

**TOWNSHIP OF PEMBERTON  
REGULAR MEETING  
NOVEMBER 2, 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, 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. 239-2011**

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:  
BROWNS MILLS SHOPPING CENTER REDEVELOPMENT CONTRACT NEGOTIATIONS  
HISTORIC TRUST CONTRACT NEGOTIATIONS  
AFSCME GRIEVANCE  
UNION 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 Stinney and Scull to approve Resolution No. 239-2011. Stinney, yes; Scull, yes; Allen, yes; Prickett; 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.

**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.

Mr. Koster, Browns Mills – Mr. Koster questioned if the temporary help would be township employees and he was advised they would not be employees of the Township.

Seeing no other members of the public wishing to speak, Council President Cartier closed the meeting to the public.

Councilman Prickett requested to have Resolution No. 241-2011 and New Business items #5 and #7 pulled from the Consent Agenda. Councilman Allen requested to have Resolution No. 249-2011 and Resolution No. 244-2011 pulled from the Consent Agenda. Councilwoman Scull requested to have Resolution No. 246-2011 and Resolution No. 253-2011 pulled from the Consent Agenda.

Motion by Scull and Allen to approve Consent Agenda as amended.

**RESOLUTIONS**

**RESOLUTION NO. 240-2011**

WHEREAS, PEMBERTON TOWNSHIP FIRE DEPARTMENT 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 MEMBER BE APPOINTED AND DESIGNATED AS FIRE POLICE OFFICER 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 CHIEF OF THE FIRE COMPANY.

JAMES ANDERSON  
JOSEPH R. BRANDER, JR.  
ROBERT STRING  
TIMOTHY WARNOCK

**RESOLUTION NO. 242-2011**

WHEREAS, PERMISSION IS REQUIRED OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES FOR APPROVAL AS A DEDICATION BY RIDER OF REVENUES RECEIVED BY A COUNTY OR MUNICIPALITY WHEN THE REVENUE IS NOT SUBJECT TO REASONABLY ACCURATE ESTIMATES IN ADVANCE; AND

WHEREAS, P.L. 2001, C.138 PERMITS MUNICIPALITIES TO LAPSE UNEXPENDED BALANCES BUDGETED ANNUALLY FOR SNOW REMOVAL; AND

WHEREAS, N.J.S.A. 40A:A-39 PROVIDES THAT THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES MAY APPROVE EXPENDITURES OR MONIES BY DEDICATION BY RIDER; AND

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

1. THE GOVERNING BODY HEREBY REQUESTS PERMISSION OF THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO PAY EXPENDITURES FOR SNOW REMOVAL CREATED IN ACCORDANCE WITH THE PROVISIONS OF P.L. 2001, C.138 AS PER N.J.S.A. 40A:4-39; AND

2. THE MUNICIPAL CLERK OF THE TOWNSHIP OF PEMBERTON IS HEREBY DIRECTED TO FORWARD TWO CERTIFIED COPIES OF THIS RESOLUTION TO THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES.

**RESOLUTION NO.243-2011**

WHEREAS, THE FOLLOWING ACCOUNTS IN THE TREASURER'S ESCROW SUB-ACCOUNTS FOR ROAD PAVING HAVE APPROPRIATION BALANCES, AND IT IS NECESSARY TO FORMALLY CANCEL SAID BALANCES SO THAT THEY MAY BE CREDITED TO SURPLUS:

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE UNEXPENDED BALANCES FROM THE TREASURER'S ESCROW SUB-ACCOUNTS LISTED BELOW BE CANCELED:

<u>ACCOUNT</u>	<u>STREET</u>	<u>REFUND</u>
E-25-56-286-270-120	133 TULIP STREET	\$3,206.00
E-25-56-286-270-122	120 SALVIA STREET	\$3,006.00
E-25-56-286-270-137	244 TULIP	\$3,006.00
E-25-56-286-270-152	201 CLAN	\$3,758.00
E-25-56-286-270-163	220 SALVIA	\$3,006.00
E-25-56-286-270-222	222 SASSAFRAS	\$3,006.00
E-25-56-286-270-318	27 DEARBORN	\$3,006.00
	TOTAL	\$21,994.00

RESOLUTION NO. 245-2011

WHEREAS, BY RESOLUTION NO.269-2010, ADOPTED DECEMBER 15, 2010, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO LAYNE CHRISTENSEN COMPANY, FOR \$22,055.00, FOR THE WELL #13 GRAVEL PACK REMOVAL; AND

WHEREAS, A COPY OF CHANGE ORDER NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL INCREASE IN THE CONTRACT PRICE BY \$320.00, 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 \$22,375.00; AND

WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1; 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 \$22,375.00, IN LINE ITEM # 1-05-55-950-000-952; 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. 1, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED;

RESOLUTION NO. 247-2011

WHEREAS, IN SEPTEMBER 1996, THE U.S. ARMY GRANTED TO THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AN EASEMENT TO CONSTRUCT A WATER PIPELINE ALONG TRENTON ROAD ON PROPERTY LOCATED AT FORT DIX; AND

WHEREAS, IN 2002, SUPPLEMENTAL AGREEMENT NO. 1 WAS EXECUTED WHICH AMENDED THE EASEMENT BY ADDING SIX HUNDRED (600) LINEAR FEET TO THE PIPELINE; AND

WHEREAS, EFFECTIVE OCTOBER 1, 2009 UNDER THE BASE REALIGNMENT AND CLOSURE ACT OF 2005 ("BRAC"), FORT DIX AND LAKEHURST NAVAL AIR ENGINEERING STATION WERE COMBINED WITH MCGUIRE AIR FORCE BASE, EFFECTIVELY CHANGING THE CUSTODY, ACCOUNTABILITY AND NAME OF MILITARY INSTALLATIONS; AND

WHEREAS, THE U.S. AIR FORCE HAS PROPOSED SUPPLEMENTAL AGREEMENT NO. 2 TO THE ORIGINAL EASEMENT AGREEMENT WHICH AMENDS THE GRANTING AUTHORITY FROM THE U.S. ARMY TO THE U.S. AIR FORCE AND RETROACTIVELY CHANGES THE NAME OF THE MILITARY INSTALLATION FROM FORT DIX TO JOINT BASE MCGUIRE-DIX-LAKEHURST; AND

WHEREAS, ALL OTHER TERMS AND CONDITIONS CONTAINED IN EASEMENT NO. DACA51-2-96-208 SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

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 AND/OR HIS DESIGNEE IS HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND THE DEPARTMENT OF THE AIR FORCE TO AMEND EASEMENT NO. DACA51-2-96-208.

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

- A. MR. RONN GIANG, U.S. ARMY CORPS OF ENGINEERS, REAL ESTATE DIVISION
- B. GLUCKWALRATH LLP

RESOLUTION NO. 248-2011

WHEREAS, IN SEPTEMBER 1969, THE U.S. ARMY GRANTED TO THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AN EASEMENT FOR THE WIDENING OF THE GATESVILLE-JULIUSTOWN ROAD ON PROPERTY LOCATED AT FORT DIX; AND

WHEREAS, EFFECTIVE OCTOBER 1, 2009 UNDER THE BASE REALIGNMENT AND CLOSURE ACT OF 2005 ("BRAC"), FORT DIX AND LAKEHURST NAVAL AIR ENGINEERING STATION WERE COMBINED WITH MCGUIRE AIR FORCE BASE, EFFECTIVELY CHANGING THE CUSTODY, ACCOUNTABILITY AND NAME OF MILITARY INSTALLATIONS; AND

WHEREAS, THE U.S. AIR FORCE HAS PROPOSED SUPPLEMENTAL AGREEMENT NO. 1 TO THE ORIGINAL EASEMENT AGREEMENT WHICH AMENDS THE GRANTING AUTHORITY FROM THE U.S. ARMY TO THE U.S. AIR FORCE AND RETROACTIVELY CHANGES THE NAME OF THE MILITARY INSTALLATION FROM FORT DIX TO JOINT BASE MCGUIRE-DIX-LAKEHURST; AND

WHEREAS, ALL OTHER TERMS AND CONDITIONS CONTAINED IN EASEMENT NO. DACA51-2-70-264 SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.

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 AND/OR HIS DESIGNEE IS HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND

THE DEPARTMENT OF THE AIR FORCE TO AMEND EASEMENT NO. DACA51-2-70-264.  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. MR. RONN GIANG, U.S. ARMY CORPS OF ENGINEERS, REAL ESTATE DIVISION
- B. GLUCKWALRATH LLP

RESOLUTION NO. 250-2011

WHEREAS, BY RESOLUTION NO. 231-2010, ADOPTED OCTOBER 6, 2010, THE TOWNSHIP COUNCIL AWARDED A CONTRACT TO AMERICAN ASPHALT COMPANY, FOR \$210,972.25, FOR THE LEMMON AVENUE RECONSTRUCTION PROJECT PHASE II; AND  
WHEREAS, A COPY OF CHANGE ORDER NO. 1 IS ATTACHED HERETO AND MADE A PART OF THIS RESOLUTION, WHICH CHANGE ORDER REPRESENTS A TOTAL DECREASE IN THE CONTRACT PRICE BY \$20,130.68 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 \$190,841.57; AND  
WHEREAS, THE ENGINEER AND THE BUSINESS ADMINISTRATOR, HAVE RECOMMENDED THE APPROVAL OF SAID CHANGE ORDER NO. 1; 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.  
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. 1, AS SUBMITTED BY ARH, FOR THE PROJECT NOTED ABOVE, IS HEREBY APPROVED.

RESOLUTION NO. 251-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON HAS ENTERED INTO YEARLY AGREEMENTS, CALLED SOLID WASTE SERVICE CONTRACTS, WITH THE BURLINGTON COUNTY BOARD OF CHOSEN FREEHOLDERS PURSUANT TO WHICH THE BOARD HAS AGREED TO PROVIDE FOR THE COLLECTION AND DISPOSITION OF RECYCLABLE MATERIALS GENERATED BY THE TOWNSHIP'S RESIDENTS; AND  
WHEREAS, THE COUNTY HAS DETERMINED TO IMPLEMENT A "CART PROGRAM" BY WHICH RESIDENTS WOULD USE CARTS FOR THE RECYCLING OF PAPER AND CARDBOARD THAT CAN BE EMPTIED INTO COLLECTION VEHICLES BY SPECIALIZED EQUIPMENT BECAUSE USE OF THESE CARTS (A) HAS BEEN FOUND TO IMPROVE RECYCLING PARTICIPATION AND MUNICIPAL RECYCLING RATES AND (B) RESULTS IN FINANCIAL SAVINGS AND OTHER BENEFITS TO THE COUNTY AND MUNICIPALITIES; AND  
WHEREAS, THE COUNTY HAS DETERMINED TO SOLICIT OR ARRANGE FOR THE SOLICITATION OF BIDS FOR ITS PURCHASE OF AUTO CARTS FOR PAPER RECYCLABLES IN 2011 FOR AND ON BEHALF OF BURLINGTON COUNTY MUNICIPALITIES THAT ARE INTERESTED IN IMPLEMENTING USE OF AUTO CARTS; AND  
WHEREAS, THE COUNTY WILL BASE THE NUMBER OF AUTO CARTS IT PURCHASES ON COMMITMENTS FOR CART PURCHASES MADE TO IT BY PEMBERTON TOWNSHIP AND OTHER MUNICIPALITIES THAT ARE SERVED BY THE COUNTY'S RECYCLING PROGRAM; AND  
WHEREAS, THE TOWNSHIP HAS DETERMINED TO MAKE A COMMITMENT TO THE COUNTY TO PURCHASE UP TO 2,250 ADDITIONAL CARTS THROUGH THE COUNTY'S 2011 SOLICITATION IN A TOTAL AMOUNT NOT TO EXCEED \$55,000, WITH SIX ANNUAL PAYMENTS COMMENCING ON APRIL 30, 2012.  
NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF PEMBERTON TOWNSHIP, LOCATED IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY, THAT THE GOVERNING BODY HEREBY EXPRESSES IT SUPPORT FOR THE COUNTY'S AUTO CART CONTAINERS PROGRAM AND RECOGNIZES THE BENEFITS IT OFFERS TO PEMBERTON TOWNSHIP RESIDENTS.  
BE IT FURTHER RESOLVED BY THE TOWNSHIP COUNCIL THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE THE GRANT AGREEMENT, SUBJECT TO THE AVAILABILITY OF FUNDS FOR THE NEXT SUCCEEDING SIX FISCAL YEARS.

RESOLUTION NO. 252-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "MUNICIPALITY"), IN THE COUNTY OF BURLINGTON, NEW JERSEY, HAS DETERMINED THAT THERE IS A NEED WITHIN THE MUNICIPALITY TO ACQUIRE PROPERTY FOR USE AS OPEN SPACE; AND  
WHEREAS, THE COUNTY OF BURLINGTON (THE "COUNTY") HAS ESTABLISHED A LOCAL OPEN SPACE LAND GRANT PROGRAM (THE "PROGRAM") TO ASSIST MUNICIPALITIES WITHIN THE COUNTY FOR PRESERVATION OF OPEN SPACE; AND  
WHEREAS, THE MUNICIPALITY HAS PREVIOUSLY ENTERED INTO AN INTERLOCAL SERVICES AGREEMENT (THE "AGREEMENT") BETWEEN THE MUNICIPALITY AND THE COUNTY AS AUTHORIZED BY THE MUNICIPALITY BY RESOLUTION #189-2011 ON AUGUST 3, 2011 AND AS AUTHORIZED BY THE COUNTY BY RESOLUTION # 748 ADOPTED BY THE COUNTY ON SEPTEMBER 26, 2001 RELATING TO THE PROGRAM; AND  
WHEREAS, THE MUNICIPALITY HAS DETERMINED THAT AN EASEMENT (RESTRICTING THE USE OF THE PROPERTY TO USE AS OPEN SPACE) OVER THE PROPERTY KNOWN AS BLOCK 827.01, LOT 7.03; BLOCK 827.03, LOT 1; BLOCK 1111, LOTS 5.01 & 5.02; BLOCK 1112, LOTS 1-7; BLOCK 1113, LOTS 1-11; BLOCK 1114, LOTS 1-22; BLOCK 1115, LOTS 1-12; BLOCK 1116, LOTS 1-32 ON THE TAX MAP OF THE MUNICIPALITY (THE "PROPERTY") IS NOT NECESSARY FOR THE PUBLIC USE OF THE MUNICIPALITY WITHIN THE MEANING OF N.J.S.A. 40A:12-13 AND THAT IT SHALL SELL SUCH EASEMENT OVER THE PROPERTY TO THE COUNTY IN A PRIVATE SALE PURSUANT TO N.J.S.A. 40A:12-13(B)(1) IN ACCORDANCE WITH THE TERMS OF THE AGREEMENT; AND  
WHEREAS, THE MUNICIPALITY HAS DETERMINED TO SELL THE EASEMENT OVER THE PROPERTY TO THE COUNTY PURSUANT TO THE AGREEMENT AND TO EFFECTUATE SUCH TRANSFER, THE MUNICIPALITY MUST EXECUTE AND DELIVER, AMONG OTHER THINGS, AN ADDENDUM TO THE AGREEMENT AND A DEED OF EASEMENT.  
NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON AS FOLLOWS:  
SECTION 1. CAPITALIZED TERMS DEFINED IN THE "WHEREAS" CLAUSES ABOVE ARE GIVEN THE SAME MEANING ASCRIBED THERETO HEREIN.  
SECTION 2. THE ADDENDUM TO THE AGREEMENT IDENTIFYING THE PROPERTY AND ESTABLISHING CERTAIN OTHER TERMS IN ACCORDANCE WITH THE AGREEMENT (THE "ADDENDUM") SUBSTANTIALLY IN THE FORM ATTACHED HERETO AS "EXHIBIT A" IS HEREBY APPROVED AND ADOPTED BY THE MUNICIPALITY.  
SECTION 3. THE DEED OF EASEMENT CONVEYING THE EASEMENT OVER THE PROPERTY FROM THE MUNICIPALITY TO THE COUNTY (THE "DEED OF EASEMENT") SUBSTANTIALLY IN THE FORM ATTACHED HERETO AS "EXHIBIT B" IS HEREBY APPROVED AND ADOPTED BY THE MUNICIPALITY.  
SECTION 4. THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE AND DELIVER THE ADDENDUM, THE DEED OF EASEMENT AND THE BASELINE DOCUMENTATION AND THEY AND THE OTHER OFFICERS AND EMPLOYEES OF THE MUNICIPALITY ARE FURTHER AUTHORIZED TO PREPARE, EXECUTE, AND

DELIVER ANY AND ALL CERTIFICATES, AGREEMENTS, AND DOCUMENTS NECESSARY TO EFFECTUATE THE MUNICIPALITY'S OBLIGATIONS UNDER THE AGREEMENT, INCLUDING BUT NOT LIMITED TO CLOSING DOCUMENTS FOR THE PROPERTY AND TITLE INSURANCE FOR THE COUNTY AND ANY AND ALL DELIVERIES REQUIRED AFTER THE CLOSING ON THE CONVEYANCE OF THE EASEMENT. THE FOREGOING IS CONDITIONED UPON THE REVIEW AND APPROVAL OF ALL DOCUMENTS BY THE TOWNSHIP SOLICITOR AS TO FORM.

SECTION 5. THE MAYOR, UPON THE ADVICE OF THE TOWNSHIP SOLICITOR, IS HEREBY AUTHORIZED TO DRAFT, NEGOTIATE AND REVISE ANY AND ALL DOCUMENTS NECESSARY TO EFFECTUATE THE AGREEMENT, INCLUDING BUT NOT LIMITED TO CLOSING DOCUMENTS, AGREEMENTS, AND CERTIFICATES RELATING TO THE PROPERTY AND THE CONVEYANCE OF THE EASEMENT.

### **NEW BUSINESS**

**\*a.** Purchases at \$2,000.00 or over:

**\*1. Public Works:** Purchase of lighting for BMIA Building from CSN Lighting in the total amount of \$2,956.28.

**\*2. Public Works:** Purchase of pipe and cable locator for underground mark-outs from USA Bluebook in the total amount of \$3,680.00.

**\*3. Public Works:** Purchase of fuel pump and related parts and installation service of same for Sterling Dump Truck from Hoover Truck Center in the total amount of \$5,997.68.

**\*4. Public Works:** Purchase of replacement tire for John Deere Wheel Loader from Custom Bandag, Inc. in the total amount of \$2,543.20.

**\*6. Recreation:** Purchase of Aquatic Management services for Jefferson Lake from Allied Biological in the total amount of \$4,300.00.

**\*8. Tax Collector & Code Enforcement:** Purchase of escrow and code enforcement software from Edmunds in the total amount of \$18,240.00.

### **BILL LIST**

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

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

### **OTHER RESOLUTIONS**

#### **RESOLUTION NO. 241-2011**

WHEREAS, N.J.S.A. 40A:4-58 PERMITS THE TRANSFERS OF FUNDS FROM APPROPRIATIONS WITH EXCESS BALANCES DEEMED NECESSARY TO FULFILL THE PURPOSE OF SUCH APPROPRIATIONS TO APPROPRIATIONS DEEMED INSUFFICIENT TO FULFILL THE PURPOSES SPECIFIED IN THE BUDGET.

#### **CURRENT FUND**

<u>FROM</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
AUDIT SERVICE	1-01-20-135-000-201	\$41,000.00
RECREATION – SALARY & WAGES	1-01-28-370-000-110	\$25,999.00
<u>TO</u>	<u>ACCOUNT</u>	<u>AMOUNT</u>
FUEL/OIL	1-01-31-447-000-000	\$11,000.00
GASOLINE	1-01-31-460-000-000	\$30,000.00
STREETS & ROADS, CONTRACT SERVICES	1-01-26-290-000-201	\$25,999.00

NOW, THEREFORE, BE IT RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY THAT THE FOLLOWING TRANSFERS IN THE 2011 BUDGET APPROPRIATIONS BE MADE:

BE IT FURTHER RESOLVED, THAT TWO CERTIFIED COPIES OF THIS RESOLUTION BE FILED WITH THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES. AND A CERTIFIED COPY OF THIS RESOLUTION BE FORWARDED TO THE CHIEF FINANCIAL OFFICER.

Councilman Prickett questioned taking \$41,000 from Audit Services and expressed concern whether there would be enough money to do the 2011 audit. Mr. Vaz explained the CFO wants it to be budgeted in the year it would be done which is 2012.

Motion by Prickett and Scull to approve Resolution No. 241-2011. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

#### **RESOLUTION NO. 244-2011**

WHEREAS, IN ORDER TO CLEAR THE RECORDS OF THE TOWNSHIP OF PEMBERTON, IT IS RECOMMENDED BY THE TOWNSHIP CHIEF FINANCIAL OFFICER THAT THE FOLLOWING OUTSTANDING STALE CHECKS BE CANCELED AND SAID FUNDS BE CREDITED AS INDICATED:

CHECK #	DATE	PAYEE	AMOUNT	CREDITED TO
27331	2009 OR BEFORE	UNKNOWN	467.14	EMPLOYEE BENEFIT
27535	2009 OR BEFORE	UNKNOWN	779.20	EMPLOYEE BENEFIT
27536	2009 OR BEFORE	UNKNOWN	49.53	EMPLOYEE BENEFIT
27537	2009 OR BEFORE	UNKNOWN	87.02	EMPLOYEE BENEFIT
27538	2009 OR BEFORE	UNKNOWN	312.76	EMPLOYEE BENEFIT
27539	2009 OR BEFORE	UNKNOWN	355.40	EMPLOYEE BENEFIT
28382	2009 OR BEFORE	UNKNOWN	100.00	EMPLOYEE BENEFIT
28439	2009 OR BEFORE	UNKNOWN	103.08	EMPLOYEE BENEFIT
28960	2009 OR BEFORE	UNKNOWN	227.42	EMPLOYEE BENEFIT
29851	2009 OR BEFORE	UNKNOWN	150.65	EMPLOYEE BENEFIT
30945	1-21-2010	C. WAITZ PHD	146.00	EMPLOYEE BENEFIT
31202	2-9-2010	A. MAGUIRE MD	274.67	EMPLOYEE BENEFIT
		J. JOHNSON		
31442	3-9-2010	ENTERPRIZE	40.00	EMPLOYEE BENEFIT
31830	4-14-2010	W. MARTINEZ MD	152.29	EMPLOYEE BENEFIT
32836	7-27-2010	R. SEELY MD	270.00	EMPLOYEE BENEFIT
32999	8-20-2010	J. KURTH	68.00	EMPLOYEE BENEFIT
33164	8-21-2010	S. FALLEN	51.54	EMPLOYEE BENEFIT
33439	10-4-2010	R. EARLEY	102.00	EMPLOYEE BENEFIT
33441	10-4-2010	A. SADIQ	751.00	EMPLOYEE BENEFIT
33500	10-13-2010	SHAPIRO & BERLIN	56.54	EMPLOYEE BENEFIT
		MEDFORD VILLAGE		
33855	11-16-2010	DENTAL	102.00	EMPLOYEE BENEFIT
31243	12-29-2010	M. ORESIC LCSW	162.22	EMPLOYEE BENEFIT
34442	1-25-2011	SHAPIRO & BERLIN	49.53	EMPLOYEE BENEFIT
34556	2-23-2011	J WARE MD	67.12	EMPLOYEE BENEFIT
			<u>4,925.11</u>	

NOW, THEREFORE, BE IT RESLOVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY, THAT THE ABOVE LISTED CHECKS BE CANCELED AND FUNDS CREDITED TO CURRENT FUND SURPLUS AS RECOMMENDED.

Councilman Allen questioned a time frame that should be put on canceling these checks and wondered why there were checks from 2009 that were just being cancelled. Councilman Prickett noted it may be because we have a new CFO. Discussion ensued on the process for reissuing a lost check.

Motion by Allen and Scull to approve Resolution No. 244-2011. Allen, yes; Scull, yes; Prickett, yes; Stinney, yes; Cartier, yes. Motion carried.

RESOLUTION NO. 246-2011

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 581 LOT 5, 609 KATHERINE RD. OWNED BY CAROL A. HAAS QUALIFIES FOR A WIDOW OF A TOTALLY DISABLED VETERANS' PROPERTY TAX EXEMPTION AS OF SEPTEMBER 7, 2011; 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 581 LOT 5 AS A RESULT OF THE GRANTED EXEMPTION; AND  
WHEREAS, THE TAXES DUE ON THE PROPERTY FROM JANUARY 1, 2011 TO SEPTEMBER 6, 2011 ARE \$2,021.70; AND  
WHEREAS, TOTAL TAX FOR 2011 - \$3,005.53 OF WHICH ALL HAS BEEN PAID, THE TAX COLLECTOR HAS REQUESTED AUTHORIZATION TO CANCEL TAXES ISSUE A REFUND OF \$983.83 FOR OVERPAYMENT OF THIRD AND FOURTH QUARTER 2011 TAXES.  
WHEREAS, IT IS THE DESIRE OF THE GOVERNING BODY TO AUTHORIZE THE TAX COLLECTOR TO CANCEL TAXES ON SAID PROPERTY AS OF SEPTEMBER 7, 2011.  
NOW THEREFORE, BE IT RESOLVED, BY THE GOVERNING BODY OF THE TOWNSHIP OF PEMBERTON, COUNTY OF BURLINGTON, STATE OF NEW JERSEY AS FOLLOWS:  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO CANCEL 2011 PROPERTY TAXES ON BLOCK 581 LOT 5 AS OF SEPTEMBER 7, 2011, AS SAID PROPERTY HAS BEEN DETERMINED TO QUALIFY FOR A WIDOW OF A TOTALLY DISABLED VETERANS' PROPERTY TAX EXEMPTION UNDER N.J.S.A. 54:4-3.30.  
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.  
THAT THE MAYOR AND COUNCIL DO HEREBY AUTHORIZE THE TAX COLLECTOR TO REFUND TAXES IN THE AMOUNT OF \$983.83 TO CAROL A. HAAS, 609 KATHERINE RD., BROWNS MILLS, NEW JERSEY 08015

Council President Cartier advised he requested to have this resolution pulled due to a conflict.

Motion by Scull and Allen to approve Resolution No. 246-2011. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, abstain. Motion carried.

RESOLUTION NO. 249-2011

WHEREAS, IN JANUARY 1964, THE U.S. ARMY GRANTED TO THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") AN EASEMENT FOR A RIGHT OF WAY FOR THE INSTALLATION, OPERATION, AND MAINTENANCE OF A PUMPING STATION AND SANITARY SEWER LINES RELATED THERETO, FOR A TERM OF FIFTY (50) YEARS BEGINNING FEBRUARY 1, 1974 AND ENDING JANUARY 31, 2024, ON PROPERTY LOCATED AT FORT DIX; AND  
WHEREAS, EFFECTIVE OCTOBER 1, 2009 UNDER THE BASE REALIGNMENT AND CLOSURE ACT OF 2005 ("BRAC"), FORT DIX AND LAKEHURST NAVAL AIR ENGINEERING STATION WERE COMBINED WITH MCGUIRE AIR FORCE BASE, EFFECTIVELY CHANGING THE CUSTODY, ACCOUNTABILITY AND NAME OF MILITARY INSTALLATIONS; AND  
WHEREAS, THE U.S. AIR FORCE HAS PROPOSED SUPPLEMENTAL AGREEMENT NO. 1 TO THE ORIGINAL EASEMENT AGREEMENT WHICH AMENDS THE GRANTING AUTHORITY FROM THE U.S. ARMY TO THE U.S. AIR FORCE AND RETROACTIVELY CHANGES THE NAME OF THE MILITARY INSTALLATION FROM FORT DIX TO JOINT BASE MCGUIRE-

DIX-LAKEHURST; AND  
WHEREAS, ALL OTHER TERMS AND CONDITIONS CONTAINED IN EASEMENT NO. DACA51-2-74-304 SHALL REMAIN UNCHANGED AND IN FULL FORCE AND EFFECT.  
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 AND/OR HIS DESIGNEE IS HEREBY AUTHORIZED TO EXECUTE THE AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND THE DEPARTMENT OF THE AIR FORCE TO AMEND EASEMENT NO. DACA51-2-74-304.  
BE IT FURTHER RESOLVED, THAT A CERTIFIED COPY OF THIS RESOLUTION SHALL BE PROVIDED TO EACH OF THE FOLLOWING:

- A. MR. RONN GIANG, U.S. ARMY CORPS OF ENGINEERS, REAL ESTATE DIVISION
- B. GLUCKWALRATH LLP

Councilman Allen noted that he pulled this to note a correction that had to be made. Deputy Township Clerk Amy Cosnoski noted the correction.

Motion by Allen and Prickett to approve Resolution No. 249-2011. Allen, yes; Prickett, yes; Stinney, yes; Scull, yes; Cartier, yes. Motion carried.

**RESOLUTION NO. 253-2011**

**A RESOLUTION AUTHORIZING A SHARED SERVICE AGREEMENT BETWEEN PEMBERTON TOWNSHIP AND THE TOWNSHIP OF EVESHAM FOR THE RENTAL OF TWO REAR LOADING TRASH VEHICLES FOR LEAF COLLECTION**

**WHEREAS**, THE TOWNSHIP OF EVESHAM ("EVESHAM") HAS AVAILABLE FOR RENTAL TWO REAR LOADING TRASH TRUCKS; AND

**WHEREAS**, THE TOWNSHIP OF PEMBERTON ("PEMBERTON") DESIRES TO LEASE TWO TRASH VEHICLES FOR THE COLLECTION OF LEAVES THROUGHOUT PEMBERTON; AND

**WHEREAS**, THE PARTIES ARE DESIROUS OF ENTERING INTO AN AGREEMENT WHEREBY PEMBERTON SHALL LEASE TWO TRASH VEHICLES FOR APPROXIMATELY EIGHT WEEKS AT A COST OF \$6,500.00 PER VEHICLE PER FOUR WEEK PERIOD; 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**, PEMBERTON BELIEVES THAT THIS AGREEMENT WILL BE BENEFICIAL AND ECONOMICALLY SOUND.

**NOW, THEREFORE, BE IT RESOLVED** BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON THAT THE MAYOR IS HEREBY AUTHORIZED TO EXECUTE A SHARED SERVICE AGREEMENT, IN A FORM AS ATTACHED HERETO, BETWEEN PEMBERTON AND EVESHAM FOR THE RENTAL OF TWO TRASH VEHICLES FOR APPROXIMATELY EIGHT WEEKS AT A COST OF \$6,500.00 PER VEHICLE PER FOUR WEEK PERIOD.

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

- A. EVESHAM TOWNSHIP CLERK
- B. TOWNSHIP ADMINISTRATION
- C. GLUCKWALRATH LLP

Councilwoman Scull questioned if they were renting the trucks and hiring drivers for the trucks. Mr. Vaz advised that Township employees would be driving the trucks and the temporary laborers will be picking up the leaves. Councilman Prickett commented that getting these types of trucks have been talked about and hopefully this will keep the workers compensation claims down. Mr. Vaz noted the intention is for these to be the only vehicles used to pick up the leaves provided the collection can be done prior to the contract ending. Council President Cartier questioned who would be responsible if something on the trucks break and Mr. Vaz advised the Township would be responsible for general maintenance but larger repairs would be the responsibility of Evesham. Mr. Vaz further advised that the cost for the rental was derived from a quote received from a private company. Councilman Prickett questioned how much a used trash truck would cost and it was noted that it is dependant upon the condition. Mr. Vaz advised he would be looking at trash trucks at the upcoming League convention.

Motion by Stinney and Allen to approve Resolution No. 253-2011. Stinney, yes; Allen, yes; Scull, yes; Prickett, yes; Cartier, yes. Motion carried.

**ORDINANCES FOR INTRODUCTION**

**ORDINANCE NO. 25-2011**

**AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING CHAPTER 152 OF THE TOWNSHIP CODE, ENTITLED "SOLID WASTE," IN ORDER TO PROVIDE FOR AN ANNUAL BILLING CYCLE AND TO ESTABLISH INTEREST RATES**

Council President Cartier read the title of the ordinance.

Councilman Prickett requested information on the amount of accounts that do not pay on time and his concern is if bills are only sent out once a year residents are going to forget, he believes they need that second reminder.

Motion by Scull and Allen to introduce Ordinance No. 25-2011

Council President Cartier noted that he had some of the same concerns and discussed them with Administration. Mr. Vaz advised that this would be a cost saving measure and all other municipal bills are done once a year. Councilman Prickett would like to see the rate of non-payment. Council President Cartier noted there is a correction in the ordinance regarding the late payment calculation and that will work out better for those that do pay late. Councilman Prickett noted his concern about the Township receiving the revenue if the second reminders are not sent out and would also like to know how many people take advantage of paying their bill in full. Mr. Vaz advised he would get the information prior to the next meeting.

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

## **ORDINANCES FOR SECOND READING AND PUBLIC HEARING**

### **ORDINANCE NO. 24-2011**

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 182-31 OF THE TOWNSHIP CODE, ENTITLED "SCHEDULE A: NO PARKING," IN ORDER TO ESTABLISH A NO PARKING ZONE ALONG COUNTY ROUTE 530 AND COUNTY ROUTE 669

Council President Cartier read the title of the ordinance.

Motion by Prickett and Stinney to adopt Ordinance No. 24-2011

Council President Cartier opened the meeting to the public for comment on Ordinance 24-2011 and seeing no members of the public wishing to speak he closed the meeting to the public.

Councilman Prickett commented that he was pleased to see the bus garage parking issues were able to be included in this ordinance.

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

## **NEW BUSINESS**

**\*5. UCC:** Purchase of 2012 Ford Fusion from Malouf Ford in the total amount of \$17,277.00.

Councilman Prickett questioned what vehicle was being used at this time. Mr. Vaz advised they previously used the Durango that was given over to the Fire Department, the third party contractor has been using their own vehicle. Councilwoman Scull asked if this was budgeted for and Mr. Vaz advised that it was.

Motion by Prickett and Scull to authorize purchase of 2012 Ford Fusion in the total amount of \$17,277.00. Prickett, no; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

**\*7. Public Works:** Contract with Diamond Staffing for labor for leaf collection in the total amount not to exceed \$25,999.00.

Councilman Prickett questioned what insurance coverage the Township would be responsible for and would the temporary workers be trained for the job. Mr. Vaz noted that the company would be responsible for the insurance covering their workers and they would be trained for the job they will be doing. Councilman Prickett questioned if they will be Township residents and if this was being done in anticipation of layoffs. Mr. Vaz advised that some of them will be Township residents and that this was not being done in anticipation of layoffs. Councilwoman Scull questioned where the company was located and it was noted they have offices all along the east coast. Councilwoman Scull also questioned if there were plans for layoffs in the next budget. Mr. Vaz advised they do not have present intentions of laying off anyone and further commented on the difficulties they are facing with the manpower they have now. Councilman Prickett questioned what would happen if the workers were not performing to expectations and Mr. Vaz advised he believes the company would be able to switch out workers based on the Township's requests.



Motion by Prickett and Allen to authorize labor for leaf collection in an amount not to exceed \$25,999.00. Prickett, no; Allen, yes; Scull, yes; Stinney, yes; Cartier, yes. Motion carried.

At this time Council President Cartier noted that the consent agenda approval for item #8 under New Business needed to be rescinded and he forgot to request it be pulled. Mr. Vaz explained that it needed to be pulled because they learned that the module they requested can not be purchased separately.

\*8. Tax Collector & Code Enforcement: Purchase of escrow and code enforcement software from Edmunds in the total amount of \$18,240.00.

Motion by Prickett and Scull to rescind consent agenda approval on New Business item #8, purchase of escrow and code enforcement software from Edmunds. Prickett, yes; Scull, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

Council President Cartier advised that the Homecoming Parade was postponed due to rain, however, they had not requested a rain date on their original application, and therefore the application was resubmitted with the new date which is November 5, 2011.

Motion by Scull and Prickett to add the Homecoming Parade Permit to the agenda. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

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

Motion by Scull and Prickett to approve the Homecoming Parade Permit. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

#### Resolution No. 254-2011

##### RESOLUTION NO. 254-2011

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:

ANNA B. WILSON, \$1,251.37, OVERPAYMENT OF 4<sup>TH</sup> QUARTER 2011 TAXES ON BLOCK 502.02, LOTS 1, 2 & 4.

Motion by Scull and Stinney to add Resolution No. 254-2011 to the agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Scull and Stinney to approve Resolution No. 254-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

#### Resolution No. 255-2011

##### RESOLUTION NO. 255-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED THE ACCEPTANCE OF BIDS FOR THE AWARD OF A CONTRACT FOR THE PROVISION OF THIRD PARTY SUB-CODE ELECTRIC INSPECTION SERVICES IN ACCORDANCE WITH NEW JERSEY'S LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1, ET SEQ.); AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW N.J.S.A. 40A:11-15(11) PERMITS SAID CONTRACTS TO BE AWARDED FOR A TERM NOT TO EXCEED THREE (3) YEARS; AND

WHEREAS, THE LOWEST RESPONSIBLE BIDDER IS BUILDING INSPECTION UNDERWRITERS, INC. ("BIU") OF WITH A BID OF 68% OF STATE FEES; AND

WHEREAS, BIU HAS AGREED TO PROVIDE ELECTRIC SUB-CODE INSPECTION SERVICES IN ACCORDANCE WITH THE FOLLOWING FEES:

YEAR 1 – 68% OF DCA FEES

YEAR 2 – 68% OF DCA FEES

YEAR 3 – 68% OF DCA FEES; AND

WHEREAS, THE ADMINISTRATION RECOMMENDS THAT THE CONTRACT BE AWARDED TO BIU AS THE LOWEST QUALIFIED BIDDER SUBMITTING A CONFORMING BID; AND

WHEREAS, THE TOWNSHIP COUNCIL FINDS THAT IT WOULD BE IN THE BEST INTEREST OF THE TOWNSHIP OF PEMBERTON TO AWARD THE CONTRACT TO BUILDING INSPECTION UNDERWRITERS, 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 THE CONTRACT FOR THIRD PARTY ELECTRIC SUB-CODE INSPECTION SERVICES IS HEREBY AWARDED TO BUILDING INSPECTION UNDERWRITERS, INC. AND THAT THE MAYOR IS AUTHORIZED TO EXECUTE A THREE (3) YEAR CONTRACT, IN A FORM LEGALLY ACCEPTABLE TO THE TOWNSHIP SOLICITOR, BETWEEN THE TOWNSHIP OF PEMBERTON AND BUILDING INSPECTION UNDERWRITERS, INC. IN AN AMOUNT NOT TO EXCEED 68% OF THE STATE DCA FEES; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER T-14-56-286-300-302; AND

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

- A. BUILDING INSPECTION UNDERWRITERS, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

Motion by Scull and Stinney to add Resolution No. 255-2011 to the agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Scull and Stinney to approve Resolution No. 255-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

#### Resolution No. 256-2011

##### RESOLUTION NO. 256-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") ISSUED AN INVITATION TO BID ON WELL #12 GRAVEL PACK AND 24 HOUR PUMP TESTING (THE "PROJECT") AS A BASE BID AND REQUESTED THAT THE BIDDERS BID ON AN HOUR DAILY CREW RATE ("EXTRA WORK ITEMS") IN ACCORDANCE WITH THE LOCAL PUBLIC CONTRACTS LAW, N.J.S.A. 40A:11-1, *ET SEQ.*; AND

WHEREAS, THE TOWNSHIP HAS DETERMINED THAT THE LOWEST RESPONSIBLE BIDDER IS LAYNE CHRISTENSEN COMPANY WITH A BASE BID OF \$19,065.00; AND

WHEREAS, THE TOWNSHIP HAS ELECTED TO ACCEPT LAYNE CHRISTENSEN COMPANY'S BASE BID ONLY; AND

WHEREAS, THE TOWNSHIP HAS ACKNOWLEDGED THE HOURLY CREW RATE OF \$237.00 PER HOUR FOR AN 8 HOUR WORK DAY TOTALING \$1,896.00, WHICH WAS LOWEST OF ALL BIDDERS, AS AN ACCEPTABLE VALUE IN THE EVENT EXTRA WORK IS DEEMED NECESSARY AT THE DISCRETION OF THE ENGINEER AND THROUGH CONSENT OF COUNCIL; AND

WHEREAS, THE TOWNSHIP SOLICITOR HAS REVIEWED LAYNE CHRISTENSEN COMPANY'S BID AND FINDS IT TO BE LEGALLY SUFFICIENT.

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 CONTRACT FOR THE WELL #12 GRAVEL PACK REMOVAL AND 24 HOUR PUMP TEST PROJECT BE AND HEREBY IS AWARDED TO LAYNE CHRISTENSEN COMPANY IN THE AMOUNT OF \$19,065.00, 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 LAYNE CHRISTENSEN COMPANY; AND

BE IT FURTHER RESOLVED, THAT THE CHIEF FINANCIAL OFFICER HAS EXECUTED A CERTIFICATION OF FUNDS WHICH IS ATTACHED HERETO, AND THAT SUFFICIENT FUNDS ARE AVAILABLE FOR SAID CONTRACT FROM ACCOUNT NUMBER 1-05-55-950-000-952; AND

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

- A. LAYNE CHRISTENSEN COMPANY
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER

Township Engineer Kelly Willis explained the need to have this approved this evening and why the bid opening was pushed back.

Motion by Scull and Stinney to add Resolution No. 256-2011 to the agenda. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Motion by Scull and Stinney to approve Resolution No. 256-2011. Scull, yes; Stinney, yes; Prickett, yes; Allen, yes; Cartier, yes. Motion carried.

Reconsideration of Mayor's veto of Ordinance No. 19-2011.

Council President Cartier asked the Mayor to explain his veto. Mayor Patriarca advised that his memo speaks for itself and does not think the Township should be taking away the right of a homeowner to choose the color of their fence. Council President Cartier advised the Council that if they wished to override the veto it would require a motion.

Councilman Prickett explained that he agreed with the Mayor, he was involved in changing the ordinance and does think that as the Township they could offer guidance but the ordinance should be changed from shall to should. Councilman Prickett further commented that he believes the developers will regulate themselves and he is glad the Mayor vetoed the ordinance in this vein. Councilwoman Scull noted that this was discussed at several meetings and she does not recall the Mayor mentioning this and she does not care what people paint their fences. Mayor Patriarca advised that he did bring up his concerns at one meeting, it may have been the Planning Board meeting. Councilman Allen noted he was also involved in changing the ordinance, his concern was fences not be used as signs and noted that the Planner had suggested the ordinance be more detailed. Council President Cartier advised that an override of the veto would require a 4/5<sup>th</sup> vote.

Motion by Scull and Allen to override the veto of Mayor Patriarca of Ordinance No. 19-2011. Scull, yes; Allen, yes; Prickett, yes; Stinney, yes; Cartier, no. Motion carried.

Council President Cartier clarified that the vote was a 4 to 1 vote and it rescinded the Mayor's veto putting the ordinance into effect.

### **GENERAL PUBLIC COMMENTS**

Council President Cartier opened up the meeting to the public.

Bob Pelletier, Pemberton – Mr. Pelletier commented that he appreciated the website being updated for the residents to review. He commented on the Solid Waste billing ordinance and noted if it is currently working, why change it and feels the 18% interest is punitive and it appears the Township is looking for a windfall. He questioned if all the purchases on the agenda were budgeted for, Council President Cartier advised that they are. Mr. Pelletier asked that if it was not a budgeted item it should be noted on the agenda. Mr. Pelletier noted that he supports contracting out for labor and believes the way the leaf pickup has been done in the past was very inefficient and costly. He questioned the purchase of the vehicle and wondered if something could not be leased cheaper and the software and wondered what was so unique about the software and whether it replaces personnel.

George Petronis, Browns Mills – Mr. Petronis complimented the Mayor and Council President Cartier and their position on the fence colors and does not believe it is the business of government. Mr. Petronis questioned if the Ford Fusion being purchased was a hybrid vehicle and if that was considered during the purchase. Mr. Vaz advised they did consider the purchase of a hybrid vehicle but they had to be ruled out because of price. Mr. Petronis noted the cooperative agreement for the leaf collection truck is a good idea. He commented that it will be good for Evesham to get \$26,000 in their budget but asked what the benefit was to Pemberton Township. Mr. Vaz explained there is worker's compensation issues as a result of the leaf pickup, the vehicles the Township has requires the workers to lift the heavy bags above their heads and the use of the rear loading trucks will eliminate that and it would be a time saving factor. Mr. Petronis commented on the Train Station issue, noting there was a resolution passed at the last meeting rescinding the old license agreement and allowing the negotiation of a new agreement. Mr. Petronis requested each Council Member to express in their words what they felt the Historic Trust did wrong in operating the museum.

Councilman Prickett expressed that the Trust has been a service to Pemberton Township and the surrounding communities in that they brought great shows to the museum, the kids enjoy the museum and the rolling stock and that is an asset to the Township. Councilman Prickett further commented how he is gratified by the dedication of so many volunteers and believes the Train Station is a gem for the Township.

Councilwoman Scull noted that she has been involved with the Historic Trust since it started and the value of the Train Station and what it has meant for the township is unbelievable. Councilwoman Scull further commented that it is an education tool for the children, they learn history and pride, she does believe the Trust overstepped their boundaries by not having permission to bring in the last few trains, but she also realizes that you have to take the opportunity to preserve history when you can, but you have to follow the rules. She believes the Trust has taken care of the Train Station at their expense and the Township has violated part of what they should have been doing and it is a shame that the community has had to go through this and she is ashamed for the volunteers having put in all the time they have and now made to feel they are not valuable to the community.

Councilwoman Stinney agreed with Councilwoman Scull's comments and feels it is no secret that this Council wants to do the right thing, they are waiting for the new lease to be negotiated.

Councilman Allen commented that there were things the Historic Trust did that violated the agreement but he feels the Train Station is an asset to the Township and is priceless and noted that he did not ask for the resolution to be adopted to harm the Trust but to stop the litigation and begin a true process of negotiation.

Council President Cartier advised that he agreed with Councilwoman Stinney and Councilman Allen and noted that the resolution did stop the litigation and advised the original resolution passed by Council asked both parties to come to the table, noting that there had only been one court ordered meeting and since the resolution was passed, there has been two negotiation meetings.

Mr. Petronis commented that he hopes Council exercises their wisdom in this process to help it go forward and it does not end up costing the Township their museum. Councilman Allen

commented that he researched information on the Chevy Volt and noted to lease the vehicle it would be \$350 per month for 36 months and there are restrictions with the lease. Mr. Petronis thanked Mr. Allen for looking into that and feels the fuel savings would be significant. Councilman Prickett commented on an electric vehicle lasting longer.

Seeing no other members of the public wishing to speak Council President Cartier closed the meeting to the public.

### **Solicitor's Report**

Mr. Bayer had no report for this meeting.

Councilman Prickett asked the Solicitor about the resolution passed at the last meeting regarding the train station, noting there were some changes made to it and he would like to see the final version. Mr. Bayer advised that the Clerk's office has the final version and would send that to Council.

### **Engineer's Report**

Mr. Rehmann reported they had met with the County about the Bayberry Street Dam and they currently have two proposals into FEMA for either reconstruction or mitigation. Mr. Rehmann noted there is an issue with Well #13, there is a vibration in the pump and they are asking Council to approve a purchase order for Layne Christensen to pull and inspect the pump at a cost of \$3,000. Councilman Prickett questioned if it is possible for the pump to not be serviceable. Mr. Rehmann noted that this is just the cost to pull and inspect and there may be an additional cost for servicing at which time it may be necessary to request an emergency meeting to approve repairs. Councilman Prickett questioned the cost for a new pump and Mr. Rehmann advised it would be in the \$20,000 to \$30,000 range. Ms. Willis advised that there was a loss in output which is what alerted them to the issue. Mr. Rehmann advised they received the soil reports for the Country Lakes Dams and they are currently reviewing those and there may be the need to acquire some easements for this project. Mr. Rehmann further advised that the 2011 Road Program is underway and they anticipate closing out the 2010 project soon. Council President Cartier questioned the decrease in cost on the Lemmon Avenue Roadway project and if that was a decrease in the scope of work. Mr. Rehmann explained it was due to a decrease in quantities.

Motion by Scull and Prickett to approve a purchase order in the amount of \$3,000.00 to Layne Christensen to pull and inspect pump at Well #13. Scull, yes; Prickett, yes; Stinney, yes; Allen, yes; Cartier, yes. Motion carried.

### **Mayor's and/or Administrator's Report**

Mayor Patriarca reported that the Veteran's will be gathering on 11-11-11 around 10:30 am for the dedication of the new memorial and everyone is invited.

Councilwoman Stinney asked the Mayor about the excessive parking along the curbs at the shopping center if anything could be done. Mayor Patriarca advised he would check with the Chief.

### **COUNCIL COMMENTS**

***Diane Stinney*** – Councilwoman Stinney invited everyone to attend the Veteran's ceremony at St. Mark's Baptist church on Sunday, November 20<sup>th</sup> at 10am. She thanked Mr. Petronis for his comments and thanked Council for their comments and Council President Cartier for allowing them to answer.

***Jason Allen*** – Councilman Allen reported TAG will have the first of an ongoing speaker presentation on November 17<sup>th</sup> from 7pm-9pm at the Dominique Johnson Center, the speaker will be Trace Simms of the Federal Bureau of Corrections regarding Realities of Prison, Laws and How they Affect our Youth, and Our Children are in Danger.

***Sherry Scull*** – Councilwoman Scull advised of the Train Show coming up on November 19<sup>th</sup> at the High School from 9am to 3pm and the Veteran's program will be on November 11<sup>th</sup> at the monument. She is hoping for a nice turn out, noting it is very important to recognize, support and salute their Veterans that gave their lives for this community. She advised that the Senior

Citizen Christmas Party is coming up at the Garden State Diner, she will email the information out and the Senior Citizen's Prom will be March 28<sup>th</sup> next year. Councilwoman Scull noted that the Hall of Fame held their Induction Dinner and explained the Hall of Fame began in 1995, started with a grant from NJEA, they honored 25 graduates at that time which included Eric Allen, John Gillespie, Paul Tuliano. This year focused on who are in town and continue to give back to the community. She expressed that Pemberton has some really impressive graduates, noting Jerry Greenburg, Ed Gillespie and Ronald Multrie. Councilwoman Scull commented on the diversity of Pemberton Township for which she is proud of.

**Richard Prickett** – Councilman Prickett commented that he looked forward to seeing everyone at the Veteran's Memorial monument and at the Train Show and would see everyone at the next meeting in December.

**Ken Cartier** – Council President Cartier thanked everyone for coming out, wished everyone a very happy Thanksgiving. He noted that prior to the next meeting will be Pemberton Township's Winter Parade on December 3<sup>rd</sup>, with the tree lighting following shortly thereafter. He wished everyone a safe month of November

The meeting ended at approximately 8:32 p.m.

Respectfully submitted,

Amy P. Cosnoski, RMC, Deputy Township Clerk