

**TOWNSHIP OF PEMBERTON
REGULAR MEETING
JUNE 1, 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 Andy Bayer, Township Engineers Chris Rehmann and Kelly Willis, Township Planners Rick Ragan and Owen McCabe and Township Clerk Mary Ann Finlay.

CALL TO ORDER

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

CLOSED SESSION

Council President Cartier noted that there was no closed session agenda so the resolution will not be acted upon.

Council President Cartier recessed the meeting until 7 P.M., at which time he noted that as there was no closed session this evening so there is no formal action pursuant to closed session.

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 public comments on consent agenda items only. There being no members of the public indicating a desire to be heard, Council President Cartier closed the meeting to public comments on consent agenda items.

Councilman Allen requested to have New Business, Item a. 1., the purchase and installation of equipment for Chevrolet Tahoe Police Vehicles, pulled from the consent agenda.

Motion by Stinney and Scull to approve consent agenda as amended.

MEETING MINUTES

Meeting minutes as filed by Clerk for Regular Meeting May 18, 2011.

RESOLUTIONS

RESOLUTION NO. 133 -2011

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

NOW, THEREFORE, BE IT RESOLVED, THAT THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON IN THE COUNTY OF BURLINGTON, NEW JERSEY, HEREBY REQUESTS THE DIRECTOR OF THE DIVISION OF LOCAL GOVERNMENT SERVICES TO APPROVE THE INSERTION OF AN ITEM OF REVENUE IN THE BUDGET OF THE YEAR 2011 IN THE SUM OF \$ 216,836.00, WHICH IS NOW AVAILABLE FROM THE DEPARTMENT OF TRANSPORTATION IN THE AMOUNT OF \$216,836.00.

BE IT FURTHER RESOLVED, THAT THE LIKE SUM OF \$216,836.00 IS HEREBY APPROPRIATED UNDER THE CAPTION LEMMON AVENUE PHASE III.

BE IT FURTHER RESOLVED, THAT THE ABOVE IS THE RESULT OF FUNDS FROM DEPARTMENT OF TRANSPORTATION MUNICIPAL AND URBAN AID PROGRAMS IN THE TOTAL AMOUNT OF \$216,836.00.

RESOLUTION NO. 134-2011

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:

KIMBERLIH BROWNE, \$110.00, REFUND OF SUMMER RECREATION PROGRAM FEES.

RESOLUTION NO. 135-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON WILL CELEBRATE ITS ANNUAL WATER CARNIVAL ON SATURDAY, JULY 23, 2011 (RAIN DATE JULY 30, 2011); AND

WHEREAS, THE MAYOR AND TOWNSHIP COUNCIL ARE DESIROUS TO CLOSE THE CARNIVAL CEREMONY WITH A FIREWORKS DISPLAY; AND

WHEREAS, A RESOLUTION IS REQUIRED BY THE NEW JERSEY DEPARTMENT OF LABOR, DIVISION OF WORKPLACE STANDARDS, TO GRANT PERMISSION FOR THE TOWNSHIP OF PEMBERTON TO CONDUCT A PUBLIC DISPLAY OF FIREWORKS; AND

WHEREAS, FIREWORKS BY SCHAEFER PYROTECHNICS INC., WAS CONTACTED AND PROVIDED THE LOWEST RESPONSIBLE QUOTE TO PROVIDE THE FIREWORKS AND SAID COMPANY HAS SUPPLIED THE CERTIFICATES OF INSURANCES AS ATTACHED HERETO AND MADE A PART HEREOF THIS RESOLUTION; AND

WHEREAS, THE PEMBERTON TOWNSHIP ANNUAL WATER CARNIVAL COMMITTEE, ON BEHALF OF THE MAYOR AND TOWNSHIP COUNCIL, WILL PRESENT THE FIREWORKS DISPLAY TO THE RESIDENTS OF PEMBERTON TOWNSHIP.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, THAT SCHAEFER PYROTECHNICS INC., IS HEREBY GRANTED PERMISSION TO HOLD A FIREWORKS DISPLAY ON SATURDAY, JULY 23, 2011, WITH A RAIN DATE OF SATURDAY, JULY 30, 2011 IF NECESSARY,

BE IT FURTHER RESOLVED THAT THE MAYOR AND TOWNSHIP CLERK ARE HEREBY AUTHORIZED TO EXECUTE A CONTRACT IN THE AMOUNT OF \$7,000.00 WITH SCHAEFER PYROTECHNICS INC. TO PROVIDE FIREWORKS AT OUR ANNUAL WATER CARNIVAL, SUBJECT TO THE AVAILABILITY OF FUNDS FROM THE CHIEF FINANCIAL OFFICER,

BE IT FURTHER RESOLVED THAT THE CHIEF FINANCIAL OFFICER IS HEREIN AUTHORIZED AND DIRECTED TO PROCESS THE PURCHASE ORDER TO SCHAEFER PYROTECHNICS INC., IN THE AMOUNT OF \$7,000.00.

RESOLUTION NO. 136-2011

WHEREAS, THE TOWNSHIP OF PEMBERTON (THE "TOWNSHIP") HAS AUTHORIZED A REQUEST FOR STATEMENT OF QUALIFICATIONS AND PROPOSALS ("RFP") TO RETAIN THE SERVICES OF A REAL ESTATE APPRAISER TO PERFORM APPRAISALS, PROVIDE ADVICE, PREPARE EXPERT REPORTS AND ASSISTANCE AS NEEDED IN CONNECTION WITH TAX APPEALS, LAND ACQUISITIONS AND OTHER APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, TODD AND BLACK, INC. IS A REAL ESTATE APPRAISAL FIRM WHICH HAS SUBMITTED A PROPOSAL TO PROVIDE REAL ESTATE APPRAISAL SERVICES TO THE TOWNSHIP (THE "PROPOSAL") IN ACCORDANCE WITH A FAIR AND OPEN CONTRACTING PROCESS SUBJECT TO N.J.S.A. 19:44A-20.5 ET SEQ.; AND

WHEREAS, THE TOWNSHIP FINDS TODD AND BLACK, INC. TO BE QUALIFIED TO PROVIDE REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP; AND

WHEREAS, THE LOCAL PUBLIC CONTRACTS LAW (N.J.S.A. 40A:11-1 ET SEQ.) PERMITS THE AWARD OF CONTRACTS FOR PROFESSIONAL SERVICES WITHOUT COMPETITIVE BIDS.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON AND STATE OF NEW JERSEY THAT A CONTRACT FOR REAL ESTATE APPRAISAL SERVICES AS REQUESTED BY THE TOWNSHIP BE AND HEREBY IS AWARDED TO TODD AND BLACK, INC. 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 TODD AND BLACK, INC.; 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 1-01-20-155-000-280; AND

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

- A. TODD AND BLACK, INC.
- B. TOWNSHIP ADMINISTRATOR
- C. TOWNSHIP CHIEF FINANCIAL OFFICER
- D. GLUCKWALRATH LLP

NEW BUSINESS

a. Purchases at \$2,625.00 or over:

2. Police Dept.: Purchase and installation of equipment for two Ford Crown Victoria police vehicles, from state contract vendor Winner Ford, in the amount of \$12,436.00.

b. Annual Trailer Park License and Used Car Dealership License for Belaire Trailer Park. (All municipal charges have been paid up to date)

c. One day liquor license extension of premises: Thomas R. Inge Enterprises, IV, LLC, t/a Hornets Nest, Lions Club Car Show, 6/18/11, 11AM-3PM, to be held at the Hornets Nest, Lakehurst Rd., w/rain date of 6/19/11- extending licensed premises to 350 Lakehurst Rd.

d. Authorizes solicitation of bids for Police Uniforms Contract.

BILL LIST

Approval by Council required for payment of vouchers on bill list dated 5/27/11.

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

ORDINANCES FOR INTRODUCTION

ORDINANCE NO. 13-2011 (Title read by Council President Cartier)

BOND ORDINANCE PROVIDING FOR VARIOUS IMPROVEMENTS TO VARIOUS WELLS, BY AND IN THE TOWNSHIP OF PEMBERTON, IN THE COUNTY OF BURLINGTON, STATE OF NEW JERSEY (THE "TOWNSHIP"); APPROPRIATING \$400,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF \$400,000 BONDS OR NOTES OF THE TOWNSHIP TO FINANCE PART OF THE COSTS THEREOF

Motion by Scull and Stinney to introduce Ordinance 13-2011 with a public hearing on June 15th, 2011.

Councilman Prickett questioned the phrasing in Section 4 regarding the money to be used to pay back the bond and that phrase seems to make an exception to that obligation, noting he wants to make sure the money is used to pay down the note and not used on other projects. Mr. Bayer advised that he believes it would be dependent on the stipulations in the grant. Mr. Rehmann explained that as he understands it and with all other projects they have done, they can only spend the money on the projects as they are described in the ordinance.

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

ORDINANCE NO. 6-2011 (Title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ESTABLISHING REGULATIONS FOR SOLAR ENGERY SYSTEMS WITHIN THE TOWNSHIP

Motion by Scull and Stinney to introduce Ordinance 6-2011 with a public hearing to be held July 6, 2011.

Council President Cartier advised that this had been discussed at a previous meeting, February 16, 2011. Township Planner Owen McCabe explained their position on the concerns he was given by Mr. Frank, the attorney for Community Energy Solar, LLC. Mr. McCabe noted that he has done a revised ordinance based on comments from Council and the residents when the matter was discussed previously. Mr. McCabe continued to go through the revisions that he made to the original ordinance and explained his position for those revisions which differ from the concerns presented by Mr. Frank. Mr. McCabe advised that the main concern is how this will benefit the Township now and in the future. Additionally Mr. McCabe advised that a tree clearance ordinance needed to be done in conjunction with this ordinance as one was entertained a few years ago, however it was considered two burdensome for homeowners. It was determined that Mr. McCabe would provide Council with his revised ordinance and a memo explaining the changes. Councilman Prickett question if the tree ordinance should be done at the same time to avoid any conflicts. Mr. McCabe advised he will be providing a revised tree management ordinance as well. It was determined to table the old version and the Planner will provide a revised version along with an updated tree management ordinance for Council's consideration at the next meeting.

Motion to Scull and Stinney to table Ordinance 6-2011. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

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

ORDINANCE NO. 10-2011 (Title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON AMENDING SECTION 190-50(R) OF THE TOWNSHIP CODE, ENTITLED "PINELANDS AREA DEVELOPMENT STANDARDS"

Council President Cartier opened up the meeting to the public for comment on Ordinance No. 10-2011 and seeing no members wishing to speak the meeting was closed to the public for comment.

Council President Cartier noted that by advice of Counsel they have been requested by the Pinelands to table this ordinance until they have had sufficient time to review it.

Motion by Scull and Stinney to table Ordinance No. 10-2011. Scull, yes; Stinney, yes; Allen, yes; Prickett, yes; Cartier, yes. Motion carried.

ORDINANCE NO. 12-2011 (Title read by Council President Cartier)

AN ORDINANCE OF THE TOWNSHIP OF PEMBERTON ADOPTING THE REDEVELOPMENT PLAN FOR THE BROWNS MILLS TOWN CENTER REDEVELOPMENT AREA AND EXPANDED STUDY AREAS

Council President Cartier opened up the meeting to the public for comment on Ordinance No. 12-2011 and seeing no members wishing to speak the meeting was closed to the public for comment.

Motion by Scull and Prickett to adopt Ordinance No. 12-2011. Scull, yes; Prickett, yes; Allen, yes; Stinney, yes; Cartier, yes. Motion carried.

NEW BUSINESS

Purchases at \$2,625.00 or over:

Police Dept.: Purchase and installation of equipment for two 2011 Chevrolet Tahoe police vehicles, from state contract vendor Winner Ford, in the amount not to exceed \$7,500.00.

Council President Cartier noted that the reason this was pulled is because the amount not to exceed on the agenda is incorrect. Mr. Vaz advised that the not to exceed amount came from a requisition that pertains very specifically to the portion of the cost that is being funded with the approval of the County Prosecutor through the Special Law Enforcement Trust account to not exceed \$7,500.00. Mr. Vaz explained that the total cost is \$20,600.00, of which \$13,223.50 was budgeted for and \$7,372.50 will come from the Special Law Enforcement Trust account.

Councilman Prickett questioned how many vehicles were budgeted for in 2011 and Mr. Vaz advised that they budgeted for 2 vehicles. Councilman Prickett questioned if this was the funding for those 2 vehicles and it was explained that this is not for the cost of the vehicles but for the cost and installation of the specialized equipment in the vehicles.

Motion by Prickett and Stinney to approve purchase in the amount of \$20,600.00. Prickett, yes; Stinney, yes; Scull, yes; Allen, yes; Cartier, yes. Motion carried.

Selection of Council Sub-Committee

Selection of Council Sub-Committee for review of RFP's received for Small Cities Rehab Administration.

Council President Cartier asked for volunteers for this sub-committee. Councilwoman Scull questioned if this was for the Small Cities Grant project and was advised that it was. Councilwoman Scull and Councilman Prickett volunteered to be on the review sub-committee.

GENERAL PUBLIC COMMENTS

John Shaw, Browns Mills – **1.** Questioned when the last section of Browns Mills will be receiving the paper recycling buckets. Mr. Vaz advised that the County has not notified the Township when they will be going out yet, as it is the County that decides when and where those recycling buckets go. **2.** Commented that the Lions Club attended the Memorial Day Parade and they were proud to be able to serve hot dogs and water to the residents.

Delores M. Atterberry, Lake Valley – **1.** Explained that there is a school bus stop right in front of her home and they did repair part of the sidewalk in the 90's, however there is another section that was not repaired and the children are throwing the small rocks from the deteriorating sidewalk. She did speak with a Mr. Price from the bus garage and they were supposed to send a

security person out because one of the children has done damage to her cars with the rocks. Mayor Patriarca noted they are working on the sidewalks in that area and he will have them look at that section, and further advised that Councilwoman Scull can contact the school regarding Ms. Atterberry not getting a response to her complaints. Councilwoman Stinney noted that during her time on the School Board when there was an issue with a bus stop they would make arrangements to move it and Ms. Atterberry noted they moved the bus stop in front of her house three years ago. Councilwoman Stinney further noted that the Mayor and School Superintendent are liaisons and possibly the Mayor could bring this information to the School Superintendent. Council President Cartier noted that the Mayor is making notes on Ms. Atterberry's situation and he is sure it will be taken care of. **2.** Ms. Atterberry advised that the Township has been cutting down trees and they did cut down two in the vicinity of her home, noting one was cut up and taken away and the second one is being left there to rot. The Mayor will check into that situation as well.

With no other members of the public expressing a desire to be heard, Council President Cartier closed the meeting to the public.

Engineer's Report

Ms. Willis reported that the Train Station lights and poles have been delivered and installation is scheduled to start. The punch list items will be started on Tuesday and she has gone over the punch list with the contractor item by item and the contractor has not expressed any problems with them. Ms. Willis advised that they have notified the contractor that they would like the project to be finished up within a week and half from their meeting.

Councilman Prickett asked Ms. Willis about the tax mapping project, noting it has been going on for 4 years and would like to know the status. Ms. Willis advised that the project was broken up into phases and completion will be based on the ability of the Township to budget for it each year as to how much can be done each year. Councilman Prickett expressed his concern over correspondence received from the County Tax Administrator regarding the deadline to do the revaluation. Mayor Patriarca advised that there is no way they are going to meet the October 1, 2012 deadline and further expressed that they can only hope that the County understands the position that they are in as well as many other towns regarding the ability to fund the project, noting the revaluation is an expensive project.

Solicitor's Report

No report.

Planner's Report

Mr. Rick Ragan congratulated Council on adopting the Browns Mills Redevelopment Area plan noting that is going to be a terrific thing for the town. Additionally Mr. Ragan congratulated the Town on receiving the park grant through Burlington County and noting with the Courts giving a break to the Abbott Districts, that is three very positive things for Pemberton Township. He advised that their office is working with the Pinelands Commission to develop an overall regional approach to storm water management for Browns Mills.

Mayor's and/or Administrator's Report

Mayor Patriarca reported – **1.** He attended the Parade of Wreaths at the Joint Base, noting it was a very nice ceremony and Pemberton's Jr. ROTC once again represented their community well, he was very proud, in addition they were in attendance at the Memorial Day parade and again represented and served the community well and this is a group of students that shine time and time again. **2.** Noted that as Mr. Ragan mentioned they did receive a grant for \$235,000 from Burlington County for the purchase of property on Scrapetown Road adjacent to the Dominique Johnson Center, along with resurfacing of some of their basketball and tennis courts. Mayor Patriarca noted that the property purchase would be transformed into an extension of West End Park. **3.** Advised that the Police Department is moving forward with their accreditation process and hopes to have that finished soon. Council President Cartier asked if the Police Entrance was finished and the Mayor advised that it was and it is working very well for the Police Department, noting they just need to hang the sign which should happen in the next few days. **4.** Council President Cartier asked for the status on the BMIA Building and the Mayor advised that they have done the air quality testing and the contractor will finish removing the flooring in the kitchen and then other areas of the building can be worked on. Councilman Prickett asked about the property next to the Dominique Johnson center, the Mayor noted it was the piece adjacent to

the building and the intention is to turn it into soccer fields and possibly some walking paths, in addition to extending the parking lot to address the shortage of parking. Councilwoman Stinney commended the Recreation Department and all those involved in getting the grant.

COUNCIL COMMENTS

Richard Prickett – 1. Commented on the Memorial Day parade, noting it was a wonderful event, and noting he was sorry that Mr. Allen could not attend due to his medical issue. 2. Advised the residents that the 29th Annual Blueberry Festival will be held on Saturday, June 25th, starting at 10 am, commenting it is a great event attracting over 5,000 people from all over.

Diane Stinney – 1. Thanked all those that attended the Veteran's Memorial service and thanked the Lions Club for bringing the water and noted it was great to see the girl scouts and boy scouts laying the wreaths, seeing the young and older come together.

Sherry Scull – 1. Commented that the Memorial Day service was outstanding, noting they had three gold star mothers and her only complaint is that many residents do not realize they are supposed to stand when the American Flag goes by. She noted that as part of the Veteran's Committee she thanked the Mayor for working so diligently with the Veteran's to provide such a great service and it had gotten much better over the past few years. 2. Explained that she had the privilege of attending a memorial service at the high school last Friday that was started by Rudy Irizzary and she was very proud of the students. 3. Advised that she, William Doherty, Donna Lefebvre and Tom Besselman attended the Pinelands Municipality meeting at the Pinelands building last week, and noted it would be beneficial to have a representative from their community to attend regularly. The main topic was solar energy and the interest of the Pinelands to have the former dump sites used for solar farms. 4. Commented that she was disappointed when she was reviewing an east coast magazine that listed events and it had the North Carolina Blueberry Festival listed, however the Whitesbog Festival was not listed. 5. Noted they are having a retirement luncheon for the school employees, advising they have lost over 35 employees, many of them having given a great number of years to their community and students. She thanked everyone for coming out this evening.

Jason Allen – 1. Commented that unfortunately he was unable to make the Memorial Day parade due to a medical injury but he enjoyed hearing about it and hopes to make it next year. He thanked everyone for coming out, noting it is good to see so many people.

Ken Cartier – 1. Agreed with everyone that the Memorial Day parade was a great event and has gotten better every year. 2. Commented on the ceremony at the Arneytown Memorial Cemetery, he had the opportunity to attend the service there and noted it was a sight to see the just under 28,000 flags placed by 1,200 boy scouts and girl scouts in just under 20 minutes. He advised that Mr. Paul Tuliano, Sr. was a wreath presenter this year for the NJ Blind Veteran's Association. He wished everyone a safe evening and a safe trip home.

Meeting ended approximately 8:03 p.m.

Respectfully submitted,

Mary Ann Finlay, MMC, Township Clerk