this new ordinance just gives them a mechanism to pay it in payments.

America Phillips, Presidential Lakes – Noted that she was late to the meeting due to an accident on Lakehurst Road, and urged everyone when given an order by the Police or Fire Police to follow that order so the accident scene can be cleared safely. Commented regarding the water payment ordinance, noting as a resident, you should check your meter and if your bills are coming in high, you should check it out. Commented on the residents keeping an eye on inspectors because they are not doing their jobs. Ms. Phillips commented on the traffic downtown around 4 p.m. and suggested an extra officer be put in the area. Expressed that she hopes the train station issue gets resolved soon.

Adrienne Leonard, Browns Mills – Expressed her concern that other people may have access to the Train Station since the Historic Trust has thousands of dollars of artifacts in the building. Advised that the ruts on the Wawa property were not caused by the Trust, noting it was the Burlington County Mosquito Control Commission. Ms. Leonard commented that the Historic Trust and the Rotary volunteers have put a lot of time into the Train Station and the Trail and it is now all being traded to the County and does not think that is showing pride in the Township

by giving it away.

Eric Allen, Browns Mills - Commented on the agreement for the use of the train station, noting if it needed to be altered there should have been discussion. Expressed he does appreciate the Train Station and applauds those involved in bringing it to the Township.

Thomas Inge, Browns Mills – Noted that he was on Council when the county wanted to acquire the Train Station and he was for it at the time, as his understanding was the County was going to work with the Trust. Since that time, he has had the opportunity to visit the Train Station more and realized he never took into consideration the amount of time the volunteers have put into the Train Station and that should be looked at. Commented regarding the liquor license, feels that the local people work at the current businesses and if a big chain store were to come in, it would hurt those businesses and that Council should not only look at the dollar, but how it would affect the town and the people.

Terry Patton, New Lisbon – Explained that he had to gain access to the wagons and make repairs with a generator and he did go up that hill to the Wawa in his car, but he did not make the ruts. Discussion ensued regarding the mediations between the Township and Historic Trust and Township Solicitor Andrew Bayer advised mediation discussions are meant to remain confidential.

Harvey Crawford, Browns Mills – Commented on the discussions going over the same ground, noting he doesn't care who did what with the mediations, advising there are certain rules and agreements the Trust must abide by. Believes that everyone has a vision for the township and compromises need to be made on all sides.

Solicitor's Report

Mr. Bayer had no report.

Engineer's Report

Mr. Rehmann thanked Council for their consideration on the Country Lakes Dams, advising they will be evaluating the data received by the soils engineer. Further reported they are working on a grant for the Well #12 pump and piping modification and they will be taking bids shortly for the gravel pack removal. Reported that they are working on the 2011 Road Program along with Administration and Public Works. Councilman Prickett questioned if the sidewalk in front of the Train Station had been repaired. Ms. Willis advised she had spoken with the contractor and they had not caused the crack and believe it was done when the train was delivered. The contractor advised they would never repair a concrete crack with epoxy. Councilman Prickett commented that he believed the crack was there prior to the train being delivered.

Planner's Report

Owen McCabe reported that the Joint Land Use Committee put out their transportation study and they are reviewing it now. The maps show two alternate routes around Pemberton Township and they are evaluating the long term impacts on Pemberton Township, they will give Council a copy of the report and recommendations to get back to the County. Councilwoman Scull asked for clarification regarding the shutting down of Juliustown Road. Mr. McCabe advised they would be placing a gate there so traffic would not go up through Juliustown Road and make a left onto Catesville Road to get to the high school.

Mayor's and/or Administrator's Report

Mayor Patriarca reported that he also attended that Joint Land Use Committee meeting and he was questioning the studies suggestions to put in bypasses here in the township, one would be to connect Springfield Road, using the old Pipeline Road out to Pointville Road. The second bypass is off of Range Road. His concern is the traffic being diverted from our business district. Advised that the Soroptomist Club is holding their candle light vigil this Friday at 5:30 p.m. at their peace garden off of South Lakeshore Drive.

COUNCIL COMMENTS

Richard Prickett – Noted that listening to the public comments is always a learning experience, getting the different perspectives is something that enriches him and the decisions he makes and he hopes the public keeps coming out and giving their point of view.

Jason Allen – Noted that Officer Potts and the Mt. Holly Sheriff’s Department will be having a D.A.R.E. event on October 18th at the Dominique Johnson Building from 5pm-7pm. Councilman Allen additionally reported that TAG now has a website that can be accessed through the Township web page.

Diane Stinney – Thanked all those that came. Noted that International Day was a wonderful event and thanked Public Works and the Recreation Department for the fantastic job they did. Thanked everyone for coming out and advised them to drive home safely as there are a lot of deer on the road.

Sherry Scull – Noted that her comment at the last meeting did mention Route 38 for a location to purchase liquor, Mr. Stevens was correct. Reported that she was advised the water is now good at the Early Childhood Center. Councilwoman Scull spoke on Dr. Marcus Newcomb noting that he originally had Deborah Hospital as a lung center for tuberculosis and sold it off and it then became Deborah. Dr. Newcomb then opened the sanitarium not too far from the Municipal Building and ran his TB center. He was a very active man in the community, sitting on the School Board and acting as President of the School Board when they built Little Red which was finished in 1919. Councilwoman Scull noted that people would tease him and call it Newcomb’s Folly because they didn’t believe that Browns Mills would ever have enough students to fill a five classroom building. He was also a member of the State Assembly and under his leadership school nurses became a priority and she hoped people do not forget how important Dr. Newcomb was to this Township and the State as well. Thanked everyone for coming out.

Ken Cartier – Thanked everyone for coming out and noted that he likes hearing the public’s perspective on things. Wished everyone a safe trip home and advised that Council will be going back into closed session and there may be formal action afterwards.

Councilwoman Scull clarified that the discussion regarding the liquor license at the next meeting is not coming out as legislation. Council President Cartier advised that it is only being placed on the next meeting for discussion.

Council President Cartier recessed the open meeting at approximately 10:23 PM to go into closed session, and reconvened the open meeting at approximately 11:32 PM. Council President Cartier noted there would be formal action pursuant to closed session.

Motion by Stinney and Scull to add Resolution No. 226-2011 to the agenda. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 226-2011

WHEREAS, THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON (THE “TOWNSHIP COUNCIL”) HAS ADOPTED RESOLUTIONS DETERMINING THAT THE PROPERTIES LOCATED WITHIN THE “BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA” ARE 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 HAS ADOPTED REDEVELOPMENT PLANS GOVERNING THIS REDEVELOPMENT AREA; AND

WHEREAS, THE TOWNSHIP COUNCIL, AS THE REDEVELOPMENT ENTITY FOR THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA UNDER THE LRHL, HAS DETERMINED THAT IT IS APPROPRIATE TO REDEVELOP TWO OF THE PARCELS WITHIN THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA--AN EXISTING SHOPPING CENTER KNOWN AS THE BROWNS MILLS SHOPPING CENTER AND AN ADJOINING VACANT LOT WHICH ARE MORE SPECIFICALLY IDENTIFIED ON THE TAX MAP OF PEMBERTON TOWNSHIP AS BLOCK 775, LOTS 18 AND 19 (COLLECTIVELY, THE “PROJECT AREA”); AND

WHEREAS, THE TOWNSHIP COUNCIL ISSUED A REQUEST FOR QUALIFICATIONS/REQUEST FOR PROPOSALS (RFQ/RFP) TO SOLICIT REDEVELOPMENT PROPOSALS FOR THE PROJECT AREA FROM QUALIFIED REDEVELOPERS; AND

WHEREAS, THE TOWNSHIP RECEIVED RESPONSES TO THE RFQ/RFP FROM CROWN DEVELOPMENT GROUP AND FROM PEARSON PROPERTIES AND TOWNSHIP REPRESENTATIVES CONDUCTED INTERVIEWS WITH EACH OF THESE REDEVELOPERS TO REVIEW THE DETAILS OF THEIR PROPOSALS; AND

WHEREAS, THE TOWNSHIP COUNCIL WISHES TO CONDITIONALLY DESIGNATE CROWN DEVELOPMENT GROUP AS THE REDEVELOPER FOR THE PROJECT AREA FOR A PERIOD OF UP TO FORTY-FIVE (45) DAYS SO THAT THE TOWNSHIP MAY CONDUCT EXCLUSIVE NEGOTIATIONS WITH CROWN DEVELOPMENT GROUP TO ATTEMPT TO ENTER INTO A REDEVELOPMENT AGREEMENT FOR THE PROJECT AREA.

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

1. CROWN DEVELOPMENT GROUP IS HEREBY CONDITIONALLY DESIGNATED AS THE REDEVELOPER FOR THE PROJECT AREA SO THAT THE TOWNSHIP MAY CONDUCT EXCLUSIVE NEGOTIATIONS WITH CROWN DEVELOPMENT GROUP FOR THE PERIOD OF TIME SET FORTH HEREIN TO ATTEMPT TO ENTER INTO A REDEVELOPMENT AGREEMENT FOR THE PROJECT AREA.

2. THE DESIGNATION OF CROWN DEVELOPMENT GROUP AS THE REDEVELOPER FOR THE PROJECT AREA IS EXPRESSLY CONDITIONED UPON THE COMPLETION OF THE FOLLOWING ACTIONS:

(A) THE POSTING OF AN ESCROW BY CROWN DEVELOPMENT GROUP WITH THE TOWNSHIP WITHIN SEVEN (7) DAYS OF THIS DATE IN THE AMOUNT OF FIFTY THOUSAND DOLLARS (\$50,000.00) TO REIMBURSE THE TOWNSHIP FOR THE COST OF PROFESSIONAL FEES, INCLUDING ENGINEERING, PROFESSIONAL PLANNING, AND LEGAL SERVICES, NECESSARY TO NEGOTIATE THE REDEVELOPMENT PROPOSAL, DRAFT

AGREEMENTS, AND REVIEW THE REDEVELOPER'S APPLICATION FOR COMPLIANCE TO THE ZONING CODE AND REDEVELOPMENT PLAN;

(B) THE EXECUTION WITHIN SEVEN (7) DAYS OF THIS DATE OF AN ESCROW AGREEMENT BY CROWN DEVELOPMENT GROUP IN A FORM ACCEPTABLE TO THE TOWNSHIP; AND

(C) THE NEGOTIATION OF A REDEVELOPMENT AGREEMENT BETWEEN CROWN DEVELOPMENT GROUP AND THE TOWNSHIP AND THE APPROVAL OF THAT REDEVELOPMENT AGREEMENT BY THE TOWNSHIP COUNCIL BY RESOLUTION WITHIN FORTY-FIVE (45) DAYS OF THIS DATE.

THE FAILURE OF ANY OF THESE CONDITIONS TO BE TIMELY SATISFIED SHALL AUTOMATICALLY INVALIDATE THE TOWNSHIP'S DESIGNATION OF CROWN DEVELOPMENT GROUP AS THE REDEVELOPER FOR THE PROJECT AREA WITHOUT THE NECESSITY OF ANY FURTHER ACTION BY THE TOWNSHIP COUNCIL.

3. THE MAYOR IS HEREBY AUTHORIZED TO SIGN AN ESCROW AGREEMENT WITH CROWN DEVELOPMENT GROUP, IN A FORM ACCEPTABLE TO THE TOWNSHIP SOLICITOR, GOVERNING THE TOWNSHIP'S USE OF THE FUNDS DEPOSITED INTO THE ESCROW ACCOUNT.

4. THE TOWNSHIP COUNCIL MAY ELECT, IN ITS SOLE DISCRETION, TO TERMINATE THE CONDITIONAL DESIGNATION OF CROWN DEVELOPMENT GROUP AS THE REDEVELOPER FOR THE PROJECT AREA PRIOR TO THE EXPIRATION OF THE FORTY-FIVE (45) DAY NEGOTIATION PERIOD SET FORTH HEREIN OR TO EXTEND THE FORTY-FIVE (45) DAY NEGOTIATION PERIOD SET FORTH HEREIN BY ADOPTION OF AN APPROPRIATE RESOLUTION.

5. THE TOWNSHIP CLERK SHALL PROVIDE A CERTIFIED COPY OF THIS RESOLUTION TO EACH OF THE FOLLOWING:

- (A) LANCE WATSON, CROWN DEVELOPMENT GROUP;
- (B) JOSEPH P. PEARSON, PEARSON PROPERTIES;
- (C) ANDREW BAYER, TOWNSHIP SOLICITOR; AND
- (D) RICK RAGAN, RAGAN DESIGN

Resolution No. 226-2011 was amended to allow only forty-five days for negotiations as opposed to ninety days.

Motion by Stinney and Scull to adopt Resolution No. 226-2011 with the amendment. Stinney, yes; Scull, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

The meeting ended at approximately 11:35 p.m.

Respectfully submitted,

Amy P. Cosnoski, RMC, Deputy Township Clerk